



**City of Kenora**  
**Committee of the Whole Agenda**  
**Tuesday, September 11, 2018**  
**9:00 a.m.**  
**City Hall Council Chambers**

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**A. Public Information Notices**

As required under Notice By-law #144 -2007, the public is advised of Council's intention to adopt the following at its September 25, 2018 meeting:-

- Council will appoint MNP LLP as the Municipal Auditors for a 5 year period
- Council will establish the December 2018 meeting dates

**B. Declaration of Pecuniary Interest & the General Nature Thereof**

- 1) On Today's Agenda
- 2) From a Meeting at which a Member was not in Attendance.

**C. Confirmation of Previous Committee Minutes**

**Motion:**

That the Minutes from the last regular Committee of the Whole Meeting held August 7, 2018 and Special Committee of the Whole Meeting held August 7, 2018 be confirmed as written and filed.

**D. Deputations/Presentations**

**E. Reports:**

**1. Finance & Administration**

**Item Subject**

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- 1.1. July 2018 Financial Statements
- 1.2. Appointment of Municipal Auditor
- 1.3. All Nationals Health Partners Committee Appointment
- 1.4. Joint Elections Audit Compliance Committee
- 1.5. December Council Meetings
- 1.6. Boards & Committees Review
- 1.7. Power of Entry bylaw

## 2. Fire & Emergency Services

Item Subject

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2.1 No Reports

## 3. Operations & Infrastructure

Item Subject

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3.1 Traffic Amendment – West Bay Road South Side

3.2 Wauzhushk Onigum Servicing Letter of Intent

## 4. Community & Development Services

Item Subject

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4.1 Coney Island Park Contract

4.2 Keewatin Public Works yard Land Lease Opportunity

4.3 Funding Application for a Growth Mgmt & Vacant Land Supply Analysis

4.4 KRC Concession Contract

### Other:

#### Next Meeting

- Tuesday, December 11, 2018

**12:00 p.m. – Public Meeting for Zoning Bylaw Amendment D14-18-05 – 1053 Lakeview Drive**

### Motion - Adjourn to Closed Meeting:

That this meeting now be adjourned to a closed session at \_\_\_\_\_ a.m.; and further

That pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization is hereby given for Committee to move into a Closed Session to discuss items pertaining to the following: -

- Personal Matter about an Identifiable Individual**

**Adjournment.**



August 30, 2018

## City Council Committee Report

To: Mayor and Council

Fr: Jon Ranger, Deputy Treasurer

Re: July 2018 Financial Statements

### Recommendation:

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora at July 31, 2018.

### Background:

Attached for your information, please find the July 2018 summary expense and user fee statements for the City of Kenora and the Council department. Also Expenses & User fees for Water & Sewer and Solid Waste have been separated. At the end of July, the year is seven twelfths complete, so not including any seasonal or timing differences, there should be 41.67% of the budget remaining.

### Overall:

- Expenses at the end of July 2018 were close to budget with 43.82% remaining to be spent. Water & Sewer 47.77% left in the budget and Solid Waste 48.50% left in the budget.
- User fee revenues to the end of July 2018 are close to budget with 45.81% left to collect. Water & Sewer 49.56% left to collect and Solid Waste by the end of July had 48.72% left to collect.

### Expenditures:

- **General Government** - The General Government expenses to date are slightly below budget with 44.72% of the expense budget unspent.
  - **Municipal Elections** – Staff time has been budgeted to this department. Staff time allocated to this department has been utilized in our POA department. Therefore this budget will be under budget and POA will be over budget.
  - **Administrator's Office** – At the end of July, 118k of the 125k legal budget has already been spent.
  - **Building & Grounds Maintenance** –Repairs & maintenance are currently under budget. Note that some repair work was completed in August.
- **Protection** – The Protection Department expenses to date are close to budget with 42.98% remaining in the budget.
  - **911 Emergency Access** – Annual payment has not yet been made for 2018.
  - **Vehicles & Equipment** – By-law vehicles and Building inspection vehicles currently under budget, as there has been less work on these vehicles than anticipated.

- **Transportation** – The Transportation Department expenses to date are below budget with 47.99% remaining in the budget.
  - **Bridge Maintenance** – Use of own equipment has exceeded budget expectations.
  - **Surface Treated Roads** – Purchase of hot mix materials and A gravel currently under budget. Work being completed in August and September will decrease this variance.
  - **Loosetop Roads Maintenance** – Washout and resurfacing materials currently under budget. Expected to increase with work being completed in August and September.
  - **Winter Control Maintenance** – Expenses over budget as this is a seasonal department that will not have any more expenses until November/December.
  - **Safety Devices** – Expenses currently under budget and it is expected that this department may be under budget for the year due to an agreement made regarding road lines painting.
  - **Garage & Shop** – Wages are over budget currently as more time is being allocated to Garage and Shop than budgeted for. As an average, 20.4% of mechanics wages were budgeted for in Garage & Shop, the rest of the wages were budgeted for in various vehicles & equipment departments.
- **Environmental** – The Environmental Department expenditures have exceeded budget with 33.57% left in the budget. 47.77% left in the budget in Water & Sewer and 48.50% remaining in Solid Waste.

- **Storm Sewers** – Department is currently over budget – more work has been done on storm sewers than anticipated and wage allocations are higher than expected.
- **Recycling facility** – Over budget due to wages, and rental of own equipment. Rental of own equipment represents the recycling facilities use of Solid Waste equipment.

#### **Water & Sewer**

- **Sanitary System** – Also note that our sanitary system employees have more time working on storm sewers this year than expected. Wages currently under budget.
- **General Water Standpipe & Booster** – Under budget as very little materials and supplies have been purchased to date.

#### **Solid Waste**

- **Hazardous Waste Day** – Expenses under budget as a hazardous waste day continues through to September 27<sup>th</sup>, more expenses likely closer to the end of this program.
- **Kenora Area Landfill** – Expenses under budget as wage allocation is less than expected and repairs and maintenance is currently under budget.

- **Health Services** – Health expenditures are right on budget with only allocations to the cemetery to be recorded.
- **Social and Family Services** – Social and Family Expenditures are close to budget to the end of July. Home for the aged is over budget as this is paid in 3 installments, the second of which was paid June 1, 2018.
- **Community Services** – Overall Community Services expenses are slightly under budget with 44.14% remaining to be spent.

- **Teams and Clubs** – Grants have not yet been paid out to the 3 community clubs as they have not filled out their grant application forms. 1 of the clubs was paid in August.
  - **KRC External Facilities** – Wages over budget, as in the past we have not budgeted for wages in this department. Actual wages are now being coded at the recreation centre to each department in which staff is working.
  - **KRC Complex & Thistle Arena** – Actual wages based on management's estimates for maintenance operators, have been reallocated to thistle arena. However budgets appear to be higher than actuals and budget allocations will be reviewed for 2019 to better represent actuals.
- **Planning & Development** – Planning & Development expenses are under budget with 48.97% left in the budget.
    - **Tourism** – Below budget as expected. Tourism expenses likely to catch up as many tourism activities took place in August.
    - **Planning Operations** – Wages under budget as expected with the departure of the Manager of Community & Developmental Services.

#### **User Fees:**

- Overall, user fees are close to budget projections with 45.81% of the budget still to be collected. 49.56% of Water & Sewer User fees are also still to be collected and Solid Waste has 48.72% left to collect.
- **General Government**  
General Government is ahead of budget with 35.24% remaining to be collected.
  - **City Clerk** - Marriage license revenues ahead of budget, we will see this slow down as the summer concludes.
  - **Finance and Administration** – Merchandise sales better than expected.
  - **Rentals** – Right on budget with expected rental fees. User fee rentals for Keewatin Public works have exceeded budget expectations.
- **Protection to Persons and Property**  
Protection to Persons and Property is below budget with 69.94% still remaining to be collected.
  - **Provincial Offences** revenue is dependent on the fines assessed in this area. No revenue has been recorded to date. The first 6 months are to be completed in September.
  - **Building Inspection** – Building permit user fee currently below budget, expected to increase in August and September.
- **Transportation Services**  
Transportation user fees are right on budget with 42.52% remaining to be collected.
  - **Conventional transit** - slightly below budget with 50.58% remaining to be collected.
  - **Metered Parking** - below budget, last years metered parking revenues to date were 37k higher.
  - **Docks and Wharfs** – revenues have exceeded budget expectations for the year.
  - **Mall Parking Lot** – behind budget at the end of July, coin reconciliations have been significantly less than anticipated.

- **Garage and Shop** – No work order billings have been completed to date.
- **Environmental Services**  
Environmental services user fees are below budget with 54.77% remaining to be collected. 49.56% of Water & Sewer User fees are also still to be collected and Solid Waste has 48.72% remaining to be collected.
  - **Recycling Facility** – Currently below budget, dependent on recycled materials. Revenues received from Ontario Electronic Stewardship.

**Water & Sewer**

  - **Water and Sewer** user fees are one month behind budget with 49.46% and 49.66% not yet collected respectively.

**Solid Waste**

  - **Kenora Area Landfill** - user fees currently below budget however it should be noted that revenues are slightly up from the same time last year.
- **Community Services**  
Community Services user fees are right on budget with 42.75% remaining to be collected.
  - **Parks and Ball fields** – User fees right on budget, and only half of Anicinabe revenues have been billed for the summer.
  - **Recreation programs** – Summer camp programs have exceeded budget expectations for the year.
- **Planning and Development**  
Planning and Development user fees are below budget with 57.93% remaining to be collected.
  - **Tourism, Tourism Facilities and Strategy, and Events** – With many of our Tourism programs taking place during the summer months and much of them during august it was expected that our Tourism related departments would be below budget at the end of July.

Please let me know if you have any questions, or would like to see any of the department statements in further detail.

**Strategic Plan or other Guiding Document:**

Fiscal Responsibility: We manage the municipal finances in a responsible, prudent and transparent manner.

**ERM Assessment:** Monitoring financial statements on a monthly basis mitigates some of the uncertainty related to projected costs vs actual expenditures.



August 22, 2018

## City Council Committee Report

**TO: Mayor and Council**

**FR: Jon Ranger, Deputy Treasurer  
Charlotte Edie, Treasurer**

**RE: City Audit Services Tender**

### **Recommendation:**

That Council hereby accepts the Request for Proposal (RFP) for Audit Services for a five year period, 2018-2022, from MNP LLP for a total of \$467,298; and further

That Council hereby authorizes the appointment of MNP LLP as the City's external auditor for a five year period commencing January 1, 2018; and further

That three readings be given to a by-law to appoint an Auditor for the Corporation of the City of Kenora.

### **Background:**

The City's audit tender expired with the 2017 audit. Before tender documents were prepared, representatives from the Northwestern Health Unit (NWHU), the Home for the Aged (Home) and the Harbourtown BIZ (BIZ) were approached to participate in the tender process. The NWHU and BIZ are required, under Provincial legislation, to retain the same auditor as the City along with Kenora Handi Transit, the Kenora Public Library, the Lake of the Woods Museum, the Lake of the Woods Cemetery and the Provincial Offences Fund. The Home, chose to use our tender documents for their purposes as well.

City Staff (Jon Ranger and Charlotte Edie) prepared a request for proposal for audit services for the next 5 years commencing in 2018 and forwarded this request to 8 public accounting firms in Kenora and Winnipeg. We received expressions of interest from 4 firms. All 4 firms were given the opportunity to look at working papers and financial statements from prior years. In the end, we received 3 proposals, BDO and MNP (Kenora offices) and The Exchange Group in Winnipeg. We should note that the Home received a separate proposal from Kevin Houghton CPA, CA.

City staff reviewed the 3 proposals pertaining to the City and discussed each proposal within the context of the evaluation matrix. The matrix was the tool used to present the results in an objective manner while taking all the important aspects of audit services into consideration. 45% of the matrix is based on experience and the ability of each firm to service our needs. The remaining 55% is based on total fees. The number of hours proposed by each firm was not taken into account so as not to penalize firms for their audit approach and staff mix. The firm with the lower fees was given a full mark of 55. The firm with the higher fees had a reduction in their mark by the percentage that their fees were higher than that of the lower firm. As shown in the attached analysis.

The focus of our analysis is the City audit plus the local boards that we provide accounting services to. We understand that the BIZ and the NWHU must select the same auditors however our decision will be based on the City entities. In the final analysis MNP LLP had a higher score on the matrix as a result of having moderate fees and high score in firm and personnel. Even though the City's entities were the focus, the matrix was also completed to include the BIZ and the NWHU. MNP scored higher in this scenario as well. It should be noted that MNP LLP had the slightly higher fees than the Exchange for the BIZ but had the lowest fees for the NWHU. Also noted and factored into our fee comparison was that BDO LLP had a 6% administration charge added to all fees and the Exchange had a 5% administration charge, while MNP had none.

MNP LLP and BDO LLP scored the same in the Firm and personnel section of the matrix, while the exchange scored lower due to less Ontario municipality experience and less access to specialized services. This section was worth 45%. Overall the decision to recommend MNP LLP came from a mix of both the firm and personnel criteria as well as the fees. While MNP LLP did not have the lowest fees, the higher score in firm and personnel made up for this.

In an effort to provide full disclosure, MNP LLP as in the past, has one employee related to the City's Treasurer. This employee is not part of the engagement team. This is done to ensure professional independence.

Further, the Deputy Treasurer is a former employee of MNP. The Chief Administrative Officer and the Treasurer are former employees of BDO.

**Budget:**

The fees for audit services have been included in the Budget.

**Communication Plan/Notice By-law Requirements:**

The audit firms will be notified once Council has approved the recommendation.

**Strategic Plan or other Guiding Document:**

Fiscal Responsibility: We manage the municipal finances in a responsible, prudent and transparent manner.

**ERM Assessment:**

Risk assessment is positive in that the City's financial statements and accounting and management systems are audited. Audit results are reported directly to the taxpayers of the City of Kenora.





August 28, 2018

## City Council Committee Report

**To: Mayor and Council**

**Fr: Heather Kasprick, City Clerk**

**Re: Appointment to ANHP**

**Recommendation:**

That Council hereby appoints Councillor \_\_\_\_\_ to the All Nations Health Partners replacing Councillor Louis Roussin for a term to November 30, 2018; and further

**Background:**

The All Nations Health Partners has one official City representative as part of their board. Councillor Rory McMillan attends regularly and represents the City as a partner on this committee. Formally, Councillor Louis Roussin also attended but resigned from the committee on April 19, 2017 and we have had one representative since that time.

Recently, it was suggested that an additional Councillor could be part of this group and therefore it is before Council for the consideration and discretion.

**Budget:** N/A

**Risk Analysis:** There is a low risk associated with this report as we do currently have representation on the committee, and this would only appoint an additional member.

**Communication Plan/Notice By-law Requirements:** Resolution only

**Strategic Plan or other Guiding Document:**

Council Boards & Committees Appointment Policy #CC-14-1



August 31, 2018

## City Council Committee Report

**To: Mayor and Council**

**Fr: Heather Kasprick, City Clerk**

**Re: Elections Joint Compliance Audit Committee**

### **Recommendation:**

That Council gives three readings to a Joint Compliance Audit Committee Terms of Reference for the 2018-2022 Term of Council; and further

That this regional joint committee includes partnerships with the Cities of Dryden and Kenora; the Municipalities of Machin, Red Lake and Sioux Lookout; and the Townships of Ear Falls, Ignace and Pickle Lake.

### **Background:**

The Municipal Elections Act, 1996 (MEA) requires that all municipalities appoint a Compliance Audit Committee. A qualified elector who believes on reasonable grounds that a candidate has contravened a provision of the MEA relating to election campaign finances, may apply to the Compliance Audit Committee for a compliance audit of the candidate's finances.

Section 88.37(1) of the MEA makes the establishment of compliance audit committees mandatory for municipalities and local boards. The MEA states that a qualified elector who believes on reasonable grounds that a candidate or a registered third party has contravened a provision of the MEA relating to election campaign finances may apply for a compliance audit of the candidate's or the registered third party's election campaign finances. Applications for a compliance audit are submitted to the City Clerk, who in turn forwards the application to the Joint Compliance Audit Committee. The Joint Compliance Audit Committee reviews each application to determine whether or not there are reasonable grounds to request an audit. If the request is granted, the committee appoints an auditor to audit the candidate's finances. Upon completion of the audit, the Committee reviews the auditor's report to determine whether there are contraventions of the MEA and whether legal proceedings against the candidate should proceed. Further, if the report concludes that a candidate or registered third party does not appear to have contravened a provision of the MEA relating to election campaign finances, the Committee may make a finding as to whether there were reasonable grounds for the application for a compliance audit. If the auditor's report indicates that there was no apparent contravention of the MEA and the Committee finds that there were no reasonable grounds for the application, Council is entitled to recover the auditor's costs from the applicant.

Recruitment of members for this committee can be challenging. The Regional Clerks Network discussed the committee at their spring meeting and agreed that it was in our best interest to work collaboratively to form one regional committee rather than each of us trying to recruit members for our own independent committee. The Clerks Network

group has worked together over the past several months to finalize this draft terms of reference. According to the MEA the Committee must be established by October 1, 2018.

The MEA specifies that compliance audit committees be composed of between 3 and 7 members; ideally to include auditors, accountants, lawyers, academics and other individuals with knowledge of the MEA's campaign financing rules. Prior experience on a committee or task force would be an asset.

For the 2018-2022 term of Council the Joint Committee shall be comprised of the following five members: **Mary MacKenzie, Angela Madussi, Brenda Cooke, Sheila Hintz and Bill Naturkach.** The Regional Clerks network has worked diligently to recruit knowledgeable and impartial members who will serve each community fairly. Any combination of at least three members shall be selected by the Participating Community and shall constitute the Committee for the purposes of reviewing compliance audit requests in accordance with the Terms of Reference and the Administrative Practices and Procedures. The Participating Community has the discretion to use all five members should they so choose, but a minimum of three. Members will be required to participate in an orientation session as a condition of appointment. The Regional Clerks Network has secured training for the new members on February 26, 2019 which will cover the following material:

- roles and responsibilities of the Committee
- statutory duties and obligations
- legal framework for decision making
- written reasons – what, how & best practices

Remuneration for Committee Members will include an annual \$500 retainer for each year of the four (4) year term. Attendance at meetings will be remunerated at a rate of \$50.00 per hour, per Committee Member per meeting. All Participating Communities shall jointly share in the cost of the annual retainer fees. For each required meeting of the Committee, the Participating Community which requires the services of the Committee shall be responsible for reimbursing the Committee Members participating in that Community's application(s) for a Compliance Audit. As a point of interest, in the past when the municipality has appointed their own independent committee, the total cost is borne solely by the municipality and this joint effort results in a savings to the municipality.

**Budget:** Any costs related to the Regional Joint Compliance Audit Committee will be charged through the City's elections operating budget.

Council is entitled to recover the auditor's costs from the applicant if an auditor's report indicates that there was no apparent contravention of the Act, and the Committee finds that there were no reasonable grounds for the application. Recovery of costs will be considered on a case-by-case basis.

**Risk Analysis:** There is very low risk associated with this report as it is a mandated committee under the Municipal Elections Act and the due diligence of a regional joint committee adds a further layer of responsibility under this area.

**Communication Plan/Notice By-law Requirements:** bylaw

**Strategic Plan or other Guiding Document:**

Section 88.37(1) of the Municipal Elections Act, 1996 (MEA)

# Joint Audit Compliance Committee

## Terms of Reference

### 2018-2022 Term of Council for the Cities of Dryden and Kenora; the Municipalities of Machin, Red Lake and Sioux Lookout; and the Townships of Ear Falls, Ignace and Pickle Lake



## Definitions

"**Act**" means the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended from time to time.

"**Applicant**" means the individual who submitted the application requesting a Compliance Audit.

"**Application**" means a request received by the Clerk of Participating Community pursuant to Section 88.33(1) of the Act.

"**Auditor**" means a person appointed by the Committee, licensed under the *Public Accounting Act, 2004*, to conduct a Compliance Audit of a Candidate's election campaign finances pursuant to Section 88.33(10) of the Act.

"**Auditor's Report**" means a report prepared by an auditor for the Committee pursuant to Section 88.33(12) of the Act.

"**Candidate**" means the candidate whose election campaign finances are the subject of an application for a Compliance Audit.

"**Clerk**" means, as the context provides, the Clerk of any of the Participating Communities or his or her designate.

"**Committee**" means the Joint Compliance Audit Committee established pursuant to Section 88.37(1) of the Act.

"**Committee Member**" means any member appointed to the Joint Compliance Audit Committee.

"**Compliance Audit**" means an audit of a Candidate's election campaign finances conducted by an Auditor appointed by the Committee.

"**Council**" means, as the context provides, the Council of any of the Participating Communities.

"**Meeting**" means a meeting of the Committee.

**"Municipal Conflict of Interest Act"** means the *Municipal Conflict of Interest Act*, R.S.O. 1990,c. M.50, as amended from time to time.

**"Municipality"** means a Participating Community.

**"Participating Communities"** means all or some of the following municipalities participating in the joint compliance audit committee process: The Cities of Dryden and Kenora; the Municipalities of Machin, Red Lake and Sioux Lookout; and the Townships of Ear Falls, Ignace and Pickle Lake.

**"Pecuniary Interest"** means a direct or indirect interest within the meaning of the Municipal Conflict of Interest Act.

**"Selection Committee"** means the committee, composed of the Clerks of the Participating Communities that will choose the members of the Committee.

**"Registered Third Party"** means an individual resident in Ontario, a corporation carrying on business in Ontario or trade union who has filed with the clerk of the municipality responsible for conducting an election a notice of registration to be a registered third party for the election pursuant to Section 88.6 of the Act.

## **Establishment**

The Joint Compliance Audit Committee ("The Committee") is established by the Cities of Dryden and Kenora; the Municipalities of Machin, Red Lake and Sioux Lookout; and the Townships of Ear Falls, Ignace, and Pickle Lake (collectively the "Participating Communities"), pursuant to the requirements of section 88.37 of the *Municipal Elections Act*, 1996, S.O. 1996, c.32, as amended, ("the Act").

## **Governance and Guidance**

The Committee shall be governed by:

- This Terms of Reference
- The Municipal Elections Act, 1996, as amended
- The Municipal Act, 2001, as amended
- The Municipal Conflict of Interest Act
- The Municipal Freedom of Information & Protection of Privacy Act
- The Municipal Procedure Bylaw
- The Municipal Purchasing and Procurement Bylaw
- The Administrative Practices and Procedures which form "Appendix A" to this Terms of Reference
- Any other applicable legislation
- Any other applicable bylaws or policies of the Participating Communities

## **Mandate**

The powers and functions of the Committee are set out in Section 88.33 to 88.37 of the Act. The Committee will perform the functions relating to the compliance audit application process as outlined in the Act. These functions are generally described as:

1. Within 30 days of receipt of an application requesting a compliance audit, the Committee shall consider the compliance audit application and decide whether it should be granted or rejected;
2. If the application is granted, the Committee shall appoint an auditor to conduct a compliance audit of the candidates' election campaign finances;
3. The Committee will review the auditor's report within 30 days of receipt and decide whether legal proceedings should be commenced;
4. If the auditor's report indicates that there were no apparent contraventions and if there appears there were no reasonable grounds for the application, the Committee shall advise Council accordingly; and
5. Within 30 days after receipt of a report from any participating municipality's Clerk of any apparent over-contributions to candidates or third-parties ("report of the Clerk"), the Committee shall consider the Clerk's report and decide whether legal proceedings should be commenced.
6. After reviewing the report, the Contributor and the Clerk will be given the decision of the Committee, and brief written reasons for the decision.

## **Term**

The term of office is from December 1, 2018 to November 14, 2022 to deal with applications from the 2018 election and any by-elections during the 2018-2022 Council term.

## **Municipal Support**

In accordance with Sec. 88.37(6) of the Act, the Clerk shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the Act to implement the Committee's decisions.

The Clerk, or designate, of the Participating Community, will act as the secretary to the Committee and the main contact between the Committee and Council and will forward documents and reports to Council in accordance with the Act.

## **Remuneration**

Remuneration for Committee Members will include an annual \$500 retainer for each year of the four (4) year term. Attendance at meetings will be remunerated at a rate of \$50.00 per hour, per Committee Member per meeting. All Participating Communities shall jointly share in the cost of the annual retainer fees. For each required meeting of the Committee, the Participating Community which requires the services of the Committee shall be responsible for reimbursing the Committee Members participating in that Community's application(s) for a Compliance Audit.

## Composition

The Committee shall be composed of five (5) Members. Members shall be appointed by consensus the participating communities.

Membership will be drawn from the following groups:

- A. Accounting and audit – accountants and auditors with experience in preparing auditing the financial statements of municipal candidates;
- B. Professionals who in the courses of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and/or
- C. Other individuals with knowledge of the campaign financing rules of the Act.

Municipal employees, Members of Council and any candidate in the 2018 municipal election or in any by-election during the 2018-2022 term of Council for any Participating Community are ineligible to be appointed as a Members of the Committee pursuant to subsection 88.37 (2) of the *Act*. Should an appointed member subsequently accept employment with any of the member municipalities/school boards, their appointment will be terminated.

## Membership Selection

Members will be selected based on the following:

1. Demonstrated knowledge and understanding of municipal election campaign financing rules;
2. Proven analytical and decision-making skills;
3. Experience working in a committee, task force or similar setting;
4. Availability and willingness to attend meetings; and
5. Excellent oral and written communication skills.

The following persons are not eligible for appointment or to serve on the Committee:

1. Employees of any of the participating communities;
2. Members of Council of any of the participating communities;
3. Council candidates for the 2018 Municipal Election and any by-election(s) held during the 2018-2022 Council term of office; or
4. Any persons who are Registered Third Parties in the participating communities.

Members will be required to participate in an orientation session as a condition of appointment.

For the 2018-2022 term of Council the Committee shall be comprised of the following five members: **Mary MacKenzie, Angela Madussi, Brenda Cooke, Sheila Hintz and Bill Naturkach**. Any combination of at least three members shall be selected by the Participating Community and shall constitute the Committee for the purposes of reviewing compliance audit requests in accordance with the Terms of Reference and the Administrative Practices and Procedures. The Participating Community has the discretion to use all five members should they so choose, but a minimum of three.

## **Member Guarantee**

A Committee Member must agree in writing that s/he will not work for or provide advice to any candidate running for municipal office in any of the Participating Communities. Failure to provide such documentation will result in the individual being removed from the Committee.

## **Chair**

The Committee members will select a Chair from amongst its members at the first meeting that a compliance audit application is received. When the Chair is absent at any meeting the Committee shall appoint another member as Acting Chair and while presiding, the Acting Chair shall have all the powers of the Chair.

## **Duties of the Chair**

The Chair shall:

1. Call the Committee meeting to order when there is Quorum, preside over Committee discussion, facilitate Committee business, follow meeting procedures, identify the order of proceedings and speakers and rule in points of order;
2. Participate as an active member;
3. Encourage participation by all members;
4. Act as a liaison between the members and the Clerks of the Participating Communities on matters of policy and process; and
5. Enforce the observance of order and decorum among the Committee members and the public at all meetings.

## **Meetings**

The Committee shall meet as required in order to process compliance audit requests in the timeframes set out by the Municipal Elections Act and in accordance with the Administrative Practices and Procedures.

The Clerk shall call a meeting of the committee when he/she receives an application for a Compliance Audit and where he/she prepared a report under Section 88.33(5). The Applicant and the Candidate or their representative will be provided with an opportunity to address the Committee and provide written submissions.

Meeting dates, start times and locations shall be set by the Clerk. The agenda and minutes shall be maintained by the Clerk of the participating community.

Committee meetings will be open to the public but the Committee may deliberate in private (in camera or closed session), as noted in Section 88.33(5.1) of the Act. No votes may be taken in Closed Session.



Once the Committee has the information and advice it requires, the Chair and the Clerk shall decide upon a date and time for the meeting at which a decision on the application will be made.

The Clerk shall provide notice of the meeting, as per the Special Meeting notice requirements set out in Council's Procedure By-Law. In addition, Notice shall be provided to the Committee, the Applicant, the Candidate, and the Auditor, if applicable.

All meetings of the Committee shall be held in a location determined by the Participating Community Clerk.

It is expected that the Members will arrive at the meeting prepared to report their individual findings as a result of prior examination of the application and supporting documents and, as a Committee, will decide on the application for a compliance audit, i.e. either grant or reject the application.

The Committee meeting shall commence in Open Session and if necessary, may move in-camera to discuss the application in accordance with the Municipal Act.

The Applicant, the Candidate and, where applicable, the Auditor may be given an opportunity to address the Committee. Addresses to the Committee shall be no more than five minutes in length. The Committee may also ask questions of the Applicant, the Candidate, and the Auditor, as applicable.

Following discussions of the application and documentation if in-camera, the Committee shall return to the Open Session and, by resolution, decide whether to grant the application or reject it.

The decision of the Committee may be appealed to the Ontario Court of Justice within 15 days after the decision is made and the court may make any decision the Committee could have made. (Section 88.33(9))

## **Meeting Attendance**

Any member of the Committee who misses three (3) consecutive meetings without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations by a report to the Participating Communities' Clerks for the removal of any Member.

## **Quorum**

Quorum for meetings shall consist of a majority of the members of the Committee. If no quorum is present fifteen (15) minutes after the time appointed for a meeting, the Clerk shall record the names of the members present at the meeting and the meeting shall stand adjourned until the date of the next meeting. Members are required to report their absence to the Clerk prior to the meeting date.

## **Records**

The records of Committee meetings shall be retained and preserved by the Participating Community's Clerk in accordance with that community's Records Retention policy.

### **Motions & Voting**

- a) A motion shall need to be formally moved before the Chair can put the question or a motion can be recorded in the minutes.
- b) A motion shall be reduced to writing and shall be signed by the Chair and Secretary.
- c) In the case of a tie vote, the motion shall be considered to have been lost.
- d) The manner of determining the vote on a motion shall be by show of hands.
- e) The Chair shall announce the result of every vote.

### **Declaration of Pecuniary Interest**

Legislated requirements as set out in the *Municipal Conflict of Interest Act* shall apply to all Committee Members. It is the responsibility of each member to disclose any pecuniary interest prior to discussion of a particular matter. Members are encouraged to seek independent legal advice if they are unsure of whether or not they have a pecuniary interest in a matter. Staff from the Participating Communities shall not provide advice or interpretation related to declarations of pecuniary interest.

### **Member Conflict of Interest**

To avoid conflict of interest, applicants with accounting or auditing backgrounds must agree in writing they will not offer their services to any municipal election candidates.

### **Selection of an Auditor**

Committee members will participate in the selection of an Auditor in response to a request for proposal prepared by staff. The Auditor will be appointed by resolution of the Committee. The engagement letter will indicate that the Auditor has been engaged by the Committee and will be prepared and executed by the Clerk, or other officer of the municipality as may be designated, on behalf of the municipality. All appointed Auditors shall be appointed by name, and not by name of the firm for which they are employed.

## **'Schedule A'**

### **Joint Audit Compliance Committee 2018-2022 Term of Council**

#### **Administrative Practices and Procedures**

#### **For the Cities of Dryden and Kenora; the Municipalities of Machin, Red Lake and Sioux Lookout; and the Townships of Ear Falls, Ignace and Pickle Lake**

##### **Purpose**

These Procedures are intended to provide guidance to the Applicant, the Candidate, the Clerk, Council, and the Kenora Compliance Audit Committee with regard to a request for a compliance audit of a candidate in a Municipal Election for the a Participating Community. Reference should also be made to The Municipal Elections Act, as amended.

These Procedures are not intended to be legal advice, nor can the Clerk or Municipal Staff provide legal advice. Applicants and Candidates are advised to obtain their own legal advice with regard to the legislation and any proceedings under the legislation with regard to compliance audits and election campaign finances.

##### **Compilation of the Manual**

These Procedures are compiled from the following:

- The Municipal Elections Act, mainly Sections 88.33, 88.34, 88.35, 88.36 and 88.37
- The Municipal Elections Manual from the Association of Municipal Managers, Clerks and Treasurers of Ontario
- Elections training sessions attended by Municipal Staff
- Information from the Ministry of Municipal Affairs & Housing

##### **Format of the Practices & Procedures**

- References throughout the Manual are to *The Municipal Elections Act* unless otherwise specified and are shown in bold with the Section numbers following. Wording of the legislation may be changed slightly to apply specifically to the Participating Community or for clarity. Reference should be made to *The Municipal Elections Act* for actual wording.
- Administrative practices and procedures are designated by bullet points.
- "Notes" are included to provide clarification or additional information on the legislation or procedures.
- Where restating the legislation would have been onerous, complicated or confusing, those Sections of *The Municipal Elections Act* have been attached for reference.

## **Applicability**

These procedures apply to the receipt of an application for a compliance audit by the Clerk for an audit of a candidate in an Election or By-election of a Participating Community. This includes an election or by-election for the offices of Mayor, and Councillors-at-Large or Ward, as applicable by the Participating Community.

These Procedures do not apply to requests for a compliance audit of a candidate in a school board election or by-election. If the Clerk receives an application for a compliance audit for a school board candidate, the application shall be forwarded forthwith to the respective school board. The appropriate school board should be contacted for its administrative practices and procedures.

## **Role of the Clerk**

The Clerk shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under this Act to implement the Committee's decisions. (Section 81(4))

- These duties include, but are not limited to, the following:
  - ✓ Distribute any applications for a compliance audit to the Committee members;
  - ✓ Establish dates, times and locations for meetings of the Committee, in conjunction with the Committee Members or Chair;
  - ✓ Provide notice to the parties and the public of the Committee's meetings;
  - ✓ Administrative support to the Committee;
  - ✓ Distribute copies of the Committee's decisions to the parties, as applicable;
  - ✓ Forward items for Council's information or consideration as required under the legislation and these procedures, i.e. the Application; the Audit Report; the Committee's resolutions, etc.
- The Clerk may delegate responsibilities to a designate.

## **Other Resources**

Staff and other resources shall be available to the Committee, through the Clerk. Costs shall be the responsibility of the Municipality.

## **Records**

Records resulting from the Committee's operation and activities with regard to compliance audit requests for candidates in a Participating Communities Elections and By- elections shall be retained and preserved by the applicable Municipality in accordance with the Municipality's record retention by-law or practices.

## **Application for Compliance Audit**

- **Who can apply?**

An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of the Act relating to election campaign finances

may apply for a compliance audit of the candidate's election campaign finances. (Section 81(1)).

- **To who is the application submitted and what must be included?**

An application for a compliance audit shall be made to the Clerk of the Participating Community for which the candidate was nominated for office; and it shall be in writing and shall set out the reasons for the elector's belief. (Section 88.37(2))

NOTE: The application must include reasons why the elector "believes on reasonable grounds that a candidate has contravened a provision of the Act relating to election campaign finances." The Committee will consider these reasons in its deliberations.

- **When must the application be submitted?**

The application must be made within 90 days after the latest of the following dates:

- (a) the filing date under Section 88.30
- (b) the date the candidate filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30.
- (c) the candidate's supplementary filing date, if any, under section 88.30
- (d) the date on which the candidate's extension, if any, under Subsection 88.23 (6) expires. 2016, c.15, s. 63, part.

Please refer to the *Municipal Elections Act*, or contact the Clerk for specific dates.

### **Process**

Within 10 days after receiving an application, the Clerk shall forward the application to the Compliance Audit Committee. (Section 88.33(4))

Within 30 days after the Committee has received the application, the Committee shall consider the application and decide whether it should be granted or rejected. (Section 88.33(7))

The decision of the committee to grant or reject the application, and brief written reasons for the decision, shall be given to the candidate, the Clerk with whom the candidate filed his or her nomination and the applicant. (Section 88.33(8))

The Committee, through the Chair, shall advise the Clerk, as soon as possible, if clarification, additional information or additional resources are required.

The Clerk shall provide clarification and respond to the Chair as quickly as possible. If needed, the Clerk shall gather additional information, if available and able to be released to the Committee, and shall e-mail it to the Committee Members. If additional resources are required, the Clerk shall discuss with the Chair to determine the best way to obtain those resources in the most cost-effective and timely manner.

### **Auditor, Audit, and Audit Report**

If the application is granted, the Committee shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. (Section 88.33(10))

The appointment shall be made by resolution of the Committee at the meeting at which it grants the application.

NOTE: The Committee may appoint the Municipal auditor, if he/she wishes to act in this matter, or another auditor, to conduct the audit. Only auditors licensed under the Public Accounting Act, 2004 or prescribed persons are eligible to be appointed under subsection (10). 2016, c.15, s.63, part. (88.33(11))

NOTE: When appointing an auditor, the Committee shall have regard to contracting with an auditor who has experience in municipal election finances and/or compliance audits, or municipal finances in general and has the ability (time and skills resources) to complete the audit. The Committee may contact the Canadian Institute of Chartered Accountants for assistance, if required.

The auditor shall promptly conduct an audit of the candidate's election campaign finances to determine whether he or she has complied with the provisions of the Act relating to election campaign finances and shall prepare a report (Audit Report) outlining any apparent contravention by the candidate. (Section 88.33(12))

***See Sections 88.33, and 88.34 of the Act for full guidelines.***

### **Costs**

The Council of the Participating Community shall pay all costs in relation to the Committee's operation and activities with regard to compliance audit requests for candidates as well as the Auditors costs in the Municipal Elections or By-elections. (Section 88.33(16))

### **Errors/Omissions**

The accidental omission to give notice of any meeting of the Committee to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting. Any members of the Committee may at any time waive notice of any meeting.

### **Clerk's Decision "Final"**

With respect to matters pertaining to administrative practices and procedures for the compliance audit committee, the Clerk's decision is final (except where prohibited by legislation).

### **Changes to Administrative Practices and Procedures**

These administrative practices and procedures are subject to change at the discretion of the Clerk.

**See The Municipal Elections Act, as amended, in full for complete details.**



May 28 , 2018

## City Council Committee Report

**To: Mayor and Council**

**Fr: Heather Kasprick, City Clerk**

**Re: December Council meetings**

**Recommendation:**

That Council hereby establishes the December 2018 meeting calendar for the new Council as December 11, 2018 Committee of the Whole at 9:00 a.m. and December 18, 2018 Council at 12 noon; and further

That the 2019 meeting calendar will be presented to Council at the December Committee of the Whole meeting for their consideration.

**Background:**

The final regular Council meeting series for the 2014-2018 term of Council will be completed at the September 25<sup>th</sup> Council meeting. Any meetings that may be required after this date will be called on an as needed basis as Special Council or Special Committee of the Whole, as appropriate.

The 2019 meeting series will be presented to the new Council at the December Committee of the Whole meeting. This allows the opportunity for the new Council to discuss what best suits their schedules and make any changes to the meeting series that they determine to be required.

**Budget:** N/A

**Risk Analysis:** The risk is low to this report and is administrative in nature

**Communication Plan/Notice By-law Requirements:** Public notice would be provided along with the portal calendar updated to reflect the the meeting series.

**Strategic Plan or other Guiding Document:** administrative only



August 28, 2018

## City Council Committee Report

To: Mayor and Council

Fr: Heather Kasprick, City Clerk

Re: Boards/Committees Review

**Discussion with Recommendation to follow discussion.**

### Background:

In preparation for the 2018-2022 term of Council, administration felt it was important for this term of Council to review the current Boards and Committees and determine if there should be any changes for the next term of Council. For your reference the following Boards and Committees are:

- Accessibility Advisory Committee (10 members including 2 Councillors)
- Business Improvement Area (BIZ) (5 members including 1 Councillor)
- \*Community Safety & Well Being
- \*District of Kenora Home for the Aged (3 Municipal reps. with staggered terms – no Councillor) \*Legislation, cannot change
- Environmental Advisory Committee (9 members including 1 Councillor and alt)
- \*Handi Transit Board (1 Councillor, 1 Council alt)
- Heritage Kenora (max 10 members, incl 1 Councillor)
- \*Housing Pillar-Substance Abuse & Mental Health Task Force
- \*Kenora Age Friendly Implementation Committee
- \*Kenora Airport Authority (1 Councillor, 1 alt)
- \*Kenora District Municipal Association (KDMA) (Mayor)
- \*Kenora District Services Board (KDSB) (1 Councillor, 1 alt)
- \*Kenora Health Care Centre Board of Directors (Mayor, 2 Councillors)
- Kenora Non Profit Housing Corp (1 Councillor)
- Kenora Police Services Board (3 person board including 1 member of Council)
- Kenora Public Library Board (5-9 members including 1 Council)
- Kenora Urban Trails Recreational Committee (max 9 members including 1 Council)
- Lake of the Woods Development Commission (3-11 members including 1 Council)
- Lake of the Woods Museum Board (7 including 1 Council)
- \*Ministry of Natural Resources – LCC Committee (1 Council, 1 alt)
- \*Northwestern Health Unit Board of Directors (1 Council)
- Planning Advisory Committee & Committee of Adjustment (5-7 members)
- \*Rat Portage Common Ground Conservation Organization
- \*Tunnel Island Common Ground

The objective of the report is for Council to reflect on their term of Council and experiences with these boards and committees and their effectiveness. Reviewing the Terms of Reference for each of the committees/boards you were directly involved with and from your own personal experience determining if you feel the committee is effective and if any changes need to be made to membership composition. We do leave terms of reference for each committee up to



the individual committees to bring recommended changes forward at their discretion, however, it is up to Council to appoint members and now is the time to make those changes before advertising for the new term.

I have listed the number of members currently appointed to the board/committee, including the number of Council members. You will note that some boards/committees have a legislated mandate, or they are an external board/committee for the number of members and Council cannot change those. I have \* those to indicate such.

**Budget:** There is no budget implication to this review.

**Risk Analysis:** There is a low risk associated with this report as any changes are purely for effectiveness to the committee function and not associated with any legalities or costs.

**Communication Plan/Notice By-law Requirements:** Boards and Committees will be advertised beginning end of September and into October for Council appointment at the inaugural meeting.

**Strategic Plan or other Guiding Document:**

The strategic plan in it's entirety can touch this report as the mandates of many of these boards and committees touch the Strategic Plan throughout. This is also true for many of our other guiding documents such as Beaches, Parks & Trails, Recreation Study, Downtown Revitalization, as well as many Acts.



August 27, 2018

## City Council Committee Report

**To: Mayor and Council**

**Fr: Heather Kasprick, City Clerk**

**Re: Power of Entry Bylaw**

### **Recommendation:**

That Council give three readings to a new Power of Entry Bylaw for the City of Kenora.

### **Background:**

This bylaw would adopt a stand-alone power of entry bylaw that would allow a bylaw officer to investigate the exterior of a property without permission, a court order or a search warrant. Permission or a court order would still be needed to investigate the interior of buildings on the property. Section 436 of the Municipal Act, 2001 expressly states that the power of entry by-law applies to by-laws made under the Municipal Act, 2001. Municipalities may pass bylaws that permit their officers to enter onto private property without notice and without warrant at all "reasonable times." They can do this in order to pursue an investigation stemming from a complaint, or an inspection following an order by the city.

There is a provision for power of entry respecting zoning by-laws expressly covered in the Planning Act; sections 49 and 49.1 of the Planning Act, which for ease of reference, are set out below:

49 (1) In this section, "officer" means an officer who has been assigned the responsibility of enforcing section 46, orders of the Minister made under clause 47 (1) (a) or zoning by-laws passed under section 34.

Entry and inspection (2) Subject to subsection (3), where an officer believes on reasonable grounds that section 46, an order of the Minister made under clause 47 (1) (a) or a by-law passed under section 34 or 38 is being contravened, the officer or any person acting under his or her instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he or she believes the contravention is occurring. R.S.O. 1990, c. P.13, s. 49 (1, 2).

Where warrant required (3) Except under the authority of a search warrant issued under section 49.1, an officer or any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant. R.S.O. 1990, c. P.13, s. 49 (3); 1994, c. 2, s. 45 (1).

Obstruction (4) No person shall obstruct or attempt to obstruct an officer or a person acting under the officer's instructions in the exercise of a power under this section. 1994, c. 2, s. 45 (2).

Search warrant

49.1 (1) A provincial judge or justice of the peace may at any time issue a warrant in the prescribed form authorizing a person named in the warrant to enter and search a

building, receptacle or place if the provincial judge or justice of the peace is satisfied by information on oath that there are reasonable grounds to believe that,  
(a) an offence under section 67 has been committed; and  
(b) the entry and search will afford evidence relevant to the commission of the offence.  
1994, c. 2, s. 46; 1997, c. 24, s. 226 (7).

#### Seizure

(2) In a search warrant, the provincial judge or justice of the peace may authorize the person named in the warrant to seize anything that, based on reasonable grounds, will afford evidence relevant to the commission of the offence.

#### Receipt and removal

(3) Anyone who seizes something under a search warrant shall,

(a) give a receipt for the thing seized to the person from whom it was seized; and

(b) bring the thing seized before the provincial judge or justice of the peace issuing the warrant or another provincial judge or justice to be dealt with according to law.

#### Expiry

(4) A search warrant shall name the date upon which it expires, which shall be not later than fifteen days after the warrant is issued.

#### Time of execution

(5) A search warrant shall be executed between 6 a.m. and 9 p.m. unless it provides otherwise.

#### Other matters

(6) Sections 159 and 160 of the Provincial Offences Act apply with necessary modifications in respect of any thing seized under this section.

This bylaw is simply an additional tool for our bylaw officers to do their jobs and conduct inspections on properties as required. When at all possible, they try to advise the landowner/occupant that they are on the property and for what purpose so it does not scare occupants of someone on their premises.

**Budget:** N/A

**Risk Analysis:** There is a medium risk associated with not passing this bylaw as officers often enter properties to inspect or respond to complaints. It is important should matters get to a court process that we have this bylaw in place for the matter to uphold in Court as they have power to enter property for the purposes of enforcement.

**Communication Plan/Notice By-law Requirements:** bylaw

**Strategic Plan or other Guiding Document:** Administrative only

# The Corporation of the City of Kenora

## By-Law Number - 2018

### Being a Bylaw to Provide Powers of Entry for the Purpose of Carrying out Inspections

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Whereas section 436 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (the "*Municipal Act, 2001*") provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection; and

Whereas section 438 of the *Municipal Act, 2001* provides that a municipality has the power to pass by-laws providing that the municipality may undertake inspections pursuant to orders issued under section 438; and

Whereas sections 435 and 437 of the *Municipal Act, 2001* set out certain additional powers and restrictions in regard to the power of entry; and

Whereas The Corporation of the City of Kenora desires to pass a By-law allowing for the entry on land for the purpose of carrying out inspections to ensure that its by-laws, directions, orders and licence conditions are being complied with;

Now Therefore the Council of the Corporation Of The City Of Kenora Enacts As Follows:

1. In this By-law:

- (a) "building" means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels, or equipment and includes a carport;
- (b) "by-law" means a by-law passed by Council pursuant to the *Municipal Act, 2001*;
- (c) "City" means the Corporation of the City of Kenora;
- (d) "Council" means the Council of The Corporation of the City of Kenora;
- (e) "dwelling" means any room, place or part of a building actually being used as a dwelling;
- (f) "land" includes buildings and land covered by water;
- (g) "Officer" means a City by-law enforcement officer or any other City employee or other person authorized by the City to enforce the provisions of a by-law of the City; and
- (h) "*Municipal Act, 2001*" means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

2. Subject to Section 3, an Officer may enter on land and into a building at any reasonable time for the purpose of carrying out an inspection to determine whether or not any of the following are being complied with;
  - (a) a by-law;
  - (b) a direction or order of the City made under the *Municipal Act, 2001* or made under a by-law;
  - (c) a condition of a licence issued under a By-law; or
  - (d) an order made under Section 431 of the *Municipal Act, 2001*.
3. An Officer exercising a power of entry shall not enter or remain in a dwelling except in accordance with the restrictions set out in section 437 of the *Municipal Act, 2001*.
4. An Officer exercising a power of entry may:
  - (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information from any person concerning a matter related to the inspection; and
  - (d) alone or in conjunction with a person who, in the Officer's opinion possesses special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
5. Subject to section 6, this By-law prevails to the extent of any conflict between this By-law and any other by-law of the City.
6. Nothing in this By-law shall limit any other statutory or common law rights or powers of the City or any Officer to enter on land.

**By-law read a First & Second Time this 25<sup>th</sup> day of September, 2018**

**By-law read a Third & Final Time this 25<sup>th</sup> day of September, 2018**

**The Corporation of the City of Kenora:**

.....  
**David S. Canfield, Mayor**

.....  
**Heather L. Kasprick, City Clerk**



August 15, 2018

## City Council Committee Report

To: Mayor and Council

Fr: Jeff Hawley, Operations & Infrastructure Manager

Re: Traffic Amendment No Parking Zone– West Bay Road South Side

### Recommendation:

That Council authorizes an amendment to the City of Kenora Traffic Regulation By-law Number 180-2015 to include changes to Schedule "B" – No Parking – Tow Away Zone for the south side of West Bay Road, to remove the No Parking restriction; and further

That three readings be given to an amending by-law for this purpose.

### Background Information:

As per Council discussion and direction at the August 14, 2018 Council Meeting, the Operations and Infrastructure Division have drafted this report in anticipation of a permanent solution to parking congestion along West Bay Road fronting the Portage Bay Ball Diamonds.

A temporary parking amendment was created in this area from August 2, 2018 to August 6, 2018 that appeared to mitigate parking congestion. At the direction of Council, this report is meant to replicate that temporary amendment as a permanent solution by assigning parking to one side of the street only. Together with recently approved By-law No. 117-2018, this change should create harmony amongst parked vehicles, pedestrians and passing vehicles along West Bay Road.

It is recommended that Schedule "B" No Parking – Tow Away Zone, to Traffic Regulation By-law No. 180-2015, be amended to remove current restrictions along the south side of West Bay Road as follows: -

### Schedule "B"

#### No Parking – Tow Away Zone

<u>Column 1</u> STREET/HIGHWAY	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> TIME
<u>Delete:</u> West Bay Rd	From Ottawa St to Rockcliffe Rd	South	Anytime

Budget: N/A

**Risk Analysis:** There is a moderate to minor operational risk involved with not pursuing the recommendation to amend the parking zones in this area. It is the City's intention to create an incident free environment by reducing parking congestion along West Bay Road during sporting events held at Portage Bay Ball Diamonds. By Council approving this recommendation the hazard to motorists and pedestrians alike will be mitigated, as discussed with senior management.

### Communication Plan/Notice By-law Requirements:

Resolution and By-law required. J. Hawley, M. Vogrig, K. Koralalage, T. Garbachewski, H. Kasprick, H. Lajeunesse, By-law Enforcement.

**Strategic Plan or other Guiding Document:**

Goal #2: Strengthen Our Foundations

2-4 - The City will act as the catalyst for continuous improvements to the public realm.



Rockcliffe Rd

West Bay Rd

1st West Bay Rd

2nd West Bay Rd


West Bay Rd

Keewatin St

Proposed section of No Parking to be removed

Ottawa St

6th St

 Schedule B - No Parking





## City Council Committee Report

**To: Mayor and Council**

**Fr: Karen Brown, CAO**

**Re: Wauzhushk Onigum Water and Sewer Servicing Letter of Intent**

### **Recommendation:**

Whereas Anishinabe of Wauzhushk Onigum has been under a boil water advisory for several years now; and

Whereas the Government of Canada has committed to end all long-term drinking water advisories on public water systems on reserve by March 2021, and through Budget 2016 has identified funding within the Federal budget to be used for this purpose; and

Whereas Anishinabe of Wauzhushk Onigum has been able to secure a commitment from the Government of Canada to fund a connection to the City of Kenora's Water Distribution and Wastewater Collection systems; and

Whereas the City of Kenora's Water Treatment Plant and Wastewater Treatment Plant have sufficient capacity to provide these services to Anishinabe of Wauzhushk Onigum and its residents; and

Whereas Anishinabe of Wauzhushk Onigum and the City of Kenora wish to continue to work together to improve relationships between our two communities and quality of life for all residents, including recognizing the importance of both safe drinking water and being stewards of the environment; and

Whereas the City of Kenora water and wastewater systems, including treatment plants, operate as a user pay system, and do not rely on property taxes from City of Kenora residents; and

Whereas the City is mandated to meet provincially legislated requirements in operating its water and wastewater systems; and

Whereas Anishinabe of Wauzhushk Onigum is federally regulated;

Now Therefore, Let it be Resolved That the City of Kenora is committed to entering into a mutually acceptable agreement between Anishinabe of Wauzhushk Onigum and the City of Kenora to provide potable water and wastewater treatment services; and

That this agreement shall be negotiated fairly between the parties, based on the following principles:

- The Government of Canada is committed to paying 100% of the full costs of the installation of these services to Anishinabe of Wauzhushk Onigum;
- Anishinabe of Wauzhushk Onigum and / or their representatives shall obtain any and all required Provincial approvals prior to any connection to the City of Kenora's

water and wastewater systems, as well as ensure any ongoing requirements are maintained;

- The City of Kenora shall continue to operate the City water and wastewater systems, up to the point of demarcation for services to Anishinabe of Wauzhushk Onigum;
- Anishinabe of Wauzhushk Onigum shall be responsible for all manpower and costs associated with the safe operation of the new water and wastewater system constructed for the purposes of providing services to residents of Wauzhushk Onigum beyond the City of Kenora demarcation points, including though not limited to ongoing operating, repairs, maintenance and capital programs as appropriate;
- The new servicing installed shall be designed in accordance with City of Kenora requirements, and shall include any and all measures necessary to prevent cross contamination with the City water distribution systems and any mitigation and / or monitoring requirements necessary to minimize the potential for wastewater spills;
- Anishinabe of Wauzhushk Onigum shall be responsible to pay the appropriate fees to the City related to the provision of potable water and the collection and treatment of wastewater in recognition that the City of Kenora runs these services as user pay systems;
- An appropriate communications protocol for providing notice and updates between the parties shall be formalized;
- This agreement shall also include any and all provisions normally considered within this type of servicing agreement, including but not limited to the duration of the agreement and conditions for the continued provision of services by the City of Kenora to Anishinabe of Wauzhushk Onigum;

and further

That this agreement may also consider opportunities for partnering between Anishinabe of Wauzhushk Onigum and the City of Kenora, including but not limited to:

- The opportunity of a mentorship program for Anishinabe of Wauzhushk Onigum employees working for the water and sewer system with the appropriate City staff;
- The sharing of information, including appropriate plans and studies, written for the purpose of ensuring compliance with the provincial legislation governing the municipal water and wastewater operations;

and further

That Council hereby authorizes Mayor David Canfield to sign a letter of intent to Anishinabe of Wauzhushk Onigum and Indigenous Services Canada based on the provisions as contained within this resolution.

**Background:**

For decades now, the City of Kenora, and prior to that the Town of Kenora and / or Tri-Municipal Area, has engaged in general discussions with regards to the opportunity to provide water and wastewater servicing to Wauzhushk Onigum.

Over the past several months, there seems to have been a renewed interest in the opportunity of moving this forward. On August 16, 2018, representatives from Wauzhushk Onigum Council and various consultants and / or service agencies currently working with Wauzhushk Onigum, together with a representative from Indigenous Services Canada, Government of Canada, met with representatives from Kenora City Council and city administration.

At this meeting, positive discussions ensued with regards to moving forward with the City providing potable drinking water and wastewater collection and treatment services to

Wauzhushk Onigum. The detailed resolution included in this report outlines many of the high level items that were discussed at this meeting. This resolution was circulated for comment to the parties and updated as appropriate prior to inclusion in this report.

Wauzhushk Onigum and the Government of Canada have advised they intend to move this matter forward with a vision of completion in 2019. The intent is to connect services to the existing Wauzhushk Onigum infrastructure for water and wastewater services, representing approximately 160 homes on water and 140 homes on wastewater. Wauzhushk Onigum will continue to use their treatment facility as a booster station. Wauzhushk Onigum has further advised that their longer term plan is to run additional servicing into currently un-serviced areas in their community, although it would be difficult at best to provide any timelines for these future works.

This project is a very important opportunity for the City of Kenora, allowing the City to be part of the solution to address drinking water concerns on Wauzhushk Onigum that have been in existence for some years now. It will build and strengthen the City's relationship with Wauzhushk Onigum and support our core value of being Stewards of the Environment.

A Council resolution and related letter of intent is required to demonstrate the City's commitment to making this project become a reality and to help ensure the funding agreement between the Government of Canada and Wauzhushk Onigum is approved.

**Budget / Financial Implications:**

No cost to the City for the implementation of these services. Funding for the installation of these services is to be paid under a funding agreement with the Government of Canada. The City will receive user pay revenue from Wauzhushk Onigum for providing these services.

**Communication Plan/Notice By-law Requirements:**

Communications to Wauzhushk Onigum and Indigenous Services Canada.  
Press release celebrating this new partnership / servicing and providing clean drinking water to Wauzhushk Onigum recommended for a joint release with the three parties (ie, Wauzhushk Onigum, Indigenous Services Canada and City of Kenora) based on timing as agreed to between the parties.

**Strategic Plan or other Guiding Document:**

Core Value – Stewards of the Environment

Focus on our People – Working relations with neighbouring municipalities and Indigenous partners by Council and senior leadership

Focus on our People – Recognize importance of leveraging Community and Strategic Partnerships

**ERM Assessment:**

Major external impact with regards to connecting a water and wastewater system not bound by provincial legislation to the City's systems. This will be mitigated through requiring certain controls within the construction of the system, including a requirement to include any and all measures necessary to prevent cross contamination with the City water distribution systems and any mitigation and / or monitoring requirements necessary to minimize the potential for wastewater spills.

Major governance impact with regards to providing services to an adjoining First Nations community who has been under a boil water advisory for several years now, as well as

discontinuing the use of the current lagoon system for wastewater treatment. This is a positive risk and should be pursued.

Moderate financial impact with regards to potential increased revenue related to a servicing agreement with Wauzhushk Onigum based on a user pay system. This is a positive risk and should be pursued.



August 31, 2018

## City Council Committee Report

**TO: Mayor and Council**

**FR: James Tkachyk, Parks and Facilities Division Lead**

**RE: Parks – Coney Island Contract**

### **Recommendation:**

That Council hereby accepts the Coney Island Park Contract from Jennifer Schott in the amount of \$13,500.00 + HST each year for the years 2019, 2020 and 2021; and further

That Council gives three readings to a by-law to authorize the three year Coney Island Park and Store Maintenance Contract with Jennifer Schott.

### **Background:**

Jennifer Schott was awarded the Operation and Maintenance Contract for the Coney Island Park and Store for 2012-2014 inclusive. The contract has been extended to Jennifer Schott in 2015, 2016, 2017 and 2018. During those years the contract value remained at \$12,000.00 + HST. The Contract was retendered in 2018 for the next 3 year term, with only one (1) bidder submitting the bid of \$13,500.00 + HST per year. Jennifer Schott (current vendor) has performed well throughout the past seven years.

**Budget:** Operational Budget

**Risk Analysis:** As per the requirements in the City's ERM Policy, there are service delivery and Governance risks identified with the award of the tender that should be considered Medium. If the City does not accept the tender, the ability to deliver services on Coney Island would become difficult to complete in house or to arrange with vendors and the Image of the City would drop.

**Communication Plan/Notice By-law Requirements:** Charlotte Edie, Treasurer, Heather Kasprick, City Clerk, James Tkachyk, Parks and Facilities Division Lead, Parks Technician, Jennifer Schott

### **Strategic Plan or Other Guiding Document:**

City of Kenora Strategic Plan – 2015-2020

- 1-9 Promote Kenora as a 365 day life-style destination
- 1-10 Promote and leverage recreation and leisure amenities
- 1-11 Support Kenora's "North America's Premier Boating Destination" brand implementation strategy.
- 1-12 Support, promote and expand the tourism industry.
- 2-9 Support continuous improvements to recreation and leisure amenities, particularly those that support the quality of life.
- 2-10 Continue to explore opportunities to develop and improve our beaches, parks and trails.



August 31, 2018

## City Council Committee Report

**To: Mayor and Council**

**Fr: Devon McCloskey, City Planner  
James Tkachyk, Parks and Facilities Division Lead**

**Re: Land Lease Opportunity (Keewatin Public Works – Boatlift Road)**

### **Recommendation:**

That Council hereby approves staff to continue discussions in accordance with the City Sale and Other Disposition of Land Policy #PP 4-1 for the property known as Keewatin Public Works yard located at 80 Boatlift Road; and further

That if the terms of an agreement are in accordance with City Policy #PP 4-1 the proposal be authorized by the CAO to execute a lease agreement.

### **Background:**

City staff have been approached by a local business regarding the property located at 80 Boatlift Road, known as the former Keewatin Public Works. The property is currently not in use by the municipality. A portion of the existing building is being rented, at a minimal cost, to the Search and Rescue organization. The business is proposing to lease approximately 18,000 square feet of outdoor space, which is vacant, to be used for boat storage. This portion of the property does not currently generate revenue for the municipality.

The Keewatin Public Works is difficult to sell or lease due to known legal access to the site and environmental issues. The proposed use of the land for year round boat storage would be suitable, as it could be used 'as is' and would require no additional financial contributions or City staff resources to upgrade the location. All maintenance to the land in question would be the sole responsibility of the leaseholder, including snow removal.

If approved, the use of this location for boat storage would benefit the municipality in recognition of the City of Kenora being North America's Premier Boating Destination.

**Budget:** This could generate revenue for the municipality from a vacant parcel which is currently not in use.

**Risk Analysis:** According to the City's ERM policy, there would be a low financial risk with not pursuing this opportunity.

### **Communication Plan/Notice By-law Requirements:**

Resolution required. Distribution: J. Hawley, J. Tkachyk, M. Dokuchie, M. Vogrig, T. Garbacheski, H. Kasprick, K. Brown, H. Lajeunesse, D. McCloskey

### **Strategic Plan or other Guiding Document:**

Goal #1: Develop Our Economy

1-1 The City will provide clear and decisive leadership on all matters of economic growth in Kenora and the surrounding district.

1-2 The City will forge strong, dynamic working relationships with the Kenora business community.

1-10 The City will support Kenora's "North America's Premier Boating Destination" brand implementation strategy.

Goal #2: Strengthen our Foundations

2-7 The City will encouraged and support the development of vacant and transitional lands for uses that support our vision.



~18000 sq ft

Boatlift Rd





August 29, 2018

## City Council Committee Report

**To: Mayor and Council**

**Fr: Adam Smith, Special Projects and Research Officer  
Megan Dokuchie, Economic Development Officer  
Devon McCloskey, City Planner**

**Re: Application to the Rural Economic Development (RED) Program –  
Growth Management and Vacant Land Supply Analysis**

### **Recommendation:**

That Council of the City of Kenora approves an application to the Rural Economic Development (RED) Program for the delivery of a Growth Management and Vacant Land Supply Analysis; and further

That the City of Kenora confirms its financial commitment of up to \$20,000 for the project; and further

That Council hereby approves any cost overruns associated with the project.

### **Background:**

The 2015 City of Kenora Strategic Plan prioritizes the documentation of existing City land, identification of new opportunities and outlining future growth areas. This was further emphasized through the work completed as part of the investment readiness assessment undertaken by the City in 2018. This exercise identified a number of potential opportunities to support investment readiness including the development of a land inventory that would classify available properties.

Community and Development Services Staff have identified a potential funding program that may support an initiative to assist in achieving these objectives. Upon further best practice research, Staff are recommending that the City of Kenora undertake a project to conduct a growth management and vacant land supply analysis which would result in the development of updated population and growth projections, a highest and best use analysis for vacant and municipally-owned lands, and the preparation of vacant property profiles to be used in marketing efforts.

Key activities include a review of policy and current zoning; development of project methodology to identify analysis criteria; development of population and employment projections; an analysis of highest and best use for municipally-owned vacant lands; delivery of a final report; and preparation of vacant land property profiles to be used in marketing efforts.

### **Budget:**

The RED Program can support up to 50 percent of eligible project costs, to a maximum of \$100,000. A budget estimate for this project supports a total project cost of \$40,000. Staff are recommending that the City of Kenora contribution of \$20,000 be allocated from the Official Plan and Zoning By-Law Housekeeping project line item, approved in the 2018 Unusual Spend Budget.

**Risk Analysis:**

Based on the City's ERM policy, the recommendation carries a low financial risk which will be managed through routine procedures.

**Communication Plan/Notice By-law Requirements:**

Bylaw required when agreement is received from the RED Program.

**Strategic Plan or other Guiding Document:**

- 1-1 The City will provide clear and decisive leadership on all matters of economic growth in Kenora and the surrounding district;
- 1-2 The City will ensure Kenora is recognized as being "Open for Business" and facilitating development through streamlining application and approval processes, effectively eliminating any 'red tape';
- 1-5 The City will document existing City land, identify new opportunities and future growth areas, and consider putting the appropriate zoning in place for potential future development. This may include land assembly for the purposes of developing business parks intended to clear the way for industrial investment.
- 2-7 The City will encourage and support the development of vacant and transitional lands for uses that support our vision



August 29<sup>th</sup>, 2018

## City Council Committee Report

**TO: Mayor and Council**

**FR: Josh Nelson, Tourism & Recreation Division Lead**

**RE: KRC Concession – Food and Beverage Service Contract**

### **Recommendation:**

That Council hereby receives the proposal for food and beverage services for the Kenora Recreation Centre from Chad Gropp; and further

That Council gives three readings to a bylaw authorizing an agreement between the Corporation of the City of Kenora and Chad Gropp for the purpose of Food and Beverages Services at the Kenora Recreation Centre for the term of October 1, 2018 to August 31, 2021 in the amount of \$500 per month (October-April), and \$50 per operational day beyond the ice season (May-September) for a three year term.

### **Background:**

The City of Kenora requested proposals for the supply of food and beverage concession services for the Kenora Recreation Centre. The purpose of the Food and Beverage Service is to ensure that the Kenora Recreation Center is providing quality services through food and beverage products to enhance the program delivery to the visitors of the facilities. Proposals were to include, but not limited to, intended hours of operation, intended food and beverage menu, facility and equipment requirements, lease payments, proposed initiatives and special conditions.

Discussion has taken place with Mr. Gropp with regards to the importance of operating hours and addressing the concerns that have come forward over the past few seasons. Mr. Gropp has made a commitment to the operation of the canteen and improving service in the area.

### **Budget:**

The approved lease amount be allocated into the 2019 operating budget.

### **Risk Analysis:**

There is a low positive financial risk due to rate structure proposed and a low operational risk as we enter into an agreement with the proponent to use a deep fryer outside the building. This has been mitigated but adding a clause to the contract that this process will be reviewed annually.

### **Communication Plan/Notice By-law Requirements:**

Tourism & Recreation Division Lead; Finance and Administration; Chad Gropp

### **Strategic Plan or Other Guiding Document:**

2-9 – The City will support continuous improvements to recreation and leisure amenities, particularly those that support the quality of life.