



City of Kenora

Committee of the Whole Agenda

Tuesday, June 8, 2021

9:00 a.m.

Virtual Attendance

Council will be meeting electronically as permitted by the City of Kenora Procedural bylaw. Citizens and our Media Partners are encouraged to attend the virtual meeting via the Public Live Stream Event at:

<https://video.isilive.ca/kenora/>

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 June 22, 2021 meeting:-

- Council will appoint a replacement Councillor to City Council effective June 22, 2021 to fulfill the remaining term of Council

Blessing & Land Acknowledgement

Councillor Smith

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 May 11, 2021 and the Special Committee of the Whole meeting held May 18, 2021 be confirmed as written and filed.

D. Deputations/Presentations

N/A

E. Reports:

1. Administration & Finance

Item Subject

1.1. Debt Financing Presentation

1.2. Q1 Investments

- 1.3. April 2021 Financial Statements
- 1.4. Municipal Asset Manager Position
- 1.5. Rotary Peace Park Tax Receipts Request
- 1.6. 2021 Insurance Renewal
- 1.7. Pay Equity Compensation Review Informational Report
- 1.8. Civil Marriage Ceremony Contracts
- 1.9. 2022 Municipal Elections Voting Method
- 1.10. Council Vacancy

2. Fire & Emergency Services

Item Subject

- 2.1 CEMC Appointment

3. Operations & Infrastructure

Item Subject

No Reports

4. Community Services

Item Subject

No Reports

5. Development Services

Item Subject

- 5.1 Planning Advisory Committee Terms of Reference

Other:

12:00 p.m. – Public Zoning Bylaw Amendment Proceedings

- D14-21-04 - 613 Ottawa Street
- D14-21-05 - 321 First Avenue South
- D14-21-03 - 96 Lakeside Crescent

Next Meeting

- Tuesday, July 13 , 2021

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: -

- i) Educating & Training Members of Council (1 matters-KDSB updates, Team Kenora updates)
- ii) Personal Matters about an Identifiable Individual (1 matter-Pinecrest Board Appointment)

Adjournment.



June 1, 2021

City Council Committee Report

To: Kyle Attanasio, CAO

**Fr: Adam Smith, Director of Development Services
Charlotte Edie, Director of Finance/Treasurer
Jon Ranger, Deputy Treasurer
Marco Vogrig, Municipal Engineer**

Re: Debt Financing Overview

Informational Report Only

Background:

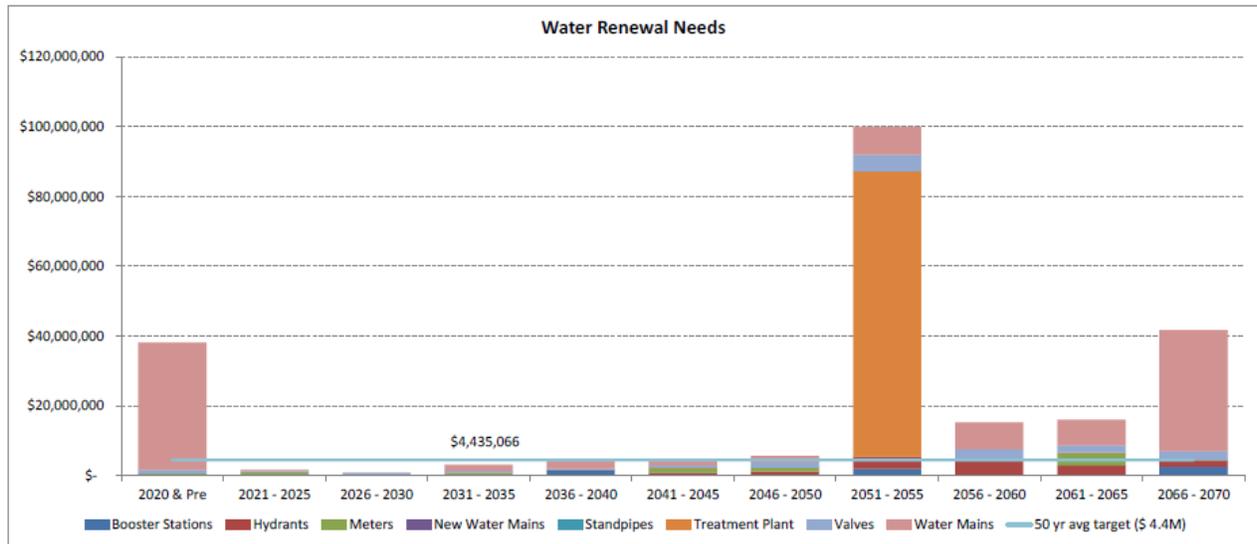
Debt financing is an important tool used by all levels of government in delivering on priorities that support economic growth and meet the continually increasing expectations placed upon public services. However, unlike the provincial or federal levels, municipalities are faced with strict regulatory limitations on the use of debt. This is captured through Section 408(2.1) of the Municipal Act which specifies "A municipality may issue a debenture or other financial instrument for long-term borrowing only to provide financing for a capital work."

Despite the parameters on the issuance of debt, the ability to use it for capital work still creates many opportunities for municipalities to leverage this tool. Recently, staff have been directed to explore whether it would be appropriate to use debt to support the repair and replacement of water and wastewater assets and in doing so, reduce the need to adhere to rate increases outlined in the Water and Wastewater Long Range Financial Plan.

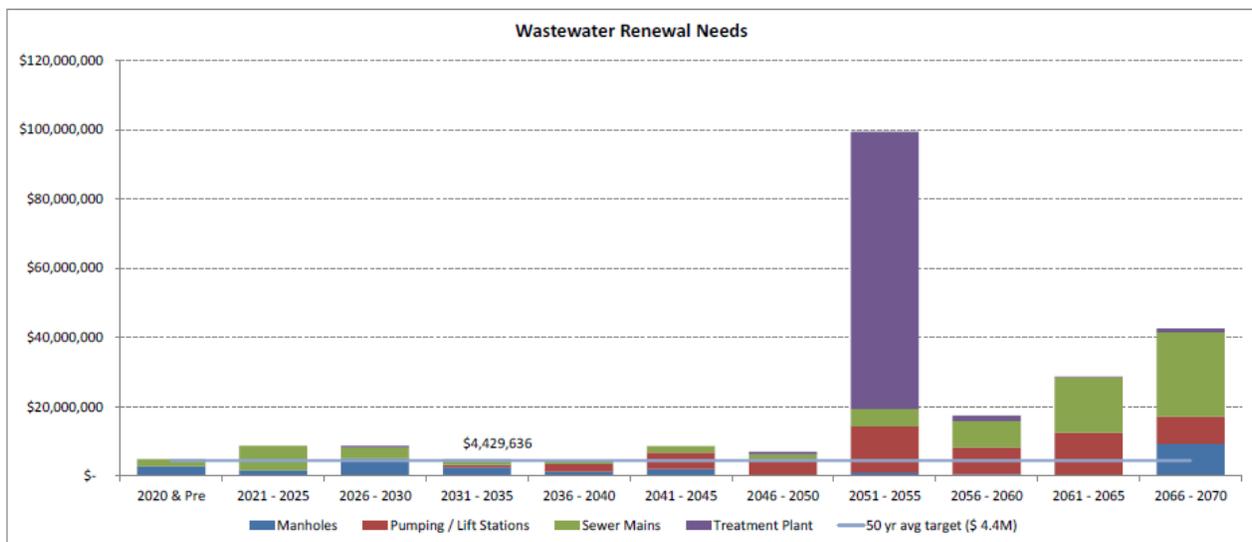
In summary, debt financing itself will not alleviate the need to increase water rates. The purpose of the Water & Wastewater Long-Range Financial Plan is to ensure that the City's operations are in a sound financial position and services can be provided on a sustainable basis. In prior years the plan the City has imposed rate increases of 10%, 8% and 5.5%. The imposition of these rate increases in the past has allowed the City to increase rates by only 3.1% in the latest version of the plan to build up reserves. The plan indicates that leading practice for water & wastewater reserves is to maintain a minimum balance of 2-3% of replacement asset value for emergency and stabilization purposes. Currently we have less than 1% of this value in reserves. With this noted, any significant emergency asset replacement would need to come from debt financing.

The rates should increase by at least the municipal cost of living (2.6%, was used for 2021 budgeting) otherwise every year the City is financing current operations with dollars dedicated for capital work and not creating sustainable reserves. In 2021, the decision to forego an increase meant a loss of 3.1% in total revenue. The impact of the decision will impact all future years as well. The Water and Wastewater Long Range Financial Plan indicates that the City will reach it's goal of sufficient reserve accumulation around 2035. By not following the plan the date will be pushed further. Figures 1 and 2

are graphs that demonstrate the City's renewal needs. Until the year 2051 our renewal needs are below the annual average contribution requirement. Rate increases during this period are crucial to building reserves for plant replacements and emergency projects.



(Figure 1: Water Renewal Needs)



(Figure 2: Wastewater Renewal Needs)

Current Debt Levels

While staff are cautious in considering the use of debt, the financial tool has become important to realizing major community development objectives. The City of Kenora has utilized debt financing for the purpose of large capital projects that have received funding support from other levels of government. Rather than going through Infrastructure Ontario, the City utilizes the Citizen's Prosperity Fund as the vehicle to issuing debt. The purpose of the Fund is to safeguard the principal while using the related investment income to eliminate the negative impacts resulting from the loss of the annual dividends from the telephone operations.

The fund is typically just over \$40M and The City does not start payments on debt issued until the project is completed. Figure 3 illustrates the outstanding debt for the 7 year

period from 2018-2024. Within the next 4 years the City plans on issuing an additional \$10.1M in debt from the Fund. This will potentially lead to debt being more than 40% of the total value of the fund.

	Debentures Payable						
	<u>2024</u>	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>
Fire Hall	939,576	1,234,703	1,521,235	1,799,421	2,069,504	2,331,721	2,586,301
Marine Water Line	-	-	-	-	-	88,453	174,331
Discovery Centre	83,240	164,056	242,518	318,694	392,652	464,456	534,168
Highway 17 Rehabilitation	828,707	953,091	1,073,853	1,191,097	1,304,926	1,415,440	1,522,735
Tent	119,643	176,864	232,418	286,354	338,720	389,560	438,919
Streetlighting	-	-	4,071	221,428	432,454	637,334	836,247
KMA Upgrades	601,193	680,829	758,146	833,211	906,090	976,846	1,045,541
KMA Roof	162,193	179,901	197,094	213,785	229,991	245,725	261,000
Aerial fire truck	-	-	39,903	165,412	286,887	404,459	518,253
DTR IV	5,108,976	5,287,088	5,459,476	5,626,325	5,787,813	5,944,112	-
	7,843,528	8,676,532	9,528,714	10,655,727	11,749,037	12,898,106	7,917,494
Recreation Centre Parking	800,000	800,000	800,000	800,000			
Railway Street	2,142,526	2,142,526	1,355,650	937,273	937,273		
Harbourfront redevelopment	5,658,333	4,325,000	2,325,000	325,000			
Wellness Centre roof	500,000						
WTP Generator Replacement	975,000	975,000	975,000	975,000			
	10,075,859	8,242,526	5,455,650	3,037,273	937,273	-	-
	17,919,387	16,919,058	14,984,364	13,693,000	12,686,310	12,898,106	7,917,494

(Figure 3: Outstanding Debt 2018 – 2024)

Future Projects and Impacts

Beyond the four year projection for the issuance of debt, there are a number of major capital projects over the long-term that need to be considered when making decisions in the present. For example, the annual payments for Downtown Revitalization debt is almost \$280,500 for 25 years. Increasing debt leads to higher interest payments that extend over a timeframe that will see other projects financed via debt creating a continual pressure on the Operating Budget. It is also reasonable to anticipate that following the COVID-19 pandemic interest rates will more than likely increase.

In this section, staff have summarized a list of projects in the future that will require the issuance of debt and are either critical City services or support growth.

The water and sewer plants are estimated to cost millions per plant in the 2050's as projected by the BMA report. While the goal is to build some reserves to help with plant overhauls, it is likely that debt financing will still be required for these long range expenditures.

Bridges are another high risk area in the future as per the 2020 Inspection Report. It indicates that in a 1-5 year period, bridge expenditures will be in the range of \$16 million based on a \$10 million rehabilitation on the Portage Bay Bridge and a \$4.5 mil repainting for the Keewatin Channel Bridge. A second scenario would be to try to delay the Portage Bay Bridge into a 6-10 year time frame and replace it as opposed to a shorter term rehab making that projected bridge expenditure closer to \$36 million within a 10 year period. These estimated figures do account for other structures that will require work that cannot be predicted today and will need to be further evaluated by way of future biennial inspection reports going forward. It is likely that going forward debt financing will be required for bridgework given these potential large projects highlighted in the 2020 Inspection report.

The Kenora Area Landfill is a long-term item that should be considered in the context of debt financing as it has a life expectancy of around 25 years. Staff are estimating that it will take a 10 year period to obtain approvals for a new landfill site with the cost for site preparation in the millions plus land purchase if so required. While staff are aware of these future costs, it is not likely that reserves will be large enough to fund the venture without utilizing debt financing. Between the landfill and water/sewer plants there could be a colliding time frame of replacement that will require creative solutions to ensure fiscal sustainability.

Alongside planning for critical infrastructure, staff recognize the role of debt in supporting the development challenges facing the City. The next phase of DTR related to Matheson/First St S was indicated as a potential project for 2023 and continues to remain as a long-term debt financing project with an estimated total cost of \$5 million. Based on recent correspondence from other levels of government, funding is likely not going to be available meaning there may be the need for the City to cover costs at 100 percent.

Further, there are still a few more phases of DTR that will need to be looked at going forward to complete the original envisioned plan of a new downtown core. That area yet to be considered is everything south of 2nd St South being Main St, Matheson St, 3rd St S, Water St and 1st Ave S to Safeway, which are not in a tender/shovel ready state as of yet.

In the immediate to moderate term, the City will need to account for the Harbourfront Business Development Plan which may cost \$25 million once all scopes of work are complete. This is scheduled to go into a design stage in 2021 and unlike future DTR phases, will benefit from external funding.

Other considerations from a development standpoint that are more conceptual in nature at this time include a sewer and water extension project such as on Veterans' Drive out to the Bypass/Redditt Road area which is estimated at \$3 million and a new incubator hub to address a lack of commercial space in the downtown alongside spurring business start-ups.

Community development is not only shaped by investments into infrastructure that in turn, drive external investment but also recreational amenities that attract and retain residents. A baseball fourplex has been among the most prominent given the new land opportunities the facility would create and expanded programming for user groups. However, this may come at a cost of approximately \$9 million. While this will be considered in the upcoming Recreation Master Plan, a number of other projects will also be contemplated that have the potential to deepen the reliance on debt financing.

Debt financing can be useful in aligning significant assets useful life with debt amortization. It can also be utilized to leverage funding, and emergency infrastructure projects. Staff are aware that debt financing can be a useful tool, however it is important to note that debt financing should be utilized when it is most strategic.

Debt Financing Challenges

Once again, as the City issues more debt, the City's operating budgets have to take on the interest payments until the debt is paid off. So while we can complete more capital work at once, there is this additional cost of financing the asset. There is also a question of staff capacity. Issuing significant debt all at once leads to a large peak in the number of capital projects taking place in one year. These capital projects all need to be managed by the current staff resources. There is also a question of opportunity cost associated with debt financing through the Prosperity Trust Fund. In the past, when issuing debt from the trust, the rate was quite competitive with what the funds would be making for the City on the market. With borrowing interest rates being low, the utilization of the trust for debt financing may not be as beneficial as it has been in the past. Given the recent transition of the trust to the ONE fund, it is still early to determine the expected rates from the fund. As in the past, debt financing should be utilized to take advantage of other government funding, grant opportunities, and emergency projects.

Budget: N/A – informational only

Risk Analysis: There is no risk associated with this report.

Communication Plan/Notice By-law Requirements: N/A

Strategic Plan or other Guiding Document:

2-1 The City will ensure that our municipal infrastructure assets are managed and maintained using available resources through a robust asset management plan and process, with the intent of moving towards all City infrastructure being in a good state of repair to ensure certainty, security and long-term stability of our systems

2-2 The City will keep in the forefront that there is a significant infrastructure deficit, and current and future Councils will need to continue to work towards allocating sufficient resources to be able to adequately address this issue



May 29, 2021

City Council Committee Report

TO: Kyle Attanasio, CAO

FR: Charlotte Edie, Director of Finance/Treasurer

**RE: Investment Report including Kenora Citizens' Prosperity Trust Fund –
Quarter 1**

Recommendation:

That Council hereby accepts the 2021 first quarter investment report that includes details of the Kenora Citizens' Prosperity Trust Fund and other City of Kenora investments.

Background Information:

Kenora Citizen's Prosperity Trust Fund (KCPTF):

In 2008, City Council approved the establishment of the Kenora Citizens' Prosperity Trust Fund. The proceeds of disposition from the sale of the KMTS entities of \$40,896,446 were transferred to this Fund.

In 2020 Council, on administration's recommendation moved the City's investments to the Prudent Investor regime. The regime removes restrictions on municipal investments and creates a new governance model. Municipalities delegate their investing powers to a Joint Investment Board.

The first KCPTF portfolio is with the ONE Public Sector Group of Funds. The book value is \$22,511,886 (December 2020 \$22,356,752) and accounts for over 51% of the Trust Fund. The market value of this investment at March 31, 2021 is \$23,080,986 (December 31, 2020 \$23,048,151). This portfolio is held in bond, universal corporate bond and equity funds. The year to date actual return on these ONE fund investments until March 31 is .4%. The return since inception is 5.7%. This rate reflects the total return including market impact. These investments were transferred from the legal list ONE fund and RBC Dexia on July 2, 2020. As a result gains were triggered when the accumulated gains on investments were realized. The new investments now have a higher cost base.

In September a second portfolio of \$4,937,008 in securities from RBC Dexia were transferred to CIBC Mellon in trust to be monitored by the ONE JIB. The movement to 'in trust' status was to allow the securities to be moved over on a more gradual basis as opposed to liquidating all the securities at once. As the securities mature they will be moved to ONE Investments. The market value of these investments at March 31 is \$5,031,879 (December 31, 2020 \$5,092,066).

The third portfolio of \$4,626,544 remained with Manulife Asset Management with RBC Dexia as custodians. Securities held in this portfolio are bank and federal and provincial government issues. The market value at the end of March 2021 is \$4,712,222 (December 2020 \$4,746,987). The year to date return is -.54%. The rate of return since inception is 2.72%. These returns take the market impact into account. These investments will be

gradually liquidated when funds are required for debt financing purposes. The City receives quarterly reports and the March 31, 2021 report is attached.

In addition, the KCPTF holds \$11,749,037 (at December 31, 2020) in debt from the City of Kenora. The rate of return on this debt is 3% and 3.32%.

Other Investments:

The City of Kenora maintains investment portfolios separate from the Kenora Citizen's Prosperity Trust Fund. These investments were entirely held in the ONE Public Sector Group of Funds and most were transferred to the Prudent Investor regime as well. The market value of these investments at March 31, 2021 is \$19,355,031 (December 31, 2020 \$19,048,063 and the book value is \$18,455,434 (December 31, 2020 \$18,349,609). This portfolio is held in bond, universal corporate bond and equity funds. The year to date return for the contingency outcome portfolio is 2.1% and for the 3 to 5 year outcome portfolio is -.6%. The City also holds \$5,761,364 in a high interest savings account outside the Prudent Investor regime in the ONE Public Sector Group of Funds.

The investment report from the ONE Public Sector Group of Funds has been provided as an attachment to this report.

Budget:

There is no expected budget impact as a result of this report.

Risk analysis:

The risk associated with this report is moderate. The risk impact is that the Funds do not earn the required 3% on investments. The shortfall of investment income is within the moderate range.

Communication Plan/Notice By-law Requirements:

For information only

Strategic Plan or other Guiding Document:

Report is required per policy CS 4-2.



June 1, 2021

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Jon Ranger, Deputy Treasurer
Charlotte Edie, Director of Finance/Treasurer

Re: April 2021 Financial Statements

Recommendation:

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora at April 30, 2021.

Background:

Attached for your information, please find the April 2021 summary expense and user fee statements for the City of Kenora and the Council department. At the end of April, the year is 33.33% complete, and therefore, not including any seasonal differences, should be 66.67% of the budget remaining.

Overall:

- Expenses at the end of April 2021 are slightly below budget with 70.41% remaining to be spent. Water & Sewer 73.88% and Solid Waste 73.47% left in the budget.
- User fee revenues to the end of April 2021 are behind budget with 82.35% left to collect. Water & Sewer 75.54% and Solid Waste 70.00% is left to collect at the end of April.

Expenditures:

- **General Government** - The General Government expenses to date are close to budget with 67.34% remaining in the budget.
 - **Mayor and Council** – Expenses are slightly over budget with 62.42% remaining, however this is in line with prior year spending.
 - **City Clerk** – Department is currently under budget. Advertising and legal actuals are less than prior year at the end of April.
 - **Human Resources** – Close to budget at the end of April. Contracted services have exceeded budget, however legal expenses are under budget.
 - **Building & Grounds Maintenance City Hall** – Repairs and maintenance currently below budget, janitorial services not yet recorded for April.
 - **Finance and Admin** – Close to budget at the end of April.
 - **IT** – Over budget at the end of April with 57.12% of the budget remaining. Many of the software annual fees have been paid for the year. Materials and supplies have hit the annual budget amounts.
 - **Rentals** – Under budget at the end of April. No contracted services required to date.

- **Protection** – The Protection expenses are close to budget with 67.13% remaining in the budget.
 - **Police Services Board** – Over budget, flyers purchased exceeded miscellaneous expense budget.
 - **Emergency Measures** – Currently below budget, but in line with prior year spending.
 - **911 Emergency access** – This budget only includes the Central Emergency Reporting Bureau contract, and this was paid for the entire year in February.
 - **Health and Safety Committee** – None of the budgeted training exercises or ergonomic initiatives have taken place in 2021 yet.

- **Transportation** – The Transportation Department expenses to date are under budget with 75.05% remaining in the budget.
 - **Roads/Bridge Maintenance/Paved, Surface Treated, Loosetop Roads** – Overall spending is under budget however actuals are in line with prior years.
 - **Winter Control Maintenance** – Winter control maintenance is a little better than prior year actuals with 46.72% remaining at the end of April. Prior year at the end of April there was 40.70% of the budget remaining.
 - **Safety Devices Maintenance** – Currently under budget, however this budget is mainly related to line painting work. At the end of April actuals are in line with prior year and will expect this budget to be utilized once line painting work is complete.
 - **Warehouse** – Warehouse budget no longer includes utilities for all of the operations building, this has been reallocated to 390.

- **Environmental** – The Environmental Department expenditures are under budget with 73.88% remaining. 73.88% left in the budget in Water & Sewer and 73.47% remaining in Solid Waste.
 - **Storm Sewers** – Expenses under budget but in line with prior year spending. More storm sewer work expected during the summer months.
 - **4R Initiatives** – No spending yet in 2021 in this department. Mainly used for recycling and cleanup programs.

Water & Sewer – Overall Water & Sewer expenses are below budget at the end of April.

- **Treatment Plants** – Both Water and Sewer treatment plant are currently under budget. Part of this is due to the timing of hydro invoices. At the end of April we are behind by 1 month. This timing difference will bring us closer to budget.
- **Sanitary and Waterworks** – Close to prior year spending. Wages can vary between Waterworks and Sanitary System as required.
- **Lift Stations** – Very little spent of the materials and supplies budget to date.

Solid Waste – Overall solid waste is below budget.

- **Garbage Collection** – Under budget but in line with prior year spending
- **Transfer Facility** – Comparable to prior year spending. Repairs and maintenance, materials and supplies, and contracted services are under budget.

- **Health Services** – Health Services are right on budget at the end of April.
 - **Cemetery** – The budget is higher in 2021 to be more in line with prior year actuals. Expenses recorded in April are in line with prior year.
- **Social and Family Services** – Social and Family Services is right on budget at the end of April.
- **Community Services** – Overall Community Services expenses are below budget with 76.61% remaining.
 - **Parks/Anicinabe/Coney/Norman/Harbourfront/Ballfields** – All seasonal departments not expected to have much expenses until the summer months. Harbourfront has no expenses at the end of April but we will expect this to increase in May as the flower contract begins.
 - **KRC Complex** – Currently under budget and behind last year actuals at the end of April. Janitorial services are significantly less in 2021 than the beginning of the year in 2020.
 - **Thistle & KM Arena** – Repairs and maintenance and wages are still ongoing in these departments, expenses are only slightly less than prior years.
 - **MSFC Pool** – Expenses are below budget and below last year's spending for the first four months in 2021 as expected with the recreation centre being closed for the majority of that time.
 - **Teams and clubs** – Budgeted \$8,000 to each community club, Central, Evergreen and Rideout. These are typically paid out once forms are submitted to the City's Parks and Facilities Division Lead. Rideout & Evergreen are to be paid out in May/June.
- **Planning & Development** – Planning & Development expenses are closer to budget with 70.76% remaining in the budget. With the exception of below, most departments in Planning & Development were comparable to prior year actuals.
 - **Planning Operations** – Planning Operations expenses are slightly higher than last year at the end of April, this is expected as last year at this time we did not have a full time City Planner for the first part of the year.
 - **Labour Action Centre** – These expenses are fully funded, the program was extended for 3 months to the end of August.

User Fees:

- Overall, user fees are below budget projections with 82.35% remaining to be collected at the end of April.
- **General Government**
General Government overall is closer to budget with 71.31% left to collect at the end of April.
 - **City Clerk** – Under budget and below last year's revenues in April. Marriage licenses and lottery licensing fees seem to be the most affected by COVID.
 - **Rentals** – Rentals are in line with budget and comparable to prior year actuals at the end of April.

- **Protection to Persons and Property**

Protection to Persons and Property is below budget at the end of April with 71.99% remaining.

- **Fire Department** – Highway Rescue calls are up from prior year at the end of April.
- **Building Inspection** – Building inspection lower than budget and lower than last year at this time. Revenues can vary from month to month as they are dependent on development in the community.
- **Provincial Offences** – These revenues are recorded on a quarterly basis and are dependent on fines assessed in the area. January to March has not yet been recorded.

- **Transportation Services**

Transportation user fees are under budget with 73.02% remaining.

- **Conventional Transit** – Only slightly lower than prior year at the end of April. This is expected as COVID did cause a decline in ridership.
- **Metered parking** – In 2020 we saw that COVID caused reduction in traffic and parking, we see this continued reduction in parking and traffic moving into the first quarter of 2021. With the first four months recorded we are behind last year's actuals by \$36,000.
- **Docks** – User fees in 2021 are currently better than last year at the end of April with only 24.63% remaining in the budget.

- **Environmental Services**

Environmental services user fees are under budget with 83.86% of the revenues remaining. 75.54% of Water & Sewer User fees are also still to be collected and 70.00% of Solid Waste User fees.

- **Blue box collection** – The first quarter of blue box collection users fees have been recorded and is in line with user fees for the first quarter of 2020.

Water & Sewer

- **Water and Sewer** - Water & Sewer user fees are typically one month behind budget. Water & Sewer user fees have 75.40% and 75.67% remaining in the budget respectively which is close to the expected one month behind budget.

Solid Waste

- **Garbage Collection** – Bag Tag sales still higher than prior year at the end of April. This is in line with the increased bag tag sales trend in 2020 due to COVID.
- **Transfer Facility** – Tipping fees currently lower than budget but in line with prior year's actuals. Typically we see higher volume at the transfer station during the summer months.

- **Community Services**

Community Services are below budget with 95.29% left to collect. This is expected with all departments in the recreation centre, as the entire building has been closed due to COVID. The other departments in Community Services are seasonal and typically don't see revenues until the summer months.

- **Planning and Development**

Planning and Development user fees are under budget with 86.31% remaining to be collected. User fees in planning and development vary from year to year and depend on activities and developments in the community. Much of the revenues in Planning and Development come from our tourism departments and these don't typically see revenues until the summer months.

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.



May 31, 2021

City Council Committee Report

TO: Kyle Attanasio, CAO

**FR: Charlotte Edie, Director of Finance
Roberta Marsh, Director of Human Resources**

RE: Municipal Asset Manager

Recommendation:

That in accordance with City of Kenora Recruitment Policy HR-1-1, Council hereby approves the creation of a new position - Municipal Asset Manager, to lead the City of Kenora's Asset Management Program.

Background Information:

A 2015 Organizational Review identified the need for the introduction of a strong asset management role to move the organization from reactive maintenance to the development of a 10-year capital program for asset renewal. The review identified that due to reactive maintenance activities the City was incurring higher than expected operating costs in some areas.

Moreover, asset management was highlighted as a high risk in the comprehensive service delivery review conducted by Optimus SBR earlier this year. In its recommendations Optimus cited a dedicated resource was needed to support asset management. Specifically recommending the City work to identify and define the skills, knowledge, and expertise required to support the foundational development of the Asset Management Program and to effectively lead the evolution of the Asset Management Plan.

With the support of grant and other provincial funding The City of Kenora has leveraged Public Sector Digest to support and update our plan. The City retained Public Sector Digest (PSD) in 2018 to develop a Capital Prioritization Process. Most recently PSD was engaged to bring the Asset Management Plan into compliance with Ontario Regulation 588/17,

O. Reg. 588/17: ASSET MANAGEMENT PLANNING FOR MUNICIPAL INFRASTRUCTURE came into force January 1, 2018.

The Regulation sets out to direct persons responsible for the municipality's asset management planning, including the executive lead, to establish key progress points designed to support municipalities in the development and advancement of their strategic asset management policy and plans; and a schedule for review and public reporting.

Date	Progress Point	Critical Path	Requirement for Review
July 1, 2019	Strategic asset management policy	Endorsed by the CAO, approved by resolution passed by Council	Every 5 years (2023)
July 1, 2022	Asset management plan for core municipal infrastructure assets	Endorsed by the CAO, approved by resolution passed by Council	Every 5 years (2026)
July 1, 2024	Asset management plan for all municipal infrastructure assets	Endorsed by the CAO, approved by resolution passed by Council	Every 5 years (2028)
July 1, 2025	Asset management plan with: <ul style="list-style-type: none"> Proposed levels of service for the next 10 years, using provided metrics for core infrastructure and municipally created metrics for other infrastructure An explanation of why the proposed levels of service are appropriate, including risks, affordability and whether they are achievable The proposed performance of each category for each year over 10 years A lifecycle management strategy A financial strategy Document and address available funding as well as funding shortfalls An explanation of any other key assumptions 	Endorsed by the CAO, approved by resolution passed by Council	
July 1 st of each year	Annual reporting on the Asset Management Plan, specifically: <ul style="list-style-type: none"> (a) progress in implementing the asset management plan; (b) factors impeding the ability to implement the plan; and (c) Strategy to address and/or mitigate the factors described in clause (b). 	Endorsed by the CAO, approved by resolution passed by Council. (Requirement to post current strategic asset management policy and asset management plan on the City's website and preparation of hard copy format to be provided upon public request.	Annual

**As of March 15, 2021 the Ministry of Infrastructure amended [O. Reg. 588/17: Asset Management Planning for Municipal Infrastructure](#) to extend the timelines under the regulation.*

There is an expectation that the City will be completing a full overhaul of their Asset Management Plan later in 2021 as the City waits to be approved for funding through FCM's Municipal Asset Management Program.

Municipal Asset Manager

Reporting to the Director of Finance, the Municipal Asset Manager will foster strong collaborative relationships with the SLT and the Municipal Engineer to advance the municipality's goals, policies or plans that are supported by its asset management plan.

The Municipal Asset Manager will align strategy and organizational business/service objectives with investments in order to achieve specific benefits creating a clear line of sight between objectives and work by exercising the City's corporate investment planning, capital and operating budget processes, and project management methodologies, standards and tools to:

- Develop and manage the City's Asset Management plan and the investment plan.
- Provide oversight and governance for projects delivered by the departments.
- Provide general management of the City's Asset Management Program.
- Provide ongoing collection and dissemination of project information.

This position is critical to the development of the municipality's budget and future long-term financial plans, giving Council a greater understanding of the City capital assets and their condition, including a detailed return on investment to support decision making and capital planning.

The Municipal Asset Manager will work to develop process to ensure compliance and alignment between asset management planning and financial plans related to:

- Water and Wastewater assets including any financial plans prepared under the *Safe Drinking Water Act, 2002*.
- The municipality's official plan including any relevant policy statements issued under subsection 3 (1) of the *Planning Act*, any provincial plans as defined in the *Planning Act* and Ontario's land-use planning framework.
- Capitalization thresholds to determine the inclusion of assets and how the thresholds may compare to those in the municipality's tangible capital assets as defined in the Tangible Capital Assets Policy AF-6-1.

In addition the Municipal Asset Manager will engage and involve Council while creating opportunities for municipal residents and other interested parties to provide input into the municipality's asset management planning.

Budget:

A review of the municipal asset management function and industry best practice has supported the development of the Municipal Asset Manager Position description. Job evaluation has ranked this position equivalent to that of the City's Municipal Engineers, placing the salary in the senior professional band (Band 22). It is anticipated that the net impact to the 2021 operating budget will be approximately \$74,794.66.

Due to vacancies and delays in hiring as a result of COVID-19 and ongoing recruitments the addition of this position can be managed within the 2021 approved budgeted staff complement.

Risk analysis:

Risk related to ongoing capital requirements has been assessed as high to critical, mitigated through a strong asset management plan to identify the right assets to replace at the right time to make the best use of our dollars. The infrastructure deficit and need to ensure reliable infrastructure and ongoing capital programs has been assessed as critical, mitigated through the creation of a strong asset management plan.

Failure to approve the creation of a Municipal Asset Manager will result in the City's inability to meet the requirements set out in the regulation and will pose risk to the City's ability to secure funding as asset management plans that meet compliance criteria are now a required prerequisite for most funding opportunities.

Communication Plan/Notice By-law Requirements:

Recruitment will be initiated in accordance with the City of Kenora Recruitment Policy HR-1-1.

Strategic Plan or other Guiding Document:

2-1 The City will ensure that our municipal infrastructure assets are managed and maintained using available resources through a robust asset management plan and process, with the intent of moving towards all City infrastructure being in a good state of repair to ensure certainty, security and long-term stability of our systems.

2-2 The City will keep in the forefront that there is a significant infrastructure deficit, and current and future Councils will need to continue to work towards allocating sufficient resources to be able to adequately address this issue.

City of Kenora
Municipal Asset Manager – Job Description

Under the general direction of the Department Director, this position will lead the City of Kenora's Asset Management Program which includes implementation of the Asset Management Policy and processes, investment planning, oversight of departmental programs or projects by managing key performance metrics and benefit realization results.

By utilizing the Corporate Investment Planning, Capital and Operating budget processes, and Project Management methodologies, standards and tools, this position will align strategy and organizational business/service objectives with investments in order to achieve specific benefits creating a clear line of sight between objective and work.

As the Municipal Asset Manager you will:

- Develop and manage the City's Asset Management plan and the investment plan.
- Provide oversight and governance for projects delivered by the departments.
- Provide general management of the City's AM Program.
- Provide ongoing collection and dissemination of project information.

Your education and qualifications include:

- Bachelor's Degree in public sector management, computer science, architecture, commerce, civil technology/engineering or finance or an acceptable equivalent combination of education, training, and experience.
- Successful completion of the associated professional designations in addition to the education listed above would be an asset including obtaining a P.Eng., C.E.T/A.Sc.T, MRAIC, CMA, CGA, MBA, CA, or CPA.
- Attainment of a Project Management Professional (PMP) designation/Prince II certification and certification in Asset Management, and change management training at the time of hire is desirable. Applicants who have not yet attained these certifications would be required to obtain within a 6 year timeframe.
- Certificate in Quality Management would be considered an asset.
- Minimum of 7- 10 years' experience related to the duties listed above in Asset Management including Investment Planning and Project Delivery, preferably in a public sector environment.
- Experience with strategic planning at a senior level, including managing complex organizational change and determining and setting priorities based on organizational mandates and initiatives.
- Experience providing strategic advice, leadership and guidance to Senior Management on multiple projects/programs including complex capital projects.
- Previous success leading large-scale change initiatives, navigating complex environments and influencing desirable outcomes through positive and collaborative relationship management.
- Excellent analytical, problem-solving and decision-making skills.
- Excellent verbal and written communication skills with the ability to communicate with all levels of staff, stakeholders and the general public.
- Demonstrated skills and experience in Microsoft Office Suite (Word, Excel, Outlook, SharePoint, PowerPoint) including experience with Project Management Systems such as Microsoft Project or similar/equivalent software.
- Proven ability to deliver presentations and communicate effectively both orally and in writing.

- Demonstrated commitment towards continuous learning, growth, and the achievement of high performance.
- Strong organizational skills with proven ability to set priorities and meet deadlines under pressure.
- Experience in a municipal environment would be considered an asset.
- Comprehensive understanding of the City's political and administrative structure and its strategic goals and policies.

DRAFT



May 31, 2021

City Council Committee Report

TO: Kyle Attanasio, CAO

FR: Charlotte Edie, Director of Finance/Treasurer

RE: Rotary Peace Park Tax Deduction Request

Recommendation:

That Council hereby authorizes the issuance of tax receipts for any donation of \$50 or greater made to the City of Kenora up to December 31, 2022, unless otherwise specified, to be used specifically towards the development of the Rotary Peace Park; and further

That the City will pay the invoice(s) for the actual expenses incurred, direct to the appropriate supplier(s) for the construction of the park to a maximum of the actual donations received; and further

That the issuance of tax receipts for donations for the peace park be restricted specifically to the 2021/2022 construction.

Background:

In October 2020 Council supported and authorized the use of the green space located at First Avenue South as a peace park. In January 2021 Council executed the Memorandum of Understanding between the Kenora Rotary Club and the City of Kenora authorizing the conversion and maintenance of the peace park.

The City of Kenora has been asked to accept the donations and issue tax receipts for any donation of \$50 or greater made to the City of Kenora up to and December 31, 2022.

Budget:

There are no expected budget impacts as a result of this report.

Risk Analysis: The risk associated with this report is a positive risk and it is low.

Communication Plan/Notice By-law Requirements:

Kenora Rotary Club



May 31, 2021

City Council Committee Report

TO: Kyle Attanasio, CAO

FR: Bruce Graham, Risk Management & Loss Prevention Officer

RE: Municipal Insurance Renewal

Recommendation:

That Mayor and Council accept the proposal for renewal of Municipal Insurance as presented by Gillons and Intact Public Entities (formerly Frank Cowan Company) in the amount of \$445,365.00 excluding taxes; and further

That Council accept the proposal for Volunteer Firefighter Coverage as presented by VFIS in the amount of \$6,298.00 excluding taxes.

Background:

The proposal for the Municipal Insurance represents an overall increase of 24.2% compared to last year. Last year's premiums for property, automobile, and general liability, exclusive of taxes, were \$358,495.00, compared to this year's proposal of \$445,365.00. This increase is due to hardening of the market, our municipal claims history, and an increase in property limits.

The 2021 proposed renewal from Gillons and Intact Public Entities (formerly Frank Cowan Company) includes the following changes:

The General Liability premium has increased by 9% from \$98,878.00 to \$107,773.00. This increase is reflective of general market increases as well as claims related increases.

The Errors and Omissions Liability has increased by 9% from \$9,898.00 to \$10,789.00. This increase is reflective of general market increases and possibly claims related increases as well.

The Crime premium has increased by 3% from \$1,405.00 to \$1,447.00. This increase is reflective of general market increases.

The Property premium has increased by 31.5% from \$164,527.00 to \$216,323.00. This increase is the result of adjustments to some of our building valuations, the addition of buildings that were not included last year, and claims related increases.

The Equipment Breakdown premium has increased by 2% from \$10,080.00 to \$10,282.00. This increase is the result of equipment valuations being adjusted.

There are premium increases in all areas of our Automobile coverage. The primary reason for this is that with the transfer of ownership from Frank Cowan Company to Intact Public Entities all of the contracts with the Guarantee Company of North America were cancelled and Intact Public Entities is underwriting all of the Automobile coverages directly. There are also claims related increases involved. Overall, the Owned Automobile has increased 27% from \$49,110.00 to \$62,370.00 and the Owned Automobile – Transit has increased 470% from \$2,006.00 to \$11,443.00. The Transit increase is primarily reflective of market increase but there is also claims related increases.

The proposal for Volunteer Firefighter Coverage from VFIS of \$6,298.00 represents a 1.7% increase over last year. This is the first increase we have seen in this coverage for a number of years.

Although we did not do a full RFP for our insurance coverage this year, our broker did request a quote from Marsh, for market comparison purposes. The report from Marsh is included as an attachment. Their quote for coverage is \$657,256.00 and can be found on page 61 of their report.

The 24.2% increase proposed by Intact Public Entities (formerly Frank Cowan Company) seems reasonable compared to the quote received from Marsh, and when compared to renewal rates reported by other municipalities in northwestern Ontario. Ignace reported an increase of 23%, Red Lake reported an increase of 42%, Thunder Bay reported an increase of 45%, and Terrace Bay reported an increase of 53%.

The 2021 Municipal Insurance Program Renewal Report as prepared by Intact Public Entities (formerly Frank Cowan Company) is also included as an attachment.

Budget: As per 2021 budget.

Risk Analysis: There is no perceived risk with this recommendation, and in fact, this recommendation is being made to mitigate and transfer existing risks.

Communication Plan/Notice By-law Requirements:

Upon approval by council, the appropriate renewal documents will be signed.

Strategic Plan or Other Guiding Documents:

Goal #1: Develop Our Economy

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

The Gillons office is in Kenora and is a very active part of the local business community.

Goal #2: Strengthen Our Foundations

2-1 The City will ensure that our municipal infrastructure is maintained using available resources with the intent of moving towards all City infrastructure being in a good state of repair to ensure certainty, security and long-term stability of our systems.

By maintaining adequate insurance coverage we are ensuring that our assets are protected from loss.

June 1, 2021



City Council Committee Report

TO: Kyle Attanasio, CAO

FR: Roberta Marsh, Director of Human Resources

RE: Non-Union Pay Equity & Compensation Review

Informational Report Only:

The City of Kenora recognizes the importance of maintaining competitive compensation programs and, as such, surveys external market trends. March 19, 2019 Council approved the Salary Administration Policy #HR-3-1 and directed Administration to amend By-law 33-2019 to include the policy the Comprehensive Policy Manual accordingly.

The purpose of #HR-3-1 Salary Administration Policy is to define and outline the City of Kenora's salary administration policy, and provide for a fair and competitive compensation package for Non-Union staff. The Policy directs Administration to perform an external salary survey every five years or as requested by the CAO to compare the current salary levels for City of Kenora Non-Union staff to the external market and to provide report to Council for approval.

The City's Policy ensures compliance with the Province of Ontario's Pay Equity Act specifically the requirement to develop a gender-neutral methodology that brings clarity, objectivity and consistency to our compensation program. This further enables Administration to accurately compare against other job designs in the market and creates data-supported reward systems that are demonstrably "fair" – both internally and externally. In so doing, we strengthen the employer value proposition, significantly boost employee engagement and ensure an optimal return on reward investment.

Approximately 43% of the City's workforce have ages 50 or over and virtually all departments are facing pending retirements. The 2015 Organizational Review highlighted the risk to corporate memory loss is an issue that must be addressed. In addition to pending retirements the review identified gaps in key positions, and within the existing organization structure as in terms of providing adequate senior second in command positions in departments that possess the knowledge, skills, and experience for succession and to support development of existing staff. The report highlighted that in some cases conversion of existing resources is recommended in others injection of a net new is required.

Rationale

The City of Kenora is committed to a policy of salary administration which is internally and externally competitive and equitable, and that also recognizes and encourages individual performance through goal-setting and successful evaluation. The City of Kenora recognizes the importance of maintaining competitive compensation programs and, as such, surveys external market trends. Other factors such as internal labour agreement settlements, pay equity, and approved budget funding are also considered in determining the City of Kenora's compensation strategy.

Compensation serves a number of critical needs of both an organization and its employees. It enables the City of Kenora to attract qualified and experienced staff necessary to deliver on the level of service that citizens depend on and value. Attracting the right balance of external to internal candidates provides the City of Kenora with the opportunity to inject new experience, skills and knowledge marrying it with organizational memory and wisdom, strengthening service continuity, performance, and innovation, while fostering an exciting and knowledge enriched environment to grow internal talent development supporting succession.

Total compensation accounts for 48% of The City's operating budget. As a Public Service we have a responsibility to manage tax and payer-funded services efficiently and cost-effectively. Examining compensation demonstrates The City's commitment to ensuring that our salaries are appropriate and aligned with the market and the economic climate.

Compensation systems are not static. There are many critical factors driving this compensation review. Economic impacts such as frozen property assessment, increasing costs of living in our region, and our City's ability to generate new revenue, and the far reaching impacts of COVID-19 has renewed focus on our largest expenditure. Our compensation structure must be financially sustainable, internally equitable and gender-neutral, as well as competitive with the market. We must be able to manage cost containment while aligning with the market in terms of base salary and benefits, pensions, and perquisites such as flexible work, to remain a contender for talent.

Through a five (5) phase process the Pay Equity Compensation Review will develop and conduct compensation survey to collect and gain useful insights into how current salary bands and overall compensation packages may impact employee engagement, retention, productivity and growth. Understanding our market positioning against comparable public and private sector organizations with respect to



total compensation including salaries, benefits, and pensions, will support Council in determining what actions should be taken to ensure that The City's total compensation program is competitive, affordable and financially sustainable.

Budget:

The Pay-Equity Compensation Review will be managed within the 2021 approved operating budget for Human Resources. Salary survey's will be constructed and administered in-house leveraging expertise through our human resource and finance teams. Expenses related to the purchase of salary data for key professional positions will be managed within existing budgeted resources.

Risk analysis:

Risk related to current and future recruitment needs has been assessed as high to critical. To ensure that the City's compensation structure is financially sustainable, internally equitable and gender-neutral, as well as competitive with the market comparison and review is required.

Failure to undertake pay equity compensation review may significantly impact our ability to manage cost containment while aligning with the market in terms of base salary and

benefits, pensions, and perquisites such as flexible work, to remain a contender for talent posing significant risk to the City's ability to secure talent with the knowledge and expertise required to meet legislative, service level, innovation demands and to strengthen our foundation.

Communication Plan/Notice By-law Requirements: By-Law 33-2019
HR-3-1 Salary Administration Policy

Strategic Plan or other Guiding Document:

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

Goal #3 Focus on our People

3-1 The City will review and implement as appropriate the recommendations as contained within the City's organizational review and approved by Council

3-2 The City will implement the directions and actions as outlined within the Human Resource Management (HRM) Strategy

3-6 The City will leverage the power of peer-to-peer knowledge transfer through mentoring to ensure the continuity of institutional skills and know-how



May 28, 2021

City Council Committee Report

TO: Kyle Attanasio, CAO

FR: Heather Pihulak, Director of Corporate Services

RE: Marriage Commissioner Contracts

Recommendation:

That three readings be given to a bylaw to execute an agreement between the Corporation of the City of Kenora and Jan M.M. Fletcher for the services of civil marriage commissioner for the City of Kenora on an as appointed basis effective January 1, 2021 ending September 30, 2021; and further

That three readings be given to a bylaw to execute an agreement between the Corporation of the City of Kenora and Rolanda Peacock for the services of civil marriage commissioner for the City of Kenora on an as appointed basis effective January 1, 2021 ending December 31, 2023; and further

That bylaw number 8-2018 be hereby repealed.

Background:

The Marriage Act, R.S.O. 1990, Chapter M.3 and Ontario Regulation 285/04 provides that a Clerk of a local municipality is authorized to solemnize marriages under the authority of a license. Subsection 228 (4) and (5), of the Municipal Act, S.O. 2001, c25, as amended, provides that a Clerk may delegate in writing to any person, other than a member of Council, any of the Clerk's powers and duties under this and any other Act and that the Clerk may continue to exercise the delegated powers and duties, despite the delegation.

Since the introduction of the Act, Council deemed it desirable to offer civil marriage solemnization marriage commissioner services in the City of Kenora and this service continues to be a popular service in the City for our many cottagers and visitors as well as local residents.

The agreement for Jan M.M. Fletcher is a renewal contract which will end September 30, 2021 as Jan retires and the contract for Rolanda Peacock is a new appointment.

Budget: Operating budget

Communication Plan/Notice By-law Requirements: N/A

Risk Analysis:

There is a moderate to low risk associated with these agreements. The commissioners are well trained and well versed with the Marriage Act of Ontario and carry personal liability insurance which covers them for performing ceremonies outside of Municipal property.

Strategic Plan or Other Guiding Document: Administrative Only



June 3, 2021

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Heather Pihulak, Director of Corporate Services

Re: 2022 Municipal Elections

Recommendation:

That Council gives three readings to a bylaw authorizing the use of alternative voting methods, including internet and telephone voting for the 2022 Municipal Election; and further

That the Clerk be authorized to select vendors for the provision of the 2022 Municipal Election; and further

That the Clerk be delegated authority to execute any agreements necessary to implement the 2022 Municipal Election.

Background:

The 2022 Municipal Elections are right around the corner and the Clerk, who is also the returning officer for the municipal elections, must begin preparations the year prior to the election to meet several legislated deadlines.

The next municipal election will be held Monday, October 24, 2022. The last municipal election was held on October 22, 2018. Prior to the the passage of the Good Government Act, 2009 and the vote in 2006, the period between elections had been 3 years. For example, 2000, 2003 and 2006 were municipal election years. The Legislative Assembly of Ontario legislation (Bill 81, Schedule H), passed in 2006, set the length of terms in office for all municipal elected officials at four years.

The Municipal Elections Act, 1996 regulates the conduct of municipal and school board elections in Ontario. In addition to providing regulation of candidates and electors, the Act also sets out roles for municipal clerks and councils.

The Municipal Elections Act, 1996 covers administration of the election process, including:

- Elections of persons
- Questions on the ballot (aka - referendums)
- Roles and responsibilities of the municipal clerk, municipal council, school board, school board secretary, candidates, electors
- Rules related to voting, voter and candidate eligibility
- Method of voting
- Campaign and campaign finance rules
- Compliance, enforcement and penalties

The Ministry of Municipal Affairs and Housing reviews the Municipal Elections Act, 1996 after each Ontario municipal election to determine if it meets the needs of Ontario communities. Changes to the election calendar reflect recommendations from the public, municipal councils and municipal staff to shorten the election campaign period.

The first day that nominations can be filed for a regular election will be Monday, May 2nd. Nomination day (the deadline to file a nomination) for a regular election will move to Friday, August 19th. A number of other deadlines related to regular elections have also changed:

- February 19th – is the last day to provide notice to the public and the Minister of the intention to pass a by-law to submit a question to the electors;
Note: At least one public meeting must be held, to consider the matter, prior to passing a by-law to submit a question to the electors;
- March 31 - No by-election shall be held after this date;
- April 20 - Last day for municipalities and local boards to establish rules and procedures regarding the use of municipal and/or board resources during the election campaign period;
- May 1- Last day to pass a by-law authorizing the use of voting and vote-counting equipment and/or authorizing electors to use an alternative voting method;
- May 1 - Last day to pass a by-law with respect to the circumstances in which the clerk shall hold a recount;
- July 31 - Last day for MPAC to deliver the preliminary list for each local municipality, unless another date earlier than September 1 has been agreed upon or prescribed by the Minister;
- August 19 - Nomination Day, nominations may only be filed between 9 a.m. and 2 p.m. A candidate who wishes to withdraw their nomination must notify the clerk in writing before 2 p.m. Last day to revoke a by-law to submit a question to the electors;
- September 24 - First possible day to hold an advance vote;
- October 24 - Voting places are to open at 10:00 a.m. and close at 8:00 p.m., unless an earlier opening or reduced voting hours have been established by the Clerk;
- November 15 – New Council term begins

2018 Election Electoral Results in Online Elections Study

In 2018, the City participated in a study of alternative voting which was conducted by the the School of Poitical Studies with the University of Ottawa. This study captures data to reflect the electoral effects of internet voting. The data was released to me in late 2019 which was a paper research reflecting Canadian participation.

In jurisdictions which reported the data, internet voting was the preferred medium for a majority of voters among all age groups. Use of electronic voting is highest among voters under 50 years of age, and lowest among those over 80, but above 50% for even the oldest electors. While the greater enthusiasm for online voting among younger voters conforms to expectations, unfortunately the comparative turnout rates across different age groups is not determined. Moreover, the available data does not make inferences about the effect of online voting on turnout for different age groups; while we know that only 53% of voters over 90 voted online, compared almost 85% of those under 30, we are unable to determine how many of these voters would still have voted had electronic voting not been an option. Given the modest results in our regression models, it would appear that while the majority of voters chose to vote online when given the option, they would have voted anyways, if there was only in person voting available.

While still very limited in its implementation, online voting has been expanding in use within both Canada and elsewhere. With the general increased interest in distance voting spurred by the impacts of the global Covid-19 pandemic, online voting will inevitably seem an increasingly attractive option to many municipalities. Throughout the past year, and more than ever, the public has become far more reliant on communication through electronic means and voting should be no different.

The 2018 Municipal Elections Post Election Summary Statistics Include:

	Province	Northeast	Northwest	North	West
Total Average Voter Turnout %	41.62%	42.33%	44.0%	39.5%	40.87%
Average Voter Turnout %					
-Using traditional voting methods only	33.85%	37.59%	32.01%	36.75%	30.64%
-Using alternative voting methods only	38.14%	44.90%	51.05%	47.19%	38.41%
-Using traditional & alternative methods	39.23%	44.80%	50.31%	46.26%	38.50%
- Telephone voting	41.00%	41.70%	51.11%	48.89%	41.78%
- Internet voting	40.96%	45.95%	51.11%	47.97%	40.64%
- Vote by mail	39.53%	43.20%	46.67%	43.25%	41.27%

2018 Local Statistics

In the 2018 elections for Kenora, the total number of electors were **10,599**. Total count of recorded voters were **5,299** for a total voter turnout of 50.0% which is well above the provincial average and comparable to the Northwestern Ontario average.

Electors by Age	# of Eligible Voters	# Voted
18-29	1,259	363
30-39	1,416	529
40-49	1,431	673
50-59	2,114	1,173
60-69	2,191	1,399
70-79	1,228	758
80 +	686	386

2022 Recommended Election Voting Method

Internet and telephone voting has been used extensively in municipal elections throughout Ontario with very positive results. The number of municipalities moving in that direction is increasing.

The City of Kenora used alternative voting methods for the 2014 and 2018 elections including vote by telephone and internet. Based on the enhancements and natural evolution of the use of the internet, the next cycle is proposed to use primary internet voting with the option for telephone voting.

While the specific procedures have not been established, the general process for vote by internet/telephone is as follows:

- Eligible electors on the voters' list receive an individual letter in the mail with a personalized PIN
- Users log into the identified site, or dial the toll free number provided, with their PIN and a second identification feature will be requested at time of log in/call

- Users cast their ballot online through a variety of prompted screens or prompts on the call
- After ballot is completed and verified, the elector is noted as voted and the PIN is no longer active

Electors can use any device that has access to the internet including smart phones, tablets, computers, telephone to cast their ballot.

A common criticism of internet voting is unreliable access to internet or familiarity with technology. Although voting locations will be made available again such as City Hall, Library, senior home complexes, recreation centre, etc, some users may still not wish to cast their ballot through the internet. For this reason, vote by telephone is offered to run concurrently.

Communications remain a vital component for the successful administration of the upcoming election for the candidates, electors and third-party advertisers. The type of voting method and amended legislation are key elements to be communicated to the public.

During the first election that the City of Kenora used alternative voting method, the City partnered with 47 municipalities and the University of Toronto, Munk School of Global Affairs to conduct a survey on internet voting. Working together, we gathered the most data available on the topic of internet voting than any other study to date.

The option of voting by Internet was made available to approximately 2.4 million electors in the 2014 election or about one quarter of the provincial electorate. Worldwide, the 2014 Ontario municipal election was the largest deployment of Internet voting in local elections to date and represents a significant shift toward electoral modernization at the municipal level in Canada. Despite Canadian municipalities' widespread use of online voting technologies, and the international importance of Ontario communities as the biggest adopter of the alternative voting method, there has not been much examination of how Internet ballots impact these elections. In 2018, results were similar with increased municipalities participating in alternative voting.

Generally municipalities have been pleased with the outcomes and effects of Internet voting. The results of the last two studies strengthen our understanding of how the use of Internet voting in local Ontario elections impacts stakeholders and teach us about their attitudes and opinions of the technology. Overall, these studies finds strong support for Internet voting among voters, candidates, and election administrators in Ontario. In addition to high levels of satisfaction among all three groups, voters and local government administrators say they would like to see online ballots offered in elections at all levels of Canadian government.

When it comes to the effects of Internet voting, commonalities between Internet voters, candidates and election administration include perceptions of improved electoral accessibility and convenience. Convenience, in particular, is the biggest motivation for voters (both Internet and paper) and is identified as a benefit by electoral administrators. All three groups clearly communicate that Internet voting makes the voting process 'easier' and adds efficiencies to the election process more generally.

Comments suggest Internet voting delivers improvements in voter turnout. While in some cases the deployment of Internet voting is accompanied by increases in voter participation, it is more likely this observation is a reflection of changes in turnout patterns brought about by Internet voting, particularly when it is offered in the advance portion of an election only. It is likely this is what many stakeholders (e.g. candidates)

observed as opposed to increases in overall turnout. This report cannot make a determination as to whether Internet voting delivers increases in turnout as there are many contextual factors that impact the number of electors who turn out, such as the salience of election issues, closeness of the race, acclamations, and other factors. Certainly Internet voting seems to attract those who already identify as committed voters and therefore are likely to vote anyway. For a small group of reported non-voters, however, the option of Internet voting seems to be sufficiently motivating to engage them in the voting process. Internet ballots are also the preferred remote voting method for those who are unable to make it to a physical poll location.

Locally, the process of internet voting was very streamlined being our second election using alternative voting. Issues could be addressed quickly and the results on election night were within an hour of the polls closing.

In the 2018 election the municipalities of Red Lake, Dryden, Sioux Lookout and Kenora partnered to jointly award a contract to the same company to conduct our election platforms. The municipalities were pleased with the company and by jointly proceeding with a return contract for this election, we will be afforded a 3% discount for each municipality.

While criticism is still a factor in alternative voting methods, overall, Internet voting receives positive reviews from the election stakeholders surveyed and is embraced as a welcome addition to traditional election processes. I recommend we continue with this alternative voting method for the 2022 election.

Budget: There is no budget impact in the 2021 operating budget, however, RFP's and contracts will begin in 2022 to secure service providers for the 2022 municipal election.

Risk Analysis:

There is a certain level of risk with any election type and the likelihood of an unforeseen circumstance may occur. Risk is mitigated to every extent no matter the election type selected and part of the requirement in the Municipal Elections Act is a requirement for the Clerk to develop emergency plans for each election. This plan will outline the steps should something take place outside the election platform plan. I would suggest there is a moderate risk (3) to the election process.

Communication Plan/Notice By-law Requirements: Bylaw required for alternative voting method

Strategic Plan or other Guiding Document:

The Municipal Elections Act, 1996



May 14, 2021

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Heather Pihulak, Director of Corporate Services

Re: Upcoming Council Vacancy

Recommendation:

That Council hereby accepts the resignation of Councillor Kirisi Ralko effective June 22, 2021; and further

That Council hereby appoints Robert (Bob) Bernie as a Councillor for the City of Kenora to replace the vacancy created by Councillor Kirsi Ralko effective June 22, 2021.

Background:

Council received notice from Councillor Kirsi Ralko on May 11, 2021 that she will be relocating to southern Ontario in August. This will create a vacancy on Council for the remainder of the term.

Section 259 (1) of the Municipal Act, defines a vacant seat being:

Vacant seat

259 (1) The office of a member of council of a municipality becomes vacant if the member,

- (a) becomes disqualified from holding the office of a member of council under section 256, 257 or 258;
- (b) fails to make the declaration of office before the deadline in section 232;
- (c) is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;
- (d) resigns from his or her office and the resignation is effective under section 260;
- (e) is appointed or elected to fill any vacancy in any other office on the same council;
- (f) has his or her office declared vacant in any judicial proceeding;
- (g) forfeits his or her office under this or any other Act; or
- (h) dies, whether before or after accepting office and making the prescribed declarations. 2001, c. 25, s. 259 (1).

Under Section 263 (1) of the Municipal Act, filling vacancies, Council has the discretionary options under this section on how they intend to fill the vacancy:

263 (1) If a vacancy occurs in the office of a member of council, the municipality shall, subject to this section,

(a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or

(b) require a by-election to be held to fill the vacancy in accordance with the Municipal Elections Act, 1996. 2001, c. 25, s. 263 (1).

Rules applying to filling the vacancy under Section 263 include:

- Within 60 days after the day a declaration of vacancy is made with respect to the vacancy under section 262, the municipality shall,
 - appoint a person to fill the vacancy under subsection (1) or (4), or
 - pass a by-law requiring a by-election be held to fill the vacancy under subsection (1).

Section 264 clarifies that a person appointed or elected to fill a vacancy under section 263 shall hold office for the remainder of the term of the person he or she replaced.

Given the timing of this vacancy, it is my professional recommendation that Council exercises their discretionary option to appoint an individual to the vacancy and avoid a by-election. With just over a year left in this term of Council, a by-election can be costly for the municipality and historically in other municipalities has very low voter turn out resulting in partial narrowed results.

In 2018, we had a member of Council resign in June of an election year and Council exercised their option to appoint a member under Section 263. The person selected by Council was a former Councillor who was not intending on running in the election that was quickly approaching. Council's decision at that time is they did not want to provide an unfair advantage to anyone who intended on running and the upcoming election and the term left was very short given that they would soon be entering the 'lame duck provisions' under the Elections Act.

Under the basis of this future vacancy, there is more than a year left in the term and therefore Council may make their decision based on other factors irrelevant of the 2022 election.

This term of Council had very specific aligned priorities and have had to face a great deal of adversities during their term which has either hindered or prevented Council from advancing those priorities. I believe it is the best interest of Council to choose an appointment that they feel will align well with those strategic priorities and work well with a team who has worked well together even when faced with a great deal of barriers. Important factors for Council to consider if they support an appointment versus a by-election:

- Council needs to have effective working relationships with a number of key audiences in order to successfully undertake their responsibilities.
- Working as a team with the rest of council and staff will contribute to making council a success. Disagreements among council members are common, but it is important to remember that you are working towards a common goal.
- It requires you to have a broader understanding of the issues that impact the municipality as a whole. You will have to consider conflicting interests and make

decisions that will not be popular with everyone. Generally, evidence-based decisions are made by taking into account all available information.

- Council has some very key initiatives that they are undertaking in 2021 and for the balance of their term. This person should be passionate about their community, focused on the betterment and continued improvement of our community and be willing to put in the dedicated time to Council initiatives.
- Ideally, since Council has the choice on an appointment, evaluating how well the individual will fit into the existing team and the value they will bring to the table will enable Council to continue to build on the momentum they already have underway and potentially bring an additional perspective to the table to further assist us in driving our priorities forward.

Council has been provided various options for potential appointments. Reviewing the former Council members, candidates from the 2018 election, and other people within the community who may sit on past or existing Boards & Committees or other members of the public who may bring value to the municipality who have expressed interest in municipal politics.

One of the 2018 candidates who regrettably withdrew his candidacy from the 2018 election is Bob Bernie. Bob withdrew due to the timing of his retirement and another project he had committed to on the heels of his retirement. At the time of the nomination, Bob expressed his strong desire to become involved in his community when he retired. His passion for Kenora and the betterment of Kenora as a whole remains at the forefront of his priorities. Throughout Bob's career as a police officer, he has demonstrated his community ties and strengths in his positions and has always gone above and beyond in his various roles. Bob has since retired from the OPP, but is working in a part-time community policing capacity to assist the detachment. He remains extremely interested in municipal politics and serving his community in this capacity. I believe Bob would bring a strong perspective to the table with his years of experience in policing and involvement in working with vulnerable people and would add a great deal of value to the Council team. While he does not have the direct governance experience that other potential candidates may have, this could easily be mentored through administration and other members of Council to assist Bob in learning those aspects.

Councillor Ralko has indicated her relocation date to southern Ontario as mid August. Appointing the replacement Councillor now will allow administration to begin the process of training and orientation to assist the member with getting up to speed on Council matters.

Budget: A by-election is estimated to cost approximately \$33,000 to administer. A Council direct appointment would have no budget impact.

Risk Analysis: This is a Council decision on direction of the Council vacancy. The risk associated with a by-election is higher to the continued success of Council priorities, versus selecting a candidate directly that they feel would be a suitable addition.



June 4, 2021

City Council Committee Report

TO: Kyle Attanasio, CAO

FR: Heather Pihulak, Director of Corporate Services

RE: Community Emergency Management Coordinator (CEMC)

Recommendation:

That three readings be given to a bylaw to appoint Kevin Gannon as the Community Emergency Management Coordinator (CEMC) for the City of Kenora effective July 26, 2021; and further

That Council appoints Kent Readman, Fire Chief, as the Alternate Community Emergency Management Coordinator (CEMC) for the City of Kenora; and further

That By-Law Number 181-2015 be hereby repealed.

Background:

In order to ensure the development and implementation of a municipal emergency management program in accordance with the Emergency Management and Civil Protection Act, each municipality in Ontario must designate a Community Emergency Management Coordinator (CEMC). The CEMC coordinates the development, implementation and maintenance of the community's emergency management program. Ontario Regulation 380/04 made pursuant to the Emergency Management and Civil Protection Act requires that every municipality to designate an employee of the municipality or a member of the Council as its Emergency Management Program Coordinator.

The Emergency Management Program Coordinator shall co-ordinate the development and implementation of the municipality's emergency management program within the municipality and shall co-ordinate the municipality's emergency management program in so far as possible with the emergency management programs of other municipalities, of ministries of the Ontario government and of organizations outside government that are involved in emergency management.

Budget: N/A

Communication Plan/Notice By-law Requirements: Bylaw Required. Update of EMO-Program Verification Form 4-1 CEMC Designation.

Strategic Plan or other Guiding Document:

Aligns with the City of Kenora's Values Goals and Corporate Actions:

2-1 The City will ensure that our municipal infrastructure is maintained using available resources with the intent of moving towards all City infrastructure being in a good state to ensure certainty, security and long-term, stability of our systems.

2-3 The City will ensure prompt and immediate response times supported by resilient communications in the event of system outages and other emergencies.

3-14 The City will forge stronger relations with neighboring communities and area municipalities by City staff, particularly those that help ensure tight co-ordination of emergency response situations, disaster relief efforts and clear communication protocols between the City of Kenora, the Ontario Provincial Police, and neighboring communities.



June 1, 2021

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Adam Smith, Director of Development Services
Heather Pihulak, Director of Corporate Services/City Clerk

Re: Amendments to Planning Advisory Committee Terms of Reference

Recommendation:

That Council gives three readings to a bylaw to authorize amendments to the Rules of Order and Procedure for the City of Kenora Planning Advisory Committee (PAC); and further

That by-law number 73-2021 be hereby repealed.

Background:

The amendments to the Planning Advisory Committee Terms of Reference is intended to improve the governance model used by the committee with the changes proposed designed to achieve the following:

Create more efficient meetings

In reducing the time allocated to questions and ensuring the focus is on the matters at hand, contentious agenda items can balance providing the public with an opportunity for input with a well-structured, timely meeting. This will be further supported by allowing only one roundtable of discussion/questions among members. Doing so is in alignment with the procedure of Council and still maintains an effective platform to deliberate on agenda items.

Formalize reporting structure

Greater clarification is provided in the Terms of Reference on the relationship with Development Services. The department serves as the only resource to the committee with requests for information being solely directed through it.

Clarify membership requirements

Lastly, the parameters of being appointed to the committee are clarified with emphasis on planning knowledge. Recent changes to Council's Boards and Committees Policy will allow staff to support Council in determining if this criteria is being met during recruitment.

Budget: N/A

Risk Analysis:

Moderate risk to service delivery however, this is deemed to be an opportunity to increase the efficiency of committee meetings which will create a more positive development environment.

Communication Plan/Notice By-law Requirements:

Notice By-law, Development Services, Planning Advisory Committee, Communications

Strategic Plan:

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'

3-4 The City will embrace the importance of empowering staff to make decisions that consistently demonstrate our commitment to making prompt, efficient and courteous customer service to our residents

The Corporation of the City of Kenora

By-law Number ~~73~~—2020

A By-law to establish a Terms of Reference and Rules of Order and Procedure for the City of Kenora Planning Advisory Committee

Whereas Sections 44 and 45 (1), (2), and (3) of the *Planning Act, R.S.O. 1990, c.P.13, as amended*, (the Act) allows a council of a municipality that has passed a bylaw under Section 34 of the Act to constitute and appoint, by by-law, a Committee of adjustment for the municipality; and

Whereas the Council of The Corporation of the City of Kenora has passed a Zoning By-Law under Section 34 of the Act; and

Whereas Council deems it advisable to constitute and appoint a Committee of Adjustment; and

Whereas Section 5(1) of the Act provides that, where the Minister has delegated any authority to a council under Section 4 of the Act, such council may, in turn, by bylaw, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority to a Committee of Council; and

Whereas Council deems it advisable to delegate Consent Granting Authority to a Committee of Adjustment which Council has designated such responsibility to the Committee; and

Whereas Section 15.6(1) of the *Building Code Act*, requires that a Property Standards By-Law provides for the establishment of a Property Standards Committee as set out in the *Building Code Act*; and

Whereas Council has passed a Property Standards By-Law; and

Whereas Council deems it advisable and expedient to appoint the Committee of Adjustment as the Property Standards Committee which Council has designated such responsibility to the Committee; and

Whereas Section 238(2) of the Municipal Act 2001 SO 2001 c 25 as amended states that every municipality and local board shall pass a procedure by-law for governing the calling place and proceedings of meetings; and

Whereas pursuant to subsection 54(7) of the Planning Act R S O 1990 c P 13 as amended a delegation of authority made by the Council may be subject to such conditions as the Council by by-law provides; and

Whereas the Council of the Corporation of the City of Kenora deems it expedient to reflect the current practices procedures and statutory requirements of Council and Committees of Council;

Now Therefore the Council of the Corporation of the City of Kenora hereby enacts as follows:

1. That Council establishes a Planning Advisory Committee comprised of the duties and responsibilities of a Committee of Adjustment as per requirements set out in The Planning Act.
2. That Council delegates its consent granting authority to the Planning Advisory Committee for purposes of a Committee of Adjustment.
3. That the responsibilities, duties and procedures of the Committee shall be established in accordance with Schedule "A" attached hereto and forming part of this by-law.
4. That the responsibilities and duties of the Committee shall include those of a Property Standards Committee, as per the Building Code Act;
5. That this by-law shall come into force and take effect upon the date of its passing.
6. That By-law Number 34-2014 be and is hereby repealed.

By-Law Read a First and Second Time this ~~21st day of April, 2020~~

By-Law Read a Third and Final Time this ~~21st day of April, 2020~~

The Corporation of the City of Kenora:-

Daniel Reynard, Mayor

Heather Pihulak, City Clerk

SCHEDULE “A”
To By-law Number 73 - 2020
City of Kenora Planning Advisory Committee

1.0 Establishment. Authority and Purpose

The Council of the Corporation of the City of Kenora establishes a Committee of Adjustment under the authority of Sections 44 and 45 (1), (2), and (3) of the Act, with delegated Consent Granting Authority under the authority of Section 5(1) of the Act, and such authority is executed by the Committee.

The Committee of Adjustment is appointed as the Property Standards Committee as per Section 15.6(1) of the Building Code Act, which forms part of the responsibilities of the Committee.

The purpose of the Kenora Planning Advisory Committee is to oversee the land use development of the City of Kenora, having regard to Provincial Policy, the City of Kenora Official Plan, and the City of Kenora Zoning By-law and to the principles of organized, reasonable development. The Committee is responsible for the duties and responsibilities of a Committee of Adjustment established under the authority of The Planning Act and its regulations, The Statutory Powers Procedure Act, The Municipal Conflict of Interest Act, Building Code Act and The Municipal Freedom of Information and Protection of Privacy Act and the common law concept of natural justice, and any other applicable municipal policies and by-laws.

Any responsibilities of the Members of the Kenora Planning Advisory Committee/Committee of Adjustment/Property Standards Committee (hereinafter referred to in this document as “the Committee”) not clearly identified within the Terms of Reference shall be in accordance with legislation as outlined in the above paragraph.

2.0 Roles and Responsibilities

The Committee is quasi-judicial body and advisory Committee to Council on some issues and is a decision-making body on other issues.

2.1 The Committee considers:

1. To act as the Committee of Adjustment and receive, process and make decisions on application for variances from the provisions of the Zoning By-law, to permit extensions, enlargements or variations of existing legal non-conforming uses as per the Planning Act.
2. To act as the Land Division Committee and receive, process and make decisions on applications for consent, to an owner of land who wishes to sell, convey or transfer an interest "part" of their land (i.e. creation of a new lot, lot addition, easement), per the Planning Act.
3. To act as the Land Division Committee and receive, process and make decisions on applications for consent when the terms of an agreement, such as a lease, easement or mortgage commits the land to a use for a period in excess of 21 years.
4. Per Ontario Regulation 353/02, Schedule 3, to act as the Land Division Committee to receive, process and make decisions on Applications for Plans of Subdivision and Plans of Condominium per section 5(1) and section 51 of the Planning Act, in consideration of City Staff recommendations.
5. To issue a "Certificate of Validation";
6. To make recommendations to Council on applications to amend the Zoning By-law;

7. To recommendations to Council on Official Plan Amendments as per the Planning Act.
8. To act as the Property Standards Committee, per the requirements of the Ontario Building Code Act and hear appeals such as required pursuant to the City of Kenora Property Standards By-law.
9. To carry out site inspections of subject properties as required/appropriate.
10. To receive, process and make recommendations to Council on any land or land use –related requests received by the City over which Council has approval authority.
11. To recommend policies and procedures regarding land development and land use to Council for possible implementation.
12. To maintain close liaison with Council through the Development Services Department of the City of Kenora.

2.2 The Chair shall:

- Preside at all Committee hearings and meetings and exercises authority and performs duties as required
- Provide guidance and leadership to the Committee in the completion of its mandate
- Enforce on all occasions the conduct of the Members
- Expel any person for improper conduct
- Control delegation protocol and process during hearings and meetings
- Preserve order and decorum and decides questions of order, subject to an appeal to the Committee by a Member and in the absence of the Chairperson, the Vice Chair, or Presiding Officer, shall have the same authority as the Chairperson while presiding at the meeting

2.3 The Vice Chair shall:

- Act in the Chair's absence and assumes the roles and responsibilities of the Chair.

2.4 All Members shall:

- Review applications sent to them in advance of the meeting
- Visit the site of each application prior to the meeting
- Attend the Committee hearings, consider applicant comments and make decisions in public regarding applications
- Contribute time, knowledge, skill and expertise to the fulfillment of the Committee's mandate.
- Declare where a pecuniary interest or possible pecuniary interest exists under the Municipal Conflict of Interest Act

2.5 All Members of the public shall:

Respect the decorum of the Committee and shall refrain from public outbursts shouting or behaviour intended to disrupt the debate discussion and or general proceedings of the Committee. The Chair may request that a member ~~s~~ of the public vacate the meeting room if their behaviour is deemed to be disruptive to the business at hand. The Chair may unilaterally suspend the meeting until order is restored in the meeting room.

3.0 Membership

3.1 The Committee shall be comprised of five (5) to seven (7) members appointed by resolution of the City of Kenora.

3.2 The members appointed to the Committee shall be members of the public and residents of the City of Kenora in accordance with Council's Boards & Committees Policy.

3.3 To support delivery of the Planning Advisory Committee's mandate, preference will be

given to persons with general knowledge of land use planning matters, including planning legislation, concepts or processes.

4.0 Term of Office

Members of the Committee shall hold office for the term of the council that appointed them.

Members of the Committee shall hold office until their successors are appointed, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his or her term, the council shall appoint another eligible person for the unexpired portion of the term.

Members of the Committee are eligible for reappointment, and where a member ceases to be a member before the expiration of their term, Council will appoint another eligible person for the unexpired portion of the term.

The advertising of vacancies and appointments to the Committee will be in accordance with the policies adopted by Council from time to time.

4.1 Recognition of Retiring Members

Retiring members will receive a letter of appreciation on behalf of the Mayor and Council at the end of their term if they are not reappointed, or if they voluntarily retire from their position on the Committee.

5.0 Quorum

Where a Committee is composed of three members, two members constitute a quorum, and where a Committee is composed of more than three members, three members constitute a quorum

5.1 Vacancy not to impair powers

A vacancy in the membership or the absence or inability of a member to act does not impair the powers of the Committee or of the remaining members.

6.0 Officers of the Committee

The Chairperson, Vice-Chair and other positions shall be elected annually from the membership of the Committee.

The Chairperson and Vice-Chair of the Committee shall also be the Chairperson and Vice-Chair of the Committee of Adjustment and Property Standards Committee.

The Secretary-Treasurer of the Committee shall be an employee of the City of Kenora. Appointment of the Secretary-Treasurer shall be made by By-law.

The Chairperson (or Vice-Chair in their absence) of the Committee shall act as liaison to Council through the Development Services Department.

A list of appointments of the Committee (Chairman, Vice-Chair applicable) shall be provided to City Council annually.

7.0 Meetings

The Committee shall meet monthly, on a day and time to be determined by the Committee, or more often at the call of the Chairperson. The schedule of the monthly meetings shall be established by the members at the first regular meeting of the Committee, annually.

- a) Special meetings may be called, if an Applicant has provided the appropriate fee, or as required in the cases of property standards appeals.
- b) All meetings shall be open to the public and no person shall be excluded except for improper conduct except as indicated in part c)
- c) All deliberations of the Committee shall be in open session and members of the public, including the applicant, authorized agent, applicant's representative and any respondents may be present during any such deliberations with the exception of those items which may be discussed in closed session in accordance with Section 239 of the Municipal Act 2001 R S O 2001 c 25 as amended

7.1 Absences

Members of the Committee, who are unable to attend the regular monthly meeting, are required to report their absences to the Secretary-Treasurer and Chair.

8.0 Electronic Participation by Members

Participation in Committee meetings by electronic means is permitted under the following conditions:

- The Secretary-Treasurer has the sole discretion to determine the electronic means of participation of requesting members.
- All meeting facilities must enable the meeting participants and the public to hear and or watch and hear, each other.
- ~~The Chair is required to be present in person. If the Chair is participating electronically an alternate Chair will be determined by those present.~~
- ~~Members participating electronically do not count in establishing quorum.~~
- Members cannot participate electronically in any closed session
- Outside of any provincial orders, No more than two (2) members can attend remotely at any given meeting. ~~in order to have the in-person quorum maintained.~~ As the number of members who may attend electronically is limited, the privilege to attend electronically shall be based on order of request.
- Members wishing to attend a meeting electronically shall provide a written request to the Secretary-Treasurer one (1) week in advance of the scheduled meeting, or in the circumstance of a Special Meeting, when the Special Meeting Agenda is distributed.
- There is no limit on the number of meetings that members may attend remotely.
- Members attending electronically may not have full visual access to all portions of the meeting including presentations, deputations and materials presented in person at the meeting. The Secretary-Treasurer will circulate such documents following the meeting.
- Members must connect electronically to the meeting no later than 10 minutes prior to the commencement of the meeting to allow the Secretary-Treasurer ample time to ensure connectivity and advance preparation of the meeting.
- Members attending electronically must advise members of the Committee if they need to disconnect from the meeting for any reason at any time by indicating to the Chair of their departure. The Secretary-Treasurer shall record in the minutes the time the member left the meeting. In the event connection is lost during any meeting, the member shall attempt to reconnect to the meeting without disruption to the meeting. In the event a reconnection does not occur the member attending electronically shall be considered to have left the meeting at the point of disconnection.
- The member shall be allowed to vote, and their vote will be required to be verbally announced. The Chair shall recognize electronic participants by requesting a verbal 'aye or nay' vote in the event of voice attendance only, or a raised hand in the event of visual attendance. This shall be followed at the end of the vote of members in attendance. Electronic members need to ensure they address the Chair by vocalizing their request for

discussion prior to the vote called.

- Members are responsible for ensuring there is no background noise at their location that would interfere with the meeting. Audio should be muted at all times except for when addressing meeting attendees.
- Members must adhere to the Code of Conduct in this bylaw when attending in an electronic format and all decorum and rules apply while attending remotely.

9.0 Special Electronic Meetings

In certain circumstances, members may, where deemed necessary by the Secretary-Treasurer, meet in an electronic format for the purposes of conducting the business of the Committee.

Under this provision, members may participate in both open and closed sessions in the electronic format, and where possible, the Chair and Secretary-Treasurer be present in the meeting room identified, while all other members may attend remotely. It is permitted, when deemed necessary, for all members to participate remotely.

Members participating electronically count towards quorum and are permitted to vote.

Meetings held under this provision would still be required to follow existing meeting rules including providing of notice of meetings to the public, maintaining meeting minutes, and subject to certain exceptions, that meetings continue to be open to the public.

10.0 Code of Conduct (Municipal Act, Planning Act, Statutory Powers Procedure Act)

Committee decisions will be made at a public hearing. All information pertaining to an application will be presented at the hearing and all discussion on the specifics of an application will take place at the hearing.

Municipal Conflict of Interest Act

Committee Members may have pecuniary conflict of interest as they have decision-making ability. Members should be cognizant of any conflict of interest or perceived conflict in terms of issues which may serve to benefit them personally.

8.1 When present at meeting at which matter considered

Where a Member, either on their own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a Committee hearing at which the matter is considered, the Member,

- Shall prior to any consideration of the matter at the hearing, disclose the interest and the general nature thereof
- Shall not take part in the discussion of, or vote on any question in respect of the matter
- ~~Shall not take part in the discussion of, or vote on any question in respect of the matter~~
- Shall not attempt in any way whether before, during or after the hearing to influence the voting on any such question
- Shall leave the room and remain absent from it at all times during consideration of the matter.

10.2 When absent from meeting at which matter considered

Where the interest of a Member has not been disclosed by reason of the Member's absence from the hearing, the Member shall disclose the interest, and comply with the requirements listed above, at the first Committee hearing attended by the Member after the hearing at which the matter was considered.

10.3 Disclosure to be recorded in minutes

Every declaration of interest and the general nature thereof shall be recorded in the minutes of the meeting by the Secretary-Treasurer of the Committee.

Notwithstanding the above, the Municipal Conflict of Interest Act shall apply to all members of the Committee.

10.4 Municipal Freedom of Information and Protection of Privacy Act

Committee Members will act to protect the privacy of individuals with respect to personal information contained in application forms and information circulated to the Committee and to ensure that personal information is used solely for the processing of the application.

The legal requirements detailed in the Planning Act; Municipal Act; Municipal Conflict of Interest Act and Municipal Freedom of Information and Protection of Privacy Act govern the Planning Advisory function of the Committee.

11.0 Voting

The City Planner, or designate, will make a recommendation to the Committee and that recommendation shall form the motion before the Committee. The Chair will call for discussion/questions on the report presented, and once concluded, the Secretary-Treasurer shall read the motion before the Committee. The Chair shall then call for the vote of the motion before them.

Members at the time to vote is called, may call for an amendment to the motion through the Chair. The member must have a seconder for the motion to amend for the amendment to proceed. Otherwise, the motion on the floor is then voted upon. If the amendment is seconded, members must vote on the amendment first.

Debate is limited to the Chair calling for discussion/questions once the matter has been presented. Members must then raise their hand to indicate they have questions/discussion, and if no member indicates discussion, the Chair shall call for the motion included in the report.

11.1 No Vote by Ballot

No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

- (a) The manner of determining the decision of the Committee on a motion shall be at the discretion of the Chair Person and is done by way of a show of hands, standing or otherwise.

11.2 All Members present are required to vote when a question is put forth, unless:

- a) Such Member has made a Declaration of Interest under the Municipal Conflict of Interest Act, and therefore the Member shall "abstain" from voting; or
- b) In the interest of making an informed decision such Member was not in attendance at a previous meeting(s) at which the integral components of the subject application were discussed
- c) All voting shall be made by a show of hands. All members of the Committee are entitled to vote and each member shall have one vote
- d) A vote shall be taken at the direction of the Chair on each motion duly moved and seconded.
- e) The Chair shall announce at the meeting, the decision of the Committee
- f) Voting shall continue on each motion put forward by Committee members until a clear and deliberate decision is made by a majority vote on a motion.
- g) With respect to applications before the Committee, when a question is put and a member who is present and not otherwise prevented by Statute from voting does not vote, his vote shall be recorded in the negative.
- h) A decision shall not be made as a result of a tie vote. A new motion should then be presented until one is carried by a majority of the members.
- i) Committee members concurring with the decision of the Committee shall sign the decision at the Meeting.

12.0 Decision

No decision of the Committee on an application is valid unless it is concurred in by the majority of the members of the Committee that heard the application, and the decision of the Committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

12.1 Minor Variances

The Zoning By-law regulates how land and buildings are used and where buildings and structures can be located. This by-law also specifies lot sizes and dimensions, parking requirements, building heights and other regulations necessary to ensure proper and orderly development. However, sometimes it is not possible or desirable to meet all of the requirements of the Zoning By-law. In that case, a property owner may apply for approval of a minor variance. A minor variance provides relief from a specific zoning by-law requirement, excusing a property owner from meeting the exact requirements of the bylaw.

For the Committee to approve this type of application, the Planning Act requires that Members must be satisfied that the application meets all of the following four tests:

- Is considered to be a minor change from the Zoning requirements (an evaluation of impact rather than a numerical value)
- Is desirable for the appropriate development or use of the land, building
- Maintains the general intent and purpose of the Official Plan and
- Maintains the general intent and purpose of the Zoning By-law.

12.2 Legal Non-Conforming Uses

Legal Non-Conforming Uses are uses of property that met all of the requirements of the Zoning By-law (and any other requirements) when they were established but no longer comply because the zoning requirements have changed. To ease the hardship this change could place on a property owner, the Committee can consider applications for extensions or enlargements of buildings or uses that no longer comply with the Zoning Bylaw as well as applications for a change from one legal non-conforming use to another use.

For the Committee to approve this type of application, the Planning Act requires that the Members must be satisfied that:

- The non-conforming use was officially permitted before the current Zoning By-law was approved
- The non-conforming use has continued, uninterrupted since that time
- The extended or enlarged building or use is located entirely within the original property limits
- In the case of a change in use, that the proposed use is similar to or more compatible to the new uses permitted by the Zoning By-law.

12.3 Land Division – Consent/Subdivision/Condominium Description

For the Committee to approve this type of application, the Planning Act requires that Members have regard to the following:

- Effect on health, safety, convenience, accessibility of persons with disabilities and welfare of present and future inhabitants of the municipality
- Effect on matters of Provincial interest, including:
- Protection of ecological systems and agricultural resources
- Conservation and management of natural resources and mineral resource base
- Conservation of features of significant architectural, cultural, historical, archaeological or scientific interest
- Supply, efficient use and conservation of energy and water

- Adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems and minimization of waste
- Orderly development of safe and healthy communities
- Accessibility for persons with disabilities to all facilities, services and matters to which this Act applies
- Provision and distribution of educational, health, social, cultural and recreational facilities
- Provision of a full range of housing and employment opportunities
- Protection of financial and economic well-being of the Province and municipalities
- Co-ordination of planning activities of public bodies and resolution of planning conflicts involving public and private interests
- Protection of public health and safety and appropriate location of growth and development
- Protection of public health and safety and appropriate location of growth and development
- Promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians
- Whether the proposal is premature or in the public interest and whether it conforms to the City of Kenora Official Plan and adjacent plans of subdivision
- Suitability of the land for the purposes for which it is to be subdivided, number, width, location, grades, elevations and adequacy of proposed roads and roads linking proposed roads with the established road system
- Dimensions and shapes of the proposed lots, restrictions or proposed restrictions on the land to be subdivided or the buildings and structures to be erected and restrictions on adjoining land
- Conservation of natural resources and flood control, adequacy of utilities, municipal services and school sites, area of land to be dedicated for public purposes, extent to which the proposal optimizes available supply, means of supplying, efficient use and conservation of energy,
- Interrelationship between the proposal and site plan control matters relating to any development, if the land is located within a designated site plan control area.

Any application approval may be subject to such terms and conditions as the Committee considers reasonable and advisable.

13.0 Deputations

Any person desiring to present information or speak to the Committee at an Open Meeting shall have an opportunity to do so at the commencement of the meeting as provided under "Deputations" on the Agenda, and at the time announced by the Chair Person. ~~Such persons shall have not more than five (5) minutes to address the Committee and no debate on any subject shall be engaged in by either the Committee or the person.~~

a) Deputations should keep their comments specific to the matter before the Committee and focused to the concerns or support for the matter. Such persons Deputations shall have not more than five (5) minutes to address the Committee and no debate on any subject shall be engaged in by either the Committee or the person.

b) Communications, including a petition, designed to be presented to the Committee and filed with the Secretary Treasurer shall be legibly written or printed, shall not contain any obscene or improper matter or language and shall be signed and dated by at least one person.

It shall include an address and telephone number where return correspondence or contact is to be directed and shall become part of the public record of the meeting at which it is received

b)c) Petitions designed to be presented to the Committee and filed with the Secretary Treasurer shall contain original signatures and all information on the petition including names addresses and telephone numbers shall become part of the public record of the meeting at which it is received.

e)d) Communications or petitions to be printed on an agenda shall be delivered to the Secretary Treasurer no later than 4:30 pm on the Wednesday of the week prior to meeting. If in the Secretary Treasurer's opinion the communication petition is of a time sensitive nature the Secretary Treasurer may bring forward such communication petition for the Committee's consideration after the aforementioned deadline.

14.0 Curfew

The Committee shall adjourn no later than the hour of ~~ten (10)~~nine (9) o'clock in the evening, unless otherwise ordered by a unanimous vote of members present.

15.0 Honorarium

An honorarium shall be established by Council. Payment shall be twice annually, after the June meeting and after the December meeting.

16.0 Agenda

The meeting agenda and supporting documents shall be circulated to the Committee members by electronic mail. If a Committee member requests, the meeting documents shall be caused to be delivered by regular mail for receipt in excess of 72 hours prior to the meeting.

The Committee shall deal with business matters in the following order:

- (i) Call meeting to order
- (ii) Declaration of Interest
- (iii) Adoption of minutes of previous meeting
- (iv) Correspondence relating to applications before the Committee
- (v) Other correspondence
- ~~(v)~~(vi) Adjournment Requests
- ~~(vi)~~(vii) Considerations of Applications for Minor Variance
- ~~(vii)~~(viii) Considerations of Applications for Land Division
- ~~(viii)~~(ix) Old Business
- ~~(ix)~~(x) New Business
- ~~(x)~~(xi) Adjournment

17.0 Accounting

The Committee budget forms part of the ~~Property and Planning Department~~Development Services budget. All financial commitments of the Committee, including provision for Committee Members to attend training, workshops and conferences, are processed through the ~~Property and Planning Development Services~~ Department in keeping with City policies.

17.1 Request for refund of fees

Requests, made in writing by an Applicant/Agent from whom payment was originally received by the Planning Department, shall be eligible for a 10% refund within one year of the application date and after the preparation of the staff report but prior to consideration of the application by the Committee, and 80% of the amount if the notice of the application has not been given.

17.2 Request for deferral:

A request for deferral of a hearing date must be made before the Committee, during the time allotted for the public meeting to consider the application(s). If the request for deferral is made by the application, an extra fee shall be charged. The Committee shall generally permit a one year period for re-scheduling of a hearing date but may schedule a specific date if necessary.

18.0 Minutes

Minutes of the Committee shall be recorded by the Deputy Secretary Treasurer or Secretary Treasurer of the Committee and shall be prepared for distribution within five (5) days of the meeting date. Minutes shall be posted on the City's portal/webpage, after adoption, and circulated to the Clerk for Council's information, and filing.

Minutes shall be recorded without note or comment, and capture a summary of the discussion. Deputations shall be recorded with name and simple generalized points of the deputation.

19.0 Staff Support

Requests for access to documentation, reports and support materials required by the Secretary-Treasurer shall be directed to the Secretary-Treasurer.

The Development Services Department, ~~Operations and Infrastructure Department, and Emergency Services Department, including the Planning staff and Chief Building Official~~ shall act as Resource Staff to the Committee, as required.

Administrative Support Staff

- Secretary-Treasurer (non-voting position)

Responsible for all Committee administrative duties.

- Minute-Taker (non-voting position)

Responsible for the recording of and distribution, to the Secretary-Treasurer, of minutes/records, notices etc.

- Departmental Representatives / Planners (non-voting position)

Act as subject matter experts and provide information to assist the Committee in reaching decisions.

20.0 Reporting Relationships

The Committee reports to Council shall be reported through the Development Services Department. The liaison for resource staff to the Committee shall be the Secretary-Treasurer.

The Committee shall work closely with the resource staff but shall not have direct line authority over the staff. It is acknowledged, however, that there shall be occasions when the Chairperson of the Committee must direct the Secretary-Treasurer to carry out work.

21.0 Reporting to City Council

While the Committee is an autonomous body, any recommendations to Council shall be made by the Committee in standard agenda format, through the Development Services Department, for consideration and recommendation by ~~Council~~the Committee of the Whole. Majority and minority opinions may be recorded for the advice and consideration of the Committee and Council.

Reports for consideration by Council and/or minutes of the Committee shall be submitted to the Secretary-Treasurer's office for processing and distribution to Council, or in accordance with the City's Procedural By-law. Reports submitted by the Committee for Council's consideration shall be processed through the Development Services Department to Council and Committee of the Whole, or in accordance with the City's Procedural By-law and then placed on the agenda for Council, with recommendations from both the Committee ~~and Committee of the Whole~~ being forwarded to Council.

22.0 Confidentiality

The members of the Committee shall be bound by the Municipal Act as it relates to confidentiality, closed sessions and any other requirements under the Act which pertain to the conduct of officials. The members are bound by the Municipal Conflict of Interest Act as it relates to conflict of interest. The members are bound by the Planning Act as it relates to all matters relating to their delegated duties.

23.0 Regular Review of this Authority

This policy shall be reviewed during the term of each Council or more frequently, as required.

This review may be initiated by City Council, at its discretion, or by the Committee upon written request to City Council.