



# City of Kenora

## Committee of the Whole Agenda

Tuesday, March 8, 2022

9:00 a.m.

City Hall Council Chambers-Council only

\*Due to COVID-19 and the requirement for physical distancing, the public will not be permitted into meetings at this time.

Public Access to the meeting can be found on the Livestream at:

<https://kenora.civicweb.net/Portal/>

---

### 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 March 22, 2022 meeting:-

- Budget amendments for 2021 carry forward projects that were not complete in 2021:
  - \$227,771 to be funded through the Investing in Canada Infrastructure Program – Resilience Infrastructure Stream for the purchase and installation of a dehumidifier in the Thistle Arena at the Kenora Recreation Centre;
  - \$22,432 to be funded through the Municipal Asset Management Program (MAMP) and the Contingency Reserve for the Asset Management Plan update with \$17,946 coming from the MAMP and \$4,486 from the Contingency Reserve;
  - \$23,772 which \$7,001.79 is to be funded through police commission reserves and \$16,770.21 plus HST funded through contingency reserves for a strategic planning process for the Kenora Police Services Board;
  - \$10,000 to be added to the total project costs as part of the Chipman Lot Redevelopment carry forward that is funded through a contribution from BIZ;
  - \$15,417 for the completion of the Sustainability Action Plan to be funded from land planning reserve;
  - \$30,244 of which \$27,220 is to be funded through FedNor and the balance of \$3,024 to be funded through Contingency reserves for the completion of the Strategic Plan;
  - \$57,625 for the completion of the Parks & Recreation Master Plan to be funded through Contingency Reserves;
  - \$52,310 for the Tourism Branding and Marketing project to be funded through the Brand Leadership Team Reserve and the MAT fund;
  - \$30,350 for downtown reforestation project through net tax levy;
  - \$5,399 to be funded through the Land Planning Reserve for the Official Plan/Zoning By-law Review
- Council will pass the 2022 water & wastewater operating & 5 year capital plan budgets
- Council will pass the 2022 solid waste operating & 5 year capital plan budgets
- Council will amend their 2022 meeting calendar to reflect a change to the April Committee of the Whole meeting date

## **Blessing & Land Acknowledgement**

*Councillor McMillan*

### **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 February 8, 2022 and the Special Committee of the Whole meetings held February 24, 25, 28, 2022 be confirmed as written and filed.

### **D. Deputations/Presentations**

- None

### **E. Reports:**

#### **1. Corporate Services & Finance**

Item Subject

---

- 1.1. January 2022 Financial Statements
- 1.2. 2021 Q4 Capital & Unusual Spend
- 1.3. 2022 Water & Wastewater Budgets
- 1.4. 2022 Solid Waste Budgets
- 1.5. Budget Amendments – 2021 Project Carry Forwards
- 1.6. 2022 Conference Options for Council Attendance
- 1.7. Taxi Bylaw
- 1.8. April Committee of the Whole Meeting Date
- 1.9. 2018-2022 Term of Council Boards & Committees Review

#### **2. Fire & Emergency Services**

Item Subject

---

No Reports

#### **3. Engineering & Infrastructure**

Item Subject

---

No Reports

## 4. Community Services

### Item Subject

---

- 4.1 Application for Funding – Inclusive Community Grants Program
- 4.2 Application to Trans Canada Trail
- 4.3 Hoopla Island Memorandum of Understanding
- 4.4 Repeal License of Occupation Agreement
- 4.5 Funding Application to NOHFC – Canada Day Activities

## 5. Development Services

### Item Subject

---

- 5.1 Funding Application – Active Transportation Fund

#### **Other:**

#### **Next Meeting**

- Tuesday, April \_\_\_\_, 2022

#### **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) Education & Training Members of Council (1 matter-Development Services update)
- ii) A Proposed or Acquisition of Land for Municipal Purposes (1 matter-offer of property)
- iii) Receiving Advice that is Subject to Solicitor-Client Privilege (1 matter-tax matters)
- iv) Personal Matters about an Identifiable Individual (2 matters-Muse & PAC appointments)

#### **Adjournment.**



February 25, 2022

## City Council Committee Report

**To: Kyle Attanasio, CAO**

**Fr: Charlotte Edie, Director of Finance**

**Re: January 2022 Financial Statements**

### **Recommendation:**

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora at January 31, 2022.

### **Background:**

Attached for your information, please find the January 2022 summary expense and user fee statements for the City of Kenora and the Council department. At the end of January, if expenditures were uniform, 8.33% of the budget should be used with 91.67% of the budget remaining.

This report addresses only those departments where there is a significant deviation from the January 2021 report since there are no 2022 budget numbers.

### **Overall: General Operations**

- Expenses at the end of January 2022 were under budget to budget with 96.31% remaining to be spent.
- User fee revenues to the end of January 2022 are under budget with 92.54% left to collect.
- The 2021 salary accrual has been recorded along with the 2022 reversal. This means that the salary expense for all departments will be less than 2021 when the accrual reversal was posted in a later month.
- Preliminary 2022 budget numbers are in the reports however, the budget has not yet been completed.

Significant differences in the general operations are as follows:

- HR and Finance – two payroll employees have been moved from Finance to HR in 2022.
- Winter Control Maintenance – balance of the expense is considerably higher than 2021 due to several significant winter events.
- Metered Parking – revenues for January of \$1,400 not yet recorded, a theft of January coin occurred in January. On the expense side a vacant position has not been filled.
- General vehicles and equipment – the insurance allocation was posted in January this year, fuel costs are higher than usual due to the winter control activity.
- Library and Museum – once the operating budget is passed we will be expensing 1/12 of the approved allocations every month.

**Overall: Sewer and water**

- Expenses at the end of January 2022 were under budget with 97.36% remaining to be spent.
- User fee revenues to the end of January 2022 are over budget with 91.04% left to collect. Revenue accruals have not been set up or reversed.

**Overall: Solid Waste**

- Expenses at the end of January 2022 were under budget with 95.73% remaining to be spent.
- User fee revenues to the end of January 2022 are under budget with 94.0% to be collected.

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.



March 1, 2022

## City Council Committee Report

**To: Kyle Attanasio, CAO**

**Fr: Charlotte Edie, Director of Finance**

**Re: 2021 Capital and Unusual Spending Q4**

### **Recommendation:**

That Council hereby accepts the 2021 Capital and Unusual Spending Q4 report.

### **Background:**

Attached for your information, please find the summary expenses for Capital and Unusual spending by project to the end of December 2021. Actual outcomes are compared to the Capital and Unusual Spending budget for 2021. Budget amendments have also been recorded in the report. The funding of the budget overages have been explained in the report notes.

### **Budget:**

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

### **Risk Analysis:**

The risk is positive in that the Capital and Unusual Spending budgets are being monitored and that overages are covered in a fiscally responsible manner.

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

For information only.

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

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



March 1, 2022

## City Council Committee Report

**To: Kyle Attanasio, CAO**

**Fr: Charlotte Edie, Director of Finance**

**Re: 2022 Water & Sewer Utility Budget**

### **Recommendation:**

That Council hereby approves the 2022 Water and Sewer Utility Budget; and further

That Council hereby authorizes City administration to proceed with the implementation of all budget related decisions in accordance with those reflected within the Water & Sewer Budgets; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to formally adopt the 2022 Water and Sewer Utility Budget by bylaw at its March 22<sup>nd</sup> Council Meeting; and further

That the appropriate bylaw be passed for this purpose.

### **Background:**

Council reviewed the draft water & sewer operating budget and five year capital plan at a special budget meeting being held on February 28, 2022. The budgets were updated to reflect any direction provided by Council during the special meeting. Following discussion at Committee of the Whole, any further changes will be made and final budgets will be brought forward to the March 22<sup>nd</sup> Council meeting for formal Council approval.

It should be recognized that the draft budgets are based on maintaining existing service levels and reflect the existing approved rate structure. The operating projections have incorporated the recommended increases of 3.1% to the water and sewer rates commencing in 2022 as recommended within the BMA long range financial plan.

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

The City needs to provide notice in accordance with Notice By-law Number 144-2007 that the City intends to adopt its 2022 water & sewer utility budget.

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

Our Mission: To deliver quality, cost-effective municipal services.

Core Value: Fiscal Responsibility

Strengthen our Foundation:

- Ensure municipal infrastructure is managed and maintained with available resources
- Work towards addressing the infrastructure deficit

**ERM Assessment:**

In theory, a critical risk to the City, however this is a positive risk and should be pursued. Enables the City to move forward with service provision and roughly \$7.0 million in capital spending on water & wastewater projects in 2022.



March 1, 2022

## City Council Committee Report

**To: Kyle Attanasio, CAO**

**Fr: Charlotte Edie, Director of Finance**

**Re: 2022 Solid Waste Utility Budget**

### **Recommendation:**

That Council hereby approves the 2022 Solid Waste Utility Budget; and further

That Council hereby authorizes City administration to proceed with the implementation of all budget-related decisions in accordance with those reflected within the Solid Waste Budgets; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to formally adopt the 2022 Solid Waste Utility Budget by bylaw at its March 22nd Council Meeting; and further

That the appropriate bylaw be passed for this purpose.

### **Background:**

The draft solid waste operating budget and five year capital plan were reviewed with Council at a special budget meeting being held February 28, 2022. The Finance Department updated the drafts to reflect Council's direction for changes during this meeting. The updated budgets will be brought forward to the March 22nd Council meeting for formal Council approval.

Administration is including options that include a tiered rate model, which would create a different rate for the residents of the City of Kenora and the non-residents. Non-residents are individuals who do not own property or live within the City of Kenora corporate boundaries. Administration has reviewed our funding to properly capture the impact on our system from all customers who utilize the service and to ensure there is adequate revenue in place to support long-term sustainability of the utility for the Municipality.

It should be recognized that the draft budgets are based on maintaining existing service levels and reflects the recommended rate structure proposed by Administration. The operating projections have incorporated the recommended increases: bag tag rates from \$2.00 to \$2.50 for residents and \$3.00 for non-residents; tipping fee increases as per the schedule below.

Options	Minimum Charge	Commercial Garbage	Industrial Ash	Sewer Sludge	Jones Road Construction Contaminated Soli	Total Revenue Increase
<b>Current Rate</b>	\$ 15.00	\$ 90.00 Ton	\$ 35.00 Ton	\$ 90.00 Ton	\$ 65.00 Ton	\$ 0.00
<b>Estimated Revenue</b>	\$ 77,312.00	\$ 101,532.00	\$ 26,740.00	\$ 38,955.00	\$ 65,550.00	\$ 310,089
Residential	\$ 18.00	\$ 105.00 Ton	\$ 45.00	\$ 105.00	\$ 75.00	
Non-Residential	\$ 20.00	\$ 120.00			\$ 85.00	

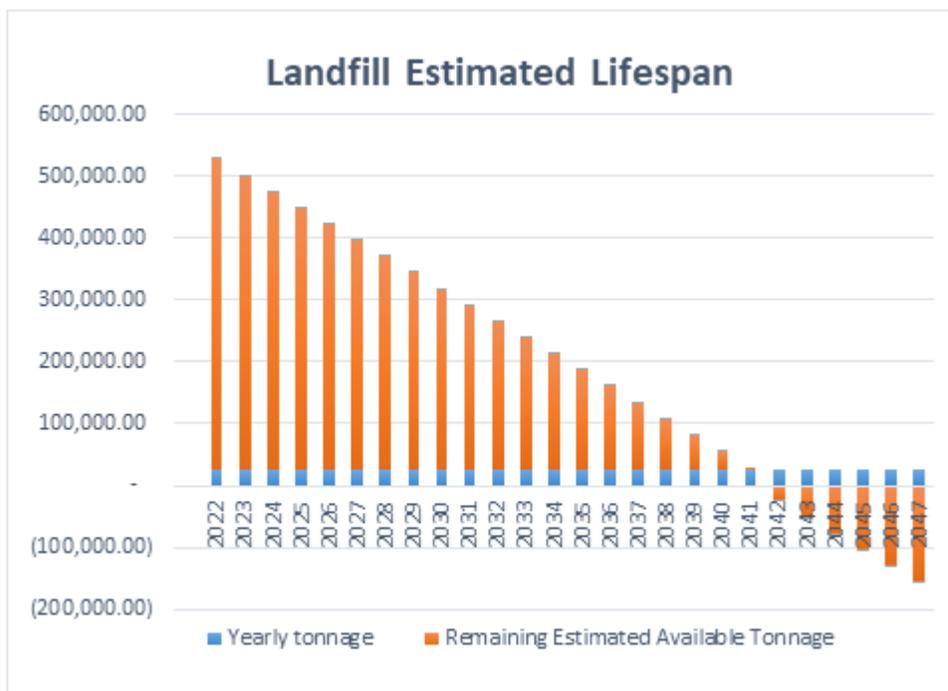
The City's current landfill was built in 2000 and was designed for a lifespan of 40 years with a designed annual tonnage of 20,265. The cost to construct a new landfill is estimated at \$13-15 million dollars and an additional \$3-5 million is required for the decommissioning of the old landfill site. As we continue to accept additional waste streams from outside the City boundaries, the useful life of our facility decreases and the costs to operate increases. In 2021 our landfill accepted almost 34,000 tons of garbage which is approximately 167% of the designed annual tonnage. As a result, in a one year timeframe the City has reduced its landfills designed life by 1.67 years.

Administration's statistics indicate a significant increase in waste generation in the summer months which we believe is driven by our seasonal customers. Canada's 2021 Census of Kenora, Unorganized indicates a population of 7,475, which represents an increase of 11.6 percent over the 2016 census. Population increases within the Unorganized Kenora Region and the corresponding waste being generated will impact the life of the City's landfill but to what extent is not yet determined and hard to predict. The proposed tiered rate option will allow the Administration to better evaluate those future impacts appropriately and adjust funding requirements more quickly.

During the special budget discussion, Council questioned the estimated landfill lifespan. The table below demonstrates those estimates using a ten year rolling average of volume intake.

Landfill Estimated Lifespan			
Year	Yearly tonnage	Remaining Estimated Available Tonnage	Years Remaining
2022	26,228.30	500,661.70	19.1
2023	26,228.30	474,433.40	18.1
2024	26,228.30	448,205.10	17.1
2025	26,228.30	421,976.80	16.1
2026	26,228.30	395,748.50	15.1
2027	26,228.30	369,520.20	14.1
2028	26,228.30	343,291.90	13.1
2029	26,228.30	317,063.60	12.1
2030	26,228.30	290,835.30	11.1
2031	26,228.30	264,607.00	10.1
2032	26,228.30	238,378.70	9.1
2033	26,228.30	212,150.40	8.1
2034	26,228.30	185,922.10	7.1
2035	26,228.30	159,693.80	6.1
2036	26,228.30	133,465.50	5.1
2037	26,228.30	107,237.20	4.1

2038	26,228.30	81,008.90	3.1
2039	26,228.30	54,780.60	2.1
2040	26,228.30	28,552.30	1.1
2041	26,228.30	2,324.00	0.1
2042	26,228.30	(23,904.30)	-0.9
2043	26,228.30	(50,132.60)	-1.9
2044	26,228.30	(76,360.90)	-2.9
2045	26,228.30	(102,589.20)	-3.9
2046	26,228.30	(128,817.50)	-4.9
2047	26,228.30	(155,045.80)	-5.9



The average tonnage received at the City of Kenora landfill for the past ten years has been calculated to be approximately 26,228 tons per year. As indicated in the Landfill Estimated Lifespan chart, the landfill is expected to reach its designed capacity by 2041. Should the City continue to encounter volumes in excess of 26,228 tonnes per year, the lifespan of the facility will continue to erode and require replacement sooner than 2041.

If the City places \$500,000.00 per year into our reserves for the next nineteen (19) years we would have an estimated shortfall of approximately \$4,500,000.00 for the design and construction of a new landfill based on the rates including in the 2022 Solid Waste Budget. Administration will continue to explore potential revenue generating opportunities and funding programs through the Provincial and Federal government that will support the landfills infrastructure or operations.

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

The City needs to provide notice in accordance with Notice By-law Number 144-2007 that the City intends to adopt its 2022 Solid Waste utility budget.

**Strategic Plan or other Guiding Document:**

Our Mission: To deliver quality, cost-effective municipal services.

Core Value: Fiscal Responsibility

Strengthen our Foundation:

- Ensure municipal infrastructure is managed and maintained with available resources
- Work towards addressing the infrastructure deficit

**ERM Assessment:**

In theory, a critical risk to the City, however this is a positive risk and should be pursued. Enables the City to move forward with service provision and roughly \$920,000.00 in capital spending on solid waste projects in 2022.



February 27, 2022

## City Council Committee Report

**To: Kyle Attanasio, CAO**

**Fr: Senior Leadership Team**

**Re: Budget Amendments - 2021 Carry Forward Projects**

### **Recommendation:**

That Council hereby approves the following budget amendments for 2021 carry forward projects that were not complete in 2021:

- \$227,771 to be funded through the Investing in Canada Infrastructure Program – Resilience Infrastructure Stream for the purchase and installation of a dehumidifier in the Thistle Arena at the Kenora Recreation Centre;
- \$22,432 to be funded through the Municipal Asset Management Program (MAMP) and the Contingency Reserve for the Asset Management Plan update with \$17,946 coming from the MAMP and \$4,486 from the Contingency Reserve;
- \$23,772 which \$7,001.79 is to be funded through police commission reserves and \$16,770.21 plus HST funded through contingency reserves for a strategic planning process for the Kenora Police Services Board;
- \$10,000 to be added to the total project costs as part of the Chipman Lot Redevelopment carryforward that is funded through a contribution from BIZ;
- \$15,417 for the completion of the Sustainability Action Plan to be funded from land planning reserve;
- \$30,244 of which \$27,220 is to be funded through FedNor and the balance of \$3,024 to be funded through Contingency reserves for the completion of the Strategic Plan;
- \$57,625 for the completion of the Parks & Recreation Master Plan to be funded through Contingency Reserves;
- \$52,310 for the Tourism Branding and Marketing project to be funded through the Brand Leadership Team Reserve and the MAT fund;
- \$30,350 for downtown reforestation project through net tax levy;
- \$5,399 to be funded through the Land Planning Reserve for the Official Plan/Zoning By-law Review

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2022 Capital budget at its March 22, 2022 meeting for these purposes; and further

That Council give three readings to a By-law to amend the 2022 Capital budget for this purpose.

### **Background:**

This report is a joint report from the Senior Leadership Team (SLT) which is intended to capture all of the 2021 capital projects that require a budget amendment in 2022 to carry forward projects that were not completed by year end. The following information provides Council details on the purpose of each budget amendment.

### Dehumidifier Project:

In December 2020, Council approved staff to submit an application through the Investing in Canada Infrastructure Program—Resilience Infrastructure Stream for the purchase and installation of a dehumidifier at the Kenora Recreation Centre. In the application staff requested the maximum contribution of \$227,771.00 and that 100% of the cost be covered. On June 11<sup>th</sup>, 2021 the City of Kenora received notice that the City was successful in its application and received full funding in the amount of \$227,771.00. The dehumidifier project was not completed due to COVID supply chain issues. It was installed in January 2022 and is now fully commissioned.

### Asset Management Plan Update Project:

In the 2021 Capital Budget Council approved the Asset Management Plan Update project for \$50,000 with \$32,500 funded by the MAMP (funded by the Government of Canada and administered by the Federation of Canadian Municipalities) and \$17,500 from the Contingency Reserve. Since that time the MAMP was revised to expand the project to \$62,500 with \$50,000 from the MAMP and \$12,500 from the Contingency Reserve. The City just recently received the Transfer Payment Agreement which was approved at the January 2022 Council meeting. To date \$40,068 has been spent on the project and Public Sector Digest will complete the project in 2022. In 2022 the remaining requirement is \$22,432 with \$17,946 coming from the MAMP and \$4,486 from the Contingency Reserve.

### Kenora Police Services Board Strategic Plan

In June 2021, Council authorized a budget amendment in the amount of \$26,300 + HST which \$9,529.79 is to be funded through police commission reserves and \$16,770.21 plus HST is funded through contingency reserves for a strategic planning process for the Kenora Police Services Board. The project was launched in October 2021 and the Police Services Board continues to progress with the project. As a result of the late start of the project, it will not be completed until April of 2022. To date, \$2,528 has been paid of the \$26,300 (plus HST) project and therefore the balance of the project requires a budget amendment to complete in 2022.

### Chipman Street Pocket Park

Inclusion of a \$10,000 contribution from BIZ to go towards the Chipman Street pocket park. This project includes detailed design and construction of a new park space and public washroom on the corner of Chipman and 1st Street South. It is classified as the Chipman redevelopment carry forward in the operating budget. The BIZ contribution wasn't included within that existing carry forward.

### Sustainability Action Plan

This is a \$80,000 project 50% funded through FCM for the Sustainability Action Plan. While the project is nearing completion, \$15,417 is required to be carried forward. This project is nearing completion and staff anticipate a Plan will be ready for Council approval in March.

### Strategic Plan

The Strategic Plan project was funded at 90% by FedNor and the City also received \$1,000 funding from LOWBIC. The total budget was \$100,000. This plan itself is nearing completion with an anticipated completion date of mid-April. Additional deliverables including departmental planning will be completed in 2022. To date, the City has incurred \$69,756 in expenses and is looking to carry forward \$30,244 for 2022.

### Parks & Rec Master Plan

Total Budget - \$100,000 funded through Contingency Reserves. In 2021, we have spent \$42,375 therefore the carry forward to 2022 is \$57,625.

### Tourism Branding

Total Budget - \$80,000 of which \$48,351.71 is funded through Brand Leadership Reserves & \$31,648.28 MAT Tax Reserves. We have spent \$26,790 therefore carry forward to 2021 is \$52,310.

### Official Plan and Zoning By-law Review

Previously identified as a carryforward in the 2022 Capital Budget the additional \$5,399 is an adjustment reflecting the final invoices paid out in 2021. The budget remains consistent to the \$100,000 approved for the project in 2020 and staff are targeting the end of 2022 for the project to be concluded subject to Ministry of Municipal Affairs and Housing approvals.

### Downtown Reforestation

Total budget - \$60,000 all funded under the 2021 capital plan. \$20,000 of this project was related to the tree well project and \$40,000 was related to replacing trees that had died.

**Budget:** As outlined above

**Risk Analysis:** There is a medium risk in not approving these budget amendments as most projects are already in progress and therefore jeopardizes the completion of these projects.

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

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



February 27, 2022

## City Council Committee Report

**To: Kyle Attanasio, CAO**

**Fr: Heather Pihulak, Director of Corporate Services**

**Re: 2022 Conference Options**

### **Recommendation:**

That Council hereby directs administration to register attendance for the identified Councillors at the requested upcoming 2022 conferences as discussed at the March 8, 2022 Committee of the Whole meeting.

### **Background:**

With COVID continuing to impact various travel options for conferences and municipal learning opportunities, this report is intended to provide guidance to administration on any interest in municipal conferences that Council wishes to attend so arrangements may be made.

The following 2022 conferences will be held (either in person or hybrid):

- Ontario Good Roads Association (OGRA) Conference -Toronto - Fairmont Royal York Hotel from April 10<sup>th</sup> – 13<sup>th</sup>
- Northwestern Ontario Municipal Association (NOMA) Conference & AGM – Fort Frances – Fort Frances Curling Club from April 27<sup>th</sup> – 29<sup>th</sup>
- Ontario Association of Police Services Boards (OAPSB) Conference & AGM – Toronto Airport (hybrid) from May 26-27
- Federation of Canadian Municipalities (FCM) Conference – Regina (hybrid) – from June 2<sup>nd</sup> – 5<sup>th</sup>
- Association of Municipalities of Ontario (AMO) Conference – Ottawa - from August 14-17

**Budget:** The draft operating Council budget includes \$3,000 for each Councillor and \$6,000 for the Mayor. Should Council determine which conferences they wish to attend the draft budgets can be updated to reflect the travel requested.

**Risk Analysis:** There is no risk associated with this report as it relates to optional conference attendance only.

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

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



March 4, 2022

## City Council Committee Report

**To: Kyle Attanasio, CAO**

**Fr: Heather Pihulak, Director of Corporate Services**

**Re: Taxi Bylaw**

### **Recommendation:**

That Council hereby adopts a bylaw to license and regulate taxi cabs, limousines and Drays in the City of Kenora; and further

That bylaw number 104-2019 be hereby repealed.

### **Background:**

The City of Kenora regulates taxi cabs, limousines and drays that operate within the City.

This bylaw has not been reviewed in its entirety for several years and there are changes to the bylaw that captures the current legislation which allows a municipality to regulate, charge and license. The review is driven by a request of the broker to increase fees, and concerns from drivers for driver safety within the vehicles.

Focusing on the request for an increase to the fees, Eric Lovas has requested the following increase:

- For the first 33.03 meters or part thereof (km zero): \$ 7.00 (includes HST)
- Each additional 33.03 meters or part thereof \$ 0.10
- Each 6.23 seconds of waiting time \$ 0.10

This is an increase of \$1.00 for the base rate. The rates have not been increased since 2018 and there are escalating costs such as insurance and gasoline that continue to increase. An increase to the fares also provides an increase to the drivers wages which has again not been provided since 2018.

Second to the request for a fare increase, are the concerns by drivers for their safety. I have included a clause in the draft bylaw on driver's safety (Section 17) which recommends that safety measures be considered for driver's safety. While many municipalities' bylaws include this provision as a mandatory requirement, and the cost rests with either the owner of the plate or the broker of the company, it is only a recommendation at this time. This will be a significant change to the business and given the economic times on the heels of a pandemic, I am recommending this be included in the bylaw at this time as a recommendation only. I believe that it is in the best interest of the drivers as well as the public for these safety measures to be included in each vehicle, however, I recognize that there are costs associated with these changes during difficult times. My recommendation will be to stress to the broker that these safety precautions are recommended and they should work towards an implementation plan along with timelines for these safety measures. I am leaving it as a recommendation at

this time, with the expectation that the next time the bylaw is reviewed, it would be included as a requirement. These safety measures are included in many municipalities' bylaws and are becoming the standard in the market for service.

The draft bylaw also includes a provision which allows the right for a driver to refuse service in certain circumstances. There have been concerns in the past with incidents where drivers feel unsafe or a patron has not paid and left the taxi. These are further measures to protect the driver when situations arise where safety is a concern.

The balance of the changes to the bylaw simply reflect how we manage the licensing of taxi cabs currently and the inspection process, etc. It aligns with other municipal bylaws to ensure we are capturing the authority we have to regulate taxi cabs, limousines and drays.

**Budget:** There is a slight increase included to all of the broker and drivers fees which have not been increased in many years. While not substantial, these should be reviewed regularly to align with the costs associated with regulating the service and staff time associated with the processing of licenses and requirements under the bylaw.

**Risk Analysis:** There is a low risk associated with this bylaw. The bylaw primarily focuses on a rate increase, safety measures and authority provisions, should Council choose not to approve the bylaw, the current provisions would remain in place which would allow us to continue to regulate the service.

**Communication Plan/Notice By-law Requirements:** Notice to all taxi brokers of the changes to the bylaw.

**Strategic Plan or other Guiding Document:**

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

**The Corporation of the City of Kenora**

**By-law Number ~~104~~–2019**

**A By-Law to License and Regulate  
Taxi Cabs/Limousines and Drays Operating within and from the City of  
Kenora**

---

Whereas subsection 10(1) of the Municipal Act, 2001 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas subsection 10(2) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing; and

Whereas subsection 151(1) of the Municipal Act, 2001 provides that, without limiting sections 9 and 10 of the Act, a municipality may: provide for a system of licences with respect to a business and may;

(a) prohibit the carrying on or engaging in the business without a licence;

(b) refuse to grant a licence or to revoke or suspend a licence;

(c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;

(d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;

(e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;

(f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and,

(g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality; and

Whereas subsection 151(5) of the Municipal Act, 2001 provides that subsection 151(1) applies with necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of licences with respect to a business; and

Whereas subsection 156(1) of the Municipal Act, 2001 provides that without limiting sections 9, 10 and 11, a local municipality, in a by-law under section 151 with respect to the owners and drivers of taxicabs, may;

(a) establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality;

(b) provide for the collection of the rates or fares charged for the conveyance; and

(c) limit the number of taxicabs or any class of them; and

Whereas the Council for the City of Kenora considers it necessary and desirable for the public to regulate Vehicles for Hire for the purposes of health and safety, consumer protection and service quality to ensure an efficient Vehicle for Hire service is available to all persons including the travelling public in the City of Kenora and that such Vehicle for Hire service is provided in a manner that provides a safe environment for both passengers and drivers; and

Whereas section 23.2 of the Municipal Act, 2001 permits a municipality to delegate certain legislative and quasi-judicial powers; and

Whereas Council for the City of Kenora is of the opinion that the delegation of legislative powers under this by-law to the City Clerk, including without limitation the power to issue and impose conditions on a licence, prescribe vehicle, operational and reporting standards to be imposed on licensees as being powers of a minor nature having regard to the number of people, licensing matters and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the Municipal Act, 2001; and

Whereas subsection 391(1) of the Municipal Act, 2001 provides that a municipality may impose fees and charges on persons;

(a) for services or activities provided or done by or on behalf of it;

(b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and,

(c) for the use of its property including property under its control; and

Whereas section 444 of the Municipal Act, 2001 provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence; and

Whereas it is deemed expedient to pass this by-law;

NOW THEREFORE the Council of The Corporation of the City of Kenroa hereby enacts as follows:

~~Whereas it is deemed appropriate to regulate taxi cabs, limousines and drays operating within and from the City of Kenora; and~~

~~Whereas the Council of a Municipality is empowered to pass By-laws to regulate such services pursuant to the provisions of the *Municipal Act 2001*;~~

~~Now therefore~~ be it enacted by the Corporation of the City of Kenora as follows:

1 **Definitions:** In this By-law, the following terms have the following meanings:

1.1 "Broker" means any person who owns a hired vehicle business, operates his/her own hired vehicle(s) and/or dispatches hired vehicles owned by other;

"Brokerage" means the business of a Broker and shall be deemed to include the premises where the business is carried on;

1.2 "By-Law Enforcement Officer" means a person employed by the City of Kenora as a By-Law Enforcement Officer or a Municipal Law Enforcement Officer under section 15.(1) of the Police Services Act RSO 1990 Chapter P15 s 15.(1) for the purpose of enforcing Municipal By Laws.

"Cab Driver" means a person who holds a Cab Driver Licence;

"Cab Owner" means a person who holds a Class A Cab Owner Licence and corresponding Owner Plate or a Class B Cab Owner Licence and corresponding Owner Plate;

"Cab Meter" means an independent self-contained measuring device approved by the City Fleet Manager and used in a Cab or Accessible Cab to calculate, amongst other things, the rate payable for a Trip;

1.3 "City" means the Corporation of the City of Kenora.

1.4 "City Fleet Manager" means the Manager that oversees the City of Kenora's Fleet Division and is authorized on behalf of the Corporation of the City of Kenora to inspect taxi cabs, limosines and drays as required, place official seals on the taxi meters and recommend safety matters of any vehicle to the driver and broker.

1.4 "Clerk" means the City Clerk of the City of Kenora, and includes his or her designate.

1.5 "Council" means the Council for The Corporation of the City of Kenora.

"Dispatch" means the sending of a Vehicle for Hire to a location for the purpose of offering or providing transportation to a Passenger, and includes but is not limited to:

(i) receiving telephone or radio calls from prospective Passengers and directing a person operating a Vehicle for Hire to attend at the Passenger's requested location;

(ii) offering or operating any part of a mobile application or other electronic service that receives requests for transportation services from prospective Passengers and connects such requests to a person operating a Vehicle for Hire; or

(iii) any other action that results in a Passenger and Vehicle for Hire being in the same place at the same time for the purpose of providing the Passenger with Vehicle for Hire services, regardless of whether the Vehicle for Hire services are actually provided to the Passenger.

“Driver” means the individual who has care and control of a Cab, Accessible Cab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle;

1.6 “Dray” means a horse drawn carriage or cart which is used for hire for the conveyance of passengers on an hourly basis or for a fixed fee between any two given locations.

4.61.7

“Fare” means the amount charged to a Passenger for transportation provided in a Vehicle for Hire;

4.71.8 “License” means a license issued under this By-law.

4.81.9 “Licensee” means a person to whom License has been granted under this By-Law.

4.91.10 “Limousine” means a motor vehicle which is used for hire for the conveyance of not more than eight (8) passengers exclusive of the driver on an hourly basis or for a fixed fee between any two given locations and is not equipped with a meter, and means a luxury motor vehicle of special quality. The term expressly excludes: taxi cabs, ambulances, buses and funeral hearses.

4.401.11 “Operate” means to engage in the business of providing service within the jurisdiction of the City.

4.411.12 “Police” means the Ontario Provincial Police.

“Passenger” means any individual, not including the Driver, seated in a Cab, Accessible Cab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle for Hire and includes a person engaging or attempting to engage a Cab, Accessible Cab, Limousine, Private Vehicle for Hire Accessible Private Vehicle for Hire to provide a Conveyance Service;

“Plated” means to have the Owner Plate affixed to the Vehicle for Hire for which it was issued;

“Police Record Check” means a criminal information report that is a result of a search of the local police records where the applicant resides and the national databases maintained by the Canadian Police Information Centre; or alternatively, a third party police record check with a grading of Pass, Fail or Concern.

4.421.13 “Restricted Parking Area” shall mean any area within the City, in which parking is controlled by meters or pay stations, all no parking areas, for parking by City of Kenora Traffic Regulation By-Law, as amended.

1.14 “Taxi-cab” shall mean a motor vehicle, which is used or being used for hire, for the conveyance of passengers having a seating capacity of not more than seven (7) persons exclusive of the driver.

4.13

“Trip” means each journey in a Vehicle for Hire commencing when a passenger enters the vehicle, continuing for the period that the vehicle is occupied, and ending when all passengers exit the vehicle;

4.441.15 “Vehicle Registration Bumper Sticker” shall mean the identification sticker issued by the City of Kenora licensing department, displaying licensing year of issue, taxi broker’s business name, and assigned vehicle registration number.

Formatted: Normal, No bullets or numbering

“Vehicle for Hire” means a motor vehicle that is conveying or available for conveying one or more persons in exchange for a fee or other consideration and includes without limitation a Cab, Accessible Cab, Limousine, Private Vehicle for Hire and Accessible Private Vehicle for Hire;

4.151.16 “Vehicle Registration Number” shall mean a sequential number assigned to vehicles registered with the City of Kenora licensing department for identification purposes.

## **PART 2 PROHIBITIONS**

### **2.1 No person shall:**

(a) own or Operate a Vehicle for Hire without being licensed or registered with a Broker under this By-law;

(b) dispatch a Vehicle for Hire without being licensed under this By-law;

(c) own or Operate a Vehicle for Hire without a valid Owner Plate affixed to the Vehicle for Hire;

(d) operate a Vehicle for Hire while their licence issued under this By-law is under suspension;

(e) act as a Broker while their licence issued under this By-law is under suspension;

(f) advertise the use of a Vehicle for Hire without an Owner or a Broker licence issued under this By-law; or

(g) publish or cause to be published any representation that they are licensed under this By-law or hold themselves out as being licensed under this By-law if they are not.

## **PART 2 Application of By-Law Exemptions**

### **2.1 This By-law shall not apply to:**

(a) a motor vehicle with a seating capacity of 11 or more individuals, including the driver;

(b) an ambulance or funeral hearse;

(c) a school bus as defined under the Highway Traffic Act that is licensed under the Public Vehicles Act while it conveys students to and from school as defined under the Highway Traffic Act;

(d) a bus operated under the Public Vehicles Act by the London Transit Commission;

(g) a motor vehicle used by not for profit organizations registered in the province of Ontario for the purposes of transporting senior citizens or persons with disabilities; designated driver services for which a designated driver drives the customer in the customer's vehicle to at least one destination; or

(h) courtesy vehicles in association with motor vehicle repair shops where a customer is driven to a predetermined destination.

### **PART 3 Administration of By-Law**

3.1 The administration of this By-law is assigned to the City Clerk, or designate, who shall generally perform all of the administrative functions conferred upon them by this By-law and without limitation may:

(a) receive and process all applications for all licences and renewals of licences under this By-law;

(b) issue licences in accordance with the provisions of this By-law;

(c) impose terms and conditions on licences in accordance with this By-law; and

(d) refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

### **Part 4 Licencing**

4.161.17 No person shall operate a taxi cab, limousine or dray within the City unless that person is the holder of a current broker's license for such service.

4.171.18 No person shall drive a taxi cab or limousine within the City unless that person is the current holder of a valid driver's license for such service.

4.181.19 No person shall use any vehicle as a taxi cab or limousine within the City unless there is attached to such vehicle a current Ontario vehicle license.

4.191.20 Every license expires on March 31 each year.

### **PART 5 Application For Licences And Renewals**

5.1 Every application for a licence and renewal licence shall be made to the City Clerk on the forms provided by the Licensing Department of the City of Kenora. Without limitation, every application for a licence or a renewal shall include the following information:

(a) the name, date of birth, municipal address, telephone number and email address of each Applicant;

(b) if the Applicant is a partnership, the name, address and telephone number of each partner;

(c) if the Applicant is a corporation, the address of its head office, the name, address and telephone number of each director and officer;

(d) a sworn statement by the Applicant certifying the accuracy, truthfulness and completeness of the application;

Formatted: Font: 11 pt

(e) if the Applicant is a partnership, a sworn statement by each partner certifying the accuracy, truthfulness and completeness of the application; and,

(f) if the Applicant is a corporation, a sworn statement by an officer of the corporation duly authorized for that purpose certifying the accuracy, truthfulness and completeness of the application.

5.2 Every person applying for a licence or a renewal of a licence shall provide in full at the time the application is submitted all of the information requested on the application form as well as:

(a) payment of the prescribed fee as set out in Schedule "A" of this By-law;

(b) a current Criminal Record Vulnerable Sector Check for the applicant obtained by him/her at his/her own expense from the Ontario Provincial Police. If the Vulnerable Sector Check with finger print request is negative and no criminal record exists, the Vulnerable Sector Check will only be required once every five (5) years and the Criminal Record Check will be required annually. If the Vulnerable Sector Check is positive, this check will be required annually until a pardon has been granted;

(c) if the Applicant or Licensee is a corporation, a copy of the incorporating documentation, a copy of the last initial notice or notice of change which has been filed with the provincial or federal government and a Certificate of Status issued by the Ministry of Government and Consumer Services dated no later than thirty (30) days prior to the date of the application;

Formatted: Font: 11 pt

(d) if the Applicant or Licensee is a partnership, details of each partner's interest in the partnership; and,

(e) a copy of the applicant's valid Ontario Class G, Driver's License, or equivalent driver's license issued by a Canadian Province;

(f) the written confirmation from a licensed taxi cab or limousine broker that the driver will be employed;

(g) proof of satisfactory completion of a driver's knowledge test as prescribed by the Clerk; and

(h) a current copy of Ontario Driver Record Search or equivalent document issued by another jurisdiction obtained by the applicant at his/her own expense from the Ministry of Transportation or similar agency or Ministry of another Province.

5.3 The City Clerk may require affidavits in support of an application for or a renewal of a licence.

5.4 Every application may be subject to investigations by and comments or recommendations from the municipal, provincial or federal departments or agencies as the City Clerk deems necessary including but not limited to:

(a) the Kenora OPP;

(b) the Enforcement Services Manager of the City;

(c) the Ministry of Transportation.

5.5 An incomplete application will be returned to the applicant by the Clerk and no license will be issued until the application is complete.

5.6 No person shall be issued a license or is entitled to maintain a license under this By-law if the applicant or licensee:

- a) Has been found guilty of an offence under the Criminal Code of Canada within the proceeding three (3) years, or
- b) has been found guilty of an offence under the *Liquor License Act* of Ontario relating to the illegal purchase or sale of liquor within the proceeding three (3) years, or
- c) has ever been convicted of an offence as defined in Sections 150 through 160 of the *Criminal Code of Canada*.

5.7 This bylaw also limits the number of years that a vehicle can be kept on the road to 10 years. The 10 year vehicle life encourages increased investment in greener energy vehicles by taxi owners, and maintains safety in the age of a vehicle.

5.8 Insurance requirements have risen to \$2 million for all taxi owners, matching best practices in municipalities across Ontario.

- a. a copy of the vehicle registration,
- b. proof of insurance to at least \$2,000,000.00 for third party claims,
- c. a valid Ontario certificate of mechanical fitness for the vehicle,
- d. the consent of a licensed broker under this By-law, and
- e. proof that the meter in the cab, if it is a taxi cab, has been tested within the past 12 months.
- f. An application for the renewal of a license shall be delivered to the City Clerk at least thirty (30) days prior to expiry of the license.
- g. The Clerk shall process an application for a license, or the renewal of a license within thirty (30) days of receipt and shall advise the applicant accordingly.

#### **PART 6 Powers of the City Clerk**

6.1 The power and authority to refuse to issue or renew a licence, to cancel, revoke or suspend a licence, to impose terms and conditions, including special conditions, on a licence, or to exempt any person from all or part of this By-law are delegated to the City Clerk.

6.2 The City Clerk shall issue a licence or renew a licence where the requirements or conditions of this By-law have been met.

6.3 The City Clerk may refuse to issue, refuse to renew or revoke or suspend a licence or impose a term or condition on a licence on the following grounds:

(a) the conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, affords reasonable cause to believe that the Applicant or Licensee will not carry on their business in accordance with the law or with honesty or integrity;

(b) an Applicant or Licensee is carrying on activities that are in contravention of this By-law;

(c) there are reasonable grounds to believe that an application or other documents provided to the City Clerk by or on behalf of the Applicant or a Licensee contains a false statement;

(d) any information contained in the original application form or any other information provided to the City Clerk, has ceased to be accurate and the Licensee has not provided up-to-date accurate information to the City Clerk to allow the City Clerk to conclude that the Licence should continue;

(e) an Applicant or Licensee does not meet, at any time, one or more of the requirements of this By-law or any conditions imposed on a Licence;

(f) the Applicant or Licensee is not in compliance with any federal, provincial law or City By-law, including this By-law;

(g) the Applicant or Licensee or any partner, officer or director has been convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against the Person and Reputation) or IX (Offences Against Property) of the Criminal Code of Canada, R.S.C. 1985 c. C-46, as amended or any other criminal convictions in the preceding five (5) years;

(h) the Applicant or Licensee or any partner, officer or director has been convicted of an indictable offence under any Statute of Canada, including but not limited to the Criminal Code of Canada, the Narcotic Control Act, the Food and Drug Act, and the Controlled Drug and Substances Act during the preceding five (5) years;

(i) the Applicant or Licensee has been convicted of any other criminal offence for which, in the opinion of the City Clerk, it would not be in the interest of public safety to issue a licence;

(j) the Applicant or Licensee is currently under a prohibition order issued in any court within Canada that prohibits the operation of a motor vehicle;

(k) the Applicant or Licensee does not have a valid "G" Ontario Driver's Licence or equivalent or their driver's licence is under suspension; or

(l) the Applicant or Licensee has accumulated 9 or more demerit points within a three year period.

6.4 Notwithstanding any other provision of this By-law, the City Clerk may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the City Clerk to give effect to this By-law.

6.5 Where the City Clerk is of the opinion that:

(a) an application for a licence or renewal of a licence should be refused; (b) a reinstatement should not be made;

(c) a licence should be revoked;

(d) a licence should be suspended; or,

(e) a term or condition of a licence should be imposed the City Clerk shall make that decision.

6.6 Where the City Clerk has made a decision under section 6.5 of this By-law the City Clerk's written notice of that decision shall be given to the Applicant or the Licensee by regular mail to the last known address of that person and shall be deemed to have been given on the 5th day after it is mailed. Service on a corporation can be effected by regular mail to the address of the corporation's head office.

6.7 The written notice to be given under section 6.6 of this By-law shall:

(a) set out the grounds for the decision;

(b) give reasonable particulars of the grounds;

(c) be signed by the City Clerk; and,

(d) state that the Applicant or Licensee is entitled to a hearing by Council if the Applicant or Licensee files with the City Clerk a notice of appeal in writing and the appeal fee as set out in this By-law within ten (10) business days after the notice in section 6.6 of this By-law is given.

6.8 Where no appeal is filed within the required time period, the decision of the City Clerk shall be final.

6.9 Despite section 6.7 of this By-law, where a Licence is voluntarily surrendered by the Licensee for revocation, the City Clerk may revoke the Licence without notice to the Licensee.

6.10 In addition to any other power, duty or function prescribed by this By-law, the City Clerk may make regulations under this By-law including:

(a) prescribing the form of any information required to be provided to the City Clerk under this By-law;

(b) prescribing the format and content of any forms or other documents required under this By-law;

(c) prescribing standards for Vehicles for Hire including without limitation to:

(i) classes of vehicles that may be used as Limousines (Executive);

(ii) standards related to the condition of Vehicles for Hire;

(iii) colours and or markings for Vehicles for Hire, including without limitation to roof or top lights;

(iv) standards related to advertising on the exterior or interior of Vehicles for Hire;

(v) standards for Cab Meters;

(vi) standards for public notification for consumer protection purposes;

(vii) submission requirements for supplementary Safety Standards Certificates.

(d) prescribing operational standards for Vehicles for Hire Drivers including without limitation to:

(i) standards for the display of Fares and Licences;

(ii) customer service standards;

(iii) driver training standards;

(e) prescribing standards for the form and content of records required to be kept maintained and released to the City Clerk by Brokers under Schedule 3 and 4 of this By-law.

## **2 Licensing**

2.1 ~~No person shall operate a taxi cab, limousine or dray within the City unless that person is the holder of a current broker's licence for such service.~~

2.2 ~~No person shall drive a taxi cab or limousine within the City unless that person is the current holder of a valid driver's licence for such service.~~

2.3 ~~No person shall use any vehicle as a taxi cab or limousine within the City unless there is attached to such vehicle a current Ontario vehicle licence.~~

2.4 ~~Every licence expires on March 31 each year.~~

## PART 7 Inspections

7.1 Every Owner or Driver shall submit or cause to be submitted their Vehicle for Hire for inspection when required to do so by an Enforcement Officer to a place designated by the City Clerk or an Enforcement Officer:

(a) forthwith if the vehicle is in the presence of the City Fleet Manager, an Enforcement Officer or an Ontario Ministry of Transportation Inspector and the vehicle is in Operation; or

(b) within 24 hours of receipt of the request, at a time set by the City Clerk or an Enforcement Officer, if the vehicle is not in the presence of the City Fleet Manager, an Enforcement Officer or an Ontario Ministry of Transportation Inspector.

7.2 Every Owner or Driver shall, upon the request of the City Fleet Manager or an Enforcement Officer during an inspection, produce all relevant licences, permits, invoices, vouchers, appointment books or like documents and the Fleet Manager or an Enforcement Officer may remove any of these documents for photocopying provided that the Owner or Driver is given a receipt and the documents are returned to them within 48 hours.

7.3 Notification of an inspection or an order shall be served on an Owner:

(a) personally;

(b) by email to the last known address of the Owner, whether actually received or not;

(c) personally on the Driver Operating the City Plated Vehicle;

(d) by leaving a copy with an individual at a Brokerage associated with the Owner; or

(e) by facsimile or email to the last known facsimile number or email address of a Broker associated with the Owner.

7.4 An Enforcement Officer may require a Driver or an Owner to submit or cause to be submitted their Vehicle for Hire for a random inspection, including an inspection by a designated mechanic or a designated representative of the manufacturer of the Cab Meter, at a time and place specified by the Enforcement Officer to ensure that the provisions of this By-law are being complied with.

7.5 When the City Fleet Manager or an Enforcement Officer believes on reasonable grounds that a Vehicle for Hire is being Operated such that it is a danger to the health or safety of the public, or does not comply with any requirement of this By-law or any regulation as prescribed by the City Clerk either may:

(a) remove the Owner Plate;

(b) order the Driver to have the vehicle towed to a place of repair or other private property at the Driver's or the Owner's expense;

(c) order the Owner not to Operate or permit the Operation of the vehicle until the danger is remedied, the vehicle has been inspected by the City Fleet Manager or an Enforcement Officer and, in the case of a Cab or Accessible Cab, the Cab Meter has been resealed; or

(d) order the Owner to file with the City Clerk a Safety Standards Certificate after the date of the order.

7.6 An Owner whose Vehicle for Hire is deemed unsafe or dangerous due to mechanical defects, may be required to attend before the City Clerk, City Fleet Manager and/or Enforcement Officer to determine whether or not their Licence should be suspended, revoked or have conditions imposed on it.

7.7 For the purpose of section 7.6, mechanical defect includes, but is not limited to, mechanical defects directly or indirectly related to any part or parts of the vehicle involving or affecting:

(a) its brakes or braking system;

(b) its steering system;

(c) its suspension system;

(d) its under body;

(e) its exhaust system;

(f) the condition of its tires;

(g) its lighting;

(h) its glass;

(i) its seat belt operation;

(j) its wheelchair restraints, if applicable;

(k) its heating system; or

(l) the condition of the vehicle's body.

7.8 When the vehicle has been in an accident, the Owner shall:

(a) immediately remove the vehicle from service; and

(b) notify the City Clerk of the collision; and

(c) notify the City Clerk of the details of the vehicle's repairs.

7.9 Once the repairs to the vehicle have been effected, the Owner or Driver shall provide the City Fleet Manager with a current Safety Standards Certificate and the City Fleet Manager shall inspect the Vehicle for Hire.

7.10 When the City Clerk or City Fleet Manager believes on reasonable grounds that a Vehicle for Hire does not comply with the requirements of this By-law, they may order the Owner to bring it into compliance, and the order shall:

(a) state the Owner Plate number of the vehicle;

(b) give reasonable particulars of any repairs to be made;

(c) indicate the time for compliance with the order;

(d) give notice that if the order is not complied with the Owner Licence may be suspended; and

(e) require that the Owner Plate be returned to the City Clerk immediately.

- ~~3.1 — A person who wishes to obtain a license or renewal license to under this By-law shall apply to the Clerk.~~
- ~~3.2 — An application for a Broker or Taxi Driver License or the renewal of a Broker or Taxi Driver License shall be in a form prescribed by the Clerk, and shall be accompanied with the following:—~~
- ~~3.2.1.1 — the applicable fee;~~
  - ~~3.2.1.2 — a current Criminal Record Vulnerable Sector Check for the applicant obtained by him/her at his/her own expense from the Ontario Provincial Police. — If the Vulnerable Sector Check with finger print request is negative and no criminal record exists, the Vulnerable Sector Check will only be required once every five (5) years and the Criminal Record Check will be required annually. — If the Vulnerable Sector Check is positive, this check will be required annually until a pardon has been granted; — and~~
  - ~~3.2.1.3 — in the case of an application for a Taxi Driver's License:~~
    - ~~3.2.1.3.1 — a copy of the applicant's valid Ontario Class G, Driver's License, or equivalent driver's license issued by a Canadian Province;~~
    - ~~3.2.1.3.2 — the written confirmation from a licensed taxi cab or limousine broker that the driver will be employed;~~
    - ~~3.2.1.3.3 — proof of satisfactory completion of a driver's knowledge test as prescribed by the Clerk; and~~
    - ~~3.2.1.3.4 — a current copy of Ontario Driver Record Search or equivalent document issued by another jurisdiction obtained by the applicant at his/her own expense from the Ministry of Transportation or similar agency or Ministry of another Province.~~
- ~~3.3 — An incomplete application will be returned to the applicant by the Clerk and no license will be issued until the application is complete.~~
- ~~3.4 — No person shall be issued a license or is entitled to maintain a license under this By-law if the applicant or licensee:~~
- ~~3.4.1.1 — Has been found guilty of an offence under the Criminal Code of Canada within the proceeding three (3) years, or~~
  - ~~3.4.1.2 — has been found guilty of an offence under the *Liquor License Act* of Ontario relating to the illegal purchase or sale of liquor within the proceeding three (3) years, or~~
  - ~~3.4.1.3 — has ever been convicted of an offence as defined in Sections 150 through 160 of the *Criminal Code of Canada*.~~
- ~~3.5 — Provided however, that a person convicted of an offence referred to in Section 3.4 is eligible for a license if the person received a discharge, a suspended sentence or the matter was prosecuted by way of summary conviction.~~

~~3.6 An application for a Vehicle License or to Renew a Vehicle License shall also include:~~

~~3.6.1.1 a copy of the vehicle registration,~~

~~3.6.1.2 proof of insurance to at least \$2,000,000.00 for third party claims,~~

~~3.6.1.3 a valid Ontario certificate of mechanical fitness for the vehicle,~~

~~3.6.1.4 the consent of a licensed broker under this By-law, and~~

~~3.6.1.5 proof that the meter in the cab, if it is a taxi cab, has been tested within the past 12 months.~~

~~3.7 An application for the renewal of a license shall be delivered to the Clerk at least thirty (30) days prior to expiry of the license.~~

~~3.8 The Clerk shall process an application for a license, or the renewal of a license within thirty (30) days of receipt and shall advise the applicant accordingly.~~

#### ~~4 Appeals~~

~~4.1 An applicant whose application for a license is refused may apply to the Council for a hearing with respect to the said application, and Council may affirm the Clerk's decision, or may grant the license.~~

### **8 Suspensions and Revocation**

8.1 A taxi cab, limousine or dray broker or driver who fails to operate in accordance with the provisions of this By-law or any law of the Province of Ontario is subject to having his/her or her taxi license and any attached vehicle licenses suspended or revoked by the City Clerk.

8.2 Where the City Clerk has reason to believe that a licensee has failed to comply with the provisions of this By-law or any law of the Province of Ontario, or is no longer eligible for a license, the City Clerk may notify the licensee in writing of the City Clerk's intention to suspend or revoke the license. The City Clerk shall give reasons for such intention to suspend or revoke the license.

8.3 A licensee who receives a notice from the City Clerk advising of his/her or her intent to suspend or revoke a license may appeal such decision to the Council within ~~fifteen ten (15/10)~~ days of the date the notice was mailed or otherwise delivered to the licensee, and failing such appeal to Council, the Clerk's decision is final.

### **9.0 Transfers and Non Use**

9.1 No Taxi Driver's License can be transferred from one person to another; and no Taxi Vehicle License can be transferred from one vehicle to another.

9.2 A taxi cab broker who fails to operate a taxi cab business for sixty (60) consecutive days will be deemed to have withdrawn from business and the broker's license is revoked.

9.3 A taxi cab broker who ceases operation of his/her business for more than seven (7) days shall immediately notify the City Clerk and turn in all permits and licenses to the City Clerk.

## **10.0 Tariffs and Fees**

10.1 The fees payable to the City for licenses and renewals are set out in Schedule "A" to this By-law.

10.2 The fees applicable to a license issued after December 30<sup>th</sup> in any year shall be one half (1/2) of the fee set out in Schedule "A".

10.3 The rates chargeable by a taxi cab or limousine are those set out in Schedule "B" to this By-law, and no rate other than those rates shall be charged.

## **11.0 General**

11.1 This By-law applies to all taxi cabs, limousines or drays operating within the City of Kenora except:

a) A vehicle which has picked up a passenger outside of the City of Kenora, or

~~11.1.1.1 a taxi cab which meets the criteria of subsection 156(2) of the *Municipal Act 2001*, namely:~~

~~11.1.1.1.1 The purpose of the conveyance is to transport persons with physical, emotional or mental disabilities from any point in the municipality to any point outside the municipality, and~~

~~11.1.1.1.2 the conveyance is made pursuant to a written contract for the use of a taxicab which can legally operate in the municipality in which the conveyance begins or ends. 2006, c. 32, Sched. A, s. 82.~~

~~11.2 This By-law does not apply to an ambulance, or to a police transport vehicles, or to a bus while operating within the authority of a bus license.~~

11.2 Taxi cabs and limousines shall be kept clean and in a good state of repair, both exterior and interior, including the trunk.

11.3 Where the City Clerk has reason to believe that a vehicle is not in good mechanical condition, the City Clerk may require the broker to provide a new mechanical fitness certificate within seven (7) days of notice in writing.

11.4 No broker shall employ a person as a driver unless that person holds a valid Class G Ontario Driver's License or equivalent valid driver's license from another Canadian Province.

11.5 The holder of any license under this By-law shall advise the Clerk of any changes to the information provided in the application or any amendments thereto with three (3) days of any change.

11.6 No more than one taxi vehicle license shall be issued for each 250 people resident in the City of Kenora according to the last Provincial Census.

11.74 A taxi cab or limousine shall not take more passengers than there are permanently equipped safety belts for passengers.

11.8 No taxi cab or limousine shall be washed on any public street or at any cab stand.

11.9 A taxi cab broker shall provide service in accordance with the priority of the request for service determined by the sequence of calls.

11.10 No licensee driver shall solicit business by calling out or shouting.

11.11 Every licensee and driver shall take due care of all property that is entrusted to them and accepted for conveyance. Any property found in a vehicle shall be placed in a property box at the broker's business premises and stored for at least thirty (30) days. The broker shall make reasonable efforts to locate the owner of the property.

11.12 Every taxi cab broker shall ensure that taxi cab and limousine shall have attached to the rear bumper the current Vehicle License Registration Bumper Sticker provided by the City and the fee shall be the current cost to the City to purchase the sticker.

11.13 Every licensed vehicle shall have the broker's business name prominently displayed on the exterior and on both left and right sides of the vehicle.

11.14 Every taxi cab or limousine driver, shall carry on his/her person the Taxi Driver's Licence and on demand from a Police Officer, By-law Officer or passenger, produce his/her Taxi Driver's License, and provide the name and license number of the broker under which the vehicle is operated.

11.15 The driver of a dray shall ensure that the vehicle is equipped with rubber tires and the driver is skilled and trained, and that all manure dropped is immediately removed from the street.

11.16 No broker or driver of a taxi cab or limousine shall cause or allow intoxicating liquor or unlawful drugs to be in the vehicle. Provided however, that a passenger may transport unopened liquor in his/her personal effects if they are not available to him or her in the vehicle.

11.17 No owner or driver of a taxi cab or limousine shall permit the vehicle while on duty to remain standing or parked at a restricted parking area except for:

- b) Taking on a passenger who has already engaged the vehicle, or
- c) Discharging passengers.

11.18 No vehicle which is more than ten (10) model years old be licensed; provided however that a vehicle which is licensed may have its license renewed regardless of age as long as it passes the annual required inspection.

11.19 Every broker shall post in every licensed vehicle a copy of the passengers "Bill of Rights" as set out in Schedule "C" hereto in a conspicuous location.

11.20 Every broker shall ensure that the fare schedule is posted in a conspicuous location visible to passengers.

11.21 Every broker shall ensure that the licensed driver operates in accordance with the provisions of the Smoke-Free Ontario Act or any applicable Provincial statute.

11.22 Every driver is required to display their taxi driver photo ID issued by the City of Kenora in their vehicle at all times.

## **12.0 Taxi Cabs**

- 9.1 A broker of a taxi cab shall equip each taxi cab with a rooftop mounted illuminated sign.
- 9.2 A broker shall provide proof of insurance, and a current mechanical fitness certificate to the City Clerk annually by April 15 each year.
- 9.3 Each taxi cab broker shall ensure that each taxi cab meter is checked for accuracy by the City at least once each year, and within 30 days of any change in the rates pursuant to the By-law. The City Fleet Manager shall be contacted by the taxi cab broker to make arrangements that are agreeable to the City Fleet Manager.
- 9.4 Every taxi cab broker shall advise the City Fleet Manager Clerk of any change to the condition of the taxi cab meter seal immediately in order to arrange repair or replacement of meter seal.

## **13.0 Driver's Prohibitions**

### 13.1 No Vehicle for Hire Driver shall:

- a) smoke inside a Vehicle for Hire;
- b) operate a Vehicle for Hire whose owner is not licensed under this By-law;
- c) Operate a Vehicle for Hire without the number of the Owner Plate and the name of the Fleet it belongs to displayed on the rear bumper of the Vehicle for Hire
- d) Operate a Vehicle for Hire when the Driver has been on duty for more than 14 hours within a 24 hour period, without first taking 10 hours off duty. Within the 14 hour on duty period, a maximum of 12 hours may be consecutive on duty time;
- e) Operate a Vehicle for Hire that does not comply with the operational standards as set out in the regulations as prescribed by the City Clerk

## **14.0 Taxi Cab Fares**

- 14.1 No taxi cab broker or driver shall charge more or less than the amount calculated in accordance with the rates set out in Schedule "B".
- 14.2 Every taxi cab shall be equipped with a meter located such as to be visible to all passengers.
- 14.3 Every taxi cab meter shall be designed to accurately measure the mileage travelled and to calculate the fare based on the approved rates in Schedule "B". Each taxi cab meter shall have affixed on it a seal to confirm that it has been inspected by the City and it is registering accurately.
- 14.4 Taxi meter tolerances shall not exceed the following:
  - a) On a mileage test (road test) with respect to computed distance actually travelled, a tolerance of one and a half percent (1.5%) per kilometer is allowed.

b) Taxi Meter Calibration Testing – Fee

Other than for City imposed purposes, i.e. rate changes and annual road testing, the City shall charge a fee in the amount of \$20.00 plus applicable taxes, for any calibration testing/re-sealing of a taxi meter requested by the Taxi driver/owner for any reason, including but not limited to, loss of or tampering with the seal, missing a pre-scheduled road test.

14.5 No person other than a person authorized by the City of Kenora in writing shall remove or alter a seal to a taxi cab meter, or make any adjustments to the meter.

a) The City Clerk, or City Fleet Manager may at any time request a taxi cab broker to have the meter in the cab tested and re-sealed.

14.6 Each taxi cab broker shall record each fare including the time of pick-up and location, number of passengers, time and location of drop-off, and the fare charged.

14.7 A taxi cab or limousine or dray driver shall provide a passenger with a  
—receipt if requested.

14.8 No taxi driver or broker shall charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip or for the storage of mobility aids or mobility assistive devices.

14.9 ~~10.10~~ —Every driver shall post rates and fares in their vehicles as approved by municipal bylaw.

The By-law for the Licensing, Regulating and Governing of Taxi, Limousine and Shuttle Transportation gives taxi owners the option of charging passengers an interior cleaning fee, as per rates card, in the event that a passenger has soiled the interior of the vehicle. The amendment has been made to assist taxi owners who were previously obligated to fully fund the cost of interior cleaning following incidents related to passenger pick up from local bars.

## 10 15.0 Offences

10.1 Every person who contravenes a provision of this By-law is guilty of an offense and upon conviction, subject to a penalty under the *Provincial Offences Act*.

10.2 Every person who operates a taxi service or a limousine service without a broker's license shall, upon conviction be subject to a minimum penalty of \$500.00.

10.3 Every person who operates a taxi service or limousine service in the City of Kenora without a broker's license issued by the City of Kenora shall be deemed to commit a separate offense on each day of such service.

## 16.0 Drivers Right to Refuse Service

Under the By-law for the Licensing, Regulating and Governing of Taxi, Limousine and Shuttle Transportation, drivers have the right to refuse a passenger who:

- is or appears to be under the influence of drugs or alcohol or appears disorderly that the driver feels is unsafe for the driver to transport the passenger

- is indebted to the driver, the taxi broker, or the owner of the vehicle,
- is apparently unable to pay for the service requested, and in the case of a passenger requesting taxi service between midnight and 6 a.m., refuses or is unable to pay in advance the estimated fare when requested to do so by the taxi driver,
- requests that the driver carry an animal or baggage which might be detrimental to the repair, cleanliness or sanitary condition of the vehicle, with the exception of service animals for persons with disabilities, and
- requests that the driver carry more baggage than the vehicle is capable or other objects of a type or size which are not suited to the vehicle.

**17.0 Taxicab Driver Safety**

17.1 For the safety of the drivers and passengers of a taxicab, it is recommended that all taxi cabs include the following:

- b) a security camera which is mounted inside each taxi cab operating under the broker of which the records of such camera are only accessible to an Enforcement Officer for investigative purposes
- c) an automatic vehicle location/global positioning system (GPS) which is appropriately monitored
- d) a shield safety device between the driver and the passenger
- e) An emergency strobe light which is permanently mounted on the vehicle's roof at the back of the vehicle and that can be triggered by the driver to provide warning of an emergency situation within the vehicle.

**11 18.0 Enforcement & Repeal**

12.1 This By-law shall take effect and come into force on ~~July 16, 2019~~April 1, 2022, at which time By-law ~~#13-2013, 45-2014, 23-2014, 28-2016 and 7-2018~~104-2019 and all other amendments for the Corporation of the City of Kenora will be repealed.

**By-law read a First & Second time this ~~16th day of July, 2019~~22nd day of March, 2022**

Formatted: Superscript

**By-law read a Third & Final time this ~~16th day of July, 2019~~22nd day of March, 2022**

Formatted: Superscript

The Corporation of the City Of Kenora:-

.....  
**Daniel Reynard, Mayor**

.....  
**Heather L. Pihulak, City Clerk**

The Corporation of the City Of Kenora



Schedule "A" To By-Law Number ~~104-2019~~

**Taxi Related License Fees**

**Taxi Broker License OR Limousine Broker License:**

There shall be a fee of ~~one-two~~ hundred (~~\$100.00~~200.00) dollars per year applicable to obtain a Taxi Broker License to carry on a taxi business in the city.

There shall be a fee of ~~one-two~~ hundred (~~\$200.00~~100.00) dollars per year applicable to obtain a Limousine Broker License.

**Taxi or Limousine Vehicle License:**

For every vehicle licensed under this By-Law there shall be a fee of ~~one hundred~~fifty (~~\$100.00~~50.00) dollars per annum.

For every Taxi Vehicle License Registration Bumper Sticker or Limousine License Registration Bumper Sticker, the fee shall be the current cost to the City to purchase the sticker.

Replacement charge for such Registration Bumper Sticker lost etc. shall be the current cost to the City to purchase the sticker.

**Taxi or Limousine Driver's License:**

For every taxi driver or limousine driver license issued there shall be a fee of ~~twenty-five~~fifty (~~\$25~~50.00.00) dollars per annum. This fee shall include the cost of the initial issuance of a photo license card.

Replacement cost of any photo license card shall be ten (~~\$10~~25.00.00) dollars.

Any applicant required by this By-Law to supply a copy of his/her fingerprints shall be subject to a fee as set out by the Receiver General for Canada.

There shall be no duplication of such fee. If an applicant has a copy of fingerprints on file with the Ontario Provincial Police as a result of a valid Taxi Related License, no other set of fingerprints shall be required for any other Taxi or Limousine Related License application.

**Dray License Fee:**

For every dray licensed there shall be a fee of fifty (\$50.00) dollars per annum.

The Corporation of the City of Kenora



Schedule "B" To By-Law Number ~~104-2019~~

**Rates and Fares**

For trips between any point in the city by meter tax-cab for six (6) passengers or less:-

- For the first ~~36.36~~33.03 meters or part thereof (km zero):      \$ ~~67.00~~ (includes HST)
- Each additional 33.03 meters or part thereof      \$0.10
- Each 6.23 seconds of waiting time      \$0.10

---

- 1/25<sup>th</sup> km (40m)      \$ 6.11
- 985m      \$ 8.74
- 1 km      \$ 8.75
- 1015m      \$ 8.79
- 2 km      \$ 11.50

**Advance Fare:** A driver may ask for fare in advance

**Courtesy Discount:** At the discretion of the taxi-cab owner, any person who has attained the age of sixty-five (65) years may be entitled to a discount of ten (10%) percent from the metered rate.

**FEES FOR LIMOUSINE**

1. Maximum Rate:      \$~~75~~100.00 per hour for the first hour with a one hour minimum;
2. Hourly Rates:      Weddings and Funerals – minimum 3 hours or \$~~225~~300..00;
3. Minimum Rate:      Wait times above the minimum \$~~65.00~~100.00 per hour

The Corporation of the City of Kenora



Schedule "C" To By-Law Number **104-2019**

Taxi Cab & Passengers

"Bill Of Rights"

Every passenger has the right to a Driver who....

- Is Licensed by the City of Kenora*
- Is Knowledgeable*
- Knows the major routes and destinations in the City of Kenora*
- Is Courteous and helpful*
- Offers a safe, comfortable and smoke-free ride*
- Maintains a clean vehicle*
- Knows and obeys all traffic laws*
- Gives, upon request, a silent ride*
- Uses a cell phone only in emergencies*
- Assists passengers into the vehicles with their belongings*
- Takes the most expeditious route; and*
- Provides, upon request, a receipt for services rendered.*





March 4, 2022

## City Council Committee Report

**To: Kyle Attanasio, CAO**

**Fr: Heather Pihulak, Director of Corporate Services/City Clerk**

**Re: April Committee of the Whole Meeting Date**

**Recommendation:**

That Council hereby amends the 2022 Council meeting calendar to reflect the April 12 Committee of the Whole meeting date be rescheduled to April \_\_, 2022.

**Background:**

The Corporate Services Division is requesting Council to consider changing the April Committee of the Whole date to allow both the Clerk and Deputy Clerk to attend the spring Association Municipal Clerks & Treasurers of Ontario (AMCTO) Zone 9 conference in person in Thunder Bay. The conference was originally scheduled for virtual attendance but has been changed to in-person only. This conference in particular is an important one for both the Clerk and Deputy to attend as there are several sessions pertaining to elections and a regional component for the four municipalities who are jointly represented by the online voting vendor.

The request is to change the April 12 Committee of the Whole meeting to one of the following dates:

Tuesday, April 5<sup>th</sup>  
Monday, April 11<sup>th</sup>  
Thursday, April 14<sup>th</sup>

The Council meeting date of April 19<sup>th</sup> would remain unchanged.

**Budget:** There is no budget impact to this request.

**Risk Analysis:** There is a low risk associated with this report. While it is important for staff to attend educational opportunities, should Council not support this change, the Deputy Clerk would take the Committee of the Whole meeting and the Clerk would attend the training session in Thunder Bay.

**Communication Plan/Notice By-law Requirements:** public notice required

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



February 27, 2022

## City Council Committee Report

**To: Kyle Attanasio, CAO**

**Fr: Heather Pihulak, Director of Corporate Services**

**Re: Boards/Committees Review**

### **Recommendation:**

That the 2018-2022 term of Council reviewed the existing Boards and Committees that form part of this term of Council and recommend that the Heritage Kenora and the Kenora Urban Recreational Trails Committee be excluded from the renewal process at end of term November 14, 2022; and further

That the terms of reference for these two committees be repealed effective November 14, 2022; and further

That Council directs Administration to conduct a legal review on the membership of members of Council on the Kenora Health Care Board of Directors.

### **Background:**

In preparation for the 2023-2026 term of Council, administration traditionally presents the current term of Council with an opportunity to review the current Boards and Committees and determine if there should be any changes for the next term of Council.

For your reference the following Boards and Committees are Committees of Council with terms of reference passed by Council by bylaw OR are required by Legislation:

- \*Accessibility Advisory Committee (10 members including 2 Councillors)
- Crime Prevention & Community Wellbeing Advisory (max 15 members)
- Heritage Kenora (max 10 members, incl 1 Councillor)
- \*Kenora Police Services Board (5 person board including 2 members of Council)
- \*Kenora Public Library Board (5-9 members including 1 Council)
- Kenora Urban Recreational Trails Committee (max 9 including 1 Councillor)
- The Muse Board (8 including 1 Councillor)
- Planning Advisory Committee and Committee of Adjustment (7 members)
- Sustainability Advisory Committee (14 including 1 Councillor)

External Boards & Committees NOT Appointed by Council may have a Council membership or Council presence as requested by outside organization:

- All Nations Health Partners
- All Nations Health Working Group – Hospital Committee
- Business Improvement Area (BIZ) (5 members including 1 Councillor)
- Crime Prevention Network
- \*District of Kenora Home for the Aged (3 Municipal reps with staggered terms – no Councillor\*Legislation, cannot change)

- Handi Transit Board (1 Councillor, 1 Council alt)
- Kenora Airport Authority (1 Councillor, 1 alt)
- Kenora District Municipal Association (KDMA)
- \*Kenora District Services Board (KDSB) (1 Councillor, 1 alt)
- \*Kenora Health Care Centre Board of Directors (Mayor, 2 Councillors)
- Ministry of Natural Resources – LCC Committee (1 Council, 1 alt)
- \*Northwestern Health Unit Board of Directors (1 Council)
- \*Rat Portage Common Ground Conservation Organization
- \*Synergy North Hydro Board of Directors
- \*Tunnel Island Common Ground

The objective of the report is for Council to reflect on their term of Council and experiences with these boards and committees and their effectiveness. Reviewing the Terms of Reference for each of the committees/boards you were directly involved with and from your own personal experience determining if you feel the committee is effective and if any changes need to be made to membership composition, or if the Committee is required. We do leave terms of reference for each committee to be reviewed by the lead administration to the committee. They will bring recommended changes forward at their discretion, however, it is up to Council to appoint members and now is the time to make those changes before advertising for the new term following the election.

I have listed the number of members currently appointed to the board/committee, including the number of Council members. You will note some boards/committees have a legislated mandate, or they are an external board/committee with a requirement for a member of Council to form part of their Board. I have \* those to indicate such.

The Senior Leadership Team, in collaboration with other administrative support to the committees have discussed the success of each committee and made recommendations for change to some of the Boards and Committees. These include:

1. **Kenora Heritage Committee** – Section 28 (1) of the Ontario Heritage Act states that the council of a municipality may by by-law establish a municipal heritage committee to advise and assist the council on matters relating to this Part, matters relating to Part V and such other heritage matters as the council may specify by by-law. The primary focus of the Committee is in an advisory capacity to Council on heritage issues as defined by the statutory requirement of the Ontario Heritage Act which include designation/repeal-of-designation process for individual properties, applications to demolish/remove structures from, or otherwise alter designated properties. Council must also consult the Committee prior to entering into any easements or covenants pertaining to designated properties. The committee has been the approval body for all façade improvement/signage applications to the Harbourtown Centre Community Improvement Plan (CIP) and Keewatin CIP, although many of these projects do not pertain to any Heritage buildings. Under Section 11.8 of the Harbourtown Centre CIP, Council is able to make adjustments to delegation authority without requiring an amendment under Section 28(5) of the Planning Act. Administration feels that this committee could be deemed redundant and matters that Council would like to seek input from pertaining to Heritage could form part of the Muse Board agenda.
2. **Kenora Urban Recreational Trails Committee** - The purpose of the Kenora Urban Recreational Trails Committee is to develop, maintain, and promote Kenora's existing and proposed urban trails. The Committee intent is to direct efforts to maintaining existing urban recreational trails to trails standard established by the committee and identify potential new urban recreational trails in the community, promote the Kenora urban recreational trails through signage,

maps, brochures and other promotional tools with partners. This committee has no direct budget line in the City's operating budget and the bulk of the mandate of the committee is completely driven by the City's Parks Division staff in collaboration with the Tourism staff. While the members of the committee are very passionate about our beautiful trails and the sustainability of all of our trails, the committee has been deemed by administration as redundant.

- 3. Kenora Health Care Centre Board of Directors** – In 2006, in an effort to address the doctor shortage in the community, Council authorized a loan to establish a community medical clinic, now known as the Patterson Medical Centre. Section 107 of the Municipal Act provides a municipality may make loans for any purpose that Council deems to be in the interests of the municipality. At this time, Council authorized a loan up to \$1,800,000 to the Kenora Health Care Centre for the purpose of purchasing, renovating and managing the property known as 45 Wolsley Street as a medical clinic. The term of the agreement is 20 years, 11 months effective January 2006 taking the term of this loan guarantee to January 2027. In August 2007, Council authorized an increase to the debenture from \$2,450,000 to \$2,800,000. In December of 2008, Council authorized an increase from \$2,800,000 to \$6,550,000. In March 2009, Council authorized a further debenture to finance construction of a land ambulance facility and family health team offices from \$6,550,000 to \$7,475,000.

Three members of Council sit as part of the seven person management board of the Patterson Medical Centre. This includes Councillor McMillan as the Secretary to the Board, and any two members of the Board have signing authority to sign cheques. In most cases, it is Councillor McMillan and Mayor Reynard that sign the majority of all cheques of the Board operation. While it is recommended that the intent of the continued loan guarantee remain supported, administration strongly feels that Council should not have such a significant presence on the administrative Board of Management for the Patterson Medical Centre. It is recommended that we seek solicitor support to review the bylaws of the Board, and original authorizing agreements to ensure that it is in the best interest of the municipality to continue this type of direct involvement.

As noted, other Boards and Committees will have the mandate to review their terms of reference and any recommended changes moving forward will be lead by the administrative staff who support that committee, or through the Chair of the Committee back to the Clerk's Division. Several committees will be reviewed in the coming months such as:

**Planning Advisory Committee (PAC) and Committee of Adjustment** – This committee has delegated authority to 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. Further, it makes decisions on applications for lot creation, to an owner of land who wishes to sell, convey or transfer an interest including Plans of Subdivision and Plans of Condominium. PAC also recommends to Council decisions on amendments to the Zoning By-law and Official Plan. Lastly, it acts as the Property Standards Committee. While staff are currently recommending that the committee structure remains the same, upon completion of the comprehensive review of the Official Plan and Zoning By-law there will be an opportunity to enable changes to delegated approvals. Principally, this relates to recent amendments to the Planning Act through Bill 13 that delegate the authority to pass by-laws under section 34 that are of a minor nature to, an employee of the municipality. In the present time, if there was an was immediate interest in revoking delegated authority staff would only extend consideration for Plans of Subdivision and Plans of Condominium. The basis

of which is that Council is approval authority for agreements extending from approval of these Plans at PAC. Given the volume of applications received for other approvals and administrative complexity of revoking delegated authority, staff would not extend consideration beyond the Plans stated above. As noted above, these are the recommendations of administration. We strongly encourage Council to review the list in its entirety and discuss any other Boards or Committees that they feel should be reviewed. With the exception of legislated or outside Boards/Committees, it is the discretion of Council on what they feel is in the best interest of the municipality that best serves the community and leads to municipal benefit.

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

**Risk Analysis:** There is a low risk associated with this report as the report is intended to be a review of the various Boards/Committees.

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

**Strategic Plan or other Guiding Document:**

The strategic plan in its entirety can touch this report as the mandates of many of these boards and committees touch the Strategic Plan throughout. This is also true for many of our other guiding documents and Acts.

March 8, 2022

## City Council Committee Report

**To: Kyle Attanasio, CAO**

**Fr: Stace Gander, Director of Community Services**

**Re: Application to the Ministry for Seniors and Accessibility - Inclusive Community Grant**

### **Recommendation:**

That Council hereby authorizes a funding application to the Ministry for Seniors and Accessibility under its Inclusive Community Grant to support costs identified within the City's 2022 capital plan; and further

That Council approves any cost overruns associated with this project.

### **Background:**

The Inclusive Community Grants (ICG) Program offers up to a maximum of \$60,000 per successful applicant for projects that take place between September 2022 and March 2023. As part of the evaluation criteria, projects must address one or more of the World Health Organization's eight age-friendly community domains. These include:

1. Outdoor Spaces and Public Buildings
2. Transportation
3. Housing
4. Social Participation
5. Respect and Inclusion
6. Civic Participation and Employment
7. Communication and Information
8. Community Support and Health

Administration feels that the City's application meets five of eight domains.

Administration has sought and received a letter of support from the Accessibility Committee to strengthen its application.

Council had previously approved \$75,000 of capital work in 2022 to be undertaken at Coney Island beach related to accessibility and boardwalk improvements. Once complete, this work will enable individuals with mobility limitations to move between one of the docks and the boardwalk. Further, transitions will be installed at key locations to replace steps with ramps thereby eliminating barriers to accessibility.

**Budget:** There is no financial impact related to this application beyond those costs outlined as part of the capital budget.

**Risk Analysis:** The financial risk of this applications is related to not submitting for funding. If successful, the City of Kenora will be in an improved financial position.

**Communication Plan/Notice By-law Requirements:** By-law if contribution agreement is received from the Ministry for Seniors and Accessibility.

**Strategic Plan or other Guiding Document:**

- 1-9 The City will promote and leverage its recreation and leisure amenities as a means to support local economic activity, tourism and to strengthen community ties with our regional neighbours.
  
- 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 good state of repair to ensure certainty, security and long-term stability of our systems.
  
- 2-9 The City will support continuous improvements to recreation and leisure amenities, particularly those that support quality of life.
  
- 2-10 The City will continue to explore opportunities to develop and improve our beaches, parks & trails.

The City of Kenora 2016 Age Friendly Strategic Plan



March 8, 2022

## City Council Committee Report

**To:** Kyle Attanasio, CAO

**Fr:** Stace Gander, Director of Community Services

**Re:** Application to Trans Canada Trails – 2022 Trail Care Grant

### **Recommendation:**

That Council hereby authorizes an application for funding to Trans Canada Trails under its Trail Care Grant initiative.

### **Background:**

Trans Canada Trails has opened up a funding envelop to support costs associated with the Trans Canada Trail system. Under the grant, successful applicants will receive \$1,000 with no requirement for the City to contribute.

The Parks Department has recommended that the money be used to purchase material to apply to the trail on the Laurensens Trail to help with vegetation and drainage.

**Budget:** There is no financial impact related to this application.

**Risk Analysis:** The financial risk of this applications is related to not submitting for funding.

**Communication Plan/Notice By-law Requirements:** By-law if contribution agreement is received.

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

- 1-9 The City will promote and leverage its recreation and leisure amenities as a means to support local economic activity, tourism and to strengthen community ties with our regional neighbours.
- 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 good state of repair to ensure certainty, security and long-term stability of our systems.
- 2-9 The City will support continuous improvements to recreation and leisure amenities, particularly those that support quality of life.
- 2-10 The City will continue to explore opportunities to develop and improve our beaches, parks & trails.

March 8, 2022



## City Council Committee Report

**To: Kyle Attanasio, CAO**

**Fr: Stace Gander, Director of Community Services**

**Re: Hoopla Island Water Park–Memorandum of Understanding**

### **Recommendation:**

That Council hereby authorizes the Mayor and Clerk to execute a Memorandum of Understanding (MOU) with Twenty-One Ventures Inc. for the operation of a floating water park in the waters off Norman Beach; and further

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

### **Background:**

In May, 2019, Council authorized a three year lease agreement with Twenty-One Ventures Inc. to operate Hoopla Island Water Park in Norman Park.

Hoopla Island Water Park started its first year of operation the summer of 2019. The operation has continued during the summers of 2020 and 2021 despite restrictions related to the COVID pandemic.

Recently, owners of Twenty-One Ventures Inc. approached Administration requesting a new agreement recognizing that the previous agreement has expired.

From Administrations perspective, looking forward, upgrades to the playground planned for park in 2022 will only enhance the overall user experience for all ages with the floating water park being an important part of the attractions located in Norman Park. Administration has found the water park has been a good fit with other family activities in Norman Park which include the beach and green space, Rotary Splash Park, and accessible upgrades.

The park is slated to operate from late June until early September as in previous years. The park will operate 7 days per week between the hours of 11 am and 9 pm. All patrons will be required to wear a personal floatation device. Twenty-One Ventures Inc. will supply lifeguards and will use the guidelines from the Lifesaving Society of Ontario.

### **Budget:**

Lease payments will increase from \$1,537 in 2021 as follows:

<b>YEAR</b>	<b>LEASE RATE</b>
2022	\$2,000 plus HST
2023	\$2,500 plus HST
2024	\$2,750 plus HST

All extraordinary costs will be borne by Twenty-One Ventures Inc.

**Communication Plan/Notice By-law Requirements:** Notice required to be placed on Committee Agenda, Minutes and subsequent Council Agenda/Minutes.

**Strategic Plan or other Guiding Document:**

- 1.2 The City will forge strong, dynamic working relationships with the Kenora business community.
- 1.3 The City will foster and support entrepreneurial business development for start-ups and young entrepreneurs.
- 1.10 The City will promote and leverage its recreation and leisure amenities as a means to support local economic activity, tourism and to strengthen community ties with our regional neighbours.
- 2.9 The City will continue to explore opportunities to develop and improve our beaches, parks & trails.

**ERM Assessment:** The operation of a floating water park has a moderate risk rating. That risk will be mitigated by ensuring that the operator is following appropriate lifeguard staffing levels as directed by the Lifesaving Society of Ontario. Proof of insurance and a hold-harmless assignment are required as part of operation. After hours security will be provided until midnight. Regular meetings will take place with Twenty-One Ventures Inc. to ensure there is a strong partnership.

March 8, 2022

## City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Stace Gander, Director of Community Services

Re: Repeal License of Occupation Bylaw #135-2021

### Recommendation:

That Council hereby repeals bylaw #135-2021, being a bylaw to authorize a license of occupation agreement between the Corporation of the City of Kenora and Her Majesty the Queen, in Right of Canada, represented by the Minister of the Environment for the use of property located at the intersection of Bay Street and Government Road (North-East corner), City of Kenora, in the Province of Ontario; and further

That the appropriate by-law be passed for this purpose.

### Background:

The Ministry of the Environment and the City of Kenora had been in a long term lease arrangement for a small storage building on the southeast corner of the Dick Banning location. The lease was for a building where the Ministry stored equipment that monitored water levels for the Lake of the Woods and Winnipeg River.

New technology has been introduced which reduces the physical space requirements for the hydrometric monitoring station. As a result, a new location was identified for the system along the water edge. The new site location is near the Keewatin wharf boat launch off of 10<sup>th</sup> Street and the Portage Bay Bridge.

Old site location:



New site location:



Upon review, the new location is not City property and therefore the bylaw executed in October 2021 for the use of municipal property is redundant and should be repealed.

**Budget:** The budgeted revenues of \$4,325.00 has been removed from the draft 2022 operating budget.

**Risk Analysis:** There is low risk associated with this contract.

**Communication Plan/Notice By-law Requirements:** Resolution & bylaw required. Community Services; Finance and Administration; Her Majesty the Queen, in Right of Canada, represented by the Minister of the Environment

**Strategic Plan or Other Guiding Document:**

- 1-2 The City will forge strong, dynamic working relationships with the Kenora business community
- 2-2 The City will lead and promote environmental sustainability through conservation, smart building design and, where feasible, retro-fit practices for city-owned facilities



March 1, 2022

## City Council Committee Report

**To: Kyle Attanasio, CAO**

**Fr: Stace Gander, Director of Community Services**

**Re: Funding Application - Canada Day Festivities**

**Recommendation:**

That Council hereby direct staff to complete an application to the Northern Ontario Heritage Fund (NOHFC) Cultural Supports program for Canada Day 2022 in the amount of \$10,000; and further

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

**Background:**

The Northern Ontario Heritage Fund Corporation is accepting applications for all programs including the community events stream. Funding through this stream is in the form of a conditional contribution of up to 30% of total eligible costs to a maximum of \$15,000.

Tourism Kenora is seeking financial support for the 2022 Canada Day Festivities. Staff have begun to make multiple plans for the festivities dependent on the restrictions that are in place due to COVID at that time.

**Budget:** The total budget for Canada Day festivities is \$47,040. A successful application to NOHFC will help offset this cost.

**Risk Analysis:** There is a potential positive financial risk in making application to NOHFC for Canada Day festivities by reducing the overall cost to the City if successful.

**Strategic Plan or Other Guiding Document:**

- 1.1 Enhance four-season visitor experiences
- 1.4 Advance Kenora's position as a host community for special events



February 28, 2022

## City Council Committee Report

**To: Kyle Attanasio, CAO**

**Fr: Adam Smith, Director of Development Services**

**Re: Application to Active Transportation Fund**

### **Recommendation:**

That Council hereby approves an application to the Government of Canada Active Transportation Fund: Planning and Design Project Stream for the development of an Active Transportation Master Plan; and further

That an application be made to the Capital Project Stream for the development of an accessible trail link between Norman Park and the Lake of the Woods Discovery Centre.

### **Background:**

The Active Transportation Fund (ATF) will provide \$400 million over five years to support the expansion and enhancement of active transportation infrastructure and a modal shift away from cars and toward active transportation. The Fund will also support the goals of Canada's Strengthened Climate Plan.

Active transportation refers to the movement of people or goods powered by human activity. Active transportation includes walking, cycling and the use of human-powered or hybrid mobility aids such as wheelchairs, scooters, e-bikes, rollerblades, snowshoes and cross-country skis, and more.

The objective of the Fund is to increase the total amount, usage, and quality of active transportation infrastructure throughout Canada. The Fund will support capital and planning projects that encourage a modal shift away from cars and improve the safety and security of Canadians.

In the 2022 Capital and Unusual Spend Budget, staff identified this opportunity to support the creation of an Active Transportation Master Plan. The intent of this project is identify active transportation networks in Kenora that are feasible and carry high potential for usage. If successful in the application process, staff will seek to have \$50,000 of total project costs covered by the Fund.

The Active Transportation Fund (ATF) does enable applicants to proceed with more than one application thus staff are proposing a submission under the Capital Project Stream to support development of a trail link from Norman Park to the Lake of the Woods Discovery Centre. This has been discussed previously given it would further increase the popularity of these two destinations however, due to the high capital costs to the project it never proceeded. By supporting up to 60 percent of capital costs to a maximum of \$50 million, the ATF is an external funding source that assists with making this project feasible.

**Budget:** The 2022 Capital and Unusual Spend budget estimates the Active Transportation Master Plan at \$100,000 with \$50,000 being provided via this program. If this application is not approved, the project will not proceed this year.

The Norman Park-Discovery Centre Trail has not been identified in the 2022 Capital and Unusual Spend Budget and if the application is successful, will require a budget amendment. The cost estimate provided for the trail in the 2016 Beaches, Parks and Trails report has the project at \$250,000 however, in consideration of inflationary factors and the conceptual nature of the report it would be reasonable to estimate the cost at \$600,000.

**Risk Analysis:**

There is a low financial risk to proceeding with these project submissions as they will not proceed without funding approval from the ATF. There is a higher risk with the Capital Project Stream submission if successful due to the scope of the project however, the Municipal Accommodation Tax could offer support to mitigate impact on the tax levy. Further, projects have until 2026 to be completed thus costs can be spread out over multiple years.

**Communication Plan/Notice By-law Requirements:** Resolution required.

**Strategic Plan or other Guiding Document:**

1-8 The City will promote Kenora as a 365-day lifestyle destination

2-6 The City will support continuous improvements to recreational and leisure amenities, particularly those that support the quality of life.

2-13 The City will pursue operational and procurement measures that seek to reduce fuel and energy consumption, where feasible, for city-owned vehicles and equipment