



City of Kenora

Committee of the Whole Agenda

Tuesday, February 12, 2019

9:00 a.m.

City Hall Council Chambers

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 February 19, 2019 meeting:-

- To amend its 2019 Capital Budget to withdraw funds from the following:
 - Contingency Reserve in the amount of \$27,885 to offset the cost of the Community Energy Plan
 - IT Reserve in the amount of \$ 14,650 for the IT Camera Project
 - IT Reserve in the amount of \$9,500 for a new photocopier
 - Water & Sewer Reserves in the amount of \$28,245 for the water billing conversion project
 - Sewer and Water Reserves in the amount of \$158,821.88 to offset the cost of the Metis Pumping Station settlement
 - Roads Reserve in the amount of \$257,304 for the purchase of a 2019 Western Star Tandem Plow Truck
 - Water & Wastewater Reserve in the amount of \$169,117 for the purchase of a 2019 Western Star Tandem Truck
 - Solid Waste Reserve in the amount of \$146,324 for the purchase of a 2019 53' Spector Steel Walking Floor Open Top Trailer
 - Fleet Reserve in the amount of \$66,000.00 carry forward to complete the GPS Project
 - Water & Sewer Reserve in the total amount of \$909,300 to fund 2018 uncompleted sewer and water projects that have been committed to and carried forward into 2019
 - 2018 carry-over of funding in the amount of \$2,488,719 to facilitate the completion of the art centre project
 - Accessibility Reserves in the amount of \$32,500 to complete the washrooms at Norman Park

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 January 8, 2019 be confirmed as written and filed.

D. Deputations/Presentations

- Nathan Kew – Kenora Friends of Fitness & Health
 - Will Landon – Treaty #3 Youth Reconciliation
- Lori Nelson - Arts Centre Business Case Presentation

E. Reports:

1. Administration & Finance

Item Subject

- 1.1. 2018 Q4 Investments Report
- 1.2. December 2018 Financial Statements
- 1.3. Section 357 Report
- 1.4. Coney Island Music Festival – Request for Community Foundation Support
- 1.5. Budget Amendment - Community Energy Plan (CEP)
- 1.6. Accommodation Policy
- 1.7. Budget Amendment – Clerks Dept 2018 Project Carryover
- 1.8. Closed Meeting Investigation Policy
- 1.9. Closed Meeting Investigator Agreement
- 1.10. Closed Meeting Investigation Report
- 1.11. Police Services Board Composition
- 1.12. Accessible Election Report
- 1.13. ROMA Conference Update (Attendees Update – No Report)

2. Fire & Emergency Services

Item Subject

No Reports.

3. Operations & Infrastructure

Item Subject

- 3.1 Budget Amendment – Metis Pumping Station Settlement
- 3.2 Budget Amendment – 2018 Fleet Purchases
- 3.3 Budget Amendment – 2018 GPS Project Carry Forward
- 3.4 Budget Amendment – Water & Wastewater Project Carry Forward

4. Community Services

Item Subject

- 4.1 Budget Amendment – Kenora Art Centre
- 4.2 Hings Lease Renewal
- 4.3 Budget Amendment - Norman Park Accessibility
- 4.4 TBay Tel Lease Agreement Extension – Valley Drive
- 4.5 Lease Agreement – 80 Government Road

5. Development Services

Item Subject

- 5.1 Rural and Northern Immigration Pilot

Other:

Next Meeting

- Tuesday, March 12, 2019

Proclamation:

- Week of Action Against Poverty – February 10-16, 2019

Other:

12:00 p.m. – Zoning Bylaw Amendment D14-19-01

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) Disposition of Land (4 items)

Adjournment.



January 30, 2019

City Council Committee Report

TO: Mayor and Council

FR: Charlotte Edie, Treasurer

**RE: Investment Report including Kenora Citizens' Prosperity Trust Fund –
Quarter 4**

Recommendation:

That Council of the City of Kenora hereby accepts the 2018 fourth quarter investment report that includes details of the Kenora Citizens' Prosperity Trust Fund and other City of Kenora investments.

Background Information:

Kenora Citizen's Prosperity Trust Fund (KCPTF):

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

In order to offset lost net revenues as a result of the sale of the KMTS entities, the City required an annual return of \$1,100,000 in income from the Trust, in addition to the elimination of long term debt payments which occurred in 2007. This amount has been reduced in the last few years to reflect a decline in returns on investments. The City has been reducing the amount of the annual return taken from the KCPTF due to the decrease in returns in the last few years. In 2018 the amount transferred to the City is \$975,000 and in 2019 the budgeted amount is \$935,000. This transfer has not been deducted from the investment values below. Any erosion of the balance of the Trust will result in an additional burden on City taxpayers.

The first KCPTF portfolio is with the ONE Public Sector Group of Funds and accounts for over 30% of the Trust Fund. The market value of this investment at December 31, 2018 is \$12,718,273 (September 2018 \$13,115,482). This portfolio is held in bond, universal corporate bond and equity funds that are all monitored to ensure that they remain within the Ontario Provincial legislation for municipal investments. The year to date actual return on these ONE fund investments for 2018 is -1.33% (September 2018 2.15%). This rate reflects the total return including market impact. The return on book value for year to date 2018 is .87% (September 2018 .85%). Currently the universal bond fund is generating 1.17%, the bond fund is generating 1.51% and the equity fund is generating -2.54% on a cumulative basis (including market impact). In January 2019 almost \$5,000,000 was transferred into a high interest savings account with a rate of 2.415%.

The second and largest KCPTF portfolio is managed by Manulife Asset Management with RBC Dexia Investor Services as custodians. The City receives quarterly reports and information. The December 31, 2018 report is attached. The market value of these investments is \$25,727,225 (\$320,439 higher than the value at the end of September 2018). Securities held in this portfolio are largely bank and federal and provincial

government issues. The year to date return on these funds is 1.9%. The rate of return since inception is 2.48%. These returns also take the market impact into account.

In addition, the KCPTF holds \$8,169,071 in debt from the City of Kenora. The rate of return on this debt is 3%. New debt has been issued for the streetlighting and Keewatin Arena roof projects at the end of 2017.

Once the year end has been completed for the KCPTF Council will be updated as to the final returns on investments. A budget comparison will also be provided.

Other Investments:

The City of Kenora maintains investment portfolios separate from the Kenora Citizen's Prosperity Trust Fund. These investments are entirely held in the ONE Public Sector Group of Funds and the market value at December 31, 2018 is \$15,763,805 (\$117,049 lower than September 2018). This portfolio is held in bond, universal corporate bond and equity funds that are all monitored to ensure that they remain within the Ontario Provincial legislation for municipal investments. The year to date return for this portfolio is -.03%. The year to date return on book value is 1.67%.

Budget:

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

Risk analysis:

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

Communication Plan/Notice By-law Requirements:

For information only

Strategic Plan or other Guiding Document:

Report is required per policy CS 4-2.



January 31, 2019

City Council Committee Report

To: Mayor and Council

Fr: Jon Ranger, Deputy Treasurer

Re: December 2018 Financial Statements

Recommendation:

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

Background:

Attached for your information, please find the December 2018 summary expense and user fee statements for the City of Kenora and the Council department. Also, Expenses & User fees for Water & Sewer and Solid Waste have been separated. At the end of December, the year is complete, and there should be none of the budget remaining. It is important to note however that invoices are still coming in for work completed at the end of 2018 and therefore some accounts may be understated. There are also some accruals that have not been set up for the year end and can also affect the attached balances.

Overall:

- Expenses at the end of December 2018 were close to budget with 3.4% remaining to be spent. Water & Sewer 7.95% left in the budget and Solid Waste 3.02% left in the budget.
- User fee revenues to the end of December 2018 are close to budget with 2.87% left to collect. Water & Sewer 9.07% left to collect and Solid Waste by the end of December had 12.20% left to collect.

Expenditures:

- **General Government** - The General Government expenses to date are slightly below budget with 6.01% of the expense budget unspent.
 - **Mayor & Council** – Some travel expense budgets went underspent in the year but a larger variance in this department relates to the promo items. A year end count has been completed however the entry to record the promo item usage has not yet been recorded.
 - **Municipal Elections** – Staff time has been budgeted to this department. Staff time allocated to this department has been utilized in our POA department.
 - **Administrator's Office** – At the end of December, the Administrators budget has been over spent. This is largely due to being significantly overspent in legal expenses for 2018.
 - **City Clerk** – Underspent in this department's legal budget. Wages also underspent due to a retirement and coverage by a part time position.
 - **Human Resources** – Wages overspent in 2018.
 - **Building & Grounds Maintenance** – Repairs & maintenance are currently under budget. Also utilities are estimated to come in below budget for the 2018 year.

- **Finance and Administration** – Expenses are currently under budget. Audit fees have not yet been recorded, bad debt is currently under budget, and there is a credit balance in interest & bank charges due to an exchange adjustment. The exchange adjustment was initiated from the purchase of the ladder truck in US dollars.
- **Protection** – The Protection Department expenses to date are close to budget with 1.85% remaining in the budget.
 - **Fire Department** – Currently underspent as debt interest has not yet been recorded for year end. Utilities and contracted services also came in under budget for 2018.
 - **Health and Safety Committee** – Currently underspent in training for 2018. There was a large amount of training completed in 2017.
 - **Vehicles & Equipment** – Facilities vehicles and Building inspection vehicles currently under budget, as there has been less work on these vehicles than anticipated.
 - **Facilities and Property Management** – Wages slightly under budget as the City carpenter was not in this position for a short time during the year.
- **Transportation** – The Transportation Department expenses to date are below budget with 10.15% remaining in the budget.
 - **Paved Roads Maintenance** – Wages are pretty close to budget in this department, the under budget amounts relate to an underspend by approximately \$30k in resurfacing and note that the debt interest relating to Hwy 17 East and West has not yet been recorded for approximately \$45k.
 - **Surface Treated Roads** – Purchase of hot mix materials and A gravel currently under budget. Also wages are below budget in this department. However it should be noted that additional dollars were spent on surface treatment in our capital program this year.
 - **Loosetop Roads Maintenance** – Washout and resurfacing materials currently under budget. Ditching work was also less than budget as there was significant ditching work completed in 2017. There is also a significant variance between wages budgeted and actual.
 - **Winter Control Maintenance** – Full time wages are relatively close to budget. Currently under budget in Sand & Salt Materials, however this could change with the yearend inventory adjustment still to be recorded. Non-owned equipment expenses also under budget, this is for the use of trucking/construction company's dump trucks to remove snow.
 - **Safety Devices** – Expenses under budget for the year due to the reduction in the line painting contract.
 - **Garage & Shop** – Wages are over budget currently as more time is being allocated to Garage and Shop than budgeted for. In 2019 more of the mechanics wages have been allocated to the garage and shop department.
 - **Engineering** – Partially under budget due to wages, as an engineering position was budgeted for the full year but new employee did not start until May.
- **Environmental** – The Environmental Department expenditures have exceeded budget with 12.91% overspent. 7.95% left in the budget in Water & Sewer and 3.02% remaining in Solid Waste.

- **Storm Sewers** – Department is currently over budget as more work has been completed on storm sewers than anticipated and wage allocations are higher than expected.
- **Recycling facility** – Over budget due to wages, rental of own equipment, and contracted services. Rental of own equipment represents the recycling facilities use of Solid Waste equipment. The increase in contracted services represents the increase in the cost of getting rid of our recycled materials. This increased cost is due to the recycled goods market slowing down. This cost significantly increased starting in August 2018.

Water & Sewer

- **Sanitary System** – Wages have been under budget in this department, as more time has been spent in other departments. Also it should be noted that the wages budget for the sanitary system was overstated in 2018. In 2019 we have attempted to make better allocations of which departments, employees will spend their time on. Sanitary system is also under budget as utilities came in under budget for the year and due to the timing of the Hydro merger, there were less allocated costs from other departments than anticipated.
- **General Water Standpipe & Booster** – Under budget as very little materials and supplies have been purchased to date. This department has been under budget in the past and the 2019 budget has been completed as a better reflection of prior year actuals.

Solid Waste

- **Garbage Collection** – Wages are under budget. Less time than anticipated was spent on garbage collection and more in the Transfer Facility.
 - **Hazardous Waste Day** – Expenses under budget, as contracted services came in under budget. These expenses are dependent on the volume and type of hazardous waste that is received on the Hazardous Waste Days.
 - **Transfer Facility** – Wages are significantly over budget which matches up with the under budget wages in Garbage Collection and Kenora Area Landfill. This department is under budget in materials and contracted services.
 - **Kenora Area Landfill** – Expenses under budget as wage allocation is less than expected. For 2019 we have budgeted less of our operators time to the landfill and more to the transfer facility.
- **Health Services** – Health expenditures are right on budget. Cemetery contribution is currently over budget as the contribution is recorded on a monthly basis based on their expenses over revenues. There are a number of Cemetery revenues that have not yet been recorded for year end.
 - **Social and Family Services** – Social and Family Expenditures are right on budget to the end of December.
 - **Community Services** – Overall Community Services expenses are right on budget 1.42% left in the budget.
 - **730 through to 741** – Due to a change in how recreation staff time was being allocated, to perform a more accurate variance analysis, it would be better to look at the variances of all of these departments as a whole. This would show that overall these departments were under budget by approximately 55k. Much of this would be explained by the debt interest that has not yet been recorded for yearend that relates to the Keewatin Arena upgrades and roof.

- **Teams and Clubs** – Grants have been paid out to 2 of the 3 community clubs as one club had not filled out their grant application forms.
- **Recreation Programs** – An increase in revenues for this department from the Ministry of Tourism led to additional programs being offered and additional expenses.
- **Planning & Development** – Planning & Development expenses are under budget with 12.99% left in the budget.
 - **Planning Operations** – Wages under budget as expected with the departure of the Manager of Community & Developmental Services.
 - **Tourism** – Below budget partially because debt interest has not yet been recorded for the year in relation to the whitecap pavilion and the discovery centre. Also a new tourism position was budgeted for in 2018 that did not get hired.

User Fees:

- Overall, user fees are close to budget projections with 2.87% of the budget still to be collected. 9.07% of Water & Sewer User fees are also still to be collected and Solid Waste has 12.2% left to collect.
- **General Government**
General Government is ahead of budget with 6.36% collected over and above the budgeted amount.
 - **City Clerk** – Civil Marriage revenues higher than anticipated in 2018.
 - **Finance and Administration** – Merchandise sales better than expected.
 - **Rentals** – Right on budget with expected rental fees. User fee rentals for Keewatin Public works have exceeded budget expectations.
- **Protection to Persons and Property**
Protection to Persons and Property is below budget with 15.15% still left in the budget.
 - **Provincial Offences** revenue is dependent on the fines assessed in this area. The first 3 quarters have been recorded and provincial offences has already exceeded its budget.
 - **Building Inspection** – Building permit user fee below budget for the 2018 year. This is dependent on builds in the year and can vary from year to year.
- **Transportation Services**
Transportation user fees are right on budget with 4.24% left in the budget.
 - **Conventional transit** - below budget with 14.92% remaining to be collected. This is down compared to budget but higher than prior year revenues.
 - **Parking Rentals** – revenues have exceeded budget expectations for the year.
 - **Mall Parking Lot** – behind budget at the end of December, coin reconciliations (daily parking) has been significantly less than anticipated.
 - **Garage and Shop** – No work order billings were completed in the 2018 year.
- **Environmental Services**
Environmental services user fees are below budget with 12.11% remaining to be collected. 9.07% of Water & Sewer User fees are also still to be collected and Solid Waste has 12.2% remaining to be collected.

- **Recycling Facility** – Currently below budget, dependent on recycled materials. Revenues received from Ontario Electronic Stewardship. Comparable to prior year revenues.

Water & Sewer

- **Water and Sewer** user fees are approximately one month behind budget with 8.61% and 9.54% remaining respectively. This is because the yearend accrual has not yet been set up. It is expected that revenues will be close to budget.

Solid Waste

- **Kenora Area Landfill** - user fees currently below budget. Budget was increased from last year as there was an expectation that there would be continued hog fuel tipping fees which did not continue in 2018.

- **Community Services**

Community Services user fees are ahead of budget with 2.10% collected over and above the budget.

- **Recreation programs** – Summer camp programs have exceeded budget expectations for the year, partially due to revenue from the Ministry of Tourism.

- **Planning and Development**

Planning and Development user fees are below budget with 23.77% remaining to be collected.

- **Tourism Strategy** – The intention for Tourism strategy was that it was to be funded with the Municipal Accommodation Tax which has not yet been recorded.
- **Planning Advisory Committee** – There have been less development applications in 2018 than in prior years.
- **Tourism Facilities** – Exceeded budget as there were more Whitecap pavilion rentals than anticipated.

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.



February 4, 2019

City Council Committee Report

To: Mayor and Council

Fr: Michelle Saunders, Tax Collector

Re: Tax Appeals under Section 357 of the Municipal Act, 2001

Recommendation:

That Council hereby approves Section 357 tax adjustments with potential refunds totaling \$1,611.13.

Background:

The cancellation and refund of taxes are dealt with by Council under Section 357 of the Municipal Act. They typically relate to properties that have had an assessment reduction due to a change in assessment classification, fire, demolition, substantially damaged or repair preventing normal use.

Budget/Finance Implications:

The municipal share of the tax reduction relating to the Section 357 adjustment is \$1,227.69.

Communication Plan/Notice By-law Requirements:

Property owners receiving a Section 357 adjustment will be notified in writing of the applicable refund amount.

Strategic Plan or other Guiding Document:

Legislative requirement.



January 27, 2019

City Council Committee Report

To: Mayor and Council

Fr: Charlotte Edie, Treasurer

Re: Sponsorship of Coney Island Music Festival

Recommendation:

That Council of the City of Kenora hereby supports the Coney Island Music Festival's request to name the City of Kenora as a sponsor in their application for funds through the Kenora & Lake of the Woods Regional Community Foundation for support of the 2019 festival.

Background:

Under prevailing income tax legislation the Kenora & Lake of the Woods Regional Community Foundation (aka Community Foundation) is restricted to providing grants to organizations that have charitable status. As a result The Coney Island Music Festival must have a sponsor to apply for grants through the Community Foundation since the Festival does not have charitable status.

The City has provided sponsorship to many such organizations in the past.

Ferg Devins, Co-Chair of the Coney Island Music Festival provided the following synopsis of the application to the Community Foundation:

The request will be for \$3,000 from the Dream Fund to provide support for overall expenses for the 2019 11th Maybe Annual Coney Island Music Festival.

Budget:

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

Communication Plan/Notice By-law Requirements:

Ferg Devins, The Coney Island Music Festival, is to be informed of Council's decision.

Risk Analysis:

There is no risk involved with this request.

Strategic Plan or other Guiding Document:

- 1- The City will promote Kenora as a 365-day lifestyle destination.
- 2-4 The City will act as the catalyst for continuous improvements to the public realm



February 4, 2019

City Council Committee Report

To: Mayor and Council

Fr: Adam Smith, Special Projects and Research Officer

Re: Budget Amendment - Community Energy Plan (CEP)

Recommendation:

That Council hereby approves an additional allocation of \$55,770 to be funded 50% through the Contingency Reserve and 50% through the Ministry of Energy for the Community Energy Plan; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2019 Capital Budget at its February 19, 2019 meeting to withdraw funds from the Contingency Reserve in the amount of \$27,885 to offset the cost of this purchase; and further

That Council give three readings to a by-law to amend the 2019 capital budget for this purpose.

Background:

The City of Kenora began the Community Energy Plan project in August 2017 as a three stage process:

- 1) Stakeholder Engagement
- 2) Baseline Data Collection
- 3) CEP Development

The project end date extends into 2019 however the allocated 2018 budget was not carried over and as such this request is submitted to Council for approval. Currently, the Plan is being reviewed by staff and will be presented before Council in April.

Budget: Total project in 2017 was budgeted at \$144,807. Actual spending to date is \$89,037. Unspent amounts were not carried over to 2019.

Risk Analysis: There is a low financial risk associated with this recommendation as unspent funds carried over into 2019 may not be entirely spent once the project is completed.

Communication Plan/Notice By-law Requirements: Distribution to C. Edie, J. Ranger

Strategic Plan or Other Guiding Document:

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

1-3: The City will forge strong, dynamic working relationships with the Kenora business community

2-11: The City will lead and promote environmental sustainability through conservation, smart building design and, where feasible, retro-fit practices for city-owned facilities

2-12: The City will pursue operational and procurement measures that seek to reduce fuel and energy consumption, where feasible, for city-owned vehicles and equipment



4 February 2019

City Council Committee Report

To: Mayor and Council

Fr: Karen Brown

Re: Accommodation Policy #AF-10-08

Recommendation:

That Council hereby adopts a new Accommodation Policy #AF-10-08; and further

That the Policy be added to the City's Comprehensive Policy Manual; and further

That three readings be given to a bylaw for this purpose.

Background:

It has been brought to the City's attention that, in addition to the existing accessibility policy, the City should approve an accommodation policy. The purpose of this policy is to ensure that all members of the organization are aware of their rights and responsibilities under the Ontario Human Rights Code (the Code) with respect to accommodation. The proposed policy sets out in writing the organization's procedures for accommodation and the responsibilities of each of the parties to the accommodation process.

The draft policy was prepared by a solicitor, with amendments as recommended from staff, and has been attached for Council's review. The original policy was intended specifically for the accommodation of volunteers. It has been expanded, however, to include all City employees, Council members, volunteers (including Board and Committee members who receive remuneration) and to third parties who provide goods, services or facilities to the public on behalf of the City and who develop policies on behalf of the City.

Budget / Financial Implications:

The responsibilities within the proposed policy are already required under the Code, so no incremental cost would be related to approving this policy. The policy does, however, provide for how accommodation requests will be treated by the City of Kenora.

Communication Plan/Notice By-law Requirements: Bylaw required

Strategic Plan or other Guiding Document:

Ontario Human Rights Code

Focus on our People

ERM Assessment:

Low governance risk as the requirements are already legislated, however this risk is positive in that it provides additional direction to City staff in meeting the legislated obligations and should therefore be pursued.

Accommodation Policy



Section	Date	By-law Number	Page	of
Administration & Finance	February 19, 2019	xx-2019	1	4
Subsection	Repeals By-law Number		Policy Number	
Accommodation			AF-10-08	

Policy Statement

The City of Kenora is committed to providing an environment that is inclusive and free of barriers based on the provisions of the Ontario Human Rights Code (the Code). The City of Kenora commits to provide accommodation for needs related to the grounds of the Code unless to do so would cause undue hardship.

Purpose

The purpose of this Accommodation Policy and Procedure is to:

- Ensure that all members of the organization are aware of their rights and responsibilities under the Code with respect to accommodation;
- Set out in writing the organization's procedures for accommodation and the responsibilities of each of the parties to the accommodation process.

Application

This Policy applies to all City employees, City of Kenora Council members, volunteers (including Board and Committee members who receive remuneration), and to third parties who provide goods, services or facilities to the public on behalf of the City and who develop policies on behalf of the City.

Definitions

In this policy:

Senior Leadership Team (SLT) includes all direct reports to the CAO.

Principles of Accommodation

The principles used for the purposes of this policy will be those as set out in the Ontario Human Rights Commission's Policy and Guidelines on Disability and the Duty

Accommodation Policy

Policy Number	Page	of
AF-10-08	2	4

Principles of Accommodation (Cont.)

to Accommodate. For reference purpose, these have been summarized here, as taken from the Ontario Human Rights Commission website.

“Accommodation is a fundamental and integral part of the right to equal treatment. The principle of accommodation involves three factors: dignity, individualization and inclusion.

- **Dignity:** Persons must be accommodated in a way that most respects their dignity, including their privacy, confidentiality, comfort and autonomy.
- **Individualization:** There is no set formula for accommodation. Each person's needs are unique and must be considered afresh when an accommodation request is made. A solution may meet one person's requirements but not another's, although many accommodations will benefit many other people with similar needs.
- **Inclusion:** Achieving integration and full participation requires barrier-free and inclusive design and removing existing barriers. Preventing and removing barriers means all persons should have access to their environment and face the same duties and requirements with dignity and without impediment.”

Requests for Accommodation

Individuals shall make requests for accommodation to the Human Resources Strategist, or the appropriate member of the City's Senior Leadership Team, who will then coordinate the related request through the Human Resources Strategist. Accommodation requests should, when possible, be made in writing.

The accommodation request should indicate:

- The Code ground the accommodation is being requested on
- The reason accommodation is required, including enough information to confirm the existence of a need for accommodation
- The specific needs related to the Code ground.

Additional Information May Be Required

The City of Kenora may require more information related to the accommodation request, including the following circumstances:

Accommodation Policy

Policy Number	Page	Of
AF-10-08	3	4

Additional Information May Be Required (Cont.)

- Where the accommodation request does not clearly indicate a need related to a Code ground
- Where more information on the volunteer's limitations or restrictions is needed to determine an appropriate accommodation
- Where there is a demonstrable objective reason to question the legitimacy of the person's request for accommodation.

Where expert assistance is needed to identify accommodation needs or potential solutions, the accommodation seeker is required to cooperate in obtaining that expert advice.

Failure to respond to such requests for information may delay the provision of accommodation.

Treatment of Information Provided

The City of Kenora will maintain information related to:

- The accommodation request
- Any documentation provided by the accommodation seeker or by experts
- Notes from any meetings
- Any accommodation alternatives explored
- Any accommodations provided.

This information will be maintained in a secure location and will be shared only with persons who need the information and who are entitled to obtain a copy of that information.

The organization will maintain the confidentiality of information related to an accommodation request.

Accommodation Plan

The City of Kenora and the person requesting accommodation related to a Code ground will work together to develop an accommodation plan.

Accommodation Policy

Policy Number	Page	Of
AF-10-08	4	4

Accommodation Plan (Cont.)

The accommodation plan may include:

- A statement of the accommodation seeker's relevant limitations and needs, including any needed assessments and information from experts or specialists
- Arrangements for needed assessments by experts or professionals
- Identification of the most appropriate accommodation short of undue hardship
- A statement of annual goals, and specific steps to be taken to meet them
- Clear timelines for providing the accommodation
- Criteria for determining the success of the accommodation plan, together with a process for reviewing and reassessing the accommodation plan as needed
- An accountability mechanism.

Accommodations will be developed on an individualized basis.

Accommodation Provided to Undue Hardship

Accommodation will be provided to the point of undue hardship, as defined by the Ontario Human Rights Code. A decision on undue hardship will be based on an assessment of costs, outside sources of funding, and health and safety and objective evidence.



February 1, 2019

City Council Committee Report

To: Mayor and Council

Fr: Heather Pihulak, City Clerk

Re: Budget Amendment – 2018 Projects

Recommendation:

That Council hereby approves a capital budget carry over of \$14,650 for the IT Camera Project which was a 2018 capital project and could not be completed to be funded through the IT reserve; and further

That Council hereby approves a capital budget carry over of \$9,500 for a printer/photocopier for the third floor that was a 2018 capital project that was not ordered in 2018 to be funded through the IT reserve; and further

That Council hereby approves a capital budget carry over of \$28,245 for the water billing conversion project which was a 2018 capital project and has not completed to date to be funded through the Sewer & Water reserves; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2019 Capital Budget at its February 19, 2019 meeting to withdraw funds from the applicable Reserves in the amount of \$ 14,650, \$9,500 and \$28,245 for the various 2018 capital projects; and further

That Council give three readings to a by-law to amend the 2019 capital budget for this purpose.

Background:

Three projects which were budgeted in the 2018 Capital Budget were not completed and were not carried forward to the 2019 Capital Budget. In particular, the IT camera project had outdoor weather challenges due to the locations and were earmarked for areas in the City that had geographical challenges for locations. The final locations of this project will be completed in 2019 when weather permits.

The photocopier was missed in the 2018 ordering cycle and will be ordered immediately to ensure that the replacement cycle on our equipment remains consistent.

The water billing conversion is moving forward, however, all project costs were not completed in 2018. This project will be completed in early 2019.

Budget:

The projects will be funded through the reserves as indicated in the 2018 Capital Budget.

Risk Analysis: Not completing these projects have various levels of risk associated with them. The IT camera project is to assist enforcement with key areas of the City for crime

related issues. Not completing the project puts vulnerable areas in a continued risk for unsolved crimes and victims of crime in our downtown area. Not replacing the photocopier has a much lower risk and the water billing conversion has a high risk as we need to separate our bills from the current Synergy North hydro billing system and not having the dollars available to complete this project is a high risk to the municipality.

Communication Plan/Notice By-law Requirements: Bylaw

Strategic Plan or other Guiding Document: administrative only



January 31, 2019

City Council Committee Report

To: Mayor and Council

Fr: Heather Pihulak, City Clerk

Re: Closed Meeting Investigation Policy #CC-2-4

Recommendation:

That Council hereby adopts a Closed Meeting Investigation Policy #CC-2-4 which outlines the procedures for a Closed Meeting Investigation; and further

That the Policy be added to the City's Comprehensive Policy Manual; and further

That three readings be given to a bylaw for this purpose.

Background

In accordance with the Municipal Act, 2001, as amended, meetings of Council are open to the public 239. (1) 2001, c. 25, s. 239 (1).

Exceptions: (2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. 2001, c. 25, s. 239 (2).

Under Section 239.1 A person may request that an investigation of whether a municipality or local board has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public be undertaken,

- (a) by an investigator referred to in subsection 239.2 (1); or
- (b) by the Ombudsman appointed under the Ombudsman Act, if the municipality has not appointed an investigator referred to in subsection 239.2 (1). 2006, c. 32, Sched. A, s. 104.

Under Section 239.2 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an investigator who has the function to investigate in an independent manner, on a complaint made to him or her by any person, whether the

municipality or a local board has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation. 2006, c. 32, Sched. A, s. 104

Powers and duties (2) Subject to this section, in carrying out his or her functions under subsection (1), the investigator may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality. 2006, c. 32, Sched. A, s. 104.

Matters to which municipality is to have regard (3) In appointing an investigator and in assigning powers and duties to him or her, the municipality shall have regard to, among other matters, the importance of the matters listed in subsection (5). 2006, c. 32, Sched. A, s. 104. Same, investigator (4) In carrying out his or her functions under subsection (1), the investigator shall have regard to, among other matters, the importance of the matters listed in subsection (5). 2006, c. 32, Sched. A, s. 104.

Same (5) The matters referred to in subsections (3) and (4) are, (a) the investigator's independence and impartiality; (b) confidentiality with respect to the investigator's activities; and (c) the credibility of the investigator's investigative process. 2006, c. 32, Sched. A, s. 104.

Under subsection (10), if, after making an investigation, the investigator is of the opinion that the meeting or part of the meeting that was the subject-matter of the investigation appears to have been closed to the public contrary to section 239 or to a procedure by-law under subsection 238 (2), the investigator shall report his or her opinion and the reasons for it to the municipality or local board, as the case may be, and may make such recommendations as he or she thinks fit. 2006, c. 32, Sched. A, s. 104.

The municipality or local board shall ensure that reports received under subsection (10) by the municipality or local board, as the case may be, are made available to the public. 2006, c. 32, Sched. A, s. 104.

This policy is simply to outline our process and that any report from a Closed Meeting Investigator be reported to Council in an open meeting.

Budget: There is no direct cost associated with this report.

Risk Analysis: There is no risk associated with this report as it is simply housekeeping in nature to have a formal policy in place to outline the process for handling Closed Meeting Investigations. While our guidelines are outlined on kenora.ca this policy will formally adopt those procedures.

Communication Plan/Notice By-law Requirements: Bylaw and policy adoption

Strategic Plan or other Guiding Document:
Municipal Act

Closed Meeting Investigation Policy



Section	Date	By-Law Number	Page	Of
Council	February 19, 2019	-2019	1	3
Subsection	Repeals By-Law Number		Policy Number	
	N/A		CC-2-4	

Purpose

The purpose of this policy is to provide consistent rules and guidelines for closed meeting investigations of Council and Committee meetings that may be closed to the public.

Definitions

Section 239.2(1) of the Municipal Act, 2001, as amended (the "Act" allows municipalities to appoint a person to investigate, in an independent manner, complaints made to him or her by any person as to whether the municipality has complied with Section 239 or a procedure bylaw under Subsection 238(2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation.

The City of Kenora (the "Municipality") has appointed a Municipal Closed Meeting Investigator (the "Investigator") and has authorized him to conduct investigations upon receipt of a complaint in respect of meetings or parts of meetings that are closed to the public. The Investigator will determine compliance with the Act or the Municipal Procedure Bylaw and will report on the results of such investigations.

This document sets out the Municipal Policy and Procedures relative to the Investigator and the investigation. Reference should also be made to the Agreement between the Municipality and the Investigator (the "Agreement").

Process

- a) The Municipality shall ensure that requests for investigations submitted under Section 239 of the Act are dealt with in a fair, open and expeditious manner.
- b) The Municipality and all individuals interviewed shall cooperate fully with the Investigator.
- c) The Municipality shall ensure that the Final Report received from the Investigator is placed on an agenda for consideration during an open session of Council and/or Committee of the Whole for review.

Closed Meeting Investigation Policy

Policy Number	Page	Of
CC-2-4	2	3

d) This Policy applies to all Boards, Committees and Commissions appointed by the Council of the Municipality, with the exception of the Kenora Public Library Board.

e) This Policy is available on the Municipal website; from the Clerk's department, 1 Main Street South, Kenora, ON P9N 3X2; and from the Meeting Investigator.

Complaint Procedure

- 1) Members of the public, including corporations, may submit complaints to the Investigator relating to compliance with the Act of the Municipal Procedure By-Law for meetings or parts of meetings that are closed to the public. All complaints will be treated as confidential at all times.
- 2) All complaints must be submitted on the Municipality's "Municipal Closed Meeting Complaint Form". The Complaint Form may be downloaded from the City website; or obtained at City Hall, 1 Main Street South, Kenora, ON; or from the Closed Meeting Investigator.
- 3) All complaints **MUST** contain the following information:
 - Complainant's name is printed clearly
 - Complainant's mailing address, telephone number and e-mail (if applicable) are identified
 - Name of Municipality is identified
 - Date of Closed Meeting under consideration is provided
 - Background detail of the **particular occurrence is provided**
 - Any action undertaken to resolve the issue (if any)
 - Provide additional comments
 - Sign the document with original signature

The complainant is to provide as much information as possible about the issue. Failure to submit the required information will delay the process. A Complaint Form that is not considered complete by the investigator will not be accepted and the Investigator will notify the complainant of such.

- 4) All complaints must be submitted by the complainant directly to the Meeting Investigator in a sealed envelope. Emailed complaints will only be accepted at the discretion of the Closed Meeting Investigator.

Closed Meeting Investigations Policy

Policy Number	Page	Of
CC-2-4	3	3

- 5) To maintain the integrity of the process, Municipal Staff IS NOT to complete the forms or forward complaints on a complainant's behalf. Each complaint is to be treated confidentially and is to be directed/referred to the Meeting Investigator.
- 6) If a complaint is submitted directly to the Municipality or received in the mail, the following procedures shall apply:
 - The complaint shall be forwarded to the Clerk, who shall take appropriate measures to reseal the complaint (if opened in the mail), or to ensure it remains sealed, and its contents remain confidential.
 - Assign a reference number and record the number on the envelope.
 - Log the reference number together with the date and time received
 - Contact the Investigator and obtain direction regarding the complaint letter
 - Forward complaint, as per Investigator's instructions, logging the date mailed to or picked up by the Investigator.
 - Upon receipt of the complaint, the Investigator will notify a complainant forthwith of the receipt of their complaint.
- 7) The Municipality shall provide the Investigator with the information necessary to complete his/her review, upon request, including, but not limited to:
 - A certified copy of the Notice of Meeting (where applicable);
 - A certified copy of the Meeting Agenda;
 - A certified copy of the Meeting Minutes;
 - A certified copy of relevant resolutions (if any);
 - Other relevant information as required or requested
- 8) Inquiries with regard to process are to be directed to the City Clerk, 1 Main Street South, Kenora, ON P9N 3X2, 807-467-2295, clerk@kenora.ca; or the Closed Meeting Investigator in accordance with Section 2 above.
- 9) Inquiries with regard to the status of a complaint or requests to submit a complaint are to be directed to the Investigator in accordance with Section above.
- 10) The Clerk is Responsible for compliance with this Policy, subject to confidentiality provisions of the process.



February 5, 2019

City Council Committee Report

TO: Mayor and Council

FR: Heather Pihulak, City Clerk

RE: Closed Meeting Investigator Services Agreement

Recommendation:

That Council hereby authorizes the Mayor and Clerk to enter into a service agreement between the Corporation of the City of Kenora and Paul S. Heayn for the term of Council being December 1, 2018 ending November 14, 2022; and further

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

Background:

Subsection 239.2 (1) of the Municipal Act, 2001 authorizes municipalities to appoint a person to investigate, in an independent manner, complaints made to him or her by any person as to whether the municipality or a local board has complied with Section 239 or a procedure by-law under Subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation.

The City of Kenora has had an agreement with Paul S. Heayn from Dryden to act on our behalf in this capacity. His retainer has remained the same for the last two contracts at \$500 and his hourly rate remains the same of \$50 per hour per investigation.

This report and attached agreement is to execute a new service agreement for the term of Council.

Budget: \$500 annual retainer, plus any investigation costs.

Risk Analysis: There is a moderate risk associated with not having a closed meeting investigator appointed. The role would then default to the Ombudsman of Ontario and it is in the best interest of the municipality to have this role filled.

Communication Plan/Notice By-law Requirements: Bylaw for Agreement

Strategic Plan or Other Guiding Document: Municipal Act



February 5, 2019

City Council Committee Report

To: Mayor and Council

Fr: Heather Pihulak, City Clerk

Re: Closed Meeting Investigation Report

Recommendation:

That Council hereby accepts the report of Closed Meeting Investigator Paul S. Heayn for a Closed Meeting Complaint filed by Mr. Steve Mastromatteo; and further

That the recommendations by Mr. Heayn be followed for the next term of Council orientation sessions including the recommendation for timing of board and committee appointments and the procedural bylaw continue to be closely adhered to.

Background:

On January 14th, 2019 Mr. Paul Heayn, Appointed Closed Meeting Investigator for the City of Kenora received a Closed Meeting Complaint Form from Mr. Steve Mastromatteo, of Kenroa.

The complaint centers around the City of Kenora and the appointments made for membership on City committees, specifically, the Kenora Urban Recreational Trails Committee.

Mr. Heayn conducted his investigation and as a result has made a couple recommendations for the next term of Council orientation process including appointing Boards and Committees. Staff understand the points made by Mr. Heayn and will ensure all future meetings similar in nature are properly advertised and documented.

Budget: The cost associated with this closed meeting investigation is \$350 and Mr. Heayn's invoice has been submitted for payment from the Clerk's legal budget

Risk Analysis: There is a low risk associated with receipt of this closed meeting investigation report. The report is comprehensive and clear on future situations. While there was not direct intent with the way the meeting was conducted, the procedural bylaw will continue to be closely adhered to.

Communication Plan/Notice By-law Requirements: A copy of this report and the report of the closed meeting investigator will be provided to Mr. Mastromatteo

Strategic Plan or other Guiding Document: Municipal Act



January 26, 2019

City Council Committee Report

To: Mayor and Council

Fr: Heather Pihulak, City Clerk

Re: Police Services Board Composition

Recommendation:

That in accordance with section 27(6) of the Police Services Act, Council of the City of Kenora hereby increases the composition of the Kenora Police Services Board from a three person board to a five person board effective immediately; and further

That Council hereby appoints Councillor _____ to the Kenora Police Services Board effective March 1, 2019; and further

That a copy of this resolution be forwarded to the Ministry of Community Safety & Correctional Services for advertisement of the new vacancy on the Kenora Police Services Board which the Lieutenant Governor in Council will accept applications, interview and select the new member.

Background:

A recommendation has been received by the Police Services Board to increase the board composition size. It has been discussed with both the former PSB and the new board. While I also act as the Secretary to the Police Services Board, I have provided the Board with the same update to change the composition of the board.

Currently, the Police Services Act states that: 27(6) the Council of a municipality to which subsection (4) would otherwise apply may determine, by resolution, that the composition of its board shall be as described in subsection (5). Subsection 5 outlines the composition of a 5 member board, being;

- (a) the head of the municipal council or, if the head chooses not to be a member of the Board, another member of the Council appointed by resolution of the Council;
- (b) one member of the Council appointed by resolution of the Council;
- (c) one person appointed by resolution of the Council, who is neither a member of the Council nor an employee of the municipality; and
- (d) two persons appointed by the Lieutenant Governor in Council

Council would need to resolve to change the composition of the Board as per section 27(6) of the PSA. The Ministry would then advertise the Lieutenant Governor vacancy and appoint an additional person from the applicants. We would also need to appoint one more member of Council. Council has already appointed the member of public.

We need to pay some consideration to the manner in which the board may be constituted under the proposed Police Services Act, 2018 and consider that the composition of

detachment-based boards is something that has yet to be regulated. Therefore, we do not know if the size and composition will be the same as the current Police Services Act.

Section 67 of the new PSA also states that there shall be a detachment-based board, or more than one OPP detachment board in each municipality. The one-board-per-detachment model is not strictly interpreted. Kenora should not be in a position whereby a person from another municipality is mandated to be part of our board at least without some consideration. Detachment Commander Duggan supports the two separate boards reflecting the very different needs of the two municipalities and should there be a choice with the new legislation, he would support continued separation.

Ultimately, it will be at the discretion of Council to increase the Board composition size as per the Act.

Budget: There is a budget implication to this increase as the Board does receive a per diem and this increased per diem of two additional members has been included in the 2019 draft operating budget.

Risk Analysis: There is a low risk associated with this report. While there are concerns with leaving the board composition to only three, the risks associated with this staying at the current level is a low risk. Increasing has minimal risks, other than the unknown changes to the Police Services Act and what the new composition may look like under the changes.

Communication Plan/Notice By-law Requirements: Should Council increase the Board size, the resolution would be provided to the Ministry of Community Safety & Correctional Services who would work with the public appointees site to update the vacancy. The government would then interview and appoint a member to the board.

Strategic Plan or other Guiding Document:

Kenora OPP Strategic Plan
Police Services Act



January 31, 2019

City Council Committee Report

To: Mayor and Council

Fr: Heather Pihulak, City Clerk

Re: Post Election Accessibility Report

Recommendation:

That the Council of the City of Kenora hereby receives the legislatively required report in accordance with the Municipal Elections Act regarding the recognition, removal and prevention of barriers identified during the 2018 municipal election process with respect to electors and candidates with disabilities.

Background:

Section 12.1 (1) of the Municipal Elections Act provides that a clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities.

Section 12.1 (2) of the Municipal Elections Act provides that the Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before voting day in a regular election.

Section 12.1 (3) of the Municipal Elections Act within 90 days after voting day in a regular election, the clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the report available to the public.

Section 45 (2) of the Municipal Elections Act provides that the Clerk shall ensure that each voting place is accessible to electors with disabilities.

In keeping with legislation, the Clerk ensured the following items were addressed and completed with respect to the identification, removal and prevention of barriers that affect electors with disabilities: -

- (i) With the use of internet/telephone voting it essentially eliminates the need for polling locations with the exception of the Revision Centre at City Hall Council Chambers. This type of voting method is recognized as the most accessible format of voting as it allows persons to vote from the convenience of their own homes where aid devices are readily available no matter what the persons disability may be. This type of voting also increases the visible portion to a person with disabilities to recognize that they may require special assistance as they can use their own devices from their own homes.
- (ii) The election training attended by the Clerk through AMCTO included a comprehensive section on conducting 'accessible elections.'

- (iii) City election staff were provided with in-house accessibility training to ensure they were cognizant of persons with disabilities and able to vote in a positive environment, and that in every way possible a voters needs' were accommodated whenever possible.
- (iv) As a voting place the Chambers was made fully accessible to electors with disabilities, including an accessible table that could be raised or lowered, accessible door in the Council Chambers voting station, an accessible parking spot located directly out front of City Hall (as well as a permanent one located in the customer parking lot at rear), accessible computer station with font size changing as well as accessible large button telephones.
- (v) The Clerk ensured the Voter's List was prepared with a larger font-size for ease of reading.
- (vi) The Voter's List (www.voterlookup.ca) was made available on-line through the City's Portal so electors with disabilities were not necessarily required to attend one of the municipal locations to determine if their name was on the Voter's List.
- (vii) Magnifying sheets were made available at the Revision Centre for any electors with vision difficulties to place over the ballot for easier marking.
- (viii) A presentation was made to the Kenora Accessibility Advisory Committee to explain the electronic voting process and identify the improvement to this method for citizens with disabilities. At this time, the Clerk discussed any other potential needs for voters with disabilities that could be addressed.
- (ix) Council approved the establishment of an additional (temporary) disabled parking stall on Main Street in front of City Hall for the purpose of providing a shorter and safer access route to the Revision Centre (Council Chambers).
- (x) A fully adjustable accessible table was available in order to accommodate both a wheelchair and the required accessibility equipment, i.e. handheld device, printer, audio unit, etc.
- (xi) Guide-dogs were welcome to accompany any elector that required such assistance.

Budget: All accessible options were included in the 2018 elections budget

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

Strategic Plan or other Guiding Document: Municipal Elections Act

Risk Assessment:

There is a low risk associated with this report. While the report is a legislative requirement, there are no risks associated with the contents within such or the actions we took to ensure an accessible election was held.



February 4, 2019

City Council Committee Report

To: Mayor and Council

Fr: Charlotte Edie, Treasurer

Re: Budget Amendment - Metis Pumping Station Settlement

Recommendation:

That Council hereby approves an additional allocation of \$158,821.88 to be funded through the Sewer and Water Reserves for the settlement of a claim regarding the replacement of the Metis Pumping Station; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2019 Capital Budget at its February 19, 2019 meeting to withdraw funds from the Sewer and Water Reserves in the amount of \$158,821.88 to offset the cost of this settlement; and further

That Council give three readings to a by-law to amend the 2019 budget for this purpose.

Background:

The Metis sewage pumping station replacement project commenced in 2012 and was completed in 2013. The pumping station supplier, Wilo Canada Inc. was late in delivering the station to the site. This adversely affected the general contractor, MLW Contracting in terms of delayed progress and extra costs related to interruptions in construction. As a result payments were withheld to both suppliers pending negotiations among the three parties.

The claim was settled in December 2018 by way of negotiations at a pretrial proceeding. The City was responsible for paying \$70,000 to MLW Contracting, the general contractor. The City also paid \$88,821.82 to the pumping station supplier, Wilo Canada for the supply of the pumping station. In the end the City received a \$35,000 price reduction for the purchase of the pumping station.

Budget: The settlements are to be paid out of the Sewer and Water Reserves. The cost of the construction were included in the 2012 and 2013 capital budgets. Any amounts underspent at that time were appropriated back to the reserves.

Risk Analysis: Low risk scenario as all the costs of the project have been determined.

Communication Plan/Notice By-law Requirements: By-law and public notice

Strategic Plan or Other Guiding Document: Administrative only.



February 5, 2019

City Council Committee Report

To: Mayor and Council

**Fr: Jeff Hawley, Operations & Infrastructure Manager
Jerry Derouard, Fleet Division**

Re: Budget Amendment Request – Fleet Carryover

Recommendation:

That Council hereby approves a capital budget carryover of \$257,304 to be funded through the Roads Reserve for the purchase of 2019 Western Star Tandem Plow Truck; and further

That Council hereby approves a capital budget carryover of \$169,117 to be funded through the Water & Wastewater Reserve for the purchase of 2019 Western Star Tandem Truck; and further

That Council hereby approves a capital budget carryover of \$146,324 to be funded through the Solid waste Reserve for the purchase of 2019 53' Spector Steel Walking Floor Open Top Trailer; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2019 Capital Budget at its February 19th, 2019 meeting to withdraw funds from the Roads Reserve in the amount of \$257,304 and to withdraw funds from the Water & Wastewater Reserve in the amount of \$169,117 and to withdraw funds from the Solid Waste Reserve in the amount of \$146,324 to offset the cost of these purchases; and further

That Council give three readings to a by-law to amend the 2019 budget for this purpose.

Background:

Fleet had purchased both the Tandem Plow Truck and the Tandem Truck on May 30th, 2018. The outfitting of these two trucks took longer than anticipated and were not delivered to the City until January 17th, 2019 and January 28th, 2019 respectively.

The Solid Waste trailer was purchased on August 30th, 2018 but did not arrive until January 11th, 2019 due to the specific modifications that needed to be made to the design of the trailer to match the City's building configuration.

Budget:

A carryforward is required from the 2018 capital budget and the vehicle reserves to the 2019 capital budget for the late delivery of a Western Tandem Plow Truck.

A carryforward is required from the 2018 Water & Wastewater capital budget and the Water & Wastewater reserves to the 2019 Water & Wastewater capital budget for the late delivery of a Western Tandem Truck.

A carryforward is required from the 2018 Solid Waste capital budget and the Solid Waste reserves to the 2019 Solid Waste capital budget for the late delivery of a Trailer.

Risk Analysis: As per the requirements in the City's ERM Policy, there is a low risk mitigated by carrying forward the reserve funds from 2018 to 2019.

Communication Plan/Notice By-law Requirements: Resolution required.
Distribution to C. Edie, J. Ranger.

Strategic Plan or Other Guiding Document:

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



January 15, 2019

City Council Committee Report

To: Mayor and Council

**Fr: Jeff Hawley, Operations & Infrastructure Manager
Mike Mostow, Fleet Division Lead**

Re: Budget Amendment - 2018 GPS Funds Carry Over

Recommendation:

That Council hereby approves a reallocation of \$66,000.00 to be funded through the 2019 Fleet Reserve for the purchase of GPS equipment and Installations; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2019 Capital Budget at its February 19th, 2019 meeting to withdraw funds from the Fleet Reserve in the amount of \$66,000.00 to offset the cost of this purchase; and further

That Council give three readings to a by-law to amend the 2019 budget for this purpose.

Background:

In June of 2017, Council approved the allocation of \$98,000 to be spent in 2017 and 2018 for GPS Equipment and Installation on City Vehicles and Equipment, to ensure the entire Fleet was equipped with proper tracking systems.

The entirety of this project was unable to be completed within 2018, and therefore we are requesting the remaining funds of \$66,000.00 be brought forward into 2019 to further completions.

Budget:

This request has no increase impact on the 2019 budget, as this budget was allocated last year (2018) and we are simply requesting the unused amount of \$66,000.00 be carried over to complete these works in 2019.

Risk Analysis: As per the requirements of the City's ERM Policy, there would be a moderate financial risk with not pursuing this recommendation. To mitigate the loss of the funds already invested into this project, we are asking Council to approve access to the remaining funds available, in order to complete these works.

Communication Plan/Notice By-law Requirements:

Resolution & By-law required. Notice to be placed on the Committee Agenda, Minutes and subsequent Council Agenda/Minutes. Distribution: J. Hawley, M. Mostow, C. Eddie.

Strategic Plan or Other Guiding Document:

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



February 5, 2019

City Council Committee Report

To: Mayor and Council

Fr: Marco Vogrig, Municipal Engineer

Re: Budget Amendment Request – Water & Wastewater Systems

Recommendation:

That Council hereby approves an additional allocation of \$878,000 to be funded through the Water & Sewer Reserve for the 2019 Waste Water Collection Program and \$31,300 from the Water & Sewer Reserve for the 2019 Water Distribution Program; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2019 Capital Budget at its February 19, 2019 meeting to withdraw funds from the Water & Sewer Reserve in the total amount of \$909,300 to fund 2018 uncompleted sewer and water projects that have been committed to and carried forward into 2019; and further

That Council give three readings to a by-law to amend the 2019 budget for this purpose.

Background:

Unspent amounts from 2018 were not carried over into 2019 via the capital budget approval process due to the quick Council approval of the 2019 budget in December. In addition, it wasn't until January 2019 as to when a final determination was made on the 2018 underspent budget amount based on confirmation of final 2018 expenditures, and final 2018 CWWF project funding close out that subsidized some 2018 projects.

In 2018, a majority of the work completed was related to water distribution projects as these were first priority being more sensitive to cold weather conditions. One of the water projects migrated into a significant unexpected watermain replacement project along 5th St South and consumed project time that would have been allotted to the sanitary sewer projects. With the onset of winter conditions at the conclusion of the watermain works, it was decided to delay and commit to carry forward the 2018 sanitary sewer projects into 2019 in addition to the outstanding surface restoration related to the completed watermain projects. With the concentration on the completion of the watermain works in 2018, this is the reason for the vast differential in the amounts being requested for carry forward when comparing the watermain \$31,300 versus the sanitary sewer \$878,000 carry forward amounts.

The sanitary sewer projects that are committed to carry forward in 2019 are 7th St South west of Robertson St, lane south and parallel to Guelph St, and the lane crossing 8th St South west of 6th Ave South, all being in Lakeside, based on the findings from the 2018 CCTV program.

Budget: Total impact to 2019 capital budget is an increase of \$909,300 coming from the Water & Sewer reserves which correlates to the corresponding underspent 2018 budgeted amounts for sewer main and watermain projects. The \$909,300 will be

apportioned with \$878,000 supplementing the 2019 Sanitary Sewer Collection program, and \$31,300 supplementing the 2019 Watermain Distribution Program.

Risk Analysis: As per the requirements in the City's ERM Policy, there is a moderate operational (infrastructure) risk. The risk will be mitigated by allocating reserve funds for the continuation of the 2018 delayed sewer and water projects into 2019.

Communication Plan/Notice By-law Requirements: Bylaw Required. Distribution to C. Edie, J. Ranger.

Strategic Plan or Other Guiding Document:

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.



February 1, 2019

City Council Committee Report

To: Mayor and Council

Fr: Lori Nelson, Museum Director

Re: Budget Amendment - Art Centre Capital Project

Recommendation:

That Council hereby approves an additional allocation of \$2,488,719 to be funded by NOHFC, Heritage Canada Cultural Spaces Fund and donations for the Art Centre capital project; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2019 Capital Budget at its February 19, 2019 meeting to carry over the project in the amount of \$2,488,719 to facilitate the completion of this project; and further

That Council give three readings to a by-law to amend the 2019 capital budget for this purpose.

Background:

Because the Art Centre project has spanned over more than one year, it is necessary that funds not expended on the project in 2018 be carried over to 2019 in order for project completion. The project was not included as a carry forward in the 2019 capital budget.

Budget:

There should be no impact to the City's 2019 budget as the entire cost of the project will be funded by NOHFC, Heritage Canada Cultural Spaces Fund and donations.

Risk Analysis:

As per the requirement of the City's ERM Policy, staff have identified a low risk to the City, since the funds are in place for the completion of the project.

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

Lori Nelson, Museum Director

Strategic Plan or Other Guiding Document:

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



January 29, 2019

City Council Committee Report

TO: Mayor and Council

FR: James Tkachyk, Parks & Facilities Division Lead

RE: Lease Renewal – 446562 Ontario Ltd. (Hing)

Recommendation:

That Council authorizes a one year lease extension to an existing lease agreement with 446562 Ontario Ltd. (Hing) for use of the Chipman Street parking lot adjacent to the Hing's Restaurant at 101 Matheson Street South for his garbage dumpster; and further

That this renewal will increase the annual rent by three (3%) percent (plus applicable taxes) for a period from 1 January, 2019 to 31 December 2019; and further

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

Background:

On January 29th, 2007 Council entered into a three (3) year lease agreement for a parcel of land being 4 feet x 8 feet with 446562 Ontario Ltd. (Hing) for the placement of an approved waste receptacle (garbage bin). This lease was further extended twice from 1 January, 2012 to 31 December, 2014 and 1 January 2015 to 31 December 2017. In 2018 a one (1) year lease was entered into to comply with the City of Kenora Sale and other Disposition of Land Policy, DS-4-1.

As per the renewal terms outlined in Section 8 of the lease, an amendment from the three (3) year extension to a one (1) year extension is once again recommended. 446562 Ontario Ltd. (Hing) has expressed their interest to continue with said lease.

Budget: Annual rent: 2019 - the sum of \$431.04 Plus HST

Risk Analysis: There is low operational and financial risk associated with the approval

Communication Plan/Notice By-law Requirements:

Lease to be signed by Clerk and Mayor and circulated for signing by lessee.

Strategic Plan or Other Guiding Document:

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



February 12, 2019

City Council Committee Report

To: Mayor & Council

Fr: Stace Gander, Community Services Manager

Re: Budget Amendment - Norman Park Washroom & Trails Accessibility

Recommendation:

That Council hereby approves an additional allocation of \$32,500 to be funded through the Accessibility Reserves to complete the washrooms at Norman Park; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2019 Capital Budget at its February 19, 2019 meeting to withdraw funds from the Accessibility Reserves in the amount of \$32,500 to offset the cost of these works; and further

That Council give three readings to a by-law to amend the 2019 capital budget for this purpose

Background:

This project is tied to the Norman Splashpark and more specifically includes making an accessible trail from upper parking lot to washrooms. The project also includes making the washrooms barrier free.

The City had applied for a funding grant in the amount of \$32,500 through the Enabling Accessibility Fund (EAF) – small projects component 2018 Call for Proposals. In January we received word that we were unsuccessful in our request.

The intent of the splash park project was to ensure that it was a fully accessible play area for children of all abilities. Having a barrier free trail and washroom is a key component to the project and without the funding we will require City dollars to proceed with the completion of the project.

Budget:

This would be funded through the Accessibility Reserve and does not put pressure on that reserve.

Communication Plan/Notice By-law Requirements: bylaw and public notice of budget amendment

Strategic Plan:

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.

ERM Assessment:

As per the requirement of the City's ERM Policy, staff have identified a low risk to the City, since the Accessibility Fund Reserve has adequate reserves and was set up for funding similar type projects.



January 15, 2019

City Council Committee Report

TO: Mayor and Council

**FR: Stace Gander, Manager Community Services
James Tkachyk, Parks and Facilities Division Lead**

**RE: Extension Lease Agreement with Tbaytel
Valley Dr telecommunication site**

Recommendation:

That Council authorizes a five (5) year extension of lease agreement with Tbaytel for the telecommunication site on Valley Drive; and further

That Council gives three readings to a bylaw to authorize the extension of the lease agreement for five years commencing January 1, 2019 and ending December 31st, 2023 with Tbaytel for the lease fees outlined.

Background:

Tbaytel entered into a 10 year lease with the City of Kenora on January 1, 2008 for a telecommunication site legally described as Part of location 16V, Plan 23R-5391, excepting Part 2 on Plan 23R-9498, with a possible 5 year extension upon expiry on December 31st 2018.

The 10 year lease signed in 2008 has expired on December 31st 2018. At this time a five (5) year extension for the identical provisions in the original lease has been requested.

The Lease fee during the agreement shall be as follows; \$7,700.00 + HST annually, for the 5 year term.

Budget: The proposed fees are an increase of 10% from the previous lease amount.

Risk Analyses: As per the requirements in the City's ERM Policy, there is a low financial and Legal (Compliance) risk and senior management have been informed.

Communication Plan/Notice By-law Requirements: City Clerk, Accounts Receivables.

Strategic Plan or Other Guiding Document: N/A



February 8, 2019

City Council Committee Report

TO: Mayor and Council

**FR: Stace Gander Manager, Community Services
James Tkachyk – Parks and Facilities Division Lead**

RE: Lease Agreement at 80 Government Rd. Keewatin

Recommendation:

That Council authorizes a new lease agreement with Two Bears Marina Inc. for the space referred to as Unit B (3570 sq. ft.) at 80 Government Rd. Keewatin, Ontario and legally described as PT MILL LOC DESGN RP 23R4158; PART 1 PCL 126 Subject to easement PART 23R6726; and further

That Council give three readings to authorize the execution of a lease agreement for 5 years commencing March 1 2019 and ending September February 2023 with Two Bears Marina for the lease fees outlined in the lease.

Background:

Brad Doerksen representing Two Bears Marina Inc. approached the City in January 2019 with an interest to lease the City of Kenora vacant unit B at the old Keewating Public Works yard. Two Bears Marina Inc. is looking to rent the 3570 square foot space and approx. 26000 square feet of gravel parking lot to the East of the building for a period of 5 years with an additional 5 year renewal extension upon the initial term. Two Bears Marina Inc. are planning to use the facility for boat detailing and storage use.

The Lease fee during the 5 year lease (March 1st to last day in February each year) shall be as follows;

2019	\$29,132.50 + HST	Monthly payment of \$2,427.71 + HST
2020	\$29,715.15 + HST	Monthly payment of \$2,476.26 + HST
2021	\$30,309.45 + HST	Monthly payment of \$2,525.79 + HST
2022	\$30,915.64 + HST	Monthly payment of \$2,576.30 + HST
2023	\$31,533.95 + HST	Monthly payment of \$2,627.83 + HST

Budget: The proposed fees would increase the annual revenue budgets as currently the space is not rented.

Risk Analyses: As per the requirements in the City's ERM Policy, there is a low financial risk as building maintenance and service levels will increase due to the building being occupied by a tenant and unexpected repairs required (ex Sewer and Water). As well as a minor Legal (Compliance) risk and senior management have been informed.

Communication Plan/Notice By-law Requirements: City Clerk, Accounts Receivables.

Strategic Plan or Other Guiding Document:


- 1.1 The City will forge strong, dynamic working relationships with the Kenora business community.
- 1.11 The City will support Kenora's "North America's Premier Boating Destination" brand implementation strategy.



Property Line

Boatlift Rd

Government Rd

 City of Kenora
Engineering
60 Fourteenth St N
Kenora, ON P9N 4M9



February 7, 2019

City Council Committee Report

To: Mayor and Council

Fr: Adam Smith, Special Projects and Research Officer

Re: Rural and Northern Immigration Pilot – Regional Application

Recommendation:

No recommendation. The intent of this report is to provide background information on a proposed regional application to the Rural and Northern Immigration Pilot.

Background:

The Rural and Northern Immigration Pilot was developed to help spread the benefits of economic immigration to smaller communities throughout Canada. The Government of Canada will work with local communities to:

- Use immigration to help meet local labour market needs and support regional economic development
- Test a new pathway to permanent residence in rural Canada for skilled foreign nationals at various skill levels
- Create welcoming environments that encourage and help new immigrants to stay in their new communities

Participation in the pilot requires a local economic development organization to complete the application and have the support of the head of Council and a local or regional immigrant-serving organization. However, the intention is for the pilot to be employer-driven with the economic development agency helping new immigrants with integration into the community. The goal of the pilot is to bring in 2,750 workers in rural and northern Canada, but the Minister has expressed interest in expanding the quota depending on demand.

On February 7th further details around the pilot project were provided by department officials on a conference call among staff and heads of Council in Northern Ontario. The focus was on promoting a regional-based approach so as to maximize the probability of success under the program and avoid the situation of municipalities competing amongst each other. Based on the size of Northern Ontario, the intent would be for the Northwest to submit an application via a regional organization such as the Northwestern Ontario Municipal Association (NOMA) and the Northeast through an organization like the Federation of Municipalities of Northern Ontario (FONOM).

Budget:

N/A

Risk Analysis:

There is high risk to partnerships as a result of City participation in the pilot. This is deemed to be an opportunity to create positive change across the region and impact a major economic development challenge in the community.

Communication Plan/Notice By-law Requirements:

N/A

Strategic Plan or other Guiding Document:

- 1-1 The City will provide clear and decisive leadership on all matters of economic growth in Kenora and the surrounding district
- 1-2 The City will forge strong, dynamic working relationships with the Kenora business community
- 1-6 The City will lobby senior government for additional supports for local industry and business in relation to ongoing workforce development



PROCLAMATION

By Virtue of Authority

Vested in me

I hereby proclaim

February 10-16, 2019

As “Week of Action Against Poverty”

in and for the City of Kenora and

request its observance as such by our citizens.

Proclaimed at the City of Kenora

this 12th day of February, 2019



His Worship Mayor Daniel Reynard