



City of Kenora
Committee of the Whole Agenda
Tuesday, October 8, 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 October 15, 2019 meeting:-

- Council will establish their 2020 meeting schedule
- Amend the 2019 Capital and Operating Budgets in the amount of \$14,100.00 to be funded through the IT Reserve for the purchase of a modern governance solution
- Rename the new portion of road as part of the Downtown Revitalization Project extending from the existing First Street South, to First Street South.
- Amend the 2019 Capital and Operating Budgets in the amount of \$36,500.00 to be funded through the Cemetery Ice Candle Reserve for the purchase of a reefer trailer to continue the Ice Candle Program

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 September 10, 2019 be confirmed as written and filed.

D. Deputations/Presentations

E. Reports:

1. Administration & Finance

Item Subject

- 1.1. Procurement Policy #AF-1-1 Amendment
- 1.2. Central Community Club Tax Receipts for Donations
- 1.3. August 2019 Financial Statements
- 1.4. Health & Safety Policy Amendments & Repeals

- 1.5. Human Resource Policy Amendments & Repeals
- 1.6. Joint & Several Liability AMO Support of Submission to AG of Ontario
- 1.7. Council 2020 Meeting Calendar
- 1.8. Budget Amendment - Digital Meeting Management System
- 1.9. Provincial Downloading Resolution of Support

2. Fire & Emergency Services

Item Subject

No Reports

3. Operations & Infrastructure

Item Subject

- 3.1 First Street South Road Naming Extension - DTR
- 3.2 Traffic Bylaw Amendment – DTR Street Changes
- 3.3 Traffic Bylaw Amendment – No Parking Zone Third Street South
- 3.4 Traffic Bylaw Amendment – Accessible Parking Mill Street
- 3.5 Traffic Bylaw Amendment – Yield Sign @ Wynd Rd & Ritchie Rd
- 3.6 Municipal Snow Plowing Tender

4. Community Services

Item Subject

- 4.1 Budget Amendment – Cemetery Ice Candle Program

5. Development Services

Item Subject

- 5.1 Investing Canada Infrastructure Program – Recreation Stream Application
- 5.2 OHRC Report on Homelessness in Kenora
- 5.3 Site Plan Control Policy Review

Proclamations:

- International Trigeminal Neuralgia Awareness Day – October 8, 2019

Next Meeting

- Tuesday, November 12, 2019

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) Receiving advice that is subject to solicitor-client privilege (Legal Agreement)

Return to Open Session with any reports

Adjournment



September 30, 2019

City Council Committee Report

To: Mayor and Council

Fr: Charlotte Edie, Manager of Finance/Treasurer

Re: Procurement Policy #AF-1-1 Amendment

Recommendation:

That Council hereby approves an amended City of Kenora Procurement Policy #AF-1-1 which forms part of the City's Comprehensive Policy Manual; and further

That bylaw number 10-2018 be hereby repealed; and further

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

Background:

The limit that a Senior Leadership Team Member is allowed to delegate has been increased from \$10,000 to \$15,000. This results in greater efficiency for key employees.

The Policy needs to be updated to reflect the position name change in the Finance Department. The Budget/Special Projects Officer title no longer exists to be replaced by Deputy Treasurer. The Policy has also been changed so that the positions of Manager of Finance/Treasurer and Deputy Treasurer are to be used interchangeably.

Quotations are now required on purchases over \$15,000 as opposed to \$10,000 in the past. Also, employees are required to document certain purchasing decisions on purchase orders.

The changes to the Policy are highlighted in red and deletions have been crossed out.

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

Risk Analysis: The risk associated with this report is a positive risk and it is low. The review ensures that the City is updating policies on a regular basis.

Communication Plan/Notice By-law Requirements:

Policy manual changes to be communicated to all Managers and Supervisors and updated on Sharepoint and the City Portal.

Strategic Plan or other Guiding Document:

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

Procurement Policy



Section	Date	By-Law Number	Page	Of
Administration & Finance	February 20, 2019 ⁹	10-2018	1	15
Subsection	Repeals By-Law Number		Policy Number	
Procurement	<u>10-201826-2013</u>		AF-1-1	

Purpose

The goals of the City procurement policy shall be:

- a) To procure the required quality and quantity of goods, services or construction at the least possible end use cost. It is noted that the lowest tender / quote does not always mean the lowest end cost;
- b) To encourage competition among contractors and suppliers; and
- c) To ensure fairness, accountability, objectivity and transparency in the procurement process.

Application

This policy shall apply to the purchase of goods, services or construction for the purposes of all City departments, excepting those governed by separate local boards and / or commissions as established under either Federal or Provincial legislation.

This policy shall not apply to the acquisition or disposal of any real property or fixtures or to any lease, right or permission relating to the use or occupation of real property.

Senior Leadership Team Members are those employees reporting directly to the Chief Administrative Officer, ~~with the exception of the Special Projects & Research Officer.~~

References to the Senior Leadership Team Members ~~or to the Budget/Special Projects Officer~~ also include designates of these positions. Specifically, the designate of the Manager of Finance/Treasurer is the Deputy Treasurer.

Responsibilities and Authorities

Each Senior Leadership Team Member shall be responsible for and shall have the authority for all procurement activity and decisions within their areas of responsibility, as outlined within this policy.

Each Senior Leadership Team Member shall be held directly accountable for any deviation from the procurement policy within their areas of responsibility.

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It shall be at the Senior Leadership Team Member's discretion to delegate all or any portion of their authority within this policy, up to a maximum spending authority limit of \$150,000, to such individuals within their department as they consider appropriate. It shall be the Senior Leadership Team Member's responsibility to advise the ~~Budget/Special Projects Officer~~ Manager of Finance/Treasurer in writing with regards to any such delegation of authority. The Accounts Payable Assistant Accountant will be responsible for maintaining this information.

Authority of the Chief Administrative Officer

Where any authority has been granted to any officer or employee of the City pursuant to this policy, such authority may be exercised by the Chief Administrative Officer.

Despite any other provision of this policy, during any period that regular Council meetings are suspended or altered from the regular schedule for any reason, or during the period that the acts of Council are restricted under Section 275 of the Municipal Act, the Chief Administrative Officer shall be authorized to award any contract. A report shall be submitted to Council, as soon as reasonably possible, setting out the details of any contract awarded in this manner.

Restrictions

The following restrictions shall apply:

- a) The purchasing procedures set out in this Policy shall not apply to the following types of expenditures, provided that the purchase does not exceed the amount approved in the annual budgets:
 - i. Training and education expenses, including courses, conferences / conventions, seminars, subscriptions, membership fees and fees for trainers / facilitators;
 - ii. Refundable employee / councillor expenses, including advances, meal allowances, travel, entertainment and miscellaneous;
 - iii. Employer's general expenses, including payroll deduction remittances, health benefits, medicals, licences, debenture payments, insurance premiums and claims, damage claims, grants, petty cash replenishment and tax remittances;
 - iv. Professional and special services, including legal fees, committee fees, funeral and burial expenses, witness fees, interpreter fees and payments authorized under purchase of service agreements;
 - v. Utility charges, including water, hydro, gas, telephone and telecommunications;
 - vi. Postal and delivery charges;
 - vii. Advertising services required by the City on or in but not limited to radio, television, newspaper and magazines;
 - viii. Bailiff or collection agencies;

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ix. Any payments required to be made by the City under statutory authority.

For these excluded items, it is each Senior Leadership Team Member's responsibility to make every effort to obtain the lowest possible cost as appropriate.

- b) No contract for goods, services or construction may be divided into two or more parts to avoid the application of the provisions of this policy;
- c) No personal purchases shall be made by the City directly or indirectly for members of Council or any appointed member of a local board or commission, or for any officer or employee of the City;
- d) No Council member, officer or employee of the City shall personally obtain any goods that have been declared surplus unless through a public process;
- e) All purchasing undertaken by the City shall be undertaken in accordance with the City's Council Code of Ethics and Employee Conduct Policies and in accordance with the Municipal Conflict of Interest Act, as amended.
- f) Nothing in this policy will enable the ~~Budget/Special Projects Officer~~ Manager of Finance/Treasurer to initiate any purchases for any reason. All authorities given to this position within this policy are strictly for approval of expenditures initiated through other authorized individuals.

Total Acquisition Cost

All dollar limits expressed within this policy shall be the estimated total acquisition cost less any applicable rebates.

Local Preference

In accordance with the Discriminatory Business Practices Act, the City does not have a local preference policy.

Blanket Purchase Orders

A blanket purchase order may be used where:

- a) One or more departments repetitively order the same goods, services or construction and the actual demand is not known in advance;
- b) A need is anticipated for a range of goods, services or construction for a specific purpose and for which convenience and location are major factors but the actual demand is not known at the outset.

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The Senior Leadership Team Members shall establish and maintain blanket purchase orders in accordance with the procedures and limits as expressed within this policy. To establish prices and select sources, the Senior Leadership Team Member shall employ the provisions contained in this policy for the acquisition of goods, services or construction.

More than one supplier may be selected where it is in the best interests of the City and where the bid solicitation allows for more than one.

The expected quantity of the specified goods, services or construction to be purchased over the time period of the agreement will be as accurate an estimate as practical and be based, to the greatest extent possible, on previous usage adjusted for any known factors.

Request for Expressions of Interest

A Senior Leadership Team Member may conduct a request for expression of interest for the purposes of determining the availability of suppliers of any goods, services or construction and for the purposes of keeping a list of available suppliers.

Authorization of Budgeted Purchases

Where the acquisition of goods or services has been approved in the City's annual budgets, the following procedures shall apply:

Purchases Not Exceeding \$5,000

The Manager of Finance/Treasurer shall have authority to establish petty cash funds in such an amount to meet the requirements of a department for the acquisition of goods, services or construction having an individual total acquisition cost of \$500 or less. All petty cash fund disbursements shall be evidenced by vouchers and shall be available for auditing purposes through the finance department.

Where the total acquisition cost does not exceed five thousand dollars, purchases shall be made from a competitive market place wherever possible. Quotations may be received either verbally or in writing.

Purchases may be made utilizing cash, cheque, purchase order, or City purchase / credit cards.

Purchases Not Exceeding ~~\$1510,000~~

Where the total acquisition cost does not exceed ~~\$1510,000~~, a request for quotations shall be issued, where possible. A minimum of three (3) quotations shall be requested and shall be received in writing.

Purchases may be made utilizing cheque, purchase order, or City purchase / credit cards.

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The Senior Leadership Team Member, or his / her designate, may authorize the purchase provided that the award is made to the bidder submitting the lowest end cost, compliant bid.

Purchases Not Exceeding \$30,000

Where the total acquisition cost does not exceed \$30,000, a request for quotations shall be issued. A minimum of three written quotations shall be requested.

Purchases shall be made utilizing a purchase order. A signed purchase order shall be required prior to obtaining a cheque for the purchase.

The Senior Leadership Team Member, or his / her designate, shall evaluate the quotes received, and determine the recommended award to the bidder submitting the lowest end cost, compliant bid. The Senior Leadership Team Member may authorize the purchase, based on that recommendation, provided that the award is made to the bidder submitting the lowest end cost, compliant bid.

In appropriate circumstances, the Request for Proposal or the Request for Tender processes may be used for the purchase of goods, services or construction in this total acquisition cost range.

The procedure used to purchase the goods, services or construction in this total acquisition cost range shall demonstrate that Fair Market Value was achieved.

Purchases Exceeding \$30,000

Where the total acquisition cost of any goods, services or construction exceeds \$30,000, either a request for tenders or a request for proposals shall be undertaken, save and except for situations in which the requisitioning Senior Leadership Team Member is able to demonstrate that it is in the City's best interests that the specified goods, services or construction not be obtained through this manner.

Request for Tenders/Proposals

Process

A request for tenders or request for proposals shall be undertaken in compliance with the following process:

- a) The Senior Leadership Team Member shall determine whether an invitational or public request for tenders / proposals is to be used. The Senior Leadership Team Member's decision must be based on the best interests and value to the City.

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- i. Requests for public tenders / proposals shall be publicly advertised.
 - ii. Requests for invitational tenders / proposals will be sent directly to the appropriate parties with no advertising required.
- b) The request for tenders / proposals shall include:
- i. A brief description of the request for tenders / proposals, including the scope of the goods, services or construction;
 - ii. Where the packages may be obtained;
 - iii. The specified closing date and time;
 - iv. If bid deposits are required;
 - v. Any related compliance requirements; and
 - vi. Identification of the evaluation criteria and weightings, with a clear direction on how each of the applicable criteria shall be utilized in evaluating the bids.

The form of the request for tenders / proposals shall, to the extent possible, use standardized documentation.

- c) All bids must be submitted in a sealed envelope, clearly marked as to its contents and to the attention of the City personnel specified in the bid document.
- d) Unless specified otherwise in the request for tenders / proposals, as bids are received, they are time and date stamped to ensure compliance with the closing date and time.
- e) Faxes / e-mailed bids are not accepted unless either submitted by an agent on behalf of the bidding company or indicated by the City in the original request for tenders / proposals that a fax / e-mail will be accepted.
- f) Bids shall be opened on the date and time stated in the request for tenders / proposals. The date and time shall be shortly after the closing time stated.
- g) Bid openings shall be open to the public and be attended by at least the requisitioning Senior Leadership Team Member and either the Manager of Administration/City Clerk, the Manager of Finance/Treasurer/Budget/Special Projects Officer or their designate.
- h) Bid submissions that do not meet the terms, conditions and specifications in accordance with the request for tenders / proposals package shall be rejected, unless the deviation is minor in nature.
- i) Tenders / proposals received by the City after the set date and time of closing shall be returned to the sender unopened.

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- j) No alteration shall be made to a tender / proposal after the opening except where such alteration can be decisively shown to be an error in computation or typing. Where a unit price is involved, only the unit price can be adjusted in the case of an error in computation. The total price of the tender / proposal shall not be changed. The bidder shall be advised of the alteration.

Award to Lowest End Cost, Compliant Bidder

Tenders / proposals shall be awarded to the lowest end cost, compliant bidder, the decision criteria for which shall be clearly identified in the request for tenders / proposals. In determining the lowest end cost, compliant bidder, the following shall be taken into account:

- a) Quoted price, including related ongoing costs if applicable;
- b) The bidder's ability to perform the contract or provide the supplies, materials or equipment within the time specified without delay or interference;
- c) Adherence to applicable City Health & Safety policies as well as Provincial Health & Safety Legislation and related Regulations.
- d) Adherence to the Integrated Accessibility Standards Regulation made under the Accessibility for Ontarians With Disabilities Act and the City of Kenora Accessibility Policy
- e) Previous performance of supplier;
- f) The ability of the bidder to provide future maintenance and service; and
- g) Associated delivery and set-up costs; warranty and guarantee period.

Other specific, relevant decision criteria may also be used provided they are clearly identified in the request for tenders / proposals.

Evidence of Compliance

Prior to the commencement of works for the tender / proposal, the successful bidder shall provide evidence of compliance with Provincial legal requirements and municipal By-laws as it relates to carrying on business in Ontario by:

- a) Showing proof of registration with the Workplace Safety and Insurance Board (WSIB), including proof of good standing;
- b) Complying with the Provincial Retail Sales Tax requirements;

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- c) Complying with the requirements of the Trades Qualification and Apprenticeship Act;
- d) Acquiring a City of Kenora business license, if applicable; and
- e) Any or all other requirements as applicable.

Liability Insurance

Liability Insurance coverage in the amount of \$2 million or other such amount as may be deemed necessary shall be provided by the bidder as determined by the requisitioning Senior Leadership Team Member for the acquisition of supplies and services.

Award of Contracts

The ~~Manager of Finance/Treasurer Budget/Special Projects Officer~~ may award the tender / proposal provided that:

- a) The purchase is included in the City's budgets, and is within the budgeted amount;
- b) The total cost of the contract does not exceed the following authority limits:
 - i. Operating expenditures not exceeding \$100,000;
 - ii. Capital expenditures not exceeding \$250,000, with the exception of;
 - iii. Capital expenditures for equipment outlined specifically in the capital budget not exceeding \$500,000;
- c) The award is made to the bidder whose bid achieves the highest score as a result of the evaluation;
- d) The term of the contract does not exceed the lesser of either the current operating year or the remainder of the term of Council; and
- e) The award is made to the bidder submitting the lowest end cost, compliant bid. If the lowest end cost bid is not chosen the reason for the choice must be documented on the purchase order.

A report shall be submitted quarterly to Council to advise of the award of any tenders / proposals under this section.

Any expenditure not eligible for approval within this section requires written confirmation from the ~~Manager of Finance/Treasurer Budget/Special Projects Officer~~ that the expenditure will not exceed the approved budgets. The applicable Senior Leadership Team Member is responsible for analysing the quotations submitted and making a formal recommendation to Council regarding the successful bid.

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Use of Request for Tenders

A request for tender shall be used where all of the following criteria apply:

- a) Two or more sources are considered capable of supplying the goods, services or construction;
- b) The goods, services or construction is adequately defined to permit the evaluation of tenders against clearly stated criteria;
- c) The market conditions are such that bids can be submitted on a competitive pricing basis; and
- d) It is intended that the lowest end cost, compliant bid will be accepted without negotiations.

Use of Request for Proposals

A request for proposals shall be used where the goods, services or construction cannot be specifically defined and it is anticipated that bidders may propose a variety of alternatives to fulfil the City's requirements.

Price Agreements

A request for tenders may be issued in order to establish a price agreement for specified goods, services or construction for a specified time.

The City shall have no obligation to any contractor to order any goods, services or construction under a price agreement.

In House Bids

In house bids may be used for the procurement of goods, services or construction in accordance with policies as adopted by Council.

Contingencies

Where the purchase of goods, services or construction has been authorized under this policy, the ~~Manager of Finance/Treasurer/Budget/Special Projects Officer~~ may authorize disbursement of additional funds, provided that such additional funds shall not exceed fifteen percent (15%) of the total cost of the original contract, and provided that the additional funds are required to complete the work set out in the original contract and there are sufficient funds within the approved budgets to cover the incremental costs, irrespective of the total cost of the original contract.

Purchase of Additional Goods, Services or Construction

Where goods, services or construction have been purchased under this policy, no similar, additional or related goods, services or construction shall be purchased from the same

~~purchased from the same~~ contractor, whether by way of contract extension, renewal or separate purchase, unless:

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- a) A report is submitted to Council; or
- b) The procurement procedures set out in this policy are complied with as if the additional purchase is a new contract; or
- c) The total cost of the additional goods, services or construction does not exceed twenty percent (20%) of the total cost of the original contract and there is sufficient budget flexibility available to cover the incremental costs; or
- d) The total cost of the additional goods, services or construction is to be paid in full by a third party, and security to ensure payment is in place, to the satisfaction of the ~~Manager of Finance/Treasurer~~Budget/Special Projects Officer.

Any amount authorized under this section may be expended in addition to any contingency allowance authorized under the Contingencies section of this policy, and may be authorized by the ~~Manager of Finance/Treasurer~~Budget/Special Projects Officer irrespective of the total cost of the original contract.

Despite the restrictions on the purchase of additional goods, services or construction as laid out previously, the Chief Administrative Officer may authorize the purchase of additional goods, services or construction provided that:

- a) The requirement for the additional goods, services or construction could not reasonably have been anticipated at the time of the award of the original contract; and
- b) The authorization to purchase the additional goods, services or construction is required to prevent interruption in service delay or to avoid incurring extra costs; and
- c) A request is submitted to the Chief Administrative Officer on a form prescribed by the ~~Manager of Finance/Treasurer~~Budget/Special Projects Officer.

A report shall be submitted quarterly to Council advising of any expenditures made under this section of the policy.

Cooperative Purchasing

The City may participate with other government agencies or public authorities in cooperative purchasing where it is in the best interests of the City to do so and where the purposes, goals and objectives of this policy are complied with by such government agencies and public authorities.

The policies of the government agencies or public authorities calling the cooperative bid solicitation are to be the accepted policy for that particular purchase.

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Sole Source Purchases

A sole source purchase may be made for the procurement of goods, services or construction without issuing a request for tenders / proposals where the compatibility of a purchase with existing equipment, facilities or service is the paramount consideration.

The Senior Leadership Team Member may award the contract provided there is written confirmation from the ~~Manager of Finance/Treasurer/Budget/Special Projects Officer~~ that the expenditure will not exceed the approved operating budget.

The reason for the sole source purchase should be documented on the purchase order.

Unsolicited Proposals

Where the City receives an unsolicited proposal, the Senior Leadership Team Member may determine if the proposal shall be evaluated in accordance with the Sole Source Purchases section of this policy.

If the Senior Leadership Team Member determines that the unsolicited proposal should be considered a sole source purchase, an award may be made in accordance with the Sole Source Purchases section of this policy.

Contractor Performance

The Senior Leadership Team Member shall be responsible for monitoring the performance of contractors and documenting evidence of such performance and shall advise the Chief Administrative Officer in writing where the performance of a contractor has failed to comply with a contract or other City requirement.

The Senior Leadership Team Member and the CAO may, in their sole discretion, prohibit a contractor whose performance has been unsatisfactory from submitting a bid in response to a request for tenders / proposals. This prohibition shall also apply to any contractor failing to meet any City or otherwise legislated Health & Safety requirements.

Identical Tenders

If the lowest compliant bids from two or more bidders are identical in total acquisition cost or unit price, the Senior Leadership Team Member is authorized to split the contract for the purchase of goods, services or construction equally between the lowest end cost, compliant tenders, where possible.

When it is not possible to equally split the contract for the purchase of goods, services or construction, then the successful bidder shall be determined by a coin toss. The coin toss shall be performed in the presence of the Senior Leadership Team Member and the Chief Administrative Officer, as well as the related bidders, should they wish to attend.

Emergency Purchases

Despite any other provision of this policy, in cases of emergency, as determined by a Senior Leadership Team Member or the Chief Administrative Officer, the purchase of goods, services or construction may be authorized without issuing a request for tenders / proposals.

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An emergency is defined as an event or circumstance where the immediate purchase of goods, services or construction is necessary to prevent or alleviate serious delay, a threat to public health, safety or welfare, the disruption of essential services or damage to public property or any other expenditure that is necessary to respond to any such event and may include, but is not limited to, an emergency declared under the Emergency Management and Civil Protection Act.

The Senior Leadership Team Member shall, as far as is feasible, obtain the lowest price for supplies and services that are necessary to prevent serious delays, further damage or greater harm.

The limit of such an emergency purchase shall be two hundred and fifty thousand dollars (\$250,000). Any emergency purchase deemed necessary in excess of the stated limit shall require specific CAO approval, with an email briefing being sent to Council at the time it is approved.

Where any emergency purchases have been made, the Senior Leadership Team Member responsible shall report said purchase in writing at the next meeting of Council, identifying the proposed sources of funding.

Council Approval

Despite any other provision of this policy, a report shall be submitted to Council prior to authorizing an award in each of the following circumstances:

- a) Any contract where the total acquisition cost is greater than the Council approved budgets, except as specifically authorized under the "Bids in Excess of Project Estimates" section of this policy.
- b) Any contract where the total acquisition cost exceeds the authority limits as outlined in this policy.
- c) Any contract where the award is not proposed to be made to the bidder with the lowest end cost, compliant bid, or where an irregularity precludes the award of a contract to the supplier submitting the lowest end cost, compliant bid.
- d) Any contract where a good, service or construction is available from only one source of supply and the total acquisition cost of such good, service or construction exceeds \$100,000; or where a bid solicitation has been restricted to a single source of supply because standardization or compatibility is the overriding consideration.

- e) Any contract where the term of the proposed contract is for a period longer than the lesser of either the current operating year or the remainder of the term of Council.

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- f) Any contract where there is current litigation between the bidder and the City.
- g) Any contract otherwise specifically required to be approved by Council as provided in this policy.

All reports to Council for expenditure approval must include justification for the recommended purchase, a summary of all quotations received, together with a purchase order signed by the Manager of Finance/Treasurer~~Budget/Special Projects Officer~~.

Non-Budgeted Expenditures

Where a requirement exists to initiate a project for which goods, services or construction are required and funds are not contained within the Council approved budgets to meet the proposed expenditure, the Senior Leadership Team Member shall, prior to the commencement of the purchasing process, submit a report to Council, which shall include:

- a) Information surrounding the requirement to contract;
- b) The terms of reference to be provided in the contract; and
- c) Information on the proposed funding source for the expenditure, together with a written confirmation from the Manager of Finance/Treasurer~~Budget/Special Projects Officer~~ that the requested source of funding is both available and accessible.

Expenditures Before the Passing of the Budget

For the purposes of this policy, prior to the approval of the municipal budgets, Senior Leadership Team Members shall have the authority, within the guidelines as outlined in this policy, to expend up to ninety percent (90%) of the previous year's approved operating budget. All items either capital in nature or budgeted as unusual spending through the capital budget process, must receive Council approval prior to the approval of the municipal capital budget.

Bids in Excess of Project Estimates

Where bids are received in response to a bid solicitation but exceed project estimates, the Senior Leadership Team Member may enter negotiations with the lowest compliant bidder to achieve an acceptable bid within the project estimate.

Where the Senior Leadership Team Member is unable to reduce the amount of the bid sufficiently to be within the budgeted amount for that project without negatively affecting

project scope to the detriment of the municipality, the Senior Leadership team Member may identify an appropriate funding source from a budgeted expenditure within the same department or function that has either been completed under budget or has been deemed of a lesser priority by that Senior Leadership Team Member. The Senior Leadership Team Member shall then present this funding option to the Manager of Finance/Treasurer~~Budget/Special~~

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~~Projects Officer~~. The Manager of Finance/Treasurer~~Budget/Special Projects Officer~~ shall have authority to transfer those remaining budget dollars to fund the project if it is deemed that it is in the best interests of the City to do so. The Manager of Finance/Treasurer~~Budget/Special Projects Officer~~ shall be required to report any such transfers to Council on an annual basis for the purpose of passing a budget amendment By-law to formally amend the budget to reflect the reallocation of funds. For clarification purposes, nothing within this section shall enable the Manager of Finance/Treasurer~~Budget/Special Projects Officer~~ to transfer funds between projects where the total cost of the project being transferred to exceeds the spending authority limits as set out within this policy.

Surplus & Obsolete Materials

All surplus and obsolete stock shall be dealt with in compliance with the City's policy for Disposal of Surplus & Obsolete Materials (~~AFH~~-3-1).

Contract Documents

Where the purchase of goods, services or construction has been authorized under this policy, the contract may be executed by the Senior Leadership Team Member. Contracts shall be in a form approved by the City.

Where a contract for goods, services or construction is of nominal value and is not subject to the procurement procedures as set out in this policy, the Senior Leadership Team Member may execute such a contract, subject to the prior approval of the City solicitor where applicable.

All contracts executed pursuant to this policy shall be delivered to the City's central records department.

Payment of Accounts

Except as otherwise provided, the Manager of Finance/Treasurer shall be authorized to pay:

- a) All accounts for the purchase of goods, services or construction, where the purchase of such goods, services or construction has been made in accordance with this policy, or otherwise approved by Council;

- b) All accounts authorized by payment certificate, for work done under a contract approved by Council, where such payments have been certified in writing by the Senior Leadership Team Member;
- c) All items included under sub-section a) of the Restrictions section of this policy, subject to such expenditures being approved in the annual budgets; and
- d) All requisitions for monies that the City is required to pay to its local boards or other bodies on account of their approved annual estimates, including advances before such budgets are approved.

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Access to Information

The disclosure of information received relevant to the issue of bid solicitations or the award of contracts resulting from bid solicitations shall be in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, as amended.

Policy Review

This policy shall be reviewed and evaluated for effectiveness prior to the end of each Council term, and any amendment thereto shall be made prior to the inaugural meeting of the next Council.

The review shall determine how effective this policy has been in achieving the objectives as set out under the Purpose section of this policy as well as the requirements of the Municipal Act, as amended.



October 1, 2019

City Council Committee Report

TO: Mayor and Council

FR: Charlotte Edie, Manager of Finance/Treasurer

RE: Cental Community Club Tax Deduction Request

Recommendation:

That the Council of the City of Kenora hereby authorizes the issuance of tax receipts for any donation of \$50 or greater made to the City of Kenora up to September 30, 2020, unless otherwise specified, to be used specifically towards the rebuild of the Central Community Club; and

That the City will pay the invoice(s), direct to the appropriate supplier(s) for the construction to a maximum of the actual donations received; plus the \$100,000 commitment; and further

That the issuance of tax receipts for donations for construction be restricted specifically to the Community Club rebuild in recognition of the recreation impact to the City of Kenora.

Background:

Central Community Club has long been a hub for recreational activity in the City of Kenora. The building had served its useful life and was razed in 2018. The Club is now in the process of fundraising for a new building. The City of Kenora has committed \$100,000 to the project.

The City of Kenora has been asked to accept the donations and issue tax receipts for any donation of \$50 or greater made to the City of Kenora up to and September 30, 2020.

Budget:

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

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

Communication Plan/Notice By-law Requirements:

Central Community Club



September 30, 2019

City Council Committee Report

To: Mayor and Council

Fr: Jon Ranger, Deputy Treasurer

Re: August 2019 Financial Statements

Recommendation:

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora at August 31, 2019.

Background:

Attached for your information, please find the August 2019 summary expense and user fee statements for the City of Kenora and the Council department. At the end of August, the year is two thirds complete, so not including any seasonal or timing differences, there should be 33.33% of the budget remaining.

Overall:

- Expenses at the end of August 2019 were close to budget with 35.50% remaining to be spent. Water & Sewer 39.73% and Solid Waste 39.25% left in the budget.
- User fee revenues to the end of August 2019 are close to budget with 32% left to collect. Water & Sewer 39.32% and Solid Waste by the end of August had 24.67% left to collect.

Expenditures:

- **General Government** - The General Government expenses to date are close to budget with 35.80% of the expense budget unspent.
 - **Administrators Office** –Special Projects & Research Officer was budgeted for a full year however this position was only filled starting December 2nd. Legal expenses are also currently under budget.
 - **Human Resources** – Slightly under budget as more training expenses have been booked for the fall.
 - **Building and Grounds Maintenance** – Utilities currently below budget.
- **Protection** – The Protection Department expenses to date are close to budget with 35.27% remaining in the budget.
 - **Police Commission** – Currently nothing has been spent on travel to date.
 - **Facilities and Property Management** – Wages slightly under budget. A small portion of electrician's time has been budgeted here but no time has yet been allocated for electricians to this department. It is likely that this wage allocation should be adjusted for future years as electricians code time to specific departments they are working on.

- **Transportation** – The Transportation Department expenses to date are under budget with 36.65% remaining in the budget.
 - **Paved/Surface Treated/Loosetop Roads** – Under budget at the end of August, many materials and supplies accounts are currently under budget including resurfacing materials, and patch/washout materials.
 - **Winter Control Maintenance** – Winter control maintenance is significantly over budget with only 12.55% remaining to be spent for the year. As this is a seasonal department, it is expected that this department would be over budget at this time.
 - **Safety Devices Maintenance** – Over budget as the lines painting contract was all paid in August.
 - **Conventional Transit** – expenses under budget as two months of the contract, July and August were recorded and paid in September.
 - **Streetlighting** – utilities and repairs and maintenance continue to be under budget with the new LED installations paying off. Debt interest is budgeted but not yet recorded.
 - **Barsky Facility** – internal wages and equipment time over budget to reflect repairs done by staff.

- **Environmental** – The Environmental Department expenditures are close to budget with 32.82% remaining to be spent. 39.73% left in the budget in Water & Sewer and 39.25% remaining in Solid Waste.
 - **Storm Sewers** – Currently used all of yearly budget, per discussion with roads division lead, a significant amount of steaming was required this winter on storm sewers.

Water & Sewer

- **Sanitary System** – Contracted services, computer maintenance, and materials and supplies, are under budget at the end of August.

Solid Waste

- **Garbage Collection** – Materials & supplies expenses are currently under budget. Also, wage costs are less than expected.
- **Hazardous Waste Days** – Expenses under budget, however expenses are comparable to prior year at this time.
- **Kenora Area Landfill** – Contracted services, repairs and maintenance and material & supplies currently under budget at the end of August.

- **Health Services** – Health expenditures are right on budget.
- **Social and Family Services** – Social and Family Expenditures are right on budget.
- **Community Services** – Overall Community Services expenses are below budget with 37.81% remaining to be spent.
 - **713 through to 717** – As expected Parks budgets have caught up to budget, with the exception of Norman Park. Significant utilities expenses were budgeted for Norman Park relating to the City Water required for the splash park but these expenses have not yet been recorded.
 - **KRC** – Wages are over budget, and the Thistle Arena and Fitness Centre wages are under budget. This is a budget allocation issue for wages. An estimate was made based on maintenance operator's time, however this is the first year of recording maintenance operator's time by department.

- **KM Arena & complex** – Interest on debt for \$38K not yet recorded.
- **Fitness Centre** – Wages currently lower than budgeted. In an effort to match wage costs to the departments in which they are actually spent, much of desk attendant's wages were budgeted to fitness centre, however actuals were not being allocated here. An adjustment has been made going forward for desk attendant wages to be allocated to fitness centre.
- **Planning & Development** – Planning & Development expenses are under budget with 35.50% left in the budget.
 - **Starter Company** – The starter company program was to be finished March 31, 2019, however it is now expected that this program will start up again and a new contract will be signed with the Ministry. The contract extension hasn't been budgeted.
 - **Economic development** – Expenses depend on project activity. Economic development intern was budgeted for however has not yet been hired.
 - **Tourism** – Currently over budget as 100% of the Recreation/Tourism Leads wages were being allocated here, when they were budgeted 50% recreation, and 50% tourism. This has been addressed with payroll, going forward this positions wages are split between recreation and tourism.
 - **Tourism facilities** – Tourism facilities are currently under budget. Contracted Services are currently under budget as the downtown services invoice is usually received in November for services from May to October.

User Fees:

- Overall, user fees are just above budget projections with 32% of the budget still to be collected.
- **General Government**
General Government is below budget with 35.28% left to be collected.
 - **City Clerk** – Currently Civil Marriage revenues and lottery licensing fees are under budget. These revenues are dependent on weddings in the area and can change from year to year.
 - **Finance and Administration** – User fees are dependent on house sales which drives tax certificate fees. This can vary from year to year, the same as merchandise sales.
- **Protection to Persons and Property**
Protection to Persons and Property is exceeding budget with only 5.16% still left in the budget.
 - **Fire department** – Has exceeded its yearly budget for a couple reasons. Fire protection agreement revenue has exceeded budget by \$22K. Also a larger donation was made towards the Kenora Fire Regional Training Centre. Highway fire calls are also up at this time when compared to prior year.
 - **Building Inspection** – Building permit user fee exceeding budget at this time. This is dependent on builds in the year and can vary from year to year.
 - **Provincial Offences** revenue is dependent on the fines assessed in this area. First and second quarter revenues have now been recorded and have exceeded the year budget. This is because 2018 revenues were lower than anticipated and revenue projections for 2019 were decreased.

- **Transportation Services**

Transportation user fees are exceeding budget with 28.19% left in the budget.

- **Metered Parking** – Now exceeding budget slightly, as it was expected that metered parking revenue would catch up over the summer months.
- **Mall Parking Lot** – The mall parking lot is currently exceeding budget. This is due to the change that was made in April to allow for 'Open parking' in the middle lot so that users can now pay by month. This caused an increase in usage.
- **Docks & Wharfs** – Currently exceeding budget as expected as docks and wharfs are billed and collected ahead of the boating season.
- **Garage & Shop** – Over budget as there was work performed for the Fire department that was subsequently billed to Fort Garry Industries. This work was unanticipated.

- **Environmental Services**

Environmental services user fees are below budget with 44.79% remaining to be collected. 39.32% of Water & Sewer User fees are also still to be collected and Solid Waste has 24.67% remaining to be collected.

- **Blue Box collection** – Currently below budget, dependent on recycled materials. These include commercial pickup revenues. Actual fees currently above prior year at the end of August. Still expected to meet budget, note that these revenues are recorded on a quarterly basis. Only two quarters are currently recorded.

Water & Sewer

- **Water and Sewer** user fees are one month behind budget with 39.52% and 39.11% not yet collected respectively.

Solid Waste

Currently all solid waste revenues are exceeding budgets at the end of August.

- **Kenora Area Landfill** – Revenues picked up significantly from local contractors over the construction season.

- **Community Services**

Community Services user fees are below budget with 39.23% remaining to be collected.

- **External facilities** – Exceeding yearly budget at the end of August as the external facilities rental season has come to an end.
- **Anicinabe Park** – Revenue is billed in July and September of each year. Therefore it is expected that revenues would be under budget at the end of August.
- **Thistle Arena, and Pool** – Under budget at the end of August, we will expect this to increase now that the Pool is back open and when the ice goes in to the arena in the fall.
- **Keewatin Memorial Arena** – It is expected that revenues will increase moving into fall when more ice time is booked.
- **Fitness Centre** – Negative revenues reflect training fee refunds.

- **Planning and Development**

Planning and Development user fees have exceeded budget with 21.37% remaining to be collected.

- **Tourism Facilities** – This is current the only department in Planning and Development that isn't exceeding budget. This is due to less rentals for the Whitecap pavilion than prior year. Budget expectations were increased in 2019 for the large amount of bookings that took place in 2018.

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.



September 30, 2019

City Council Committee Report

TO: Mayor and Council

FR: Bruce Graham, Risk Management & Loss Prevention Officer

RE: Amendments to Health and Safety Policies

Recommendation:

That Council hereby approves an amended Health and Safety Policy #HS-01 Health and Safety Policy Statement, #HS-14 Lock-out and Tag-out, #HS-37 Employee Orientation; and further

That Council hereby repeals #HS-13 Work Refusals, #HS-32 Applicable Legislation and #HS-33 WHMIS Training health and safety policies; and further

That bylaw number 27-2012 be hereby repealed; and further

That all Health & Safety Policies form part of the City's Comprehensive Policy Manual under the new category Health and Safety; and further

That three readings be given to three bylaws for this purpose.

Background:

The HRM Strategy contained a recommendation to review all existing Health and Safety Policies and to incorporate them into the City Policy Manual. The HRM Strategy also contained specific recommendations for amending existing Health and Safety policies.

The recommendation for HS-01 was to add reference to the Workplace Violence Prevention Policy Statement as well as the Workplace Harassment Policy Statement. This has been done and is reflected in the changes to HS-01.

HS-14 has been updated to more accurately reflect current practices.

It was a recommendation of the HRM Strategy to incorporate policies into the Orientation Policy as much as possible. With this in mind, HS-01 has been amended to include specific references to Work Refusals, Applicable Legislation Training, and WHMIS Training. Given that these three items are covered by existing legislation, and with the incorporation of these items into the Orientation Policy, the individual policies HS-13, HS-32, and HS-33 become redundant and therefore can be revoked.

All policies are attached for reference.

Budget: N/A

Risk Analysis:

There are no perceived risks to this recommendation. Approving the amended policies will help to ensure legislative compliance.

Communication Plan/Notice By-law Requirements: By-laws for each policy required.

Strategic Plan or Other Guiding Documents: HRM Strategy

Health and Safety Standards and Procedures



Section Health and Safety Policies	Date March 19, 2012	Approved by By-law Number: 27-2012	Page 1	Of 2
Subsection Refusal to Work	Supersedes By-law Number: 105-2011		Policy Number: HS-13	

PURPOSE

This policy provides the workplace parties with the opportunity to constructively resolve workplace health and safety concerns. It is developed to reduce the potential for personal injury at the workplace, protect and uphold a worker's right to refuse work that may pose a danger, and ensure the reporting, investigating and resolution of work refusals comply with the statutory requirements and procedural steps outlined in the Occupational Health and Safety Act (Ontario).

RESPONSIBILITY

Workers are responsible to report work refusals to their supervisor promptly explaining the conditions that have led to the refusal.

Supervisors are responsible for investigating the circumstances leading to a work refusal.

Workers and supervisors are responsible, and will be held accountable for compliance with the procedural steps outlined in this standard.

Nothing in this standard prohibits or is meant to prohibit a worker from filing a complaint for *alleged reprisals* as per section 50 of the Act.

PROCEDURE

(a) Reporting

A worker may refuse to work or do particular work where he or she has reason to believe that,

- (a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;
- (b) the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself;
- (b.1) workplace violence is likely to endanger himself or herself; or
- (c) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself, herself or another worker.

Workers shall promptly report to their immediate (or first available) supervisor the circumstances of their refusal to work.

Health and Safety Standards and Procedures

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HS-13	2	2

Supervisors shall ensure and clarify that the refusal to work is health and safety related, not simply a concern or complaint, and that the circumstances of the work refusal are thoroughly documented.

Supervisors shall ensure the worker remains in a safe place near their workstation.

Note: The refusing worker is not be assigned other work. No worker is to be assigned the work activity involved in refusal.

(b) Investigation

Supervisors shall notify and immediately make available a worker representative (non-management) to be present for the investigation.

Supervisors shall ensure that the refusing worker and worker representative are present during the investigation.

Supervisors shall (at their discretion) request technical and special assistance (i.e., maintenance, human resources, etc.) to investigate the work refusal.

Supervisors shall provide all reasonable and pertinent information to the worker during the investigation and shall, where a hazardous or dangerous condition exists, correct that condition as soon as is practical and reasonable given the circumstances. When the hazardous or dangerous condition is corrected or if the investigation determines that no hazardous or dangerous conditions existed the worker will be instructed to return to work.

(c) Continued Refusal

When a worker has reasonable grounds to believe that a hazardous or dangerous condition still exists following the investigation, or following correction of the condition, the supervisor shall document the worker's reasonable grounds, arrange for reasonable alternate work for the worker, and contact the local Ministry of Labour office immediately regarding the continued refusal.

Note: Other workers may be asked to perform the work activity involved in the work refusal but only in the presence of a worker representative and after a full explanation of the circumstances of the work refusal. The workers may decline!

TRAINING

Appropriate training, instruction and information will be provided to supervisors and workers in this standard and its requirements. All training will be documented.

REFERENCES

The Occupational Health and Safety Act (Ontario) – Section 43
Workwell Core Health and Safety Audit – Element 4.2 (e)

Health and Safety Standards and Procedures



Section Health and Safety Policies	Date March 19, 2012 October 15, 2019	Approved by By-law Number: 27-2012	Page 1	Of 58
Subsection Lock-out and Tag-out	Supersedes By-law Number: 105-2011	Policy Number: HS-14		

PURPOSE

~~The purpose of this policy is to establish a set of general lock out practices and procedures in order standard is to protect the health and safety of all City of Kenora workers from the unexpected or accidental energizing or start-up of machinery or equipment, or release of stored energy when working on machinery or equipment during service, repair, or maintenance, and to ensure compliance with the Occupational Health and Safety Act (Act) and the applicable requirements of the regulation respecting Industrial Establishments (Reg. 851).~~

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APPLICATION

SCOPE

~~This standard applies to all City of Kenora workers, contract personnel and contractors performing service or maintenance on any City machinery or equipment, machinery or equipment in which the unexpected energizing or start-up of the machinery or equipment, or release of stored energy may cause injury to workers.~~

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DEFINITIONS

~~**Affected worker:**— a worker whose job requires operation or use of a machine or equipment on which servicing or maintenance is being performed under lock-out or tag-out.~~

~~**Approved**— approved by the employer.~~

~~**Area lock:**— a safety lock designated for use when machinery or equipment must be kept locked out for extended periods.~~

~~**Authorized person:**— a competent person who has successfully completed the lock out/tag out training requirements, authorized by the employer to apply lock-out, tag-out and control procedures.~~

~~**Competent person:**— means a person who:~~

- ~~-is qualified because of knowledge, training and experience to organize the work and its performance;~~
- ~~-is familiar with this Act and the regulations that apply to the work; and~~
- ~~-has knowledge of any potential or actual danger to health or safety in the workplace.~~

~~**Contract personnel:**— a person with whom the City of Kenora has contracted with to supply services for monetary compensation.~~

~~**Contractor:**— any person or entity contracted or engaged to provide services to the City of Kenora.~~

~~**Control of stored energy**— to block or restrain machinery or equipment components after isolating the main energy supply.~~

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Health and Safety Standards and Procedures

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~~**Dissipate stored energy** — allowing energy to run down or be used up after isolating the primary energy source (i.e., momentum, thermal).~~

~~**Employer:** — the City of Kenora.~~

~~**Energy isolating device:** — a mechanical device that physically prevents the transmission or release of energy, including but not limited to the following: a manually operated electrical circuit breaker; a disconnect switch; a manually operated switch by which the conductors of a circuit can be disconnected from all ungrounded supply conductors, and in addition, no pole can be operated independently; a line valve; a block and any similar device used to block or isolate energy.~~

~~**Note:** Push buttons, selector switches and other control circuit type devices are not energy isolating devices.~~

~~**Energy source** — any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal or other energy.~~

~~**Entry point of power** — the point at which energy enters a system.~~

~~**Lock-out:** — the placement of a lock-out device on an energy isolating device thus ensuring that the energy isolating device and the equipment being controlled cannot be operated.~~

~~**Lock-out device:** — a device that utilizes a positive means such as a lock, either key or combination type, to hold an energy isolating device in a safe position and prevent the energizing of a machine or equipment.~~

~~**Normal production operations** — the utilization of machinery or equipment to perform intended production functions.~~

~~**Residual electrical power** — electrical energy retained in a system when the supply line disconnect is in the opened position (e.g., batteries, capacitors).~~

~~**Residual pressure** — the remaining pressure within a component after the pressure source is closed off.~~

~~**Servicing and/or maintenance:** — workplace activities such as constructing, installing, setting up, adjusting, inspecting, modifying, maintaining and/or servicing machines or equipment. These activities include lubrication, cleaning or un-jamming of machines or equipment and making adjustments or tool changes, where the worker may be exposed to the unexpected energizing or start-up of the equipment or the release of hazardous energy.~~

~~**Setting up** — any work performed to prepare a machine or equipment to perform normal production operations.~~

~~**System** — composite entity of personnel, procedures, materials, tools, equipment and facilities used together in an operational environment to perform a given task.~~

~~**Tag-out:** — the placement of a tag-out device on an energy isolating device, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tag-out device is removed.~~

~~**Tag-out device:** — a prominent warning device, such as a tag and a means of attachment, which can be securely fastened to an energy isolating device, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tag-out device is removed.~~

~~**Worker:** — a person who supplies/provides services for monetary compensation.~~

~~**Workplace** — land, facilities and premises including mobile equipment and vehicles being utilized by the City of Kenora.~~

~~EXCEPTIONS~~

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Health and Safety Standards and Procedures

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~~These requirements do not apply to construction, or a construction project, as defined in section 1 of the Act where the City of Kenora is strictly the owner of the project. Where it is not possible or practicable to apply these requirements, other effective measures and procedures shall be implemented for the protection of a worker. These measures and procedures shall be reduced to writing and communicated to every affected worker. The written measures and procedures must be approved by the employer.~~

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RESPONSIBILITIES

~~The Senior Leadership Team is responsible for ensuring all City of Kenora operations are in compliance with applicable legislation and the requirements of this policy.~~

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~~Supervisors are responsible for ensuring workers have completed the appropriate lock out/tag out training, developing and maintaining specific lock out/tag out procedures for equipment and machinery, providing workers with protective equipment required to carry out lock out or tag out requirements and ensuring it remains in good condition, providing lock out and tag out devices, and ensuring workers are in compliance with this policy and all applicable legislation and regulations.~~

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Workers and Contract Personnel

~~Workers and contract personnel are responsible for to complying with this policy and sepcific departmental lock out/tag out procedures, use their training, knowledge and experience to protect the health and safety of themselves and others, reporting to their supervisor the absence of, or defect in any protective equipment or lock out/tag out device, and reporting to their supervisor, any circumstances or conditions that may limit their ability to comply with the requirements of this policy.~~

Contractors

~~Contractors are responsible for to enforcinge and complying with this policy and ensuringe that their employees are aware of these requirements.~~

Supervisors

~~Supervisors are responsible to ensure that workers work in compliance with this policy, that workers are aware of the requirements of this policy, that protective equipment and devices required to carry out lock out or tag out requirements are provided, that the provided protective equipment and devices are maintained in good condition, and that energy isolating devices are clearly identified to indicate their control function.~~

Management

~~Management is responsible for ensuring all City of Kenora operations are in compliance with applicable legislation and the requirements of this policy.~~**GENERAL LOCK OUT/TAG OUT SHUTDOWN.**

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PROCEDURE

~~Lock out/Tag out procedures will only be completed by authorized persons who have completed the City of Kenora Lock Out/Tag Out training program.~~

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~~Prior to performing service or maintenance on machinery or equipment, the authorized person shall:~~

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1. Notify all affected employees of the lock out/tag out, the reason for the lock out/tag out, and the specific machinery or equipment affected

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2. Review the specific departmental lock out procedures that apply to the machine or equipment to be locked out, identify the energy isolating devices on the machine/equipment, and gather all required lock out/tag out devices

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3. Put on any required personal protective equipment

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4. Shut down the machine or equipment by its established operating procedure

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5. Operate the disconnect switch, circuit breaker, valve or any other energy isolating devices to isolate the machine or equipment from its energy source

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6. Apply the appropriate lock out/tag out mechanisms to each of the energy-isolating device(s). When locking out:

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a) Lock out devices shall be attached in a manner that keeps the energy isolating devices in the "off" or safe position

b) The employee who applies the lock will maintain control of the key

c) Every employee working on the lock out of the machinery or equipment will apply their own lock and tag as per the group lock out situations outlined below

d) If an energy isolating device is not capable of being locked out, a tag-out device shall be applied in lieu of a lock device as per the tag out only situations outlined below

Note: workers must never depend on someone else's lock out device

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7. Exhaust, release and dissipate all stored energy or residual energy in the machine or equipment by grounding, blocking, bleeding etc.

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8. Clear the area around the machine or equipment of tools and materials and ensure all staff are safely positioned or removed from the area. Then test all operating controls by putting them to the "on" position to ensure the energy source has been successfully disconnected and de-energized.

a. Electrical equipment may only be tested for a zero energy state by a competent worker using a properly rated tester. Ensure the tester has been verified before and after use

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9. Return the operating controls to the neutral or "off" position before proceeding with services or maintenance work

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10. Perform the service or maintenance on the machine or equipment

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General

Machinery or equipment shall be isolated from the energy source and rendered inoperative prior to a worker performing any service or maintenance on the machinery or equipment.

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~~If an energy isolating device is not capable of being locked out, a tag-out device shall be applied.~~

~~A tag-out device may be used in lieu of lockout only where:~~

- ~~• full worker protection is provided;~~
- ~~• specific written measures and procedures are developed and implemented; and~~
- ~~• the tag-out device is approved by the employer.~~

~~Lock-out devices and tag-out devices shall:~~

- ~~• be provided by the employer to all authorized persons;~~
- ~~• only be used for controlling energy and no other purpose;~~
- ~~• be durable; and~~
- ~~• be a standard colour, shape and size.~~

~~Tag-out devices shall have a standard print and format with a legend warning of hazardous conditions and indicate the identity of the worker applying the device.~~

~~Energy isolating devices shall be clearly identified to indicate their control function.~~

~~Minor tool changes and adjustments and other minor servicing activities, which take place during normal production operations are not covered by this policy and guideline if they are routine, repetitive and integral to the use of the equipment for production provided that the work is performed using appropriate measures and safeguards.~~

~~Work on cord and plug connected electric equipment is not covered by these requirements where the plug is disconnected and under the control of the worker performing the servicing or maintenance.~~

~~Servicing or maintenance which takes place during normal production operations is covered by this policy and guideline only if:~~

- ~~• a worker is required to remove or bypass a guard or other safety device; or~~
- ~~• a worker is required to place any part of his or her body into an area on a machine or piece of equipment where work is actually performed upon the material being processed (point of operation) or where an associated danger zone exists during a machine operating cycle.~~

~~Any contravention of these requirements by a contractor or their employees may be considered a breach of contract and may result in suspension or termination.~~

~~No worker, contract personnel or contractor shall apply a lock-out or tag-out device, or remove a lock-out or tag-out device unless authorized to do so by the employer.~~

~~Lock-out or tag-out devices shall only be applied by:~~

- ~~• authorized persons who have participated in an approved training program and have successfully completed the program and met its standards; or~~
- ~~• workers participating in an approved training program under the supervision of an authorized person.~~

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~~A master inventory shall be kept and maintained of all authorized persons.~~

~~A worker who knowingly fails to comply with these requirements or their intent, or who knowingly permits a worker under his or her supervision to fail to comply with these requirements is in contravention of these requirements and is subject to disciplinary action up to and including termination.~~

GENERAL RESTART PROCEDURES

~~Upon completion of the service or maintenance work, and prior to the removal of lock-out or tag-out devices, and the re-energizing of the machinery or equipment, each authorized person shall~~

- ~~1. Check the machine or equipment and the surrounding area to ensure that all tools and materials have been removed, guards and controls have been reinstalled, and that the machine or equipment is operationally intact~~
- ~~2. Ensure the equipment is in the "off" or neutral position and that all employees are safely positioned or removed from the area~~
- ~~3. Notify all affected employees that the servicing or maintenance is complete and that locks and tags are being removed~~
- ~~4. Notify their supervisor~~
- ~~5. When safe, remove lock out/tag out devices and re-energize.~~

SPECIAL SITUATIONS

Group Lock Out/Tag Out

~~If more than one authorized person is required to lock out/tag the same machine or equipment, each individual worker will apply their own individual lock and tag either directly to the machinery or equipment, or to a multiple lock out device. Only when each individual lock has been removed can the machinery or equipment be restarted and re-energized.~~

Using Tag Out Only

~~Tag out without a lock is only allowed when machinery or equipment is incapable of being locked out and may only be implemented with prior approval from the supervisor. Specific written measures and procedures for tag-out must be developed and tag attachments must be affixed at the same point as lock out devices.~~

Removing Lock out and Tag Out Devices

~~When the authorized employee who applied the lock out or tag out device is not available to remove it, the device may be removed ***only under the direction of their immediate supervisor or designate*** provided that:~~

- ~~• Verification has been made that the worker is not at work or otherwise available~~
- ~~• Every reasonable effort has been made to contact the worker to notify them that their lock out/tag out device has been removed~~

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- The worker is informed before returning to work that their lock out/tag out device has been removed

Area Lock Outs

Area lock-out or tag-out devices will only be applied or removed by a supervisor where service or maintenance work is to extend past the shift it was started in. Area lock-out and tag-out devices will be colour coded differently from personal lock-out and tag-out devices.

Program Elements

Specific procedures will be developed in writing for:-

- identification of all sources of machinery and equipment energy; and
- control of potentially hazardous energy.

Written procedures are not required when the following exists:-

- the machinery or equipment has a single energy source that can be readily identified and isolated;
- the isolation and locking out of that energy source will completely de-energize and isolate the machinery or equipment;
- the machinery or equipment is locked out during service or maintenance;
- a single lock-out device will achieve lock-out condition;
- the machinery or equipment has no potential for stored or residual energy after shut down; and
- the lock-out device is under the exclusive control of the authorized person performing the service or maintenance work.

All authorized and affected persons will receive training or instruction in energy control procedures (i.e., lock-out and tag-out).

An annual program audit will be conducted by the employer to ensure that lock-out/tag-out requirements and the requirements of energy control procedures are being followed.

EXCEPTIONS

Exceptions to the above policy include:

- Minor tool changes and adjustments and other minor servicing activities, which take place during normal production operations if they are routine, repetitive and integral to the use of the equipment for production provided that the work is performed using appropriate measures and safeguards
- Work on cord and plug connected electric equipment where the plug is disconnected and under the control of the worker performing the servicing or maintenance

Written procedures are not required when the following exists:

- the machinery or equipment has a single energy source that can be readily identified and isolated;
- the isolation and locking out of that energy source will completely de-energize and isolate the machinery or equipment;
- the machinery or equipment is locked out during service or maintenance;
- a single lock-out device will achieve lock-out condition;

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- ~~the machinery or equipment has no potential for stored or residual energy after shut-down; and~~
- ~~the lock-out device is under the exclusive control of the authorized person performing the service or maintenance work.~~

POLICY VIOLATIONS

~~Any worker who knowingly fails to comply with these requirements or their intent, or who knowingly permits a worker under their supervision to fail to comply with these requirements is in contravention of these requirements and is subject to disciplinary action up to and including termination.~~

TRAINING

~~Generic lock out/tag out training will be provided on a regular basis. Workplace specific training will be provided when a worker joins a department, when lock out procedures are changed or updated, and as often as necessary to ensure that workers remain knowledgeable in safe lock out procedures.~~

~~All training and instruction will be documented.~~

REFERENCES

~~Regulations for Industrial Establishments 851/90 – Section 42, 75, and 76~~

Control Procedures

~~Application of lock-out or tag-out shall be applied by each authorized person performing the service or maintenance on the machinery or equipment.~~

~~All affected workers shall be notified by an authorized person prior to the application or removal of lock-out or tag-out devices.~~

~~Steps for lock-out/tag-out preparation:~~

- ~~prior to machinery or equipment being shut-down, the authorized person will know the type and associated hazards of each energy source, and the method to control the energy;~~
- ~~machinery or equipment shall be shut-down using an established operational procedure; and~~
- ~~all energy isolating devices required to control energy to the machinery or equipment shall be identified and located, and operated so as to isolate the machinery or equipment from the energy source(s).~~

~~Steps for lock-out/tag-out device application:~~

- ~~lock-out or tag-out devices shall be affixed to each energy isolating device by each authorized person;~~
- ~~lock-out devices shall be attached in a manner that keeps the energy isolating devices in the off or safe position;~~

Health and Safety Standards and Procedures

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- ~~where tag-out devices are used in lieu of lock-out devices on an energy isolating device, the tag attachment shall be affixed at the same point as the lock-out device; and~~
- ~~tag-out devices shall clearly indicate that the operation or movement of energy isolating devices from the off or safe position is prohibited.~~

~~All potentially hazardous stored or residual energy shall be released, dissipated or otherwise controlled following application of lockout or tag-out devices.~~

~~Prior to starting any service or maintenance work on machinery or equipment that has been locked or tagged out, each authorized person shall verify that the machinery or equipment has been effectively isolated and de-energized.~~

~~Upon completion of the service or maintenance work, and prior to the removal of lock-out or tag-out devices, and the re-energizing of the machinery or equipment, each authorized person shall ensure:~~

- ~~all tools and materials are removed from the work area;~~
- ~~controls and components are operational and intact;~~
- ~~the work area and any exposed moving parts of the machinery or equipment shall be clear of workers;~~
- ~~all affected workers are notified; and~~
- ~~that his or her supervisor is notified.~~

~~Each lock-out or tag-out device shall be removed from each energy isolating device by each authorized person who applied the devices.~~

Special Conditions

~~Specific written procedures will be documented and training provided to authorized persons and affected workers in the use of the following:~~

- ~~emergency removal of lock-out or tag-out devices; and~~
- ~~area lock-out or tag-out devices.~~

~~Emergency removal of a lock-out or tag-out device shall only be done by a supervisor under the following conditions:~~

- ~~all reasonable attempts to locate the worker(s) are made prior to lock-out/tag-out removal; and~~
- ~~the process is witnessed and documented on the approved form.~~

~~Area lock-out or tag-out devices will only be applied or removed by a supervisor where service or maintenance work is to extend past the shift it was started in. Area lock-out and tag-out devices will be colour coded differently from personal lock-out and tag-out devices.~~

Health and Safety Standards and Procedures

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Program Audit

~~The annual audit conducted by the employer will be carried out by a competent person.~~

~~The audit will be conducted to correct any deficiencies identified.~~

~~The audit will include a review of each authorized person's responsibilities under the control procedures for lock-out or tag-out.~~

~~The audit will include a review of each authorized person and affected worker's familiarity with the purpose and function of lock-out and tag-out, and the limitations of tag-out.~~

TRAINING

~~Each authorized person shall receive and participate in an approved training program that includes:~~

- ~~• purpose, function and use of lock-out and tag-out;~~
- ~~• control procedures;~~
- ~~• lock-out/tag-out requirements; and~~
- ~~• the limitations of tag-out.~~

~~Each affected worker shall receive instruction in the following:~~

- ~~• purpose of lock-out and tag-out; and~~
- ~~• the authorization and prohibition requirements of lock-out/tag-out.~~

~~Training and instruction are mandatory and will be documented.~~

REFERENCES

~~Regulations for Industrial Establishments 851/90 — Section 42, 75, and 76
Workwell Core Health and Safety Audit — Element 4.2 (f)~~

Health and Safety Education and Training



Section Health and Safety Policies	Date March 19, 2012	Approved by By-law Number: 27-2012	Page 1	Of 1
Subsection Applicable Legislation	Supersedes By-law Number: 105-2011		Policy Number: HS-32	

PURPOSE

Trained employees gain knowledge of legal rights and responsibilities that they can apply to their work. This will motivate them to carry out safe work practices. Respect for the employer is gained because the employer is showing they are serious about health and safety and they care for their employees.

RESPONSIBILITY

The Health and Safety Program Coordinator is responsible for preparing and delivering annual employee training that covers and reviews applicable legislation.

Supervisors are responsible for ensuring that their workers are assigned to one of the scheduled sessions and that they attend.

Workers are responsible to make every effort to attend a scheduled session and are encouraged to participate in the discussions during the sessions to enhance their knowledge and understanding of applicable legislation.

PROCEDURE

The training program developed will include instruction on at least the following items:

- legislated health and safety responsibilities
- the internal responsibility system
- right to refuse unsafe work
- right to participate
- health and safety policy
- early and safe return to work

Multiple sessions will be scheduled to allow all employees to attend and so that supervisors can spread out their workers over a number of sessions so as not to burden the department. Evening sessions will be planned to allow shift-workers and students to attend.

The training will include objectives and there will be a knowledge verification to ensure that workers understand the information presented.

TRAINING

This training will be conducted annually and will be documented.

REFERENCES

Occupational Health and Safety Act (Ontario) – Section 25 (2) (a) and (h)
Workwell Core Health and Safety Audit – Element 6.1 (b)

Health and Safety Education and Training



Section Health and Safety Policies	Date March 19, 2012	Approved by By-law Number: 27-2012	Page 1	Of 2
Subsection WHMIS Training	Supersedes By-law Number: 105-2011		Policy Number: HS-33	

PURPOSE

Trained employees recognize hazardous materials in the workplace and know proper precautions to use when handling, using, and storing these products. It is policy to ensure that workers who work with a hazardous material or are exposed to a hazardous material, participate in and are provided instruction and training in hazardous information regarding product use, storage and handling.

This standard and requirements are developed to ensure statutory/regulatory compliance and to reduce the risk of worker exposure, injury or illness.

APPLICATION

This standard and requirements apply to all workers who work with, are exposed to or are likely to be exposed to a hazardous material (as defined in subsection 1(1) of the *Occupational Health and Safety Act*).

“Hazardous material” means a biological or chemical agent named or described in the regulations as a hazardous material.

Every controlled product is designated as a “hazardous material” under section 2 of Regulation 860 (WHMIS).

RESPONSIBILITY

The Health and Safety Program Coordinator will prepare a generic overview of the WHMIS legislation which will be given to all workers.

Supervisors are responsible to ensure that workers receive specific training and information relating to the hazardous materials that they use in their workplace.

PROCEDURE

The instruction and training provided to workers will include: the contents required, and the purpose of the information contained on a supplier label, workplace label, or material safety data sheet (MSDS); the procedures for the safe use, storage, handling and disposal of the material; and procedures to be followed in the case of an emergency involving a hazardous material.

Workers will be given a generic training program which will give them the general information needed to understand the legislation and the program.

They will also receive workplace specific training that addresses the materials they will be using in their workplace.

Workers’ familiarity with the instruction and training will be reviewed on an annual basis. The review for each worker will be documented.

Health and Safety Education and Training

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TRAINING

Generic training will be given to all employees on an annual basis. Workplace specific training will be provided when a worker first joins a department, when new hazardous materials are introduced into a department, and as often as is necessary to ensure that workers remain knowledgeable in the safe use and handling of the hazardous materials. All training will be documented.

REFERENCES

Occupational Health and Safety Act (Ontario) – Section 25 (2) (a) and (h) and 42
Workwell Core Health and Safety Audit – Element 6.1 (c)

Health and Safety Education and Training



Section Health and Safety Policies	Date <u>October 15, 2019</u> h 19, 2012	Approved by By-law Number: 27-2012	Page 1	Of 2
Subsection Employee Orientation	Supersedes By-law Number: 105-2011		Policy Number: HS-37	

PURPOSE

When a worker is new, either to the organization or to a department within the organization, they face an increased risk of suffering an injury or illness at work. By providing a strong and consistent orientation for new workers the employer is sure that workers are familiar with the health and safety program and their expectations under the program, that workers are familiar with the hazards specific to their work, and that workers know how to work safely in their workplace to protect themselves and their fellow workers.

RESPONSIBILITY

The Health and Safety Program Coordinator or designate, is responsible for providing health and safety orientation to all new workers to the City of Kenora. This orientation will be delivered on the worker's first day of work or as soon as is reasonably possible after the first day of work.

The Health and Safety Program Coordinator is responsible for providing an annual health and safety re-orientation to all City of Kenora employees.

Supervisors are responsible for providing a workplace specific orientation to all new hires, to workers transferring into their department, and to any worker who is performing a job for the first time.

PROCEDURE

New Worker Orientation

All new hires (or workers returning from extended absences) to the City of Kenora will participate in a generic Health and Safety Orientation to familiarize them with the City's program.

This orientation will include information on the following:

- the City of Kenora Health and Safety Policy
- the City of Kenora Workplace Violence Prevention Policy
- the City of Kenora Workplace Harassment Policy
- the Internal Responsibility System
- applicable health and safety legislation (Occupational Health and Safety Act)
- the Right to refuse unsafe work

Health and Safety Education and Training

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-WHMIS legislation and the City of Kenora WHMIS program}

- general health and safety rules
- incident reporting
- hazard reporting
- the emergency plan
- early and safe return to work
- health and safety representatives or joint health and safety committees

In addition to the generic Health and Safety Orientation provided by the Health and Safety Program Coordinator, the workers supervisor will complete a workplace specific orientation with the worker in the workplace as outlined below.

Records will be kept of all participants and the training will include a knowledge verification component.

Promotion or Transfer Orientation

Workers who are new to a department because of transfer or are new to a job because of promotion will receive an orientation to the requirements of their new work.

This orientation will include the following:

- review of operating instructions for equipment or process
- identification of hazards and controls
- review of safe operating procedures for the department

This orientation will be documented and will include a knowledge verification component.

Initial Job Instruction

Prior to performing any job for the first time all workers must be given instruction in the proper and safe way to do the job.

This instruction should be given by a qualified person who is knowledgeable of the hazards associated with the job.

The instruction will include a review of the operating instructions for the equipment and process, identification of hazards and controls, and review of any safe operating procedures for the department.

This orientation will be documented and there will be an evaluation of the effectiveness of the instruction during the workers probationary period.

Annual Re-orientation Training

The Health and Safety Program Coordinator will deliver an annual health and safety re-orientation to all City of Kenora employees. The content of the training will be similar to the New Worker Orientation outlined above.

TRAINING

Health and Safety Education and Training

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All training will be completed as outlined above and will be documented.

REFERENCES

Occupational Health and Safety Act (Ontario) – Section 25 (2) (a) and (h)

~~Workwell Core Health and Safety Audit – Element 6.1 (g), (h), and (i)~~



September 30, 2019

City Council Committee Report

TO: Mayor and Council

FR: Hilary Smith, Human Resources Analyst

RE: New HR-3-02 Non-Union Vacation & Repeal of Various HR Policies

Recommendation:

That Council hereby approves a new #HR-3-02 Vacation and Leaves of Absence Policy for non-union staff which forms part of the City of Kenora Comprehensive Policy Manual; and further

That Council hereby repeals Human Resources Policy #HR-3-03 Vacation–Paid Holidays Policy, #HR-3-09 Leaves of Absence (Non-Union), #HR-3-11 Leaves of Absence–Other, #HR-3-04 Hours of Work; and further

That bylaws number 7-2011, 8-2011, 117-2012 be hereby repealed; and further

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

Background:

The HRM Strategy contained a recommendation to review the City's Human Resource Policies and to incorporate them into the City Policy Manual. Policies HR-3-02, HR-3-03, HR-3-09 and HR-3-11 were combined into one policy and updated to accurately reflect current practices and position titles.

Requesting to revoke HR-3-04 Hours of Work (non-union) as information regarding hours of work is communicated in employment offer letters, on job postings, and by supervisors to new hires.

All original policies are included as attachments for comparison purposes.

Budget: N/A

Risk Analysis: There are no perceived risks to this recommendation.

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

Strategic Plan or Other Guiding Documents: HRM Strategy

Vacation & Leave of Absence Policy (Non-Union)



SECTION Human Resources	Date	Resolution Number 7	Page 1	Of 3
SUBSECTION Non-Union	Repeals By-Law Number		Policy Number HR-3-2	

POLICY STATEMENT

The City of Kenora strives to provide a healthy workplace that supports rest, rejuvenation, and work/life balance by providing employees with periods of uninterrupted time away from their jobs. As such, the purpose of this policy is to outline the City's time off entitlements for non-union staff including:

- Vacation
- Paid Holidays
- Leaves of Absence

SCOPE

This policy applies to all permanent non-union staff at the City of Kenora.

POLICY

Vacation

Non-Union employees shall receive at a minimum the most favourable of the vacation entitlements negotiated by the various unions the City engages with, or other vacation entitlements as negotiated at hire.

Vacation requests shall be approved by the Corporation based on operational demands. No employee may elect to receive pay in lieu of vacation. Under no circumstances can vacation be "borrowed" from a following year.

Carry Over

At the end of the year any unused vacation, up to a maximum of one (1) weeks' vacation time, will be carried over into the next year. Employees with unused time are required to submit a written request to carry over the vacation to their Supervisor, with a copy of the request to Human Resources. These written requests must be in by October 31st of the current vacation year.

An employee will not forfeit their unused vacation time if they have been unable to use their vacation during the year because of special circumstances, provided permission has been granted by the Supervisor to carry over their vacation in response to the written request.

Senior Leadership Team

Senior Leaders may carry over more than one (1) weeks' vacation time into the next year if approved by the CAO, and may accumulate vacation time to a maximum of one and one-half times their annual entitlement.

Vacation & Leave of Absence Policy (Non-Union)

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It is the responsibility of the members of the Senior Leadership team to ensure accumulated vacation does not exceed this ratio, as vacation is not typically paid out. Over accumulated vacation should be used within the annual business cycle and should not be carried forward and increased year by year.

Contract Employees

A contract employee is one who is hired for a determinate period of time under a signed agreement between the employee and the Corporation of the City of Kenora. To be eligible for vacation, the employment contract must exceed six (6) continuous months.

Illness/Injury on Vacation

In the event of an accident, illness, or injury while on vacation that results in confinement to a hospital or recognized medical care centre, employees shall receive their vacation credits back for such absence. Employees will be required to provide supporting medical documentation before credits are returned to them.

Pay Out at Termination

An employee terminating employment at any time shall be entitled to a payment of any accumulated vacation credits. These credits shall be determined based on anniversary and retirement dates and shall be prorated to reflect the actual service.

Paid Holidays

Non-Union employees shall receive paid holidays as negotiated by the various unions the City engages with.

Leave Of Absence

An employee desiring a leave of absence without pay may be granted such leave on reasonable notice to the employer in so far as the regular operation of the department which they are employed will permit (parental leaves excluded). The employee must assume all premium costs during a leave of absence (parental leaves excluded).

Vacation Accrual during Leave of Absence

An employee on an approved unpaid leave of absence will not receive vacation pay during the period of approved leave. Vacation shall only be accrued for time at work; entitlements shall be determined based on anniversary and retirement dates and shall be prorated to reflect the amount of actual service.

Jury Duty or Witness

Any employee who is required to serve as a juror, or subpoenaed as a witness in any court of law, shall be granted a leave of absence, and excused from work with pay for the days on which the employee would otherwise have been scheduled.

Vacation & Leave of Absence Policy (Non-Union)

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Upon completion of their jury duties, or witness service, such employee shall present to their Supervisor a satisfactory certificate showing such period of service. The employee is responsible to turn over jury or witness fees to the Municipality, excluding mileage, meals or other expenses. If the employee presents themselves for selection as a juror and is not selected, then they shall be required to return to their regular employment to complete the remaining normal scheduled work period.

Pregnancy/Parental or Adoption Leave

Such leaves shall be granted in accordance with the *Employment Standards Act*.

Bereavement

Non-union employees will be granted bereavement leave with pay and are entitled to the most favourable coverage as negotiated by the various unions the City engages with.

Non-Union Vacation Policy



Section	Date	By-Law Number	Page	Of
Human Resources	February 22, 2011	8-2011	1	3
Subsection	Repeals By-Law Number		Policy Number	
Non-Union	122-2008		HR-3-2	

Purpose

The City of Kenora recognizes the need for rest and recreation on the part of its employees and is pleased to offer the following vacation plan. Vacation time must be taken by law and no employee may elect to receive pay in lieu of vacation. Vacation must be taken no less than in half day requests. Under no circumstances may a vacation be “borrowed” from a following year.

To recognize each employee’s length of service and performance and to show appreciation by provision of time off with pay.

Procedure

All full-time non-union employees shall be entitled to the following:

Length of Service	Weeks of Vacation Entitlement
After 1 year	2 weeks or as negotiated
After 2 years	Plus 1 week
After 8 years	Plus 1 week
After 14 years	Plus 1 week
After 18 years	Plus 1 week
After 19 years	Plus 1 day per year

For every five (5) days of vacation taken between **January 1st and March 31st**, an additional day of vacation will be granted excluding March break.

Vacation entitlement of supervisory and management personnel shall be tied to CUPE, IBEW and KPFFA Collective Agreements. If any of these bargaining agents is able to negotiate more annual leave, the supervisory and management personnel should be entitled to such an increase and this manual should be updated to reflect that.

Non-Union Vacation Policy

Policy Number	Page	Of
HR-3-2	2	3

Vacation must be taken in the year in which they are due and shall not be accumulated except as provided hereunder:

An employee entitled to three (3) or more weeks vacation, may by written request to their Department Manager with a copy to the Human Resources Manager, be granted the privilege of carrying up to one (1) week's vacation to the next vacation period, at which time the employee's total vacation entitlement plus all vacation credits carried forward must be taken. This request must be made prior to October 31st of the vacation year and must be used by October 31th of the following vacation year. An employee will not forfeit their unused vacation time if they have been unable to use their vacation during the year because of special circumstances, provided permission has been granted by the Department Manager to carry over their vacation in response to a written request to carry over the vacation time to the next year.

Senior Managers and CAO may accumulate their vacation time to a maximum of one and one-half times their annual entitlement. There is a dual responsibility between management and the employees to ensure accumulated vacation does not exceed this ratio, as vacation is not typically paid out. Over accumulated vacation should be used within the annual business cycle and should not be carried forward and increased year by year.

Vacations shall be arranged to the employee's preference as far as this is possible and practical to do so. Vacation entitlement will be taken at a time suitable to the Corporation. All vacations shall be scheduled by the Corporation, having regard to employment status date and the work service required to be done and provided. The department will endeavour to accommodate employees' requests, but there may be seasonal operation needs that prevent employees' from using vacation during their department peak times of the year.

Non-Union Vacation Policy

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An employee on approved leave of absence will receive vacation pay on the basis of months of continuing service, excluding the period of approved leave. These credits shall be determined based on anniversary and retirement dates and shall be prorated to reflect the actual service.

In the event of an accident, illness or injury resulting in confinement in a hospital or a recognized medical care centre as evidenced by a medical certificate, there will be no deductions from vacation credits for such absence. The period of vacation so displaced shall be taken at a time convenient to the Corporation.

Contract Employees

A contract employee is one who is hired for a determinate period of time under a signed agreement between the employee and the Corporation of the City of Kenora.

To be eligible for vacation, the employment contract must exceed six continuous months.

Pay Out at Termination

An employee terminating employment at any time shall be entitled to a payment of any accumulated vacation credits. These credits shall be determined based on anniversary and retirement dates and shall be prorated to reflect the actual service.

Vacation - Paid Holidays Policy



Section	Date	By-Law Number	Page	Of
Human Resources	February 22, 2011	7-2011	1	1
Subsection	Repeals By-Law Number		Policy Number	
Non-Union			HR-3-3	

Purpose

In addition to an employee's annual leave, all employees shall be paid for any proclaimed holidays and for the following statutory holidays:

New Years Day	August Civic Holiday
Family Day	Labour Day
Good Friday	Thanksgiving Day
Easter Monday	Remembrance Day
Victoria Day	Christmas day
Dominion Day	Boxing Day

Employees will be allowed off at 12:00 noon on the last working day prior to Christmas Day and New Year's Day no loss in pay.

Procedure

Where any of the above statutory holidays fall on a Saturday or Sunday, the following Monday shall be deemed to be the holiday, unless another day off with pay is designated by the Corporation.

To be eligible for pay for a statutory holiday, an employee must work their regularly schedule days preceding and succeeding the said holiday, unless their absence is a result of the annual leave.

Where a paid holiday occurs during the annual vacation period of an employee, the employee will receive an additional day at a later date mutually agreed to by the employer and the employee.

City of Kenora Hours of Work



Section	Date	Resolution Number	Page	Of
Human Resources	April 26, 2004	7	1	2
Subsection	Repeals By-Law Number		Policy Number	
Non-Union			HR-3-4	

Purpose

To set out the normal work week for non-union employees which shall be exclusive of eating periods. The provision of this policy are intended only to provide a basis for calculating overtime and shall not constitute a guarantee of either hours per day or per week or working schedule.

The work-weeks for supervisory and management employees shall be tied to the Collective Agreement governing their respective Departments.

Procedure

Hours of work will vary between 35 hours per week and 40 hours per week and may include Saturday or Sunday at some work sites.

Because of variations in the nature of work, and because of identified business requirements, not all full-time non-union employees will observe the same hours of work. Specific hours of work will be established departmentally.

40 Hour Week – The following employees shall be required to work 40 hours per week:

- CAO
- Managers
- Human Resources Manager
- IT Co-ordinator
- City Planner
- Operations Supervisory/Foreman

City of Kenora Hours of Work Policy

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- Municipal Engineer
- Project Engineer
- CBO
- Deputy CBO
- Municipal Accountant
- Deputy Fire Chief
- Cellular Marketing Manager
- KMTS Marketing Manager
- KMTS Operations and Engineering Manager
- Recreation Co-ordinator
- Health and Safety Officer
- Parks Supervisor

36 1/4 Hour Week – The following employees shall be required to work 36 1/4/ hours per week:

- Clerk
- Administrative Assistant/Deputy Clerk
- Payroll Officer
- Payables Officer
- Utility Accountant
- Regulatory Analyst
- Customer Services Co-ordinator
- Collections Co-ordinator
- Planning Assistant
- Ontario Works Administrator
- Day Care Supervisor
- It Analyst
- KMTS Administrative Assistant
- POA Clerk

35 Hour Week – The following employees shall be required to work a 35 hours per week:

- Museum non-union staff

City of Kenora Leave of Absences Policy (Non-Union)



Section	Date	Resolution Number	Page	Of
Human Resources	April 26, 2004	7	1	3
Subsection	Repeals By-Law Number		Policy Number	
Non-Union			HR-3-9	

Purpose

To regulate the City's policy concerning an employee's paid leave of absence in the case of death in his/her immediate or extended family and the Elections Act requirements.

Bereavement

Purpose

To provide compassionate leave for employees who have experienced a death of a family member.

Procedure

Full-time and part-time employees will be granted bereavement leave with pay, for the purpose of attending the funeral. Non-union employees are entitled to the best possible coverage from CUPE, IBEW or KPFFA

Conditions of Leave

The above entitlements are subject to the following conditions:

1. Notification for bereavement is made prior to the funeral;
2. Employee attends the funeral
3. Bereavement leave must be taken in consecutive days off.

City of Kenora Leave of Absences Policy (Non-Union)

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	CUPE	IBEW	KPFFA
Spouse	5	4	3
Child	5	4	3
Parent	3	4	3
Grandparent	3	4	3
Grandparent of spouse/common law spouse	1		
Grandchild		4	3
Step-child/Common-law Child	5	4	
Step-parent	3		
Parent-in-law	3	4	3
Sibling-in-law	1	4	3
Common-law Spouse	5	4	
Sibling	3	4	3
Child-in-law			3
		Additional day > 200KM	

Pallbearers

A full day leave shall be granted without loss of salary or wages to attend a funeral as a pallbearer.

The employer reserves the right to make changes to the above table, if during union negotiations any of the above days are changed.

City of Kenora Leave of Absences Policy (Non-Union)

Policy Number	Page	Of
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Elections

Provincial Elections

In accordance with *The Canada Elections Act*, Every employee who is an elector is entitled, during voting hours on polling day, to have three consecutive hours for the purpose of casting his or her vote and, if his or her hours of work do not allow for those three consecutive hours, his or her employer shall allow the time for voting that is necessary to provide those three consecutive hours.

Federal Election

In accordance with *The Canada Elections Act*, states that every employee who is qualified to vote shall, while the polls are open on polling day at an election, have four consecutive hours for the purpose of casting his/her vote and, if the hours of his/her employment do not allow for those four consecutive hours, his/her employer shall allow his such additional time for voting as may be necessary to provide those four consecutive hours.

Leave of Absence – Other Non Union



Section Human Resources	Date April 26, 2004	Resolution Number 7	Page 1	Of 1
Subsection Non-Union	Repeals By-Law Number		Policy Number HR-3-11	

Purpose

An employee desiring a leave of absence without pay may be granted such leave on reasonable notice to the employer in so far as the regular operation of the department which he/she is employed will permit.

Pregnancy/Parental or Adoption Leave

Such leave shall be granted in accordance with the *Employment Standards Act*. Such leave of absence shall not exceed what is in the opinion of the City a reasonable request.



October 1, 2019

City Council Committee Report

TO: Mayor and Council

FR: Bruce Graham, Risk Management & Loss Prevention Officer

RE: Resolution on Joint and Several Liability

Recommendation:

That Council of the City of Kenora hereby supports the AMO report submitted to the Attorney General of Ontario entitled "Towards a Reasonable Balance: Addressing growing municipal liability and insurance costs"; and further

That a copy of the City of Kenora resolution be forwarded to the attention of the Attorney General and AMO prior to November 1, 2019.

Background:

Under the rules of Joint and Several Liability if a party such as a municipality is found to be as little as 1% responsible for an incident, they can be responsible for paying up to 100% of the cost of the incident if the other parties are unable to pay.

This exposes municipalities to tremendous potential risk as they are often viewed to have the "deepest pockets" and as a result they are often named in lawsuits as a matter of course.

This can result in higher insurance premiums for municipalities which will result in higher taxes for our citizens.

On September 27, the AMO Board approved a submission on joint and several liability entitled, "*A Reasonable Balance: Addressing growing municipal liability and insurance costs.*" On October 1, 2019, AMO President Jamie McGarvey forwarded the report to the Attorney General, The Honourable Doug Downey for consideration.

The report includes seven key recommendations on actions which the government could take to reduce the negative impact of joint and several liability. It builds on previous reports and resolutions submitted in 2010, 2011, and 2014. Please see the report for more details. (Report attached)

Budget: N/A

Risk Analysis: There are no perceived risks to this recommendation. There is a potential financial risk in not following this recommendation, in that if there are no reforms to the joint and several liability legislation, insurance claim costs and insurance premiums for municipalities will continue to rise.

Communication Plan/Notice By-law Requirements: Forward a copy of the resolution to the Attorney General, The Honourable Doug Downey, prior to November 1, 2019, and also send a copy of the resolution to the president of AMO.

Strategic Plan or Other Guiding Documents:

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



Towards a Reasonable Balance:

Addressing growing municipal liability and insurance costs

Submission to the Attorney General of Ontario

October 1, 2019

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Sent via email to: doug.downeyco@pc.ola.org
magpolicy@ontario.ca

October 1, 2019

The Honourable Doug Downey
Attorney General of Ontario
McMurtry-Scott Building, 11th Floor
720 Bay Street
Toronto, Ontario
M7A 2S9

Dear Attorney General Downey,

Municipal governments accept the responsibility to pay their fair share of a loss. Always. Making it right and paying a fair share are the cornerstones of our legal system. Citizens expect nothing less of their local governments.

But what is a challenge for municipalities and property taxpayers alike, is being asked to assume someone else's responsibility for someone else's mistake. Municipal governments should not be the insurer of last resort. For municipalities in Ontario, however, the principle of joint and several liability ensures that they are just that.

Joint and several liability means higher insurance costs. It diverts property tax dollars from delivering public services. It has transformed municipalities into litigation targets while others escape responsibility. It forces municipal government to settle out-of-court for excessive amounts when responsibility is as low as 1%.

There must be a better way. There must be a better way to help ensure those who suffer losses are made whole again without asking municipalities to bear that burden alone. There must be a better way to be fair, reasonable, and responsible.

AMO welcomes the government's commitment to review joint and several liability. It is a complex issue that has many dimensions. Issues of fairness, legal principles, "liability chill", insurance failures and high insurance costs are all intertwined. Many other jurisdictions have offered additional protection for municipalities and AMO calls on the Ontario government to do the same.

What follows is a starting point for that discussion. Our paper reasserts key issues from AMO's 2010 paper, AMO's 2011 insurance cost survey, provides more recent examples, and details some possible solutions of which there are many options.

Municipalities are in the business of delivering public services. Municipal governments exist to connect people and to advance the development of a community. It is time to find a reasonable balance to prevent the further scaling back of public services owing to joint and several liability, "liability chill", or excessive insurance costs.



Together with the provincial government, I am confident we can find a better way.

Sincerely,

A handwritten signature in black ink, appearing to be 'JMCG', with a long horizontal line extending to the right.

Jamie McGarvey
AMO President

Executive Summary

AMO's advocacy efforts on joint and several liability in no way intends for aggrieved parties to be denied justice or damages through the courts. Rather, municipal governments seek to highlight the inequity of how much "deep pocket" defendants like municipalities are forced to pay, for both in and out of court settlements.

It is entirely unfair to ask property taxpayers to carry the lion's share of a damage award when a municipality is found at minimal fault or to assume responsibility for someone else's mistake.

Municipal governments cannot afford to be the insurer of last resort. The principle of joint and several liability is costing municipalities and taxpayers dearly, in the form of rising insurance premiums, service reductions and fewer choices. The *Negligence Act* was never intended to place the burden of insurer of last resort on municipalities.

As public organizations with taxation power and "deep pockets," municipalities have become focal points for litigation when other defendants do not have the means to pay. At the same time, catastrophic claim awards in Ontario have increased considerably. In part, joint and several liability is fueling exorbitant increases in municipal insurance premiums.

The heavy insurance burden and legal environment is unsustainable for Ontario's communities. Despite enormous improvements to safety, including new standards for playgrounds, pool safety, and better risk management practices, municipal insurance premiums and liability claims continue to increase. All municipalities have risk management policies to one degree or another and most large municipalities now employ risk managers precisely to increase health and safety and limit liability exposure in the design of facilities, programs, and insurance coverage. Liability is a top of mind consideration for all municipal councils.

Joint and several liability is problematic not only because of the disproportioned burden on municipalities that are awarded by courts. It is also the immeasurable impact of propelling municipalities to settle out of court to avoid protracted and expensive litigation for amounts that may be excessive, or certainly represent a greater percentage than their degree of fault.

Various forms of proportionate liability have now been enacted by all of Ontario's competing Great Lakes states. In total, 38 other states south of the border have adopted proportionate liability in specific circumstances to the benefit of municipalities. Many common law jurisdictions around the world have adopted legal reforms to limit the exposure and restore balance. With other Commonwealth jurisdictions and the majority of state governments in the United States having modified the rule of joint and several liability in favour of some form of proportionate liability, it is time for Ontario to consider various options.

There is precedence in Ontario for joint and several liability reform. The car leasing lobby highlighted a particularly expensive court award made in November of 2004 against a car leasing company by the victim of a drunk driver. The August 1997 accident occurred when the car skidded off a county road near Peterborough, Ontario. It exposed the inequity of joint and several liability for car leasing companies. The leasing companies argued to the government that the settlement had put them at a competitive disadvantage to lenders. They also warned that such liability conditions would likely drive some leasing and rental companies to reduce their business in Ontario. As a result, Bill 18 amended the *Compulsory Automobile Insurance Act*, the *Highway Traffic*

Act and the Ontario *Insurance Act* to make renters and lessees vicariously liable for the negligence of automobile drivers and capped the maximum liability of owners of rental and leased cars at \$1 million. While Bill 18 has eliminated the owners of leased and rented cars as “deep pocket” defendants, no such restrictions have been enacted to assist municipalities.

A 2011 survey conducted by AMO reveals that since 2007, liability premiums have increased by 22.2% and are among the fastest growing municipal costs. Total 2011 Ontario municipal insurance costs were \$155.2 million. Liability premiums made up the majority of these expenses at \$85.5 million. Property taxpayers are paying this price.

These trends are continuing. In August of 2019, it was reported the Town of Bradford West Gwillimbury faces a 59% insurance cost increase for 2019. This is just one example. AMO encourages the municipal insurance industry to provide the government with more recent data and trends to support the industry’s own arguments regarding the impact joint and several has on premiums.

Insurance costs disproportionately affect small municipalities. For 2011, the per capita insurance costs for communities with populations under 10,000 were \$37.56. By comparison, per capita costs in large communities with populations over 75,000 were \$7.71. Property taxpayers in one northern community are spending more on insurance than their library. In one southern county, for every \$2 spent on snowplowing roads, another \$1 is spent on insurance.

In 2016, the Ontario Municipal Insurance Exchange (OMEX), a not-for-profit insurer, announced that it was suspending reciprocal underwriting operations. The organization cited, a “low pricing environment, combined with the impact of joint and several liability on municipal claim settlements” as reasons for the decision. Fewer choices fuels premium increases.

Learning from other jurisdictions is important for Ontario. The Province of Saskatchewan has implemented liability reforms to support its municipalities. As a municipal lawyer at the time, Neil Robertson, QC was instrumental in laying out the arguments in support of these changes. Now a Justice of the Court of Queen’s Bench for Saskatchewan, AMO was pleased to have Neil Robertson prepare a paper and address AMO conference delegates in 2013. Much of the Saskatchewan municipal experience (which led to reforms) is applicable to the Ontario and the Canadian municipal context. Summarised below and throughout this paper are some of Robertson’s key findings.

Robertson found that, regardless of the cause, over the years municipalities in Canada have experienced an accelerating rate of litigation and an increase in amounts of damage awards. He noted these developments challenge municipalities and raise financial, operational and policy issues in the provision of public services.

Robertson describes the current Canadian legal climate as having placed municipalities in the role of involuntary insurer. Courts have assigned municipal liability where liability was traditionally denied and apportioned fault to municipal defendants out of proportion to municipal involvement in the actual wrong.

This increased exposure to liability has had serious ramifications for municipalities, both as a deterrent to providing public services which may give rise to claims and in raising the cost and reducing the availability of insurance. The cost of claims has caused insurers to reconsider not only

what to charge for premiums, but whether to continue offering insurance coverage to municipal clients.

Robertson also makes the key point that it is reasonable for municipal leaders to seek appropriate statutory protections. He wrote:

“Since municipalities exist to improve the quality of life for their citizens, the possibility of causing harm to those same citizens is contrary to its fundamental mission. Careful management and wise stewardship of public resources by municipal leaders will reduce the likelihood of such harm, including adherence to good risk management practices in municipal operations. But wise stewardship also involves avoiding the risk of unwarranted costs arising from inevitable claims.”

And, of course, a key consideration is the reality that insurance premiums, self-insurance costs, and legal fees divert municipal funds from other essential municipal services and responsibilities.

It is in this context that AMO appreciated the commitments made by the Premier and the Attorney General to review the principle of joint and several liability, the impact it has on insurance costs, and the influence “liability chill” has on the delivery of public services. Now is the time to deliver provincial public policy solutions which address these issues.

Recommendations

AMO recommends the following measures to address these issues:

1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations, and whether a 1-year limitation period may be beneficial.
3. Implement a cap for economic loss awards.
4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.
5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, and municipal arguments as to the fiscal impact of joint and several liability.
7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.

Insurance Cost Examples

The government has requested detailed information from municipalities regarding their insurance costs, coverage, deductibles, claims history, and out-of-court settlements. Municipalities have been busy responding to a long list of provincial consultations on a wide range of topics. Some of the information being sought is more easily supplied by the insurance industry. AMO's 2011 survey of insurance costs produced a sample size of 122 municipalities and assessed insurance cost increases over a five-year period. The survey revealed an average premium increase which exceeded 20% over that period.

All of the same forces remain at play in 2019 just as they were in 2011. Below are some key examples.

Ear Falls - The Township of Ear Falls reports that its insurance premiums have increased 30% over five years to \$81,686. With a population of only 995 residents (2016), this represents a per capita cost of \$82.09. This amount is a significant increase from AMO's 2011 Insurance Survey result. At that time, the average per capita insurance cost for a community with a population under 10,000 was \$37.56. While the Township has not been the subject of a liability claim, a claim in a community of this size could have significant and long-lasting financial and service implications. The Township has also had to impose stricter insurance requirements on groups that rent municipal facilities. This has had a negative impact on the clubs and volunteers' groups and as a consequence, many have cut back on the service these groups provide to the community.

Central Huron - For many years the municipality of Central Huron had a deductible of \$5,000. In 2014, the deductible was increased to \$15,000 to help reduce insurance costs. The municipality also increased its liability coverage in 2014 and added cyber security coverage in 2018. The combined impact of these changes represents a premium cost of \$224,774 in 2019, up from \$141,331 in 2010. Per capita costs for insurance alone are now \$29.67.

Huntsville - Since 2010, the Town of Huntsville reports an insurance premium increase of 67%. In 2019 this represented about 3.75% of the town's property tax levy. At the same time, Huntsville's deductible has increased from \$10,000 to \$25,000. The town also reports a reluctance to hold its own events for fear of any claims which may affect its main policy. Additional coverage is purchased for these events and these costs are not included above.

Ottawa - In August 2018, the City began working with its insurance broker, Aon Risk Solutions ("Aon"), to prepare for the anticipated renewal of the Integrated Insurance Program in April 2019. As the cost of the City's insurance premiums had risen by approximately 25% between 2017 and 2018, this early work was intended to ensure that any further increase could be properly accounted for through the 2019 budget process. Early indications of a possible further 10% premium increase prompted the City and Aon in late 2018 to explore options for a revised Program, and to approach alternative markets for the supply of insurance.

On January 11, 2019, an OC Transpo bus collided with a section of the Westboro Station transit shelter, resulting in three fatalities and numerous serious injuries. This was the second major incident involving the City's bus fleet, following approximately five years after the OC Transpo - VIA train collision in September 2013.

The January 2019 incident prompted insurance providers to re-evaluate their willingness to participate in the City Program. Despite Aon’s work to secure an alternative provider, only Frank Cowan Company (“Cowan”), the City’s existing insurer, was prepared to offer the City an Integrated Insurance Program. Cowan’s offer to renew the City’s Program was conditional on revised terms and limits and at a significant premium increase of approximately 84%, or nearly \$2.1 million per year. According to Cowan, these changes and increases were attributable to seven principle factors, including Joint and Several Liability:

1. Escalating Costs of Natural Global Disasters;
2. Joint and Several Liability;
3. Claims Trends (in the municipal sector);
4. Increasing Damage Awards;
5. Class Action Lawsuits;
6. New and/or Adverse Claims Development; and,
7. Transit Exposure.

Cowan also indicated that the primary policy limits for the 2019-2020 renewal would be lowered from \$25 million to \$10 million per occurrence, thereby raising the likelihood of increased costs for the City’s excess liability policies.

Joint and Several in Action - Recent Examples

The following examples highlight joint and several in action. The following examples have occurred in recent years.

GTA Municipality – A homeowner rented out three separate apartments in a home despite being zoned as a single-family dwelling. After a complaint was received, bylaw inspectors and Fire Prevention Officers visited the property. The landlord was cautioned to undertake renovations to restore the building into a single-family dwelling. After several months of non-compliance, charges under the fire code were laid. The owner was convicted and fined. A subsequent visit by Fire Prevention Officers noted that the required renovations had not taken place. Tragically, a fire occurred which resulted in three fatalities. Despite having undertaken corrective action against the homeowner, joint and several liability loomed large. It compelled the municipality to make a payment of \$504,000 given the 1% rule.

City of Ottawa - A serious motor vehicle accident occurred between one of the City’s buses and an SUV. The collision occurred at an intersection when the inebriated driver of the SUV failed to stop at a red light and was struck by the City bus. This collision resulted in the deaths of the SUV driver and two other occupants, and also seriously injured the primary Plaintiff, the third passenger in the SUV. The secondary action was brought by the family of one of the deceased passengers.

The Court ultimately concluded that the City was 20% liable for the collision, while the SUV driver was 80% at fault. Despite the 80/20 allocation of fault, the City was required to pay all of the approximately \$2.1 million in damages awarded in the primary case and the \$200,000 awarded in the secondary case, bringing the amount paid by the City to a total that was not proportionate to its actual liability. This was due to the application of the principle of joint and several liability, as well as the interplay between the various automobile insurance policies held by the SUV owner and

passengers, which is further explained below. Although the City appealed this case, the Ontario Court of Appeal agreed with the findings of the trial judge and dismissed it.

This case was notable for the implications of various factors on the insurance policies held by the respective parties. While most automobile insurance policies in Ontario provide for \$1 million in third party liability coverage, the insurance for the SUV was reduced to the statutory minimum of \$200,000 by virtue of the fact that the driver at the time of the collision had a blood alcohol level nearly three times the legal limit for a fully licensed driver. This was contrary to the requirements of his G2 license, which prohibit driving after the consumption of any alcohol. Further, while the Plaintiff passengers' own respective insurance provided \$1 million in coverage for underinsured motorists (as the SUV driver was at the time), this type of coverage is triggered only where no other party is in any way liable for the accident. As a result, the primary Plaintiff could only effectively recover the full \$2.1 million in damages if the Court attributed even a small measure of fault to another party with sufficient resources to pay the claim.

In determining that the City was at least partially responsible for the collision, the Court held that the speed of the bus – which according to GPS recordings was approximately 6.5 km/h over the posted limit of 60 kilometres an hour – and momentary inattention were contributing factors to the collision.

To shorten the length of the trial by approximately one week and accordingly reduce the legal costs involved, the parties had earlier reached an agreement on damages and that the findings regarding the primary Plaintiff would apply equally to the other. The amount of the agreement-upon damages took into account any contributory negligence on the part of the respective Plaintiffs, attributable to such things as not wearing a seat belt.

City of Ottawa, 2nd example – A Plaintiff was catastrophically injured when, after disembarking a City bus, he was struck by a third-party motor vehicle. The Plaintiff's injuries included a brain injury while his impairments included incomplete quadriplegia.

As a result of his accident, the Plaintiff brought a claim for damages for an amount in excess of \$7 million against the City and against the owner and driver of the third-party vehicle that struck him. Against the City, the Plaintiff alleged that the roadway was not properly designed and that the bus stop was placed at an unsafe location as it required passengers to cross the road mid-block and not at a controlled intersection.

Following the completion of examinations for discovery, the Plaintiff's claim against the Co-Defendant (the driver of the vehicle which struck the plaintiff) was resolved for \$1,120,000 comprising \$970,000 for damages and \$120,000 for costs. The Co-Defendant's policy limit was \$1 million. The claim against the City was in effect, a "1% rule" case where the City had been added to the case largely because the Co-Defendant's insurance was capped at \$1 million, which was well below the value of the Plaintiff's claim.

On the issue of liability, the pre-trial judge was of the view that the City was exposed to a finding of some liability against it on the theory that, because of the proximity of the bus stop to a home for adults with mental health issues, the City knew or should have known that bus passengers with cognitive and/or physical disabilities would be crossing mid-block at an unmarked crossing. This, according to the judge, could have resulted in a finding being made at trial that the City should

either have removed the bus stop or alternatively, should have installed a pedestrian crossing at this location.

The judge assessed the Plaintiff's damages at \$7,241,000 exclusive of costs and disbursements which he then reduced to \$4,602,930 exclusive of costs and disbursements after applying a reduction of 27.5% for contributory negligence and subtracting the \$970,000 payment made by the Co-Defendant's insurer.

Settlement discussions took place and the judge recommended that the matter be resolved for \$3,825,000 plus costs of \$554,750 plus HST plus disbursements.

Joint and Several Liability in Action - Other notable cases

Deering v Scugog - A 19-year-old driver was driving at night in a hurry to make the start time of a movie. She was travelling on a Class 4 rural road that had no centerline markings. The Ontario Traffic Manual does not require this type of road to have such a marking. The driver thought that a vehicle travelling in the opposite direction was headed directly at her. She swerved, over-corrected and ended up in a rock culvert. The Court found the Township of Scugog 66.7% liable. The at-fault driver only carried a \$1M auto insurance policy.

Ferguson v County of Brant - An inexperienced 17-year-old male driver was speeding on a road when he failed to navigate a curve which resulted in him crossing the lane into oncoming traffic, leaving the roadway, and striking a tree. The municipality was found to have posted a winding road sign rather than a sharp curve sign. The municipality was found 55% liable.

Safranyos et al v City of Hamilton - The plaintiff was leaving a drive-in movie theatre with four children in her vehicle at approximately 1 AM. She approached a stop sign with the intention of turning right onto a highway. Although she saw oncoming headlights she entered the intersection where she was struck by a vehicle driven 15 km/h over the posted speed limit by a man who had just left a party and was determined by toxicologists to be impaired. The children in the plaintiff's vehicle suffered significant injuries. The City was determined to be 25% liable because a stop line had not been painted on the road at the intersection.

Mortimer v Cameron - Two men were engaged in horseplay on a stairway and one of them fell backward through an open door at the bottom of a landing. The other man attempted to break the first man's fall and together they fell into an exterior wall that gave way. Both men fell 10 feet onto the ground below, one of whom was left quadriplegic. The trial judge determined both men were negligent, but that their conduct did not correspond to the extent of the plaintiff's injuries. No liability was attached to either man. The building owner was determined to be 20% and the City of London was found to be 80% liable. The Court awarded the plaintiff \$5 M in damages. On appeal, the City's liability was reduced to 40% and building owner was determined to be 60% liable. The City still ended up paying 80% of the overall claim.

2011 Review of Joint and Several Liability – Law Commission of Ontario

In February 2011 the Law Commission of Ontario released a report entitled, *"Joint and Several Liability Under the Ontario Business Corporations Act"*. This review examined the application of

joint and several liability to corporate law and more specifically the relationship between the corporation and its directors, officers, shareholders and stakeholders.

Prior to the report's release, AMO made a submission to the Law Commission of Ontario to seek to expand its review to include municipal implications. The Law Commission did not proceed with a broader review at that time, but the context of its narrower scope remains applicable to municipalities. In fact, many of the same arguments which support reform in the realm of the *Business Corporations Act*, are the same arguments which apply to municipal governments.

Of note, the Law Commission's¹ report highlighted the following in favour of reforms:

Fairness: "it is argued that it is unfair for a defendant, whose degree of fault is minor when compared to that of other defendants, to have to fully compensate a plaintiff should the other defendants be insolvent or unavailable."

Deep Pocket Syndrome: "Joint and several liability encourages plaintiffs to unfairly target defendants who are known or perceived to be insured or solvent."

Rising Costs of Litigation, Insurance, and Damage Awards: "Opponents of the joint and several liability regime are concerned about the rising costs of litigation, insurance, and damage awards."

Provision of Services: "The Association of Municipalities of Ontario identifies another negative externality of joint and several liability: municipalities are having to delay or otherwise cut back services to limit exposure to liability."

The Law Commission found that the principle of joint and several liability should remain in place although it did not explicitly review the municipal situation.

2014 Resolution by the Ontario Legislature and Review by the Attorney General

Over 200 municipalities supported a motion introduced by Randy Pettapiece, MPP for Perth-Wellington which called for the implementation a comprehensive, long-term solution in 2014. That year, MPPs from all parties supported the Pettapiece motion calling for a reform joint and several liability.

Later that year the Ministry of the Attorney General consulted on three options of possible reform:

1. The Saskatchewan Model of Modified Proportionate Liability

Saskatchewan has adopted a modified version of proportionate liability that applies in cases where a plaintiff is contributorily negligent. Under the Saskatchewan rule, where a plaintiff is contributorily negligent and there is an unfunded liability, the cost of the unfunded liability is split among the remaining defendants and the plaintiff in proportion to their fault.

¹ Law Commission of Ontario. "Joint and Several Liability Under the Ontario *Business Corporations Act*." Final Report, February 2011 Pages 22-25.

2. Peripheral Wrongdoer Rule for Road Authorities

Under this rule, a municipality would never be liable for more than two times its proportion of damages, even if it results in the plaintiff being unable to recover full damages.

3. A combination of both of the above

Ultimately, the government decided not to pursue any of the incremental policy options ostensibly because of uncertainty that insurance cost reductions would result. This was a disappointing result for municipalities.

While these reviews did not produce results in Ontario, many other common law jurisdictions have enacted protections for municipalities. What follows are some of the options for a different legal framework.

Options for Reform – The Legal Framework

To gain a full appreciation of the various liability frameworks that could be considered, for comparison, below is a description of the current joint and several liability framework here in Ontario. This description will help to reader to understand the further options which follow.

This description and the alternatives that follow are taken from the Law Commission of Ontario's February 2011 Report entitled, *"Joint and Several Liability Under the Ontario Business Corporations Act"* as referenced above.²

Understanding the Status Quo and Comparing it to the Alternatives

Where three different defendants are found to have caused a plaintiff's loss, the plaintiff is entitled to seek full payment (100%) from any one of the defendants. The defendant who fully satisfies the judgment has a right of contribution from the other liable parties based on the extent of their responsibility for the plaintiff's loss.

For example, a court may find defendants 1 (D1), 2 (D2) and 3 (D3) responsible for 70%, 20%, and 10% of the plaintiff's \$100,000 loss, respectively. The plaintiff may seek to recover 100% of the loss from D2, who may then seek contribution from D1 and D3 for their 70% and 10% shares of the loss. If D1 and/or D3 is unable to compensate D2 for the amount each owes for whatever reason, such as insolvency or unavailability, D2 will bear the full \$100,000 loss. The plaintiff will be fully compensated for \$100,000, and it is the responsibility of the defendants to apportion the loss fairly between them.

The descriptions that follow are abridged from pages 9-11 of the Law Commission of Ontario's report. These are some of the key alternatives to the status quo.

² Ibid. Page 7.

1. Proportionate Liability

a) Full Proportionate Liability

A system of full proportionate liability limits the liability of each co-defendant to the proportion of the loss for which he or she was found to be responsible. Per the above example, (in which Defendant 1 (D1) is responsible for 70% of loss, Defendant 2 (D2) for 20% and Defendant 3 (D3) for 10%), under this system, D2 will only be responsible for \$20,000 of the \$100,000 total judgement: equal to 20% of their share of the liability. Likewise, D1 and D3 will be responsible for \$70,000 and \$10,000. If D1 and D3 are unable to pay, the plaintiff will only recover \$20,000 from D2.

b) Proportionate Liability where Plaintiff is Contributorily Negligent

This option retains joint and several liability when a blameless plaintiff is involved. This option would cancel or adjust the rule where the plaintiff contributed to their loss. As in the first example, suppose the plaintiff (P) contributed to 20% of their \$100,000 loss. D1, D2 and D3 were responsible for 50%, 20% and 10% of the \$100,000. If D1 and D3 are unavailable, P and D2 will each be responsible for their \$20,000 shares. The plaintiff will remain responsible for the \$60,000 shortfall as a result of the absent co-defendants' non-payment (D1 and D3).

c) Proportionate Liability where Plaintiff is Contributorily Negligent with a Proportionate Reallocation of an Insolvent, Financially Limited or Unavailable Defendant's Share

In this option of proportionate liability, the plaintiff and remaining co-defendants share the risk of a defendant's non-payment. The plaintiff (P) and co-defendants are responsible for any shortfall in proportion to their respective degrees of fault.

Using the above example of the \$100,000 total judgement, with a shortfall payment of \$50,000 from D1 and a shortfall payment \$10,000 from D3, P and D2 must pay for the missing \$60,000. P and D2 have equally-apportioned liability, which causes them to be responsible for half of each shortfall - \$25,000 and \$5,000 from each non-paying defendant. The burden is shared between the plaintiff (if determined to be responsible) and the remaining defendants.

d) Proportionate Liability with a Peripheral Wrongdoer

Under this option, a defendant will be proportionately liable only if their share of the liability falls below a specified percentage, meaning that liability would be joint and several. Using the above example, if the threshold amount of liability is set at 25%, D2 and D3 would only be responsible for 20% and 10%, regardless of whether they are the only available or named defendants. However, D1 may be liable for 100% if it is the only available or named defendant. This system tends to favour defendants responsible for a small portion of the loss, but the determination of the threshold amount between joint and several liability and proportionate liability is arbitrary.

e) Proportionate Liability with a Reallocation of Some or All of an Insolvent or Unavailable Defendant's Share

This option reallocates the liability of a non-paying defendant among the remaining defendants in proportion to their respective degrees of fault. The plaintiff's contributory negligence does not

impact the application of this reallocation. Joint and several liability would continue to apply in cases of fraud or where laws were knowingly violated.

f) Court Discretion

Similar to the fraud exception in the option above, this option includes giving the courts discretion to apply different forms of liability depending on the case.

For example, if a particular co-defendant's share of the fault was relatively minor the court would have discretion to limit that defendant's liability to an appropriate portion.

2. Legislative Cap on Liability

Liability concerns could be addressed by introducing a cap on the amount of damages available for claims for economic loss.

3. Hybrid

A number of jurisdictions provide a hybrid system of proportionate liability and caps on damages. Co-defendants are liable for their portion of the damages, but the maximum total amount payable by each co-defendant is capped to a certain limit.

The Saskatchewan Experience

As referenced earlier in this paper, the Province of Saskatchewan responded with a variety of legislative actions to assist municipalities in the early 2000s. Some of those key developments are listed below which are abridged from *"A Question of Balance: Legislative Responses to Judicial Expansion of Municipal Liability – the Saskatchewan Experience."* The paper was written by Neil Robertson, QC and was presented to the annual conference of the Association of Municipalities of Ontario in 2013. Two key reforms are noted below.

1. Reforming joint and several liability by introducing modified proportionate liability: "The Contributory Negligence Act" amendments

The *Contributory Negligence Act* retained joint and several liability, but made adjustments in cases where one or more of the defendants is unable to pay its share of the total amount (judgement). Each of the parties at fault, including the plaintiff if contributorily negligent, will still have to pay a share of the judgement based on their degree of fault. However, if one of the defendants is unable to pay, the other defendants who are able to pay are required to pay only their original share and an additional equivalent share of the defaulting party's share.

The change in law allows municipalities to reach out-of-court settlements, based on an estimate of their degree of fault. This allows municipalities to avoid the cost of protracted litigation.

Neil Robertson provided the following example to illustrate how this works in practise:

"...If the owner of a house sues the builder for negligent construction and the municipality, as building authority, for negligent inspection, and all three are found equally at fault, they would each be apportioned 1/3 or 33.3%. Assume the damages are \$100,000. If the builder has no funds, then the municipality would pay only its share (\$33,333) and a 1/3 share of the builder's defaulting share

(1/3 of \$33,333 or \$11,111) for a total of \$44,444 (\$33,333 + \$11,111), instead of the \$66,666 (\$33,333 + \$33,333) it would pay under pure joint and several liability.”

This model will be familiar to municipal leaders in Ontario. In 2014, Ontario’s Attorney General presented this option (called the Saskatchewan Model of Modified Proportionate Liability) for consideration. At the time, over 200 municipal councils supported the adoption of this option along with the “Peripheral Wrongdoer Rule for Road Authorities” which would have seen a municipality never be liable for more than two times its proportion of damages, even if it results in the plaintiff being unable to recover full damages. These two measures, if enacted, would have represented a significant incremental step to address the impact of joint and several to Ontario municipalities.

2. Providing for uniform limitation periods while maintaining a separate limitation period for municipalities: “The Limitations Act”

This act established uniform limitation periods replacing many of the pre-existing limitation periods that had different time periods. The Municipal Acts in Saskatchewan provide a uniform one-year limitation period “from time when the damages were sustained” in absolute terms without a discovery principle which can prolong this period. This helps municipalities to resist “legacy” claims from many years beforehand. This act exempts municipalities from the uniform two-year discoverability limitation period.

Limitation periods set deadlines after which claims cannot be brought as lawsuits in the courts. The legislation intends to balance the opportunity for potential claimants to identify their claims and, if possible, negotiate a settlement out of court before starting legal action with the need for potential defendants to “close the books” on claims from the past.

The reasoning behind these limitations is that public authorities, including municipalities, should not to be punished by the passage of time. Timely notice will promote the timely investigation and disposition of claims in the public interest. After the expiry of a limitation period, municipalities can consider themselves free of the threat of legal action, and continue with financial planning without hurting “the public taxpayer purse”. Municipalities are mandated to balance their budgets and must be able to plan accordingly. Thus, legacy claims can have a very adverse affect on municipal operations.

Here in Ontario, there is a uniform limitations period of two years. Municipalities also benefit from a 10-day notice period which is required for slip and fall cases. More recently, the applicability of this limitation deadline has become variable and subject to judicial discretion. Robertson’s paper notes that in Saskatchewan, courts have accepted the one-year limitations period. A further examination of limitations in Ontario may yield additional benefits and could include the one-year example in Saskatchewan and/or the applicability of the 10-day notice period for slip and fall cases.

Other Saskatchewan reforms

Saskatchewan has also implemented other reforms which include greater protections for building inspections, good faith immunity, duty of repair, no fault insurance, permitting class actions, and limiting nuisance actions. Some of these reforms are specific to Saskatchewan and some of these currently apply in Ontario.

Insurance Related Reforms

Government Regulated Insurance Limits

The April 2019 provincial budget included a commitment to increase the catastrophic impairment default benefit limit to \$2 million. Public consultations were led by the Ministry of Finance in September 2019. AMO wrote to the Ministry in support of increasing the limit to \$2 million to ensure more adequate support those who suffer catastrophic impairment.

In 2016, the government lowered this limit as well as third-party liability coverage to \$200,000 from \$1 million. This minimum should also be also be increased to \$2 million to reflect current actual costs. This significant deficiency needs to be addressed.

Insurance Industry Changes

In 1989 the Ontario Municipal Insurance Exchange (OMEX) was established as a non-profit reciprocal insurance provider for Ontario's municipalities. It ceased operations in 2016 citing, "[a] low pricing environment, combined with the impact of joint & several liability on municipal claim settlements has made it difficult to offer sustainable pricing while still addressing the municipalities' concern about retro assessments."³ (Retro assessments meant paying additional premiums for retroactive coverage for "long-tail claims" which made municipal budgeting more challenging.)

The demise of OMEX has changed the municipal insurance landscape in Ontario. That joint and several liability is one of the key reasons listed for the collapse of a key municipal insurer should be a cause for significant concern. Fewer choices fuels cost. While there are other successful municipal insurance pools in Ontario, the bulk of the insurance market is dominated by for-profit insurance companies.

Reciprocal non-profit insurers are well represented in other areas across Canada. Municipalities in Saskatchewan, Alberta, British Columbia are all insured by non-profit reciprocals.

The questions for policy makers in Ontario:

Are there any provincial requirements or regulations which could better support the non-profit reciprocal municipal insurance market?

What actions could be taken to better protect municipalities in Ontario in sourcing their insurance needs?

How can we drive down insurance costs to better serve the needs of municipal property taxpayers?

³ Canadian Underwriter, August 11, 2016 <https://www.canadianunderwriter.ca/insurance/ontario-municipal-insurance-exchange-suspends-underwriting-operations-1004098148/>

Conclusion

This AMO paper has endeavoured to refresh municipal arguments on the need to find a balance to the issues and challenges presented by joint and several liability. It has endeavoured to illustrate that options exist and offer the reassurance that they can be successfully implemented as other jurisdictions have done.

Finding solutions that work will require provincial and municipal commitment. Working together, we can find a better way that is fair, reasonable, and responsible. It is time to find a reasonable balance.



September 24, 2019

City Council Committee Report

To: Mayor and Council

Fr: Heather Pihulak, Manager of Administration/City Clerk

Re: 2020 Council Meeting Schedule

Recommendation:

That Council hereby accepts the 2020 Council meeting calendar as presented.

Background:

Annually, the Clerk will establish the meeting calendar for the upcoming Council meetings the following year.

In accordance with our Procedural Bylaw, the calendar follows the second Tuesday with Committee of the Whole and the third Tuesday with Council, wherever possible.

For 2020, the Clerk is proposing a one month meeting break for the month of August to allow for staff and Council vacation and family time during a busy time in our City. With AMO taking place in August several staff and members of Council are busy trying to fit in all activities in just a few short weeks. An August meeting series break would be scheduled and should important matters arise, we would schedule a special meeting to meet those needs. Staff would have enough advance warning that meeting items would need to be into Council for July or wait until the September meeting series, unless of course deemed urgent.

Budget: N/A

Risk Analysis: There is no risk associated with this report as it is administrative in nature only.

Communication Plan/Notice By-law Requirements: Public notice/website

Strategic Plan or other Guiding Document: Administrative only

JAN 2020

SUN	MON	TUE	WED	THU	FRI	SAT	
			01	02	03	04	
			New Year's Day				
05	06	07	08	09	10	11	
12	13	14	15	16	17	18	
		Committee of the Whole 9:00 a.m.					
19	20	21	22	23	24	25	
ROMA Conference January 26-29 Toronto	ROMA Conference January 26-29 Toronto	ROMA Conference January 26-29 Toronto	ROMA Conference January 26-29 Toronto	Council 12:00 noon (option #1)			
26	27	28	29	30	31		
	Council 12:00 noon (option #2)			KDMA Conference Sioux Lookout Jan 30-Feb 1	KDMA Conference Sioux Lookout Jan 30-Feb 1	KDMA Conference Sioux Lookout Jan 30-Feb 1	

FEB 2020

SUN

MON

TUE

WED

THU

FRI

SAT

01

KDMA
Conference
Sioux Lookout
Jan 30-Feb 1

KDMA
Conference
Sioux Lookout
Jan 30-Feb 1

KDMA
Conference
Sioux Lookout
Jan 30-Feb 1

02

03

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15

Committee
of the Whole
9:00 a.m.

16

17

18

19

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21

22

Family Day

Council
12:00 noon

23

24

25

26

27

28

29

OGRA
Conference
February 23-26
Toronto

OGRA
Conference
February 23-26
Toronto

OGRA
Conference
February 23-26
Toronto

OGRA
Conference
February 23-26
Toronto

MAR 2020

SUN

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TUE

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Committee
of the Whole
9:00 a.m.

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Council
12:00 noon

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APR 2020

SUN

MON

TUE

WED

THU

FRI

SAT

01

02

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Good Friday

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Easter Monday

**Committee
of the Whole
9:00 a.m.**

19

20

21

22

23

24

25

**Council
12:00 noon**

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30

NOMA
Conference
April 29-May 1
Thunder Bay

NOMA
Conference
April 29-May 1
Thunder Bay

MAY 2020

SUN

MON

TUE

WED

THU

FRI

SAT

01

02

NOMA
Conference
April 29-May 1
Thunder Bay

NOMA
Conference
April 29-May 1
Thunder Bay

NOMA
Conference
April 29-May 1
Thunder Bay

03

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16

Committee
of the Whole
9:00 a.m.

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23

Victoria Day

Council
12:00 noon

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30

31

JUN 2020

SUN	MON	TUE	WED	THU	FRI	SAT
	01	02	03	04	05	06
				FCM Annual Conference June 4-7 Toronto	FCM Annual Conference June 4-7 Toronto	FCM Annual Conference June 4-7 Toronto
07	08	09	10	11	12	13
FCM Annual Conference June 4-7 Toronto		Committee of the Whole 9:00 a.m.				
14	15	16	17	18	19	20
		Council 12:00 noon				
21	22	23	24	25	26	27
28	29	30				

JUL 2020

SUN

MON

TUE

WED

THU

FRI

SAT

01

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Canada Day

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Committee
of the Whole
9:00 a.m.

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Council
12:00 noon

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AUG 2020

SUN

MON

TUE

WED

THU

FRI

SAT

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Civic Holiday

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***Proposed
NO August
Meetings**

16

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22

AMO
Conference
August 16-19
Ottawa

AMO
Conference
August 16-19
Ottawa

AMO
Conference
August 16-19
Ottawa

AMO
Conference
August 16-19
Ottawa

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***Proposed
NO August
Meetings**

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SEP 2020

SUN

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TUE

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Labour Day

**Committee
of the Whole
9:00 a.m.**

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**Council
12:00 noon**

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OCT 2020

SUN

MON

TUE

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Thanksgiving

**Committee
of the Whole
9:00 a.m.**

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**Council
12:00 noon**

Sustainable
Communities
Conference
October 20-22
St..Johns NL

Sustainable
Communities
Conference
October 20-22
St..Johns NL

25

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NOV 2020

SUN

MON

TUE

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Committee
of the Whole
9:00 a.m.

Remembrance
Day

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Council
12:00 noon

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DEC 2020

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Committee
of the Whole
9:00 a.m.

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Council
12:00 noon

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Christmas Eve

Christmas Day

Boxing Day

27

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31

City Hall Closed

New Years Eve



September 25, 2019

City Council Committee Report

To: Mayor & Council

Fr: Heather Pihulak, Manager of Administration/City Clerk

Re: Budget Amendment – Modern Governance Solution

Recommendation:

That Council hereby authorizes a budget amendment in the amount of \$14,100.00 to be funded through the IT Reserves for the purchase of a modern governance solution through iCompass; 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 and Operating Budgets in the amount of \$14,100.00 at its October 15th, 2019 meeting for this purpose; and further

That Council gives three readings to a By-law to amend the 2019 capital and operating budget for this purpose.

Background:

Meeting management is an extensive process to manage the meeting cycle each month. The process currently used is very manual, however, there are several automated systems available to add simplicity to the process of managing meetings.

During the AMCTO conference in June, the Clerk and Deputy Clerk met with several service providers to assess and review the offerings by various providers of the meeting management systems. Two key areas that we were focused on were meeting management solution and public access/transparency of meetings.

iCompass is now part of one of the largest tech companies in North America, Diligent who is a pioneer in modern governance. It streamlines the day-to-day work of council management and delivers the options for meeting engagement.

The meeting manager is the largest component of this purchase. It will create and polish agendas and minutes with the reports being created and populated in one step. The current manual process of cutting and pasting report recommendations to both agendas, minutes and recommendations is time consuming and leaves plenty of room for error. The meeting manager pro is end to end meeting efficiency and integration with transparency tools.

The video management is the next biggest piece to this purchase. It provides citizens with realtime access to the public meetings from anywhere on any device with the latest

in Council video webcasting technology. It will also allow for electronic participation should Council choose to adopt this as part of their next Procedural Bylaw review. Not only would the videos be live streamed, but then recorded in HD through You Tube for future reference by citizens.

The meeting management tool allows for digital voting on any device where Council can instantly submit their vote on a motion and have the results displayed real-time in the Council Chambers. Following the meeting, people can click time stamped links in the minutes which will take them directly to that portion of the meeting on video to watch.

Council is already partially integrated into the digital management of our meetings by eliminating printing of agendas/reports and minutes and carrying their ipads for review during a meeting. The new iCompass would be an app on your ipad (or other device) which you would access the meeting management system both before, during and after the meeting.

This report is before Council at this time for consideration only should they wish to progress to a meeting management system and video live streaming rather than recorded and published meetings. It is only optional, however, if Council is interested in this management system, it is in the best financial interest of the municipality to move forward in this budget year to save the \$2,750 in the first year and \$1,250 in the second year as detailed below.

Budget:

The costs are outlined on the attached proposal, however, they are reducing the cost until October 20th offering to new clients who they spoke to at the AMCTO conference. This offer is valid to October 20, 2019 and therefore the request for this budget amendment. We can defer this matter to the 2020 capital budget discussion, however, the discounts they are offering will disappear after this date and it will be the full regular pricing for 2020 (or any increases which come into effect). As part of this offer, they are waiving the setup & implementation fee of \$1,500, and reducing the annual meeting manager pro fee of \$9,250 to \$8,000. The digital voting is being included. If this was deferred to 2020 the cost would be \$16,850 (\$1,500 of it is a one time fee) and the annual cost the following year would be 15,350.

If approved, this is an annual fee of \$14,100 until we cancel with a one year auto renew contract. Following that commitment, we are able to cancel at any time.

Risk Analyses: As per the requirements in the City's ERM Policy, there is an insignificant financial risk. This is an optional tool for the Clerks, administration and Council to manage their meeting cycles.

Communication Plan/Notice By-law Requirements: bylaw

Strategic Plan or Other Guiding Document:

Administrative



iCompass

A DILIGENT BRAND



Governance That Benefits The Community

Proposal for: City of Kenora, ON

Prepared for: Heather Kasprick
City Clerk

Date: September 20, 2019

Prepared by: Josh Fruecht, MPA, CMC
eGovernance Advisor
jfruecht@diligent.com



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iCompass Overview

Our Promise To You

We focus on a single driving principle: to help local governments of any size modernize their services for citizens with easy-to-use technologies that are developed to exacting standards. At the heart of our mission is an unshakable commitment to empower the people in local governments who make things happen, and bring simplicity, ease and opportunity into their everyday lives.

We Can Help—iCompass is an Industry Leader

Running a local government is complex. We're here to make it simpler, easier and more organized.

At iCompass we believe that finding the right solution, setting it up and using it to improve your workplace shouldn't be so much work. Our friendly customer success team is one of the best in the industry with expert, in-person service 24 hours a day, 7 days a week, 365 days a year. No matter where you are or what you need our help with, we're here.

PROUD TO BE PEOPLE PLEASERS

iCompass

iCompass is part of Diligent, the pioneer in modern governance. We empower leaders to turn governance into a strategic advantage through unparalleled insight and highly secure, collaborative agenda and meeting management software, helping local governments thrive in today's digital age. Our trusted technology streamlines the day-to-day work of council management, supports collaboration and information sharing throughout the community and delivers the insights and information local government leaders need to mitigate governance deficits and serve their communities effectively. Our employees are passionate, smart, and creative people who thrive on exchanging ideas in a collegial culture of innovative thinking and constant improvement.

Trusted by more than 16,000 organizations and 600,000 board members around the world. From communities of 500 to over 2 million in population, Diligent is widely acknowledged as the go-to for local government and public sector leaders.



How we can help - Benefits of iCompass



Eliminate manual tasks



Be more transparent



Empower your team



Have information at your fingertips



Engage more citizens



Reduce operating costs



Turn change into opportunity



Make better decisions



Bring everyone together



Local Government Solutions – *Software tailored to you*

Meeting Management

Improve all aspects of your meetings through a reduction in manual tasks, increased collaboration and comprehensive mobile friendly access to agendas, minutes and council decisions.



MEETING MANAGER

Create and publish agendas and minutes online for better collaboration with staff and council



MEETING MANAGER PRO

End-to-end meeting efficiency and integration with iCompass' comprehensive set of transparency tools



BOARD MANAGER

Manage your boards, commissions and committees seamlessly with an integrated solution

Video Management

Provide citizens with real-time access to public meetings from anywhere, on any device with the latest in council video webcasting technology



VIDEO MANAGER HD

Stream and record public meetings in HD through YouTube for the best citizen experience possible



Meeting Manager Pro

MAXIMIZE YOUR POTENTIAL FOR MEETING EFFICIENCY AND CONNECT CITIZENS TO INFORMATION

Meeting Manager Pro combines the time savings features of Meeting Manager with a suite of powerful transparency tools. Through several automated features, any size local government can provide citizens with an up-to-date, mobile friendly web portal that they can use to review agenda packets, minutes and search by keyword for information on key issues in your community.

- » Reduce meeting prep and follow up time by up to 80%
- » Produce consistent, professional reports, agendas, minutes and track follow-ups from staff
- » Manage all your core records needs with the Records Center
- » Streamline workflows and approvals for the entire pre and post meeting process
- » Give staff and citizens immediate access to all agendas, records and reports

Features

Action Tracking

Collaborate to create and approve agenda items, track incoming requests for information and other applications from the public

Agenda Manager

Use a drag and drop agenda builder to create packets and send a packet to everyone that needs it with a single click

Minutes Manager

Create your minutes from a pre-populated template

Document Center

An online file storage tool to store and organize information in the cloud

Digital Voting

On any device council members can instantly submit their vote on a motion and have the results displayed real-time in your council chambers

Auto OCR

Make any record keyword searchable – so documents are accessible for staff and the public via a simple search

Online Transparency Portal

Integrated seamlessly to any website, provide access from any device to agendas, minutes and supporting items. Citizens can subscribe to receive automatic email updates when information is published and search through public archives.

Integrations

Video Manager HD

Stream and record council meetings on so the public can stay engaged with decisions being made at City Hall. You can even timestamp your agenda and minutes, so users can watch discussions on specific meeting items.

Board Manager

Manage all the different boards and commissions at your local government. Track applications and terms and provide the public with comprehensive information about board members.

Laserfiche Connector

Save meeting related documents to Laserfiche, attach Laserfiche-stored documents to your agendas, minutes and items and publish Laserfiche-stored documents to your website.

Additional Integrations

Calendar, Microsoft SharePoint, Swagit, Granicus, EarthChannel, Contract Tracker, Public Records Request Tracker and COI Tracker.



AgendaNotes

AgendaNotes (iPad®, Web, and PC Versions) is a tool that elected officials and staff can use to access meeting information and make notes. Integrated with iCompass' meeting management solutions, it improves the in-meeting experience while ensuring instant, automatic access to the most up-to-date version of an agenda.

AgendaNotes (iPad® Version) Features

- » Access to any electronic agenda as soon as it is published on an iPad®
- » Download the agenda and attachments
- » User security maintained through login / password controls
- » Highlight text with a swipe
- » Place sticky notes right on reports and attachments
- » Free hand circle and mark-up your entire agenda
- » Auto sync grabs updates and agenda items on the go
- » Hot links straight to your notes for quick review
- » Easily print the agenda and your notes at any time

AgendaNotes (Web Version) Features

- » Access to any electronic agenda as soon as it is published on any device with an internet browser.
- » View the agenda and attachments on any device
- » Add notes to agenda headings and items
- » Hot links straight to your notes for quick review
- » Easily print the agenda and your notes at any time

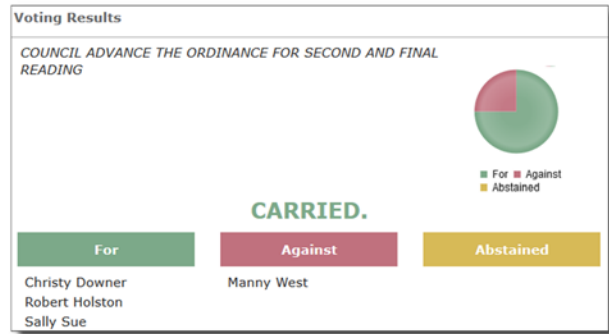
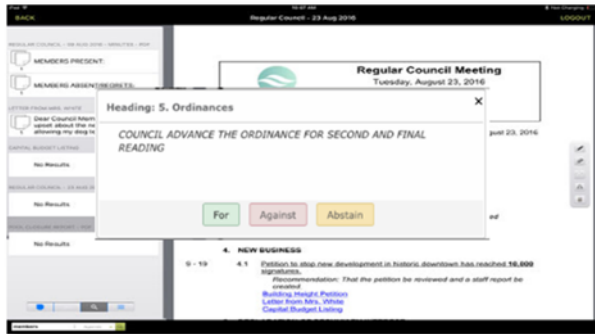
AgendaNotes (PC Version) Features

- » Access to any electronic agenda as soon as it is published on a Windows compatible laptop or desktop computer
- » Download the agenda and attachments
- » Add notes to agenda headings and items
- » Easily print the agenda and your notes at any time
- » Hot links straight to your notes for quick review
- » Options to download some or all attachments – great for dial-up users



Digital Voting

Digital Voting (iPad®, Web, and PC Versions) provides communities with the ability to easily utilize electronic voting during meetings. Elected officials and voting members can cast their vote with one-touch via a tablet or computer and the results instantly display to the public in real time.

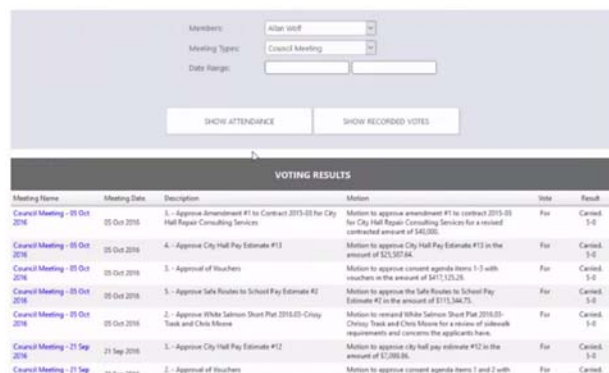
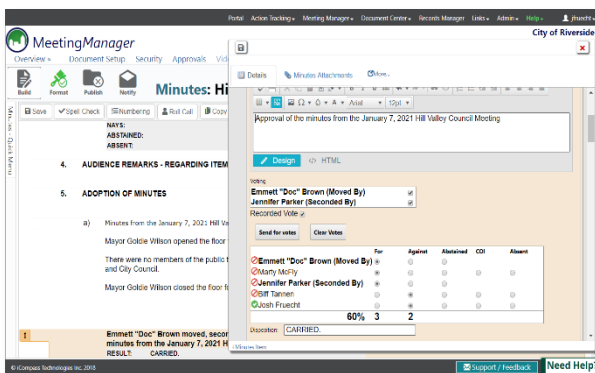


Request for Votes

After voting is initiated, members cast their vote using the AgendaNotes app (iPad®, Web, and PC Versions).

Vote Results

Vote results are displayed in real time during the meeting. A record of each vote is automatically added to the minutes, making it simple for the clerk to manage motions, votes, and their results in one place. Voting history can also be accessed via the Transparency Portal for the public and staff to review.



Minutes

A record of each vote is automatically added to the minutes, making it simple for the clerk to manage motions and their results.

Voting History

Voting history can also be accessed via the Transparency Portal for the public and staff to review.



Bm Board Manager

IMPROVE COMMUNICATION FOR BOARDS, COMMISSIONS AND COMMITTEES

Board Manager dramatically simplifies how local governments manage their boards, commissions and committees. When it comes to tracking board terms, rosters and applications – many organizations depend on binders and spreadsheets. With Board Manager you can effortlessly stay on top of boards with visibility into upcoming vacancies and applications provided through several automated dashboards and lists.

- » Save time – Easily see total year of service for any member
- » Improve the public's visibility into boards, commissions, committees and members
- » Set up online applications
- » Get alerts on upcoming board vacancies to be more proactive
- » Automatically updates roll calls, Agenda, and Minutes Attendees

Features

Centralized information

Dashboards and lists to view upcoming vacancies at a glance

Online postings & applications

Board membership information, postings and online applications from any device

Email templates

Ready-to-use email templates to simplify correspondence

Tracking & approvals

Automates tracking and approval of new board applicants

Integrates with agendas

Seamlessly integrates motions for board member approvals into an agenda

Integrations

Meeting Manager Pro

Works with Meeting Manager Pro and iCompass' transparency portal to integrate board agendas, minutes and member biographies with information about regular council meetings



Video Manager HD

WATCH LOCAL GOVERNMENT MEETINGS ANYWHERE, ON ANY DEVICE

Video Manager HD extends the functionality of iCompass' Meeting Manager Pro solution so you can live stream council meetings and provide video links in your agendas and minutes. Integrated with YouTube, the world's leading video streaming platform, local governments have never had access to such a reliable and affordable transparency-focused solution.

- » Provide live and recorded webcasts that can be watched from anywhere in high definition
- » Set screen options to help viewers with low bandwidth internet connections access the videos
- » Automate closed captioning
- » Add timestamped video links to agendas and minutes
- » Include video player in agendas and minutes so citizens can easily watch the meeting and see what's coming next

Features

Agenda and Minutes Time Stamping

Add video links to your agendas and minutes

Closed Captioning

Text is generated automatically and can be edited prior to publishing if needed

Automated Reporting

Dashboards that display video views and other information to quantify citizen engagement with meetings

Video Editing

Trim the beginning and end of the meeting video

Video Encoder

Start and stop the live webcast from a tablet or phone from anywhere

YouTube for Government

The world's most popular video streaming platform brings unparalleled reliability, storage and a comprehensive suite of value-added features for local government

Integrations

Meeting Manager Pro

Incorporate videos into your online agendas and minutes. iCompass' Transparency Portal displays video content alongside other meeting information in a mobile-friendly platform.

Video Encoder Technical Specifications

Video Input:	HDMI Type-A
Audio Inputs:	Embedded Audio Input, 2 Channel Analog line or Mic-In, 2 Channel
Network Connections:	Ethernet or Wi-Fi
Protocol:	RTMP Flash Streaming
Video Codec:	H.264
Video Resolution:	up to 1920 x 1080
Video Frame rate:	up to 60 fps
Video Bitrate:	700 Kbps to 6 Mbps
Video Aspect Ratio:	4:3 or 16:9
Audio codec:	AAC



Support

Unlimited Support

- » The Customer may designate up to 3 individuals who will be registered with iCompass as authorized Champions eligible for free and unlimited support throughout the duration of the relationship
- » Only authorized Champions will receive support – inquiries from others within the Customer’s organization will be directed to the authorized Champions
- » Support requests will be documented and e-mailed to the authorized Champion making such requests (as well as added to the Customer Resource Center) to minimize support requests in the future
- » 1-800 telephone and e-mail support during the business hours of 6:30 AM to 5:00 PM (Pacific Time), Monday–Friday (not including holidays)
- » Support calls will be answered by a human being 24 hours/day, 7 days/week

Unlimited Coaching Sessions

- » The Customer may request an unlimited number of Coaching Sessions for designated individuals throughout the duration of the relationship
- » An authorized Champion must make such requests
- » Each Coaching Session will last between 15 and 30 minutes
- » The Customer will commit to making best efforts to provide iCompass with a minimum of one week’s notice of any cancellation or rescheduling of Coaching Sessions

Unlimited Training Sessions

- » The Customer may request an unlimited number of free Training Sessions for designated individuals throughout the duration of the relationship
- » Such training will be provided via our ‘Easy as That’ Training Program – On-line, workshop style training with an instructor leading each module
- » An authorized Champion must make such requests
- » The Customer will commit to making best efforts to provide iCompass with a minimum of one week’s notice of any cancellation or rescheduling of participation within Training Sessions



Support – Continued

Other Customer Resources

- » Educational webinars
- » iCompass Customer Resource Center which includes a growing collection of quick reference guides and videos
- » iCompass Template Libraries for easy searching and review of sample documents from dozens upon dozens of other iCompass customers. Such documents include agendas, minutes, forms, classification schemes/retention schedules, etc.

Unlimited Storage Space

Unlimited storage for meeting documents in our state of the art network facility provides continual back-up and redundancy to ensure your files are always at your fingertips. With Records Center your additional documents are also online, searchable and available to staff and the public 24/7

Our Cloud Delivery Model – Software-as-a-Service (SaaS)

iCompass solutions are delivered over the Internet and our customers only require a web browser to access and use them. Overall, the SaaS model is a much lower-cost delivery of software services – you no longer have to over spend or build in-house!

Key Benefits:

- » Joining a community of other local governments for best practice improvement
- » All feature updates included
- » Constant redundant back-up of all information
- » Video streaming services provided via Content Delivery Network (CDN)



Date: September 30, 2019

City Council Committee Report

To: Mayor and Council

Fr: Karen Brown, CAO

Re: Funding Cuts to Health Units and District Social Services Boards

Recommendation:

Whereas the Province of Ontario has announced changes in its funding formulas for Health Units and District Social Services Boards; and

Whereas these Boards are funded by municipalities within their service areas; and

Whereas the full impacts of how these funding reductions may impact Health Units and District Social Services Boards are not yet known; and

Whereas Kenora City Council wishes to ensure that these funding reductions not result in a further downloading of costs to municipalities and as a result local taxpayers to help offset funding reductions;

Now Therefore Let It Be Resolved: -

That the City of Kenora hereby requests the board of the Northwestern Health Unit and the Kenora District Services Board review their operations to determine where offsetting savings can be achieved to ensure the funding reductions are not ultimately passed on to local taxpayers of the various municipalities within their service areas; and further

That a copy of this resolution be forwarded to the Northwestern Health Unit, the Kenora District Services Board, and all municipalities within their respective service areas.

Background:

The Province has announced funding reductions for health units and district social services boards that will take effect in 2020. There is some concern that these reductions will be downloaded to municipalities, and ultimately the local taxpayers.

The City of Kenora, similar to other municipalities, continues to struggle to provide a balanced budget while minimizing increases to our taxpayers and maintaining municipal service levels wherever possible. The 2019 budget season brought with it difficult decisions for Council and ultimately the City was forced to reduce some municipal service levels to help mitigate the impact of various cost increases and funding reductions to our taxpayers. In addition, the City continues to work to increase funding for capital spending and address our significant infrastructure deficit. The City simply cannot absorb increased costs related to these funding cuts by the Province without significant impacts on either municipal taxpayers or service levels, or possibly both.

It is recommended that Kenora City Council request both the Northwestern Health Unit and the Kenora District Services Board to find savings within their internal operations in

an effort to ensure the cost is not passed on to area municipalities and ultimately borne by local taxpayers. It is further recommended that a copy of this resolution be sent to each municipality within the respective service area for these Boards with a request for municipal support.

Budget / Financial Implications:

Potential impacts not known at this time.

Communication Plan/Notice By-law Requirements:

A copy of the approved resolution will be forwarded to the Northwestern Health Unit, the Kenora District Services Board and all municipalities within the respective service area.

Strategic Plan or other Guiding Document:

Fiscal responsibility.

ERM Assessment:

While the potential impacts are not known, and the Province has announced some preliminary mitigation measures for the initial timeframe, preliminary estimates indicate the potential of a major financial impact to the City and ultimately our taxpayers.



September 29, 2019

City Council Committee Report

To: Mayor and Council

Fr: Jeff Hawley, Operations & Infrastructure Manager

Re: Naming of NEW First Street South– Downtown Revitalization Phase 4

Recommendation:

That as part of the Downtown Revitalization Phase 4, Council of the City of Kenora hereby names a newly created portion of a road as First Street South; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to adopt a by-law at its October 15th, 2019 Council Meeting, naming the above-described portion of road as First Street South; and further

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

Background Information:

As part of Phase Four (4) of the Kenora Downtown Revitalization Project, the previous street known as First Street South (from Chipman Street to Park Street) has been renamed Thistle Drive, by Council on September 17, 2019, as the new road constructed as part of the Downtown Revitalization will see First Street South realigned from Chipman Street to Park Street.

Now that construction for Phase 4 of Downtown Revitalization is nearing completion, the City of Kenora must now ask Council to officially name the new portion of road, extending from the existing First Street South, to First Street South.

Budget: N/A Administrative Purposes Only.

Risk Analysis: As per the requirements in the City's ERM Policy, there is a minor operational risk in a decision to not name this new road, as this could result in confusion for motorists and pedestrians, as well as emergency services. This risk will be mitigated by ensuring all roads and streets in the area are named appropriately for adequate distinction.

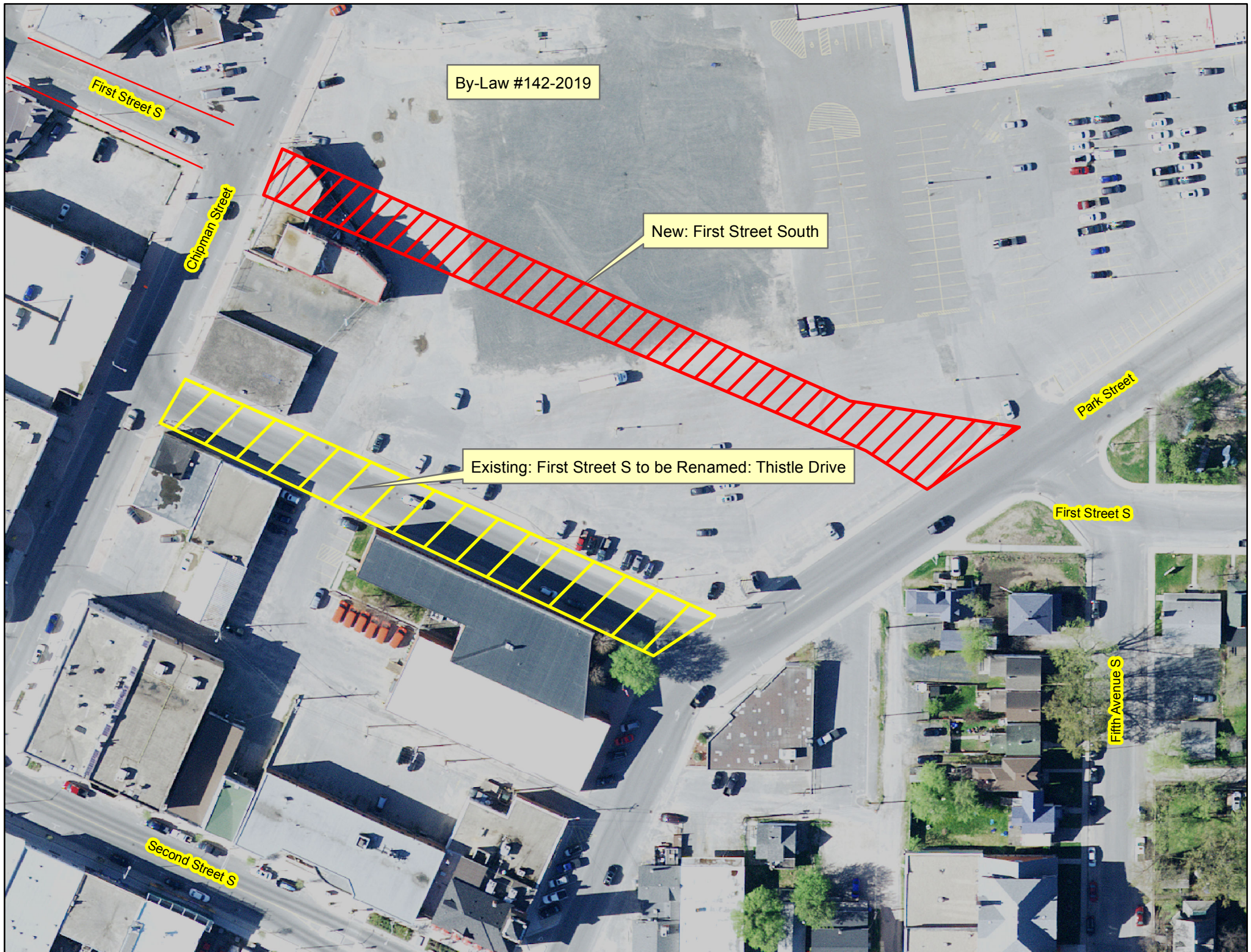
Communication Plan/Notice By-law Requirements:

Resolution & By-law required. Distribution: J. Hawley, R. Wilcott, H. Pihulak, O.P.P., K. Robertson, Public Notice

Strategic Plan or other Guiding Document:

Goal #2: Strengthen Our Foundations

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



By-Law #142-2019

First Street S

Chipman Street

New: First Street South

Existing: First Street S to be Renamed: Thistle Drive

Park Street

First Street S

Fifth Avenue S

Second Street S



September 29, 2019

City Council Committee Report

To: Mayor and Council

Fr: Jeff Hawley, Manager of Operations & Infrastructure

Re: Traffic Bylaw Amendments – DTR Street Changes

Recommendation:

That Council hereby approves multiple amendments to the Traffic Regulation By-law Number 180-2015, for Schedules "B", "C", "G", "K", "O", and "P" as reflected in the background section of this report, to accommodate modifications made as part of Phase 4 of Downtown Revitalization; and further

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

Background:

With the construction nearing completion for Phase 4 of Downtown Revitalization, the City of Kenora Operations and Infrastructure Department is now asking Council to approve the following various amendments into Traffic and Parking Regulation By-law Number 180-2015.

These changes are essential to the new configuration and modifications that have been underway as part of this project throughout the summer. They will allow for additional parking, smoother traffic flow, less traffic congestion and increased safety. The two attachments to this report reflect the changes below as indicated by the Map # and Map ID, (these two additional columns, *at the end of the table*, are for information purposes only and will not make up part of the amendment):

Schedule "B" – No Parking Tow-Away Zones

DELETE

STREET	LOCATION	SIDE	TIME	Map #	Map ID
First St S	From Matheson St S to Chipman St	South	Anytime	1	A
Park St	From First St S to Seventh Ave S (Except 15 minute areas as in Schedule C)	North	Anytime	1	K & L
Park St	From Second St S to 31 m west of Sixth Av S	South	Anytime	1	M & N
First St S	From Park St to 7.5 m east of Fifth Av S	South	Anytime	1	Q
First St S	From Park St to 6 m east of Fifth Av S	North	Anytime	1	R
Chipman St	From First St S, northerly for 67 m	West	Anytime	1	B
Chipman St	From McClellan Ave, Southerly for 60 m	East	Anytime	1	C

ADD

STREET	LOCATION	SIDE	TIME	Map #	Map ID
First St S	From Chipman St to Park St at Roundabout	North	Anytime	1	D
First St S	From Chipman, Easterly for 20 m	South	Anytime	1	E
First St S	From 46 m East of Chipman St, Easterly for 14 m	South	Anytime	1	F
Chipman St	From First St S, Southerly for 15 m	East	Anytime	1	G
Chipman St	From First St S, Northerly for 15 m	East	Anytime	1	H
Chipman St	From Thistle Dr, Southerly for 6 m	East	Anytime	1	I
Chipman St	From Thistle Dr, Northerly for 11 m	East	Anytime	1	J
Park St	From Thistle Dr to Park St at Roundabout	North	Anytime	1	K
Park St	From First St S at Roundabout northerly to Seventh Ave S (Except 15 minute areas in Schedule C)	North	Anytime	1	L
Park St	From Second St S northerly to First St S at Roundabout	South	Anytime	1	M
Park St	From First St S at Roundabout to 31 m west of Sixth Ave S	South	Anytime	1	N
Fifth Ave S	From Park St at Roundabout southerly for 24 m	West	Anytime	1	O
Fifth Ave S	From First St S at Roundabout, southerly for 28 m	East	Anytime	1	P
First St S	From Fifth Ave S at Roundabout, Easterly for 27 m	South	Anytime	1	Q
First St S	From Park St S at Roundabout, Easterly for 18 m	North	Anytime	1	R
First St S	From Matheson St Easterly for 8 m	South	Anytime	1	Z
First St S	From Chipman St westerly for 12 m	South	Anytime	1	AA
Chipman St	From First St S to McClellan Av	West	Anytime	1	B
Chipman St	From McClellan Ave, Southerly for 18 m	East	Anytime	1	C

SCHEDULE C: Limited Restricted Parking**DELETE**

STREET	LOCATION	SIDE	Restriction	Map #	Map ID
Fifth Ave S	From First St S to Second St S	West	2 Hr 9-5 Mon - Fri	1	

Fifth Ave S	From First St S to Second St S	East	2 Hr 9-5 Mon - Fri	1	
First St S	From 7.5 m east of Fifth Ave S to Sixth Ave S	South	2 Hr 9-5 Mon - Fri	1	

ADD

STREET	LOCATION	SIDE	Restriction	Map #	Map ID
Fifth Ave S	From 24 m south of Park St at Roundabout to Second St S	West	2 Hr 9-5 Mon - Fri	1	AB
Fifth Ave S	From 28 m south of First St S at Roundabout to Second St S	East	2 Hr 9-5 Mon - Fri	1	AC
First St S	From 27 m east of Fifth Ave S at Roundabout to Sixth Ave S	South	2 Hr 9-5 Mon - Fri	1	AD

SCHEDULE G: Parking Meter Zones

DELETE

STREET	LOCATION	SIDE	TIME	Map #	Map ID
Chipman St	Between McClellan Avenue and First Street South	West		1	
Chipman St	Between Second Street South and McClellan Avenue	East		1	

ADD

STREET	LOCATION	SIDE	TIME	Map #	Map ID
First St S	From 8 m east of Matheson St easterly for 27 m	South	Two Hour	1	A
First St S	From 20 m east of Chipman St, Easterly for 14 m	South	Two Hour	1	S
First St S	From 60 m east of Chipman St, Easterly for 73 m	South	Four Hour	1	T
Chipman St	From 13 m North of Second St S to Lane South of Thistle Dr	East	Two Hour	1	U
Chipman St	From Lane South of Thistle Dr S to 6 m South of First St S	East	Two Hour	1	V
Chipman St	From 11 m north of Thistle Dr northerly for 20 m	East	Two Hour	1	W
Chipman St	From 15 m north of First St S Northerly for 20 m	East	Two Hour	1	X
Chipman St	From 55 m north of First St S northerly for 20 m	East	Two Hour	1	Y

SCHEDULE K: Accessible Parking Spaces on Municipal Streets

ADD

STREET	LOCATION	SIDE	TYPE OF PARKING	# SPACES	Map #	Map ID
First St S	From 20 m east of Chipman St, Easterly for 7 m	South	Parallel	1	1	S

Schedule O: Stop Signs at Intersections

DELETE

INTERSECTION	FACING TRAFFIC	Map #	Map ID
First St S and Chipman St	West bound on First St S		
Fifth Ave S and First St	North bound on Fifth Ave S		
First St S and Park St	West Bound on First St S		

ADD

Intersection	FACING TRAFFIC	Map #	Map ID
First St S and Chipman St	South bound on Chipman	2	A
First St S and Chipman St	North bound on Chipman	2	B

Schedule P: Yield Intersections

ADD

Intersection	FACING TRAFFIC	Map #	Map ID
First St S and Roundabout	East bound on First St S	2	C
Park St and Roundabout	North bound on Park St	2	D
Fifth Ave S and Roundabout	North bound on Fifth Ave S	2	E
First St S and Roundabout	West bound on First St S	2	F
Park St and Roundabout	South bound on Park St	2	G
First St S and Roundabout	South bound on Park St	2	H

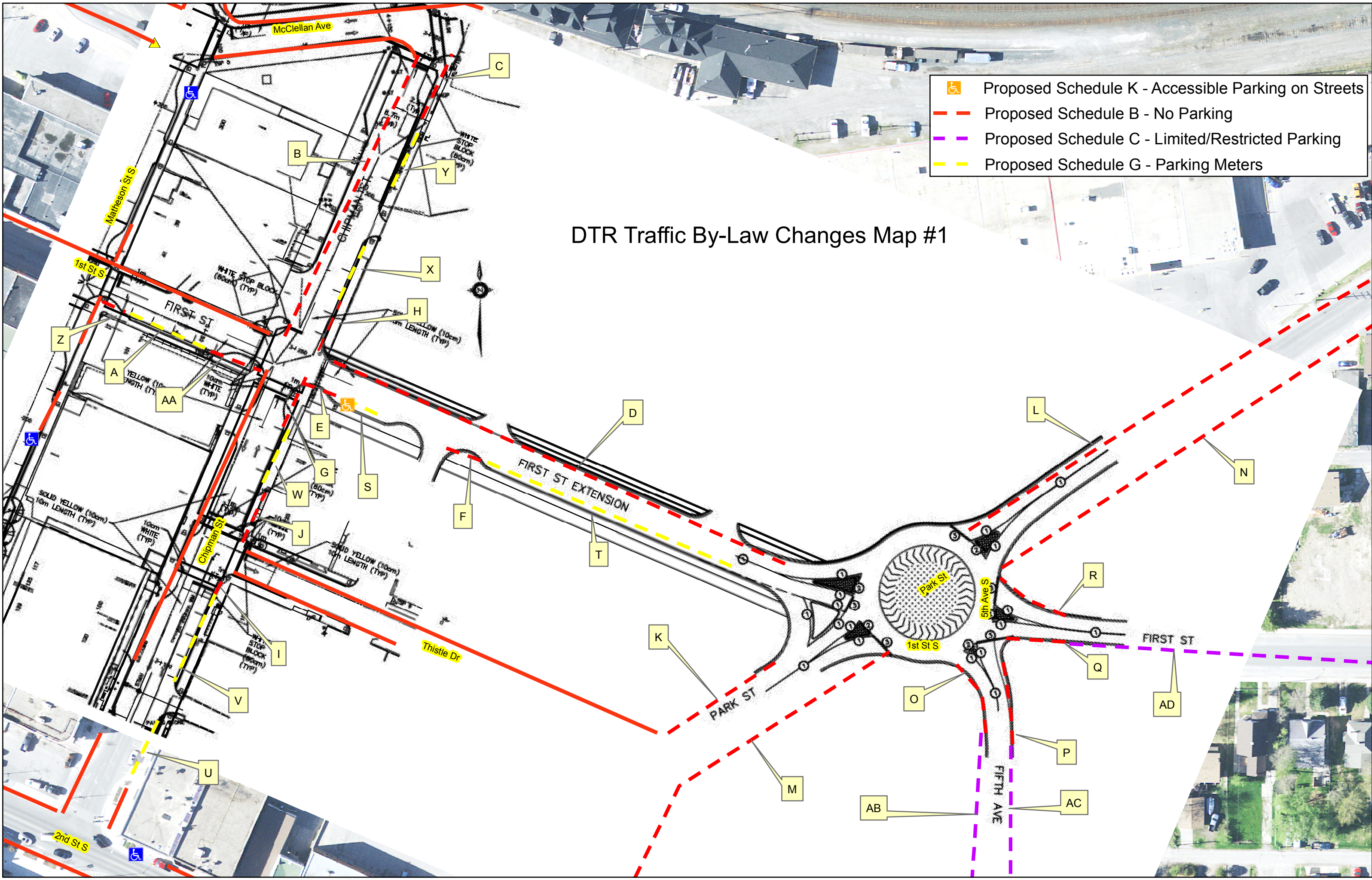
Budget: N/A





Risk Analysis: Based on the City's ERM policy, it has been determined that there is a moderate to low risk at not adhering to these recommendations. If the changes were not adopted into the by-law, there would be a lack of enforcement and a higher risk of traffic accidents with not adhering to the modifications aligned with the construction.

Communication Plan/Notice By-law Requirements: Resolution and By-law required. J. Hawley, R. Wilcott, H. Lajeunesse, M. Vogrig, T. Garbachevski, O.P.P.

Strategic Plan or other Guiding Document:

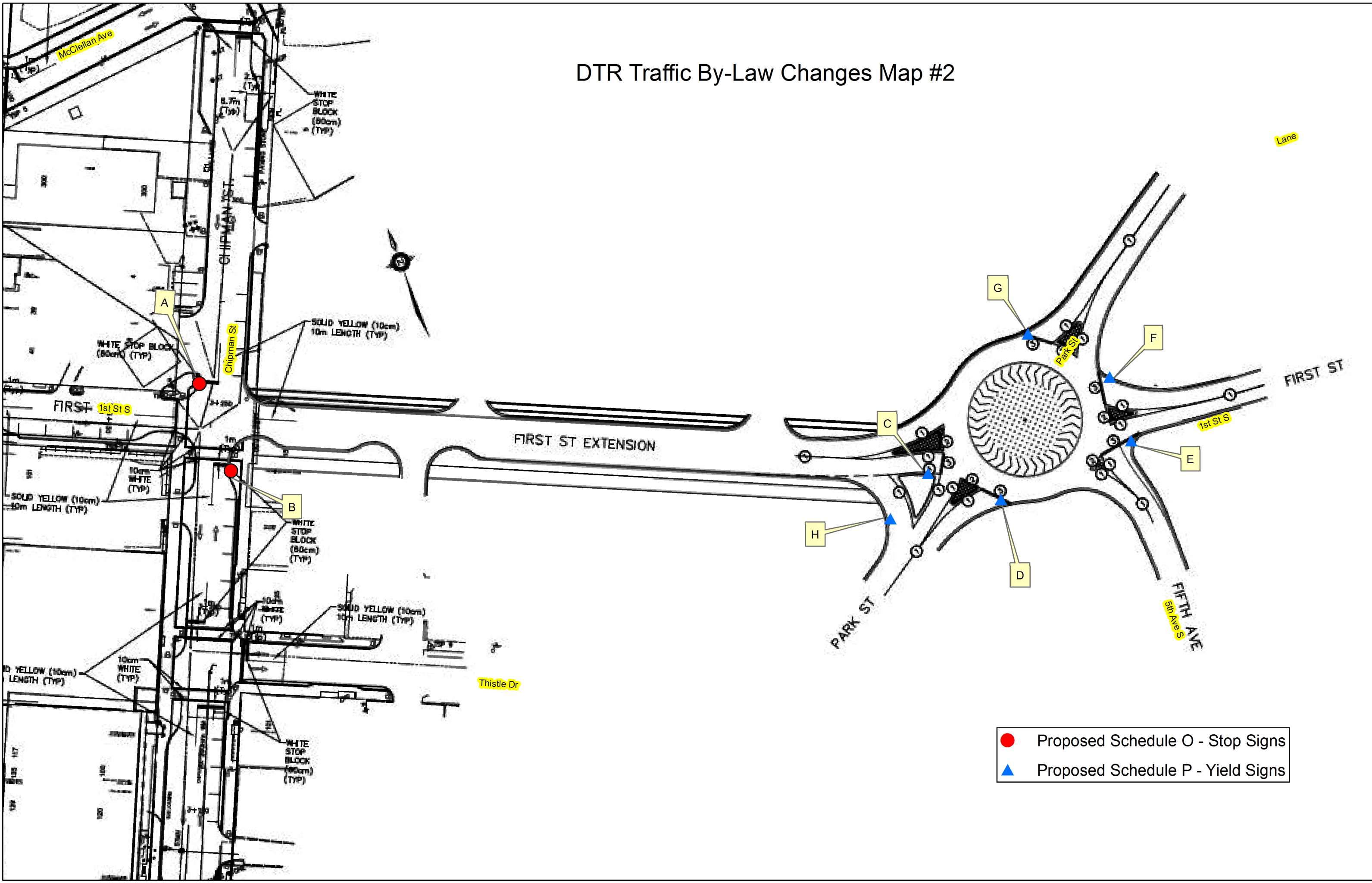
2-4 The City will act as the catalyst for continuous improvements to the public realm.



-  Proposed Schedule K - Accessible Parking on Streets
-  Proposed Schedule B - No Parking
-  Proposed Schedule C - Limited/Restricted Parking
-  Proposed Schedule G - Parking Meters

DTR Traffic By-Law Changes Map #1

DTR Traffic By-Law Changes Map #2



- Proposed Schedule O - Stop Signs
- ▲ Proposed Schedule P - Yield Signs



September 24, 2019

City Council Committee Report

To: Mayor and Council

Fr: Jeff Hawley, Operations & Infrastructure Manager
Matt Good, Project Engineer

Re: Traffic Amendment No Parking Zone – Third Street South

Recommendation:

That Council authorizes an amendment to the City of Kenora Traffic Regulation By-law Number 180-2015 to include changes to Schedule "B" – No Parking – Tow Away Zone for Third Street South, to eliminate the current parking restrictions along the south side of the street between Fifth Avenue South and Seventh Avenue South; and further

That the restrictions to the north side of the street between Fifth Avenue South to Sixth Avenue South and from Sixth Avenue South, easterly for 112 metres be removed; and further

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

Background Information:

In conjunction with ongoing modifications and improvements to sections of Third Street South, the Operations and Infrastructure Department is now asking Council to authorize a parking amendment to conclude these works.

With a new parking lane implemented to mitigate traffic congestion along the south side of Third Street South, between Fifth Avenue South and sixty (60) metres east of Sixth Avenue South, no parking along the north side of the same stretch of road will need to be put in place. The intent of this change is to eliminate narrowing of the street that occurs when vehicles are parked on both sides of the road. This change will assist towards a more seamless flow of traffic along Third Street South, reducing risks of vehicular incidents.

It is recommended that Schedule "B" No Parking – Tow Away Zone to Traffic Regulation By-law No. 180-2015, be amended to the following restrictions along the north side of Third Street South as follows: -

Schedule "B" No Parking – Tow Away Zone

<u>Column 1</u> STREET/HIGHWAY	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> TIME
DELETE: Third Street South	From 6 m west of Sixth Av S, easterly for 80 m	South	Anytime
DELETE: Third Street South	From 6 m east of Fifth Av S, easterly for 83 m	South	Anytime

ADD: Third Street South	From Fifth Avenue South to Sixth Avenue South	North	Anytime
ADD: Third Street South	From Sixth Avenue South, easterly for 112 m	North	Anytime

Budget: N/A

Risk Analysis: There is a moderate to minor operational risk involved with not pursuing the recommendation to implement these amendments. It is the City's intention to create an incident free environment by reducing parking congestion along Third Street South. By Council approving this recommendation the hazard to motorists and pedestrians alike will be mitigated.

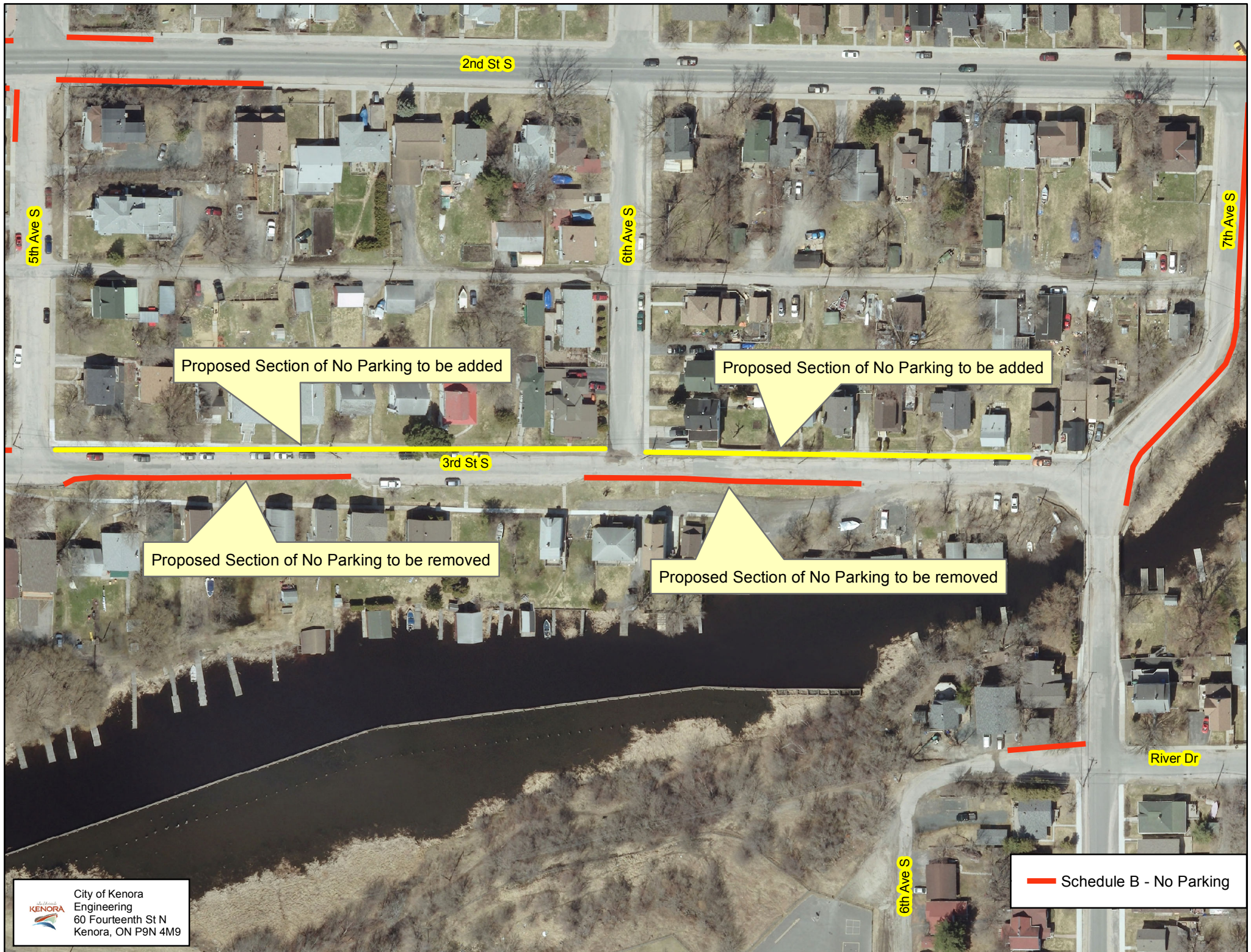
Communication Plan/Notice By-law Requirements:

Resolution and By-law required. J. Hawley, M. Vogrig, R. Wilcott, T. Garbachewski, H. Pihulak, H. Lajeunesse, By-law Enforcement.

Strategic Plan or other Guiding Document:

Goal #2: Strengthen Our Foundations

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



2nd St S

5th Ave S

6th Ave S

7th Ave S

Proposed Section of No Parking to be added

Proposed Section of No Parking to be added

3rd St S

Proposed Section of No Parking to be removed

Proposed Section of No Parking to be removed

River Dr

6th Ave S

Schedule B - No Parking



September 16, 2019

City Council Committee Report

To: Mayor and Council

Fr: Jeff Hawley, Manager of Operations & Infrastructure

Re: Traffic Bylaw Amendment – Accessible Parking on Municipal Streets

Recommendation:

That Council hereby approves an amendment to the Traffic Regulation By-law Number 180-2015, Schedule "K" – Accessible Parking on Municipal Streets, to add a designated accessible parking spot outside Keewatin Public School located on Mill Street; and further

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

Background:

With the new school year started, the City of Kenora Operations and Infrastructure Department has received a request for an accessible parking spot outside of Keewatin Public School. After a site inspection to determine that appropriate requirements for a space such as this were available, we hereby ask Council to approve the following addition to Schedule K of the Traffic Regulation By-law, as illustrated on the attached map.

Schedule K – Accessible Parking on Municipal Streets

ADD:

STREET	LOCATION	SIDE	TYPE OF PARKING	# SPACES
Mill Street	From Superior Street, South for 7 metres	West	Parallel	1

Budget: N/A

Risk Analysis: Based on the City's ERM policy, it has been determined that there is a low risk as it impacts parking only.

Communication Plan/Notice By-law Requirements: Resolution and By-law required. J. Hawley, R. Wilcott, H. Lajeunesse, T. Garbachevski, O.P.P.

Strategic Plan or other Guiding Document:

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



September 16, 2019

City Council Committee Report

To: Mayor and Council

Fr: Jeff Hawley, Manager of Operations & Infrastructure

Re: Traffic Bylaw Amendment – Yield Intersections Schedule P

Recommendation:

That Council hereby approves an amendment to the Traffic Regulation By-law Number 180-2015, Schedule "P" – Yield Intersections, to add a designated Yield Sign at the intersection of Wynd Road and Ritchie Road; and further

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

Background:

A member of the City of Kenora By-law Enforcement Division was approached recently on the Ritchie Road, by a local resident requesting a yield sign at the intersection of Wynd Road and Ritchie Road. There is currently an existing Yield Sign located on the south bound side of Ritchie Road. The local resident raised concerns that vehicles travelling north on Ritchie Road and west on Wynd Road may encounter issues when meeting at this intersection. We hereby ask Council to approve the following addition to Schedule P of the Traffic Regulation By-law, as illustrated on the attached map, to mitigate potential traffic hazards at this location.

Schedule P – Yield Intersections

ADD:

INTERSECTION	LOCATION
Wynd Road and Ritchie Road	West bound on Wynd Road

Budget: N/A

Risk Analysis: Based on the City's ERM policy, it has been determined that there is a low risk as it impacts parking only.

Communication Plan/Notice By-law Requirements: Resolution and By-law required. J. Hawley, R. Wilcott, H. Lajeunesse, T. Garbachevski, O.P.P.

Strategic Plan or other Guiding Document:

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



Ritchie Rd

Proposed Yield Sign Location

Wynd Rd

▲ Schedule P - Yield Signs



September 27, 2019

City Council Committee Report

TO: Mayor and Council

FR: Jeff Hawley, Operations and Infrastructure Manager

RE: Snow Plow Municipal Streets 2019-2020

Recommendation:

That the hourly rates for two graders from Brooks Francis, in the amount of \$150/hr (HST extra) on a "call as needed" basis only, be hereby accepted.

Background:

The City of Kenora requires the hiring of equipment to perform snow plowing operations on municipal streets, on an as-required basis, throughout the 2019-2020 winter season.

The tender for Snow Plowing Municipal Streets closed on September 26, 2019. One tender was received, with pricing as follows:

Grader (Champion 730A 1990)	Brooks Francis	\$150/hr plus HST
Grader (Cat 160M 2010)	Brooks Francis	\$150/hr plus HST

In 2018 there were 3 tenders received for 3 graders (\$150-\$165/hr), and 1 loader (\$120/hr)

Budget/Finance Implications: 2019/2020 Operating Budget

Risk Analysis: *Identify any perceived risk(s) to the recommendation and describe how the City will treat the risk (avoid, mitigate, transfer, or accept)*

As per the requirements of the ERM policy, there is a moderate risk should plowing not be completed in a timely manner, as the City may be held liable for any vehicle accidents that may occur, this can be mitigated by allowing for supplementary outside contracting of snow plowing and snow removal to ensure timely response during large snow events.

Communication Plan/Notice By-law Requirements:

Resolution required.

Distribution: J. Hawley, M. Vogrig, R. Wilcott

Strategic Plan or other Guiding Document:

Goal#1: Develop Our Economy

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



October 1, 2019

City Council Committee Report

To: Mayor & Council

Fr: Stace Gander, Community Services Manager

Re: Budget Amendment – Cemetery Ice Candle Program

Recommendation:

That Council hereby authorizes a budget amendment in the amount of \$6,500.00 to be funded through the Cemetery Ice Candle Reserve for the purchase of a reefer trailer to continue the Ice Candle 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 in the amount of \$6,500.00 at its October 15th, 2019 meeting for this purpose; and further

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

Background:

The Ice Candle program was founded in 1998. Since the inception of the program, the City has relied on a local business to donate a reefer trailer (refrigerated semi-trailer) to act as the chilling plant for making the ice candles. In September, staff became aware of the intent of the local business to sell the trailer. If sold the Ice Candle program would be at risk. As a result, staff entered into discussions with the business and was successful in negotiating a purchase price of \$6,500.

Budget: Impact will be to the Cemetery Ice Candle Reserves however with the withdrawal there remains a surplus in that reserve.

Risk Analyses: As per the requirements in the City's ERM Policy, there is an insignificant financial risk. There is a minor future risk of mechanical problems related to the cooling system. This risk will be mitigated by allocating ice candle surpluses to the reserve for future expenditures related to maintenance.

Communication Plan/Notice By-law Requirements:

Notice required to be placed on Committee Agenda, Minutes and subsequent Council Agenda/Minutes, and Finance Department.

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.

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



October 1, 2019

City Council Committee Report

To: Mayor and Council

**Fr: Adam Smith, Manager of Development Services
Stace Gander, Manager of Community Services**

**Re: Investing in Canada Infrastructure Program—Community, Culture
and Recreation Stream**

Recommendation:

That through the Investing in Canada Infrastructure Program—Community Culture and Recreation Stream, municipalities may submit a project application and have 73.33 percent of costs covered with a maximum project cap of \$50 million; and further

That Council directs staff to apply for funding under the Investing in Canada Infrastructure Program—Community, Culture and Recreation Stream to proceed with the development and construction of a new ball diamond fourplex; and further

That Council hereby authorizes any cost overruns of the project.

Background:

The Investing in Canada Infrastructure Program (ICIP) is a federal program designed to create long-term economic growth, build inclusive, sustainable and resilient communities and support a low-carbon economy.

Through the ICIP, the federal government is providing \$11.8 billion dollars in federal infrastructure funding to cost-share projects under the following four streams:

- Public Transit
- Green Infrastructure
- Community, Culture and Recreation
- Rural and Northern Communities

The Community, Culture and Recreation stream supports projects that improve access to and/or quality of community, cultural, and recreation priority infrastructure projects. Priority is given to projects that are community-oriented, non-commercial and open to the public. The program will support community infrastructure projects defined as publically accessible, multi-purpose spaces that bring together a variety of different services, programs and/or social and cultural activities to reflect local community needs. Approximately \$407 million in federal funding and \$320 million in provincial funding will be available over 10 years starting in 2019-2020.

Projects must be completed prior to 2027-28. In addition to federal criteria, Ontario's objectives for the current proposed Community, Culture and Recreation stream project intake are noted below:

Projects will be assessed based on their alignment with these objectives:

- Meets community and user needs or service gap
- Promotes good asset management planning
- Represents good value for money
- Fosters greater accessibility

Staff have determined that the proposed submission offers the strongest alignment with the above objectives. Further, upon approval, the fourplex will serve as a catalyst for the sale and redevelopment of baseball fields that are deemed to be surplus and could be converted into different uses. In proceeding with the Vacant Land/Growth Analysis project, staff have identified a number of these fields to be included in the scope of work so as to position the City to capitalize on their potential should it be feasible to dispose of these properties.

2010 Major Recreation Facility Strategy

The 2010 Major Recreation Facility Strategy identified the construction of a new fourplex as one of seven priorities. It noted that while the supply of ball diamonds in the community is more than adequate to meet demand in the foreseeable future, what is needed are better quality fields that are safe and playable in the short-term and replacement and consolidation of three or four scattered fields into a multi-diamond complex to house tournaments and special events. This would allow for the highest and best use of abandoned fields to be established and potential for this land to be disposed and proceeds used to fund a new complex.

On September 25, 2019, representatives from the four baseball leagues (Kenora Minor Baseball, Women’s Baseball, Men’s Baseball and Co-ed Baseball) met with City staff to discuss the future of baseball facilities in Kenora. Staff communicated a funding opportunity for new recreation facilities and that this could lead to potential surplus of existing fields.) Baseball representatives were in favour of a ball diamond fourplex facility. Users felt overall that their clubs utilization would increase from current numbers because current field conditions limit the following:

- Hosting of higher level tournaments
- The addition of new leagues
- The ability to add new teams to any given existing league

Given this, staff put forward the following projections related to a ball diamond fourplex:

Current State

Current hourly demand for diamonds is as follows:

	Minor Baseball	Women's Baseball	Men's Baseball	Co-ed Baseball	Senior's	Miscellaneous
2015	308.5	747.5	500	41	58	306.5
2016	313.5	791.5	468	45	37.5	341.5
2017	404	577	484.5	42	32	421.5
2018	629.5	610	492	81	32	449
2019	637	689.5	493.5	76.5	32	271.5

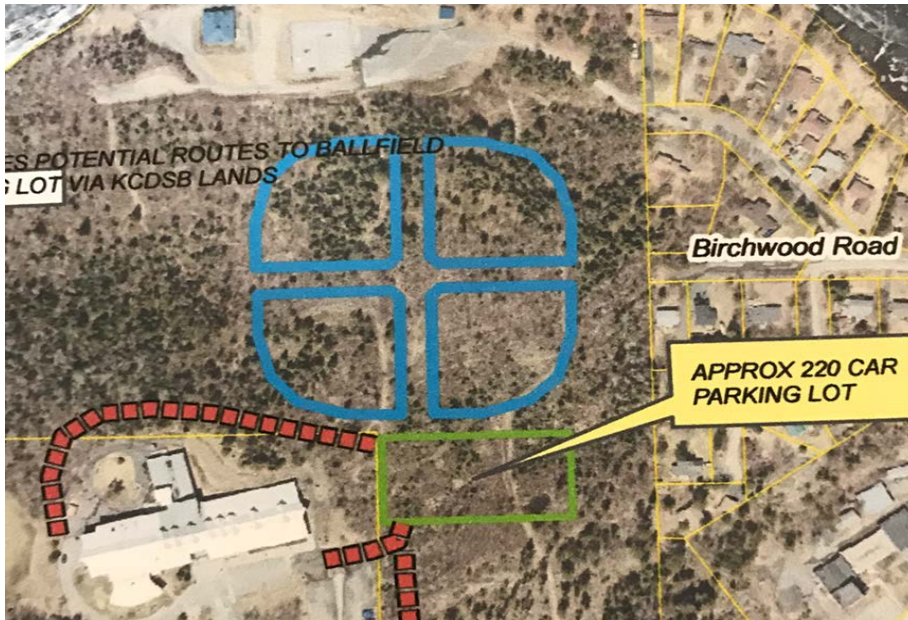
Observations:

- Minor baseball has doubled since 2015
- Women’s baseball has gone up 13% since 2017
- Men’s baseball is relatively flat (but the demand is there, there is a shortage of available time on the large diamonds - note: lights would solve capacity issue)
- Co-ed hours have almost doubled since 2015

Year-over-year revenue is flat and user groups enjoy an \$11/hr. fee for diamond rentals. Total revenue for diamond rentals remains relatively flat at ~\$18,500/year. Minor baseball is currently on a fee holiday related to their involvement in field enhancements at the JM ball diamonds. That holiday will cease in two more years.

Proposed Location

The proposed location for the new baseball diamond fourplex is municipal owned property located behind Garrow Park. This location would allow for synergy with existing municipal recreation facilities including the outdoor fitness area and pickle ball courts alongside the beach and Kenora Rowing Club.



The configuration being considered includes four full sized fields (foul poles at approx. 320 feet and centre field at approx. 400 ft.) with all fields being lit. There will be grass outfields, infield material will be of A-class standard. The project will include a clubhouse/concession with commitment from baseball users that the facility can be staffed by volunteers to mitigate any staff operating costs to operate the building.



Note: This rendition is taken from the Quad diamond facility being built in Langdon, Alberta.

The addition of a new ball diamond fourplex in the community will allow existing leagues to expand and new leagues to start. There is also the belief that the project will be highly

beneficial to the neighboring Kenora Chiefs Advisory Jays Care Rookie league which now includes eight teams.

Tournaments and games will bring visitors to the community and generate non-local spending. Successful completion of the project will also demonstrate a commitment to enhancing recreational and "quality of life" opportunities in Kenora. Baseball has minimal barriers to play. It is considered an economical game typically with lower registration fees and minor equipment costs. As a result participation levels normally aren't affected by changes in economy however with the creation of a four-plex there is an opportunity to increase participation due to more field times.

Proposed Operating Costs and Revenue

Labour: At present, all ball fields are maintained by the Parks department. Central and A+W fields take approximately 2-3 hours per day to maintain (factoring in hook-up and travel). It is anticipated that a fourplex facility will take 2-4 hours per day to water, drag and clean. Grass cutting will be done with existing summer students. Parks staff feel that they will be able to absorb the work associated with the new facility assuming that other fields are surplus.

Therefore, there is no expense pressure for labour.

Utilities: Sewer and water costs to irrigate the four fields will be mitigated through the use of either a well or water drawn directly from Rabbit Lake. There will be seasonal water related to the concession, water fill stations and the washrooms located on site. Additional operating costs will be generated through electricity and insurance.

Total expense pressure related to utilities estimated to be \$6,000 to \$8,000 annually.

Repairs and Maintenance: Staff expect that there will be some unforeseen expenses related to on-going maintenance as part of the operation.

Total expense related to repairs and maintenance estimated to be \$4,000 to \$6,000 annually.

Total expenses projected to be \$10,000 to \$14,000 annually.

Revenue: There are a number of revenue opportunities associated with this project. As noted, the current baseball revenue is approximately \$18,500/year. User groups' (in particular adult user groups) recognize that the current hourly rate is too low. A new facility would enable staff to increase user rates to groups. Recognizing that baseball represents a low cost sport relative to other sports, it is important to strike a balance between cost recovery and accessibility. To this end, staff will evaluate a two-tier user pay system if this project proceeds. The goal would be to increase minor baseball rates at a much lower rate than that of the adult user groups.

Adult user groups have confirmed the ability to increase their existing team counts and hours of use if a new facility was built. There is also the potential for more tournaments and new leagues being created with the addition of four fields that meet a higher field standard. This growth with the addition of increased hourly field rates are anticipated to generate incremental revenue as follows:

Year	Total Hours	Total Revenue	Comments
2017	1961	\$ 17,597	
2018	2294	\$ 18,500	
2019	2200	\$ 18,500	
2020	2200	\$ 33,500	Introduce \$10/hr increase to adults
2021	2513	\$ 48,500	First year of operation
2022	2550	\$ 55,000	Minor baseball starts to pay
2023	2805	\$ 65,000	

Conservatively, revenue is anticipated to increase at a rate that exceeds operating cost pressure thereby providing an economic benefit to the City of Kenora.

Alternative Project(s)

Another project that City staff have identified as an option under the program would be to pursue further enhancements to Coney Island Park in alignment with the 2016 Beaches, Parks and Trails Report. In an effort to draw more visitors to the park, this has also been identified as a priority by the Lake of the Woods Development Commission (LOWDC). The scope of work would include extending and rounding the existing boardwalk, new amphitheater, concessions, lighting, benches, picnic tables and tree planting. Total costs are estimated to be at \$1.2 million.

While pursuing this option will largely satisfy the vision for the park as illustrated in the 2016 Beaches, Parks and Trails report, staff believe this project will be more difficult to demonstrate alignment with provincial objectives under the program including meeting community/user needs and representing good value for money. There is a measurable demand for a fourplex among user groups, the operating plan suggests a net-benefit to the municipality and the facility will serve diverse populations/communities.

Budget: Investing in Canada Infrastructure Program (ICIP) – Community, Culture and Recreation contribution to the ball diamond fourplex project would be approximately \$5,866,400. The City of Kenora’s contribution would be approximately \$2,133,600 to be considered during the 2020 capital budget discussion.

Risk Analysis: The recommendation carries a critical financial risk given the financial scope of the project. However, this is significantly reduced through the provincial and federal cost-sharing formula. If successful, revenue from potential land sales and development on former baseball fields will also serve to reduce the impact of this risk. As such, an application under the ICIP program should be pursued.

Communication Plan/Notice By-law Requirements: Resolution Required

Strategic Plan or other Guiding Document:

1-5 The City will document existing City land, identify new opportunities and future growth areas, and consider putting the appropriate zoning in place for potential future development. This may include land assembly for the purpose of developing business parks intended to clear the way for new industrial investment

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 neighbors

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

2-10 The City will continue to explore opportunities to develop and improve our beaches, parks & trails



October 1, 2019

City Council Committee Report

To: Mayor and Council

Fr: Adam Smith, Manager of Development Services

Re: Ontario Human Rights Commission: Report and Recommendations on Homelessness in Kenora

Recommendation:

There is no recommendation. This report is intended for informational purposes.

Background:

On September 17th 2019, the Ontario Human Rights Commissioner (OHRC) released her report that summarizes observations and recommendations on the issues of homelessness and drug addiction in Kenora. The City appreciates the level of engagement the OHRC has had with Kenora over the years and her recognition of the challenges facing the municipality in confronting the "homelessness and drug addiction crisis." This includes the economic and social barriers facing First Nations people and trends related to drug abuse and mental health for which there is a lack of capacity in confronting.

The Chief Commissioner also acknowledged the City on its steps to facilitate the development of shelters, social housing and other affordable housing through amendments to its Official Plan and Zoning Bylaw. In addition, the OHRC was pleased that the City contacted her office on efforts to address the housing shortage and requested staff-level guidance on strategies to ensure human rights are upheld in municipal planning.

In consideration of OHRC observations, the City recognizes that racial discrimination and holistic approaches to social service delivery, which encompass First Nations, persist as challenges. However, staff and Council have taken significant steps to ensure that the community remains informed on the factors driving the mental health and addictions crisis facing Kenora and the supports that exist to address this crisis.

At the end of July, the City hosted two Community Safety Forums that were facilitated by the Mayor and included presentations from a member of staff, Northwestern Health Unit (NWHU), Ontario Provincial Police (OPP), Ne-Chee Friendship Centre and Kenora District Services Board (KDSB). Both of these sessions were at capacity and included extensive communication around the Emergency Shelter, both the basis for its closure and importance to the community.

In alignment with the OHRC recommendations, the City intended these Forums to be the catalyst for the redevelopment of the Community Safety and Well-Being Plan which will be designed to confront issues pertaining to stigma, discrimination, drug abuse, poverty and other high risk factors that threaten public safety. The recommendations made by

the OHRC will be built into the discussion as part of a workshop which will contemplate a future governance framework.

Further, the City has been actively working to “undertake and require regular cultural safety training developed in collaboration with local First Nations communities and Indigenous-led organizations.” In 2017, the City responded to the Truth and Reconciliation Commission (TRC) Call to Action #57, by providing cultural awareness training to all members of Council and staff through Seven Generations Education Institute. To support Reconciliation, the Calls to Action must be continually reinforced which is why the City will also be conducting Indigenous Protocol Training in Fall 2019 among Council and senior staff.

The improvement in cultural understanding and appreciation became most apparent with the raising of the Treaty 3 flag at City Hall on National Aboriginal Day in 2017 and a reaffirmation of the treaty signed between peoples in 1873. Recently, the Ogichidaa of Grand Council Treaty 3, hosted municipal leaders across the region to build momentum on a more collaborative approach to the social issues affecting communities across the District of Kenora. The City understands how important this approach is as it has led to innovative program development such as the recently announced Community Justice Centre. Both members of Council and staff have been involved in the consultations leading up to the announcement and are strong supporters of alternative forms of justice that are reflective of Indigenous culture and offer better outcomes for those involved in the criminal justice system.

Lastly, the City was pleased with the request by the OHRC for immediate financial and technical support from the federal and provincial governments as this is a major need for municipalities and First Nations across the region. The City has been a vocal proponent of additional support in the past and most recently, presented a proposal developed by the All-Nations Health Partners to the Associate Minister of Mental Health and Addictions at the 2019 AMO Conference.

Budget: N/A

Risk Analysis: The report is purely informational but is designed to mitigate a moderate risk to public trust and confidence as a result the OHRC report.

Communication Plan/Notice By-law Requirements: Circulation via press release and forwarded to KDSB.

Strategic Plan or other Guiding Document:

3-7 The City will continue to build and strengthen our working relations with our Indigenous Partners, including Treaty 3 and the surrounding First Nations communities. Kenora is committed to ongoing outreach and building relationships, including joint meetings to identify issues of common concern and to discuss pathways for closer collaboration

3-8 The City will review the Truth and Reconciliation Commission recommendations with the intent of identifying opportunities that will further strengthen relationships with our Indigenous Partners, including cultural sensitivity training

3-9 The City will continue to build and strengthen our working relationships with area municipalities and other partners, such as the Kenora District Services Board



October 1, 2019

City Council Committee Report

To: Mayor and Council

**Fr: Adam Smith, Manager of Development Services
Devon McCloskey, City Planner**

Re: Review of Policy DS-5-1 Site Plan Control

Recommendation:

That the Investment Readiness Assessment completed in 2018 recommended that public consultation requirements be eliminated under section 2.1.6 of DS-5-1 Site Plan Control; and further

That Council hereby continues to support the exclusion of these requirements from the site plan control process.

Background:

As a result of the Planning Department's review, as well as feedback received from the Investment Readiness Assessment, it is being recommended that in order to ensure a less burdensome application process toward Site Plan Control (SPC) Approval, that updates and improvements to the policy are warranted.

The Planning Act, provides for Municipalities to designate lands within its boundaries or parts thereof as being subject to Site Plan Approval prior to development or the issuance of Building Permits. As such, the City passed By-law 189-2010 to designate the whole of the city as a site plan control area, and to exempt certain classes of development.

To complement the designation by-law, Policy PP-5-1 is intended to provide an outline of the procedures and requirements, and some design guidelines for the preparation and submission of Site Plan Control Applications.

The first policy was adopted in 2010, and numerous applications have been processed and approved since.

Section 8.4 of the Official Plan provides clear intent for the city to utilize SPC to ensure that development in the City is attractive and compatible with adjacent uses. The policy also recognizes the need to ensure that the process does not create an undue delay or additional costs in the development process.

As per the policy, item 2.1.6, criteria for the requirement of public consultation was listed in five (5) subsections, as follows:

The criteria for requirement for public consultation are:

(i) If proposed development is new, free-standing construction of 300m² gross floor area, or greater, and is not the subject of any other application which requires public consultation under the Planning Act; or

- (ii) If the proposed development is an addition, 50% or greater in size of the existing building and is not the subject of any other application which requires public consultation under the Planning Act; or*
- (i) If proposed development results in a change of use which requires more than 5 parking stalls, and is not the subject of any other application which requires public consultation under the Planning Act; or*
- (ii) If the proposed development is for the installation of a new drive-through facility and is not the subject of any other application which requires public consultation under the Planning Act; or*
- (iii) If the application has been referred to Council and Council recommends that the public be consulted.*

As noted by the Eric McSweeney, of McSweeney and Associates who delivered the Investment Readiness Assessment, the requirement is over and above the prescribed process required by the Planning Act. Scheduling City staff, Developer staff, reserving space, and holding a Public Meeting, does place an increased burden on an applicant.

The policy was amended by deleting the public consultation requirements noted in section 2.1.6, as well as the second part of paragraph 2.1.5, which states "including whether or not the consideration of the application must include public consultation."

Section 41 of the Planning Act prescribes the conditions that municipality can impose on a development prior to approval. These conditions are limited to external features such as access, grading, parking, easements, accessibility, lighting and landscaping. Importantly, the manner of construction and construction standards are excluded from site plan control.

Often, even when a development does not require amendments to the Official Plan and Zoning By-law, there are other public processes needed including but not limited to lot creation and minor variances. Thus, members of the public may have more than one opportunity to provide input on land-use concerns such as compatibility with adjacent uses.

Further, the City is legislated to review site plans within 30 days. Depending on the number and scope of site plans submitted for review, this timeline becomes increasingly difficult to meet with the addition of public consultations. Of the six Site Plan Applications that staff are reviewing at this time, three of them would warrant public consultation under the previous policy.

In some circumstances, applicants have shown a willingness to undertake a public open house despite the absence of a policy requirement. For example, the Kenora District Services Board (KDSB) hosted such events for three supportive housing facilities all of which allowed for questions and/or comments pertaining to site plans.

Budget: N/A

Risk Analysis: Low Risk – maintaining the current policy allows staff to meet Departmental service standards while not seriously infringing on opportunities for the public to provide input on land-use matter.

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

Strategic Plan (2016 to 2020):
Develop Our Economy -

- Provide clear and decisive leadership on all matters of economic growth in Kenora and the surrounding district
- Forge strong, dynamic working relationships with the Kenora business community
- Foster and support entrepreneurial business development
- Promote Kenora to external investment audiences

Official Plan (2015)

Section 3.15 Land Use Compatibility – site plan can be used to ensure compatibility between uses.

Section 8.4 Site Plan Approval – the process should not create undue delay or additional costs in the development process



PROCLAMATION

By Virtue of Authority

Vested in me

I hereby proclaim

October 8th, 2019

As International Trigeminal Neuralgia Awareness Day

in and for the City of Kenora and

request its observance as such by our citizens.

Proclaimed at the City of Kenora

this 8th day of October, 2019



His Worship Mayor Daniel Reynard

