



City of Kenora
Committee of the Whole Agenda
Tuesday, June 16, 2015
8:00 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 June 23, 2015 meeting:-

- Council intends to amend its 2015 Operating & Capital Budget for an additional allocation of \$157,713 to be funded through the Contingency Reserve to offset the revised 2015 OPP Costs per the adjusted 2015 Billing Statement
- Council intends to amend its 2015 Operating & Capital Budget to withdraw funds from the Contingency Reserve in the amount of \$37,315.48 to offset the cost of a Governance Audit
- Council will approve a total project cost of \$160,000 for the purchase of drawings and a business case for a potential Event Centre to be funded through a \$30,000 fundraising allocation, \$50,000 from senior level of government and \$80,000 through Contingency Reserves
- Council intends to amend the Tariff of Fees and Charges By-Law, Schedule B, to adopt increased rates for municipal ice rental rates
- Council will consider the designation of the Kenora Public Library under the Ontario Heritage Act
- Council intends to amend the Tariff of Fees and Charges By-Law, Schedule E, to adopt new charges relating to the License of Occupation

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

- Regular Committee of the Whole Meeting May12, 2015

D. Deputations/Presentations

- **Dr. Jillie Retson & Dr. Rowena Lass – Status of Health Care in Kenora** (NOTE: Presentation begins at 8:00 a.m.)

- Judy Underwood, Seeds for Change
 - Kenora Seniors Coalition
- Dr. Kit Young-Hoon, Northwestern Health Unit
 - Lisa Lyle, Kenora BIZ

E. Reports:

1. Business Administration

Councillor R. McMillan - Chair

Item Subject

Pages 4-116

- 1.1. 2015 Budget Amendment for OPP Costs
- 1.2. 2015 April Financial Statements
- 1.3. Community Policing Committee
- 1.4. Governance Audit
- 1.5. Municipal Insurance Renewal
- 1.6. Section 358 Adjustment
- 1.7. Smoke Free Beaches
- 1.8. Various Committee Minutes

2. Community Services

Councillor D. Reynard, Chair

Item Subject

Pages 117-130

- 2.1 Events Centre Business Case Budget Amendment
- 2.2 Ice Allocation Policy RS 1-1
- 2.3 Kenora Baseball League Lease Agreement
- 2.4 Kenora SportsPlex Amending Lease Agreement
- 2.5 Municipal Ice Rental Rates

3. Economic Development

Councillor M. Goss, Chair

Item Subject

NONE

4. Emergency Services

Councillor C. Wasacase, Chair

Item Subject

5. Operations

Councillor L. Roussin, Chair

Item Subject

Pages 131-147

- 5.1 Traffic Amendment – Accessible Parking
- 5.2 Traffic Amendment – Lakeview Drive Parking
- 5.3 Traffic Amendment – Sunnyside Road
- 5.4 April 2015 Water Wastewater Monthly Report

6. Property & Planning

Councillor S. Smith, Chair

Item Subject

Pages 148-192

- 6.1 Black Sturgeon Water Quality Monitoring Agreement
- 6.2 Beaches, Parks & Trails Contract
- 6.3 Kenora Public Library Heritage Designation
- 6.4 Lakeshore Hotel Lease Agreement
- 6.5 License of Occupation
- 6.6 Property Standards Committee Terms of Reference

Other

Next Meeting

- Tuesday, July 14, 2015

Motion - Adjourn to Closed Meeting:

That this meeting be now declared closed at _____ a.m.; and further

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

- i) Disposition of Land (3 items)
- ii) Acquisition of Land (1 item)
- iii) Personal Matter About an Identifiable Individual (2 items)

Adjournment.

June 1, 2015

City Council Committee Report

To: Mayor and Council

Fr: Lauren D'Argis, Corporate Services Manager

Re: 2015 Budget Amendment for OPP Costs

Recommendation:

That Council hereby approves an additional allocation of \$157,713 to be funded through the Contingency Reserve to offset the revised 2015 OPP Costs per the adjusted 2015 Billing Statement; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2015 Operating & Capital Budget at its June 23, 2015 meeting to withdraw funds from the Contingency Reserve in the amount of \$157,713 to offset the cost; and further

That Council gives three readings to a by-law to amend the 2015 budget for this purpose.

Background:

The Municipal Policing Bureau has provided the final 2014 Policing Cost Summary and the 2015 Billing Statement Adjustment. The recalculation of 2014 resulted in a change to the 2015 Billing Statement of \$157,713.

Starting in 2015, OPP costs are billed using a new model that includes a province-wide standard fixed cost per household plus a variable portion based on calls for service. The changes from the old billing model to this new billing model are being phased in. There is a limit to the change per property that can be billed to a municipality in 2015. Therefore, when the 2014 actual Policing Cost Summary was higher than previously billed, the 2015 Billing Statement also increased.

Budget:

The budget impact is an increase in expenses of \$157,713 and an equal reduction in the Contingency Reserve.

Communication Plan/Notice By-law Requirements:

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

Strategic Plan or Other Guiding Document:

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



June 1, 2015

City Council Committee Report

To: Mayor and Council

Fr: Lauren D'Argis, Corporate Services Manager

Re: April 2015 Monthly Financial Statements

Recommendation:

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora as April 30, 2015.

Background:

Attached for your information, please find the April 2015 summary expenditure statements for the City of Kenora, the Council department, travel statements for Council and a schedule of user fees.

Overall:

- Expenses to the end of April are better than budget.
- User fee revenues to the end of April are below budget but similar to 2014.

Expenditures:

- At the end of April, the year is one third finished. Assuming that expenditures are relatively level for the year, a result of (66%) in the % Variance column would indicate that expenditures are on track for the year.
- **General Government** - The General Government preliminary results are under-budget with 68% of the expense budget unspent. Assessment Office Charges in Finance appear to be over budget but this is only due to timing. The Administrator's Office is over budget due to the timing of the contracted service invoices from BMA.
- **Protection** – The Protection Department expenditures are overall under budget with 68% remaining to be spent.
- **Transportation** – The Transportation Department expenditures are under budget with 69% remaining to be spent. About half of the sidewalk operating budget has been spent to date due to a project to install handrails. Winter control only has 40% of the 2015 budget remaining, but this is expected due to the timing of these expenses. For a comparison, it was at 16% remaining at this time last year.
- **Environmental** – The Environmental Department expenditures are overall under budget with 74% remaining to be spent.
- **Health expenditures** – Health expenditures are on budget with 68% remaining to be spent.

- **Social and Family** – Social and Family expenditures are on budget.
- **Recreation & Cultural** – Overall Recreation & Cultural expenditures are overall under budget with 70% remaining to be spent.
- **Planning & Development** – Planning & Development expenditures are overall under budget with 74% remaining to be spent.

User Fees:

- Overall, user fees are below budget projections with 72% of the budget still to be collected.
- The following areas are better than budget: General Government, Transportation, Recreation & Cultural and Planning & Development.
- The following areas are lagging to budget: Protection and Environmental.
- Provincial Offenses revenue has not yet started to be recorded which is normal for this time of year.

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.



June 5, 2015

City Council Committee Report

To: Mayor & Council

Fr: Heather Kasprick, Manager of Legislative Services

Re: Community Policing Committee

Recommendation:

That Council hereby recognizes and thanks the volunteers who have given their time on the Community Policing Committee of Council; and further

That the Community Policing Committee of Council has accomplished several projects in the community and has maximized the committees' mandate;

Therefore be it Resolved that the Community Policing Committee of Council be hereby abolished; and further

That bylaw number 68-2011 be hereby repealed.

Background:

The Community Policing Committee was established to encourage and enable citizens and businesses to support and promote our Community Policing Committee in an efforts to connect with various stake holders, as well as members of the Ontario Provincial Police to address community issues and concerns which would contribute to a safe environment, which ultimately will impact on the quality of life within Kenora. This is a committee of Council with a Terms of Reference and mandate.

The role of the Community Policing Committee is to act as a support group to the Ontario Provincial Police services and the City of Kenora to achieve optimum policing services in the City of Kenora by enhancing this service beyond the scope of the policing contract.

Typical duties of the Committee would include:

- Champion and facilitate new programs to meet the needs of the community
- Research and access outside funding opportunities to implement and/or support programs
- Enhance awareness of programs offered in the community
- Serve as a forum for the exchange of information on initiatives and issues involving the various organizations that deal with community safety in the City of Kenora, and for the public to share community concerns and bring forward initiatives
- Advocate for community safety where issues are identified
- Assist police with the delivery of services and programs that are responsive to community needs

This committee has struggled over the past several years to have regular attendance at their meetings and does not have a full membership. After several advertisement periods for additional members for the committee they are still short and I am in receipt of a new resignation. Current membership meets only the two members of Council, two representatives from the OPP, one member from the public at large and one member from

a social services agency. This means that we currently have 5 vacancies on this committee.

Below is an outline of the attendance of the past 8 meetings.

Date of Meeting	Status at Meeting Time	Members in Attendance
September 9, 2014	Quorum	6 + OPP
October 21, 2014	No quorum	3 + OPP
November 18, 2014	No quorum	3 + OPP
December	No meeting scheduled	
January 21, 2015	No quorum	3 + OPP
February 18, 2015	Quorum	4 + OPP
March	No meeting scheduled	
April 15, 2015	No quorum	1 + OPP

At the last meeting, there were only two members in attendance (including OPP) so no discussion could take place regarding the future of the Committee. An email was sent to ask for feedback to the committee on the future of it and what members felt would be beneficial to the mandate to increase attendance. Only one response was received which outlined the following response: *“I feel that there are so many committees within the community, this is the reasoning for the lack of volunteers. It is very difficult to move forward or get anything done in the committee, as nobody ever shows up. It is unfortunate, but I feel the committee should be abolished. If the committee does not move forward, I would like to continue the BBQ with the Safe Communities Committee and ask members of the CPC to help out as well. (if willing)”*

Other things to consider:

- This term we lost six members (still not a full compliment on the committee during the previous term of Council)
- We had two returning members, one recently resigned due to health reasons
- Only one new volunteer this term
- Terms of reference state that membership should be nine
- We currently have three voting members and two OPP reps
- We have advertised in the Municipal Memo and on Portal (standard practice for Boards and Committees) for new members, with no responses
- The members tried to recruit on their own since the February meeting, with no success

This committee is not a mandated committee under any legislation for the OPP or the City and the OPP provide resource staff as part of the committee. I have spoken with the Detachment Commander Dave Lucas and he supports the decision either way as to if this committee is to continue or not.

For your information, the regular business at the meetings include:

- Reports from Community Services Officers, sharing information about their community activities and recruit help for events (stuff a cruiser)
- Members are point of contact for public bringing letters or emails forward (ie: - drop off area at Keewatin School, traffic issues)
- Plan and host Annual Halloween BBQ
 - profitable, raises awareness about Halloween safety
 - volunteer shortage
- Police Services Board
 - intention to share issues and direction, have not met yet
- They have had a Presentation by the NWHU (re: needle exchange program)

-intention to have other presenters, however, none have presented after this

Other meetings with No Quorum or Cancelled:

January 22, 2013

May 21, 2013

January 21, 2014

June 24, 2014

As standard practice with most committees, there is a provision in section 6.0 of the bylaw which requires committee members to attend 3 consecutive meetings or result in the termination of membership from the committee. In this particular situation, this would pose challenges when the membership is already at an extreme low.

Being an active community volunteer, I experience regular volunteer challenges in every organization that I volunteer in. It is my opinion that this committee may struggle with membership as people in the community may not see it as a beneficial committee to be part of. Due to the lack of membership and agenda items, most volunteers do not want to give their time if they are not feeling that they are accomplishing a direction or task. It is therefore my recommendation to abolish this committee.

Budget: N/A

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

Strategic Plan or other Guiding Document: Administrative only



24 May 2015

City Council Committee Report

To: Mayor and Council

Fr: Karen Brown, CAO

Re: Governance Audit

Recommendation:

That Council hereby approves in principle the Governance Audit as performed by George B. Cuff & Associates Ltd.; and further

That Council hereby approves an appropriation in the amount of \$37,315.48 from the City's Contingency Reserve to offset the costs related to the Governance Audit; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2015 Operating & Capital Budget at its June 23rd, 2015 meeting to withdraw funds from the Contingency Reserve in the amount of \$37,315.48 to offset the cost; and further

That Council gives three readings to a by-law to amend the 2015 budget for this purpose.

Background:

The City has recently gone through a strategic planning exercise followed by an organizational review. The organizational review was done with the intent of aligning the City structure and resources to enable the City to move forward with the directions within the strategic plan. Not included under the organizational review was a review of the City's governance structure.

The importance of looking at the City's governance structure has been something that has been recognized by various members of Council in the past, both from the last Council, as well as the current Council. As the City moves forward with implementing the recommendations resulting from the organizational review, it is critical that the City's governance structure also be aligned with the new structure. Realistically, the City will not be able to effectively move forward on important corporate culture changes, such as empowering staff, without careful consideration being given to the governance structure in place, and ensuring that structure aligns effectively with the corporate structure and culture.

In April 2015, Council provided the following direction to the CAO:

That Council hereby directs the CAO to proceed in discussions with George Cuff with the intent of performing a Governance Audit combined with some Governance Seminars for Council over the period April 27th through 29th.

George Cuff is a renowned expert in municipal governance. Based on the direction provided, George B. Cuff & Associates Ltd. were engaged, and brought in to perform the

Governance Audit, as well as providing a governance seminar for Council and Senior City Staff.

The first recommendation in the Governance Audit Report reads as follows:

'We recommend that Council adopt this Report "in principle" as a first step.'

The recommendation goes on to note that doing so will put the matter on the table for Council's consideration.

It is being recommended that Council adopt the Governance Audit Report "in principle", including the related recommendations, at the June 2015 Council meeting. This is being done to allow Council to engage publicly in discussions on the audit, as well as to make the findings of the audit public.

This report addresses only the first recommendation made within the Governance Audit Report, together with the required budget amendment for the work. Separate reports will be brought forward to Council making recommendations on implementing changes for moving forward based on the recommendations as contained within that audit.

Budget / Financial Implications:

This item would need to be funded from the City's contingency reserve. When this matter was originally discussed, Council was advised that the cost for a Governance Audit by George B. Cuff & Associates Ltd., combined with a Governance Seminar, would be \$35,000 before taxes and travel expenses.

Final cost related to this engagement is \$37,315.48, including the City's share of HST.

Communication Plan/Notice By-law Requirements:

Notice is required under the provisions of the Notice By-law for a budget amendment for the governance audit.

Strategic Plan or other Guiding Document:

Strategic Plan – Focus on Our People

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

Governance Audit 2015

City of Kenora

May 2015

George B. Cuff, FCMC

May 12th 2015

To: Mayor Canfield and Councillors

Karen Brown, CAO

1 Main Street South, Kenora, ON

P9N 3X2

From: George B Cuff, FCMC

Re: Governance Mini-Audit Report

We are pleased to enclose our Report on the Governance Audit which we recently conducted for the City of Kenora. The review which we conducted was in response to a request which we received from the Council and CAO Ms. Brown. It was conducted over the period of April 27th-29th 2015.

This Report includes our observations, findings and recommendations based on our overview of the documentation sent to us as well as the comments we received during the course of our interviews with each member of Council and senior management.

We would be pleased to respond to any questions you may have.

Yours Truly,



George B Cuff, FCMC

President

Covering Letter

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8. Possible Governance Protocols
9. Recommendations

Appendices

1.0 Overview of Presentation

We presented two separate sessions to the Council of Kenora. The first one dealt with “good governance” which we believe underlines the significant roles of a municipal Council. The second, included herein, deals with what we found in our assessment of the governance/management practices of the City. Where we believe that it would be useful to provide additional commentary to our presentation, we have done so in this Report.

1.1 Our Review Process

While our time “on the job site” was limited, our approach to our review was extensive and designed to enable us to get at least a clear idea of how the City Council/senior management function.

- Developed a confidential survey of all Council members and senior staff
- Conducted a series of 25 interviews
- Reviewed some relevant background documentation
- Conducted a briefing session at the close of Day Two on issues related to the effective functioning of Council and senior administration with Council and management
- Prepared a summary of our observations for all Council members & CAO
- Held this briefing session on day 3 with Council and CAO
- Have attached this summary written report with recommendations
- Council expected to deal with recommendations at a regular or special meeting.

1.2 A Caveat

We have spent a limited degree of time in conducting this Governance Audit. We have been on site for three days and have limited our interviews in both time as well as number. As a result, we do not have an in-depth understanding of all that happens in Kenora. We are providing you with what we perceive based on what we heard and discern. If there are key issues identified, these should be pursued through further discussion and/or outside consultation.

2.0 Presentation

We began the presentation of our audit findings by reiterating that:

- Council is the ultimate leadership body; while many of the decisions made by a Council are or can be influenced by the administration, the final decision in bylaw and policy matters rests with the Council
- Council reports on its decisions to the public
- Council needs to set the course: outline its vision, priorities, immediate next steps, budget (Note: this implies seeking the input of senior management)
- Certain powers are ascribed to the CAO: Council needs to respect this delegation and act in an oversight role; we underlined the importance of this message in terms of Council being the governance body and therefore not the administration.

2.1 Council Obligations

We pointed out to Council and the CAO that:

- Council is to consider its whole jurisdiction, not vested interest groups (i.e. the Chamber of Commerce, the church community, the sport community, the arts/culture community, etc.)
- Council is to provide needed & desired services; to determine with the input of the CAO (and senior management) how these can best be delivered
- Council should expect to receive regular, comprehensive briefings from its CAO
- Administrative reports need to be read in advance of meetings so that Council's input can be helpful
- Questions of the administration should be directed through the CAO (or as per protocol)
- Regardless of differences of opinion, Council is expected to function as a collective body; decisions are made by the majority
- Any decision to go in camera is to be respected by all members of Council
- Council members are to think on their own and offer advice, questions without regard for the fact that others may disagree.

2.2 What Does Management Need?

The ability of the Council to function is directly related to ability of administration to function

This relies on:

- Clear, consistent Council decisions
- Policies that are respected & followed by both Council & management
- Support for management by the Council
- Evidence of respect between Council & CAO
- Policy-focused management team meetings
- Clear position descriptions; current; comprehensive; updated regularly.

3.0 Some Good Things Have Been Done!

We began the findings section of our reporting by pointing out that both the Council and administration of the City of Kenora should be proud of the fact that quite a number of accomplishments have been recorded over the recent past. We asked the CAO to identify some of these and she provided the following:

- Strategic Plan (“Our Vision 20/20”)
- Organizational Review
- Governance Audit
- 2014 Kenora Tourism Five Year Strategy
- Assisted Living Development Package
- Affordable Housing Report
- Downtown Revitalization - Second Street
- Homelessness & Behavioural Issues Task Force Work Plan
- Housing Pillar Involvement
- Managed Alcohol Program Involvement
- Kenora Brand Adoption - “North America’s Premier Boating Destination”
- Major Marina Development (Tall Pines - Cameron Bay)
- Façade program successes ongoing in Harbourtown Centre Area
- LOTW Brewco - in former Kenora Fire Station

- Indoor Sports Complex (Kenora Soccer Association)
- Winnipeg River West Branch Bridge Rehabilitation
- Video Technology for Council Meetings
- Accessibility projects at the Recreation Centre
- Customer Service policy in place, and identified as a primary goal for all Senior Management staff, and to flow through the organization
- Official Plan Review
- Zoning Bylaw Review
- Keewatin CIP (Community Improvement Plan)
- City Hall Roof Replacement

In each of the sections which follows, we point out firstly what we heard and then conclude with a comment(s) which might add some clarity to our findings:

4.0 What Did We Hear?

4.1 What Did We Hear from Council re: Council?

- Steep learning curve
- Council recipient of prior Council's strategic plan
- Council had a limited orientation on governance prior to this Audit
- Council willing to re-examine current governance approach

Comment by Cuff:

Council members pointed to the fact that becoming a member of Council is not an easy process. Once the votes have been tallied, the learning process begins. This can be quite a steep learning curve for any new member of Council. The fact that this is to be a governing body is the core message that a Council needs to hear and to learn.

4.2 What Did We Hear From Council re: Administration?

- Support for the CAO generally true for most of Council
- All respect CAO's commitment, knowledge and expertise
- Concerns expressed regarding calibre of some senior management

- Administration displays respect for Council and have been helpful with reports and updates

Comment by Cuff:

Council members were quite supportive of the CAO albeit with some reservations. The latter might be a reflection of an inadequate management structure and resources to date (which is what we believe) and thus these aspects could well be addressed as a result of this audit and the organization review.

4.3 What Did We Hear From Council re: Role Clarity?

- Uncertainty on how to access information from senior management
- Council appears to be too involved; assume role of managers
- General sense that Council is hoping Organizational Review will clarify roles/structure

Comment by Cuff:

Given the early stage of Council's tenure, it is not surprising to find Council members uncertain about their way into the organization and who to access on what issues. This uncertainty has, in our view, exacerbated the problem of a Council becoming too involved in matters which ought to be delegated to the CAO (and her administration).

This, along with other aspects of being able to govern effectively, were tied by Council to enhancing the organization and ensuring that there is a greater clarity of roles throughout the organization.

4.4 What Did We Hear From Council re: Relationships?

- Councillor relationships reasonably healthy
- Any disputes appear to be resolved and not carried over
- Tension has been observed between Mayor and some Councillors; generally collegial and respectful
- Council does not always reflect much support for its management

- Frustration shown when Council gives direction to administration

Comment by Cuff:

While some members of Council pointed to disputes and frayed nerves within Council from time to time, this did not resonate as a particularly big issue and certainly one which the Mayor and Councillors wanted to deal with effectively.

4.5 What Did We Hear From Council re: Governance Responsibilities?

- Council relies on Portfolio responsibilities and Committee of the Whole
- Each Councillor assigned a portfolio; has resulted in perception of unequal workload for Councillors
- Portfolios lead to Councillors being too involved

Comment by Cuff:

At the heart of much of the confusion regarding the roles of Council and management lies the “portfolio system”. This has inadvertently drawn members of Council into the administration with the mistaken impression in some instances that they are to help manage the system.

4.6 What Did We Hear From Council re: Decision-Making?

- Not enough time to read reports; COW agenda rushed at times hindering decision-making process
- Adequate time is not always given to make decisions
- Sufficient information is not always provided to Council
- Some decisions seem to be made beforehand
- CAO appears well prepared and provides clear, concise detail and suggestions

Comment by Cuff:

We found these observations somewhat surprising in that Council only meets once monthly with an additional meeting as a committee of the whole (COW). The issue appears to be one of providing sufficient lead time to review issues and secondly, the

fact that the COW is treated as a quasi-Council meeting does not encourage a smooth decision-making flow.

4.7 What Did We Hear From Council re: Orientation?

- Orientation by management was extensive and detailed
- Some of this Council's orientation gleaned from comments of returning Councillors
- Orientation served for some as a team building opportunity

Comment by Cuff:

The orientation of any newly-elected body is an absolute must and needs to follow the election as early as possible. It was evident that Council felt more confident about their role description as a result of the sessions we provided.

4.8 What Did We Hear From Council re: Performance Reviews?

- Annual review of CAO
- Mayor and two Councillors guided process
- All members of Council expressed desire to have their voices heard

Comment by Cuff:

The performance review of the CAO is an essential part of the Council-CAO relationship. It is in our view, one of the most important responsibilities of the governing body and not one to be approached casually. We are also of the view that the CAO should hear the assessment comments of all members of Council and not just a few. The Mayor should be Council's chief spokesperson but should do so in front of all members.

4.9 What Did We Hear From Council re: Meetings of Council?

- Well-structured and rules of order are adhered to
- Held during regular work day; not well attended by public
- Some Councillors appear to prepare more than others
- Most members of SM team attend COW and Council meeting
- Councillors expressed questions regarding delegations

- Deputations restrained to 5 minutes; no interaction following presentation
- Council meetings are generally completed within an hour or less
- Generally poor attendance unless contentious issue
- COW better attended than Council meeting; may be 3 hours long

Comment by Cuff:

Council meetings were viewed as orderly and well-paced. These are held during the day which may be an issue in terms of the number of citizens available to attend. This did not however seem like a significant issue to the members of Council. Most members seem to be well-prepared for meetings. The committee of the whole meetings are where much of the business of Council is done.

4.10 What Did We Hear From Council re: Audit Priorities?

- Governance Process should meet same goal as Organizational Review; stronger more efficient system
- Team approach; remove silo effect
- Management more reactive than proactive
- Primacy of the table not fully understood
- Need to remove personal agendas
- Role clarity an issue
- Authority of Mayor needs clarification

Comment by Cuff:

It was the intent of this Audit to review what practices the Council was currently following and try to encourage a better, more policy-focused approach. While it will be up to Council and the CAO to determine if this objective has been met, hopefully it has. This Report will address all those aspects which we see as being necessary to quality governance.

4.11 What Did We Hear From Administration re: Council?

- Council shouldn't believe everything public says

- Before responding to public, seek more information from staff; don't base answers on speculation
- No comments that instill a sense that staff are incompetent or acting unethically
- No orientation for staff or public on roles and responsibilities of Council
- Unrealistic public expectations on Council result in unrealistic expectations on staff
- Council involved in hiring of employees beyond CAO; question why Council involved in staffing issues
- Wants Council to be open, honest and transparent
- Spend within means of City
- Keep staff in the loop; implementation is not Council's role
- It takes time to change an organization

Comment by Cuff:

We spoke to the concern that Council ought not to be responding to the comments by the public without first consulting with the CAO to determine what the real issues are and what the City's position is. Council needs to understand that it has but one employee: the CAO. It should limit its involvement in the hiring process to that individual and not become involved in any other recruitment process. Doing so simply says to the CAO: "we do not trust your judgment or your ability to hire at the senior level. To imagine that the public elected Council members to do so is a considerable stretch.

4.12 What Did We Hear From Administration re: Priority Setting?

- Council needs to follow Strategic Plan; provide required resources
- Strategic Plan has been excellent in setting direction
- Made great strides but still work to be done
- Starting to take a planned approach
- Individual managers/departments starting to link targets to Strategic Plan
- All staff had input into the Strategic Plan as well as Organizational Review (results unknown to staff)

- Budget process needs adjustment so that it better aligns with objectives
- Someone should look at City services to determine which are draining resources with little benefit
- Council can help identify what public wants from municipality; work with staff to determine costs
- Goals and Corporate Actions section of Strategic Plan is not particularly well done and requires refinement
- Increasing demands on senior managers limit planning and priority setting opportunities
- Council seems to react to “issue of the day”

Comment by Cuff:

The administration obviously places considerable importance in the Strategic Plan. This Plan was developed by the previous Council and so in order to be reflective of this Council, it ought to be re-visited. New priorities may need to be set; the corporate values might have changed somewhat. This is a new Council.

4.13 What Did We Hear From Administration re: Council Orientation?

- Pre-election orientation consists of Clerk meeting with potential candidates
- 9-12 months prior to election staff discuss “Corporate Issues” and “key messages” that the Council should receive orientation on
- Orientation becomes topic on management meeting meetings up to election
- Management team is not part of orientation (only Clerk and CAO); however department presentations are given (approx. 20 mins); primarily information sharing
- Orientation information would be beneficial to managers as well as Council
- Room for improvement
- Time spent on orientation far less than required
- Information available on SharePoint System

Comment by Cuff:

The administration should play a very significant role in the orientation of the new Council. While the process ought to be led by the CAO, all departments need to be “at the table”. Management should be placing the focus clearly on Council’s policy governance role and not on “here is what we do as the administration”.

4.14 What Did We Hear From Administration re: Role Clarity/Relationships?

- Management tends to work in silos rather than together
- Council seems to respect the fact that staff report to CAO; some Councillors more likely to direct staff than others
- CAO has done a good job reminding Council and staff of the reporting structure
- Some Councillors see themselves as experts and as representatives of specific members of the public

Comment by Cuff:

In order for the management to break out of any silos two things have to happen: the portfolio system has to be changed and the CAO needs to be respected by one and all so that she can draw all management together as a team.

4.15 What Did We Hear From Administration re: Decision-Making?

- Information and options provided to Council generally viewed as reasonable
- Beneficial to know Councils questions before open meeting to be better prepared and not look defensive
- Feel Councillors have adequate information from staff
- Information to Council concise with solid recommendations; reports do not always include clear options

Comment by Cuff:

We see the reporting to Council as critical to good decision-making. Most members of Council felt that management does a good job in trying to ensure that Council understands the issues and their background. Options are provided as well as a recommendation.

4.16 What Did We Hear From Administration re: Leadership?

- CAO needs to have a better understanding of issues than Council does
- CAO has no time to lead; time is spent dealing with individual requests of Council
- CAO work habits and absolute commitment to her role causing concern amongst senior staff

Comment by Cuff:

The role of the CAO in advising Council is critical to any Council. The CAO therefore needs to have the time to understand the key issues; manage her department heads; and pay attention to the “agenda” of the Mayor and Councillors. As we pointed out, the CAO needs to have the time to reflect and ponder and therefore needs to find someone to assist her in managing her time and the demands on it.

4.17 What Did We Hear From Administration re: Communications?

- City does not have a Communications Strategy; currently being worked on (draft)
- No written policy
- Internal communication needs to be improved
- Slow response times may cause public to approach Councillors

Comment by Cuff:

Communication is the lifeline of any organization. The messages of Council need to be communicated by the CAO down to the administration and out to the public. A communications plan and strategies are required to enable this to happen effectively.

4.18 What Did We Hear From Administration re: Management Meetings?

- Meet morning after Council Meeting (monthly)
- Agenda sent out in advance
- Management has regularly planned meetings; deemed sometimes useful
- Information often relevant to one manager at a time
- Diverse departments require individual management which makes it hard to manage as “one city”
- No process/time for departments to keep CAO up-to-date on all issues

Comment by Cuff:

The senior management meets the morning following a Council meeting. This includes all department heads and the CAO, who chairs these meetings. Based on a cursory review of the agendas these appear to be a worthwhile use of time. We believe that these could be more valuable if scheduled before the Council meeting so that those sending reports to Council could be challenged by their colleagues before undergoing similar scrutiny at Council.

4.19 What Did We Hear From Administration re: Audit Priorities?

- Many not aware of audit till received our survey
- Would like feedback on quality of information and options
- Need help opening the lines of communications with Council
- Council comments and promises to public make it difficult for staff to do their jobs
- Public learning that if they don't like staff decision they can go to Council to change it
- Need to understand Council acts as a "whole", not individually
- Council needs to respect CAO and her time; individual time spent at CAO office needs to be minimized

Comment by Cuff:

We are very hopeful that this Report will be considered useful by Council and management alike. We understand that there is considerable tension internally and that will likely be the case until the results of the Organization Review are unfolded for all to see.

We are concerned that your CAO is busier than she should be and that this sets a very high standard for other senior staff who may be expected to follow suit. All of your senior management need to have some balance in their lives if they are to remain effective.

5.0 Our Observations

5.1 Current System

We noted as one of the over-riding observations pertaining to and influencing this brief study that the organization (both Council and administration) is in a **state of change**. While change in itself is not necessarily negative, it does cause those within to have a sense of uncertainty. There is a new Council of which three members are new to their roles. Even the change of one person requires an adjustment by the rest of a Council. Further, the City is undergoing an administrative review which is a major event in the life of the staff who have participated in the interview process but have not heard what the results of the independent consultant were. This also places a layer of angst/concern over City Hall as the administration feels in limbo until the report results are rolled out.

The continued presence of the **portfolio system** also has an impact as new members of Council are brought up to speed with how this somewhat unusual system is to work. As we have noted throughout this Report, Council's use of portfolios jeopardizes the distinction intended between Council and its administration. Rather than encouraging Council to become the policy body needed by the City, this system encourages it to become ingrained within the administration. In order for the City to move forward in a more progressive and accountable manner, Council's system of governance needs to change.

5.2 Agenda Process

We asked to be advised regarding the current agenda process (in other words, how do items get to the Council meeting table). The Clerk advised that:

- COW report recommendations reviewed by Clerk
- Clerk reads, reviews, edits if necessary then checks off 'approved by Clerk' on SharePoint site; completed by 12 noon on Tuesday before Committees

- Ensure each report has the applicable agreements/attachments/guiding principles/documents
- Call managers for follow up documents and if they are not received, move report to the next month
- CAO will begin 'officially' approving reports from their pending status completing by Wednesday evening
- Clerk prepares "draft" agenda for Council to review Thursday (out by 4 p.m.) and give them overnight to review before the agenda is made public.

5.3 Budget Process

We also inquired with respect to the budget process given the fact that the budget is deemed by many to be the City's principal policy document. The Director of Corporate Services advised us that:

- ❖ Capital budget (includes the capital portion of the Water & Sewer and the Solid Waste budgets)
 - August: The initial request is sent to managers and supervisors to input their capital requests into the software.
 - September: Managers are to review and become responsible for all of the capital requests from their area.
 - August or September: A request is sent to Council to remind them to provide any capital project requests to the appropriate manager.
 - October and or November: The managers meet with CAO with the goal of bringing capital spend within prior year's levels.
 - o Major deleted projects are retained on a list for later reporting to council.

Operating budgets (includes the operating portion of the Water & Sewer and the Solid Waste budgets)

- September: The initial request is sent to managers and supervisors to input their operating budgets into the software.
- October: Managers are to review and become responsible for all of the operating budgets from their area.

- December and or January: The managers meet with CAO with the goal of bringing the operating spend as low as possible within desired service levels. By this time, Council has provided some guidance (informally) as to the targeted tax rate change.
- February and or March: All four budgets are presented to council - sometimes at one meeting, and sometimes over several.
 - o The Manager of Corporate Services does the majority of the presentations except for the bulk of the Solid Waste and Water & Sewer budgets which are done by the Operations Manager with support from his supervisors. Manager of Corporate Services presents the impact of these user pay budgets on their respective reserves.
 - o The presentation contains a list of options for Council consideration that are in the budget and some that were cut by the CAO and managers, but important for Council to understand.
 - o The Manager of Corporate Services tries to make the link between service cuts that will be necessary to achieve tax cuts. In reality, this link can be fuzzy.
 - o Iterations may or may not be requested. If the changes are minor in nature, they are included in the report that includes the recommendation to pass the budget.
- The ties to the strategic plan are informal. The Manager of Corporate Services makes a short introduction at the beginning of the budget presentation(s) that includes mention of the strategic goals. Councillors also may refer to the strategic plan during their debates.

While the budget process appears to be well-defined, in our view the process should be accelerated such that budget is approved before the current fiscal year. We fail to see why this is not possible. Minor changes can be made just prior to setting the tax rate and sending out notices. Council needs to provide guidance through strategic priorities and direction on Council's view of acceptable tax targets.

5.4 Council Decision-Making

Based on what we were told, there appears to be very limited time for Council to ponder and ask questions. Even though Council meetings are limited in number per month, the time at meetings is largely consumed with the various items which seems to leave very little time for discussion. We think that the absence of such time could be positively impacted by a different committee model which we recommend later in the Report. Currently, Council meetings are viewed as simply a rubber-stamp mechanism as most of the real decision-making is done at the COW.

5.5 Governance Model

Council's choice of a governance model is critically important as it impacts how Council makes decisions. All of Council needs to be (and has a right to be) equally briefed on recommended decisions and the information being circulated prior to the Council meeting. Such recommended decisions should follow (or reference) the Strategic Plan (where applicable) and should be focused on a policy framework. The governance model will be impacted by Council's perception that it is indeed a policy-setting mechanism and not therefore intended to be part of the administration. This also presumes that the Mayor and Councillors are comfortable with the CAO carrying out her duties in a manner consistent with her position description and agreed upon powers.

5.6 Orientation

The CAO and her department heads plan for and prepare an orientation process for members of Council. Such a session is held for all members of Council in mid-November. The management ensure that Council has a good overview of the structure, the key people, the issues and key facilities. While the degree of preparation for the orientation of Council is commendable, we believe that more of the focus ought to be placed on Council's governance roles.

5.7 Succession Planning

Succession planning is critical to any organization. It is based on the need for the leaders of the organization to make sure that there is a replacement plan in effect should one of the senior management leave suddenly (for whatever reasons). We were advised that there are certain key staff who either plan to retire soon or who are eligible for

retirement. A succession policy and plan should be developed by the CAO for presentation to Council which speaks to this from a policy perspective.

5.8 Management Prerogatives

Linked to the advice we presented vis-à-vis the impact which Council has on the organization, is the complementary role played by the CAO. It is essential, in our view, that both Council and CAO understand and respect the roles played by each other. This requires that the authority of the CAO to manage the organization and to make the appropriate decisions is left in her capable hands (see policy HR#1-1). Council's hiring policy ought to reflect that it has the jurisdiction to retain the CAO. The CAO has the authority to hire/assess/discipline/release other members of senior management.

If Council agrees to rescind the notion of portfolios and accept the "GPC" approach (Governance and Priorities Committee), Council will have equal access to members of senior management in a policy-setting forum. This negates the need for a Councillor to act in an independent fashion with respect to individual departments.

Council ought to expect the CAO to draft a policy for its approval regarding Council's support for management training. This will be of assistance to the CAO as well as the others members of senior management. These actions, taken together, will also improve the City's "tone at the top".

5.9 Preparation of Council

Council members are reported to be generally well-prepared for its regular and COW meetings. Agenda packages are thoroughly reviewed by the vast majority of members and while we believe that all members ought to be well-briefed before each meeting starts, that onus lies with each Council member. Some of the struggles which Council has experienced ought to be dealt with in an orientation seminar at the outset of each term. The City could consider sponsoring such a session for it and neighbouring northern communities or encourage NOMA to play that role as a part of its mandate.

We also noted that any questions which a member of Council has on the material contained in the agenda package should be posed to the CAO preferably at least the day before a Council meeting.

5.10 Frequency of Meetings

Currently Council meets twice monthly: in a committee of the whole (COW) and then in a regular Council meeting. We were advised that this meeting frequency appears to be sufficient to get the business of the City attended to by Council. In our view, these meetings should be staggered such that GPC would meet on the 2nd Tuesday of the month and the regular Council meeting on the 4th Tuesday. While these meetings are held during the day, we were advised that this does not seem to pose an inordinate burden or constraint on anyone wishing to appear before Council. This ought to be closely monitored.

5.11 Relationships

In general, the relationships between members of Council are viewed by all as healthy. While there has been some degree of edginess observed in questions, relations were generally felt to be mutually supportive and cordial. That is not to say that there has not been times when Council members disagree with each other: simply that the disagreements have generally been kept to the issue rather than focused on the individual. We did not hear or find any evidence of blocs forming; each member seems to act as an individual Councillor (i.e. thinks for themselves). The Mayor needs to monitor relationships and seek respect and harmony amongst his colleagues. This infers of course that the Mayor also refrains from any personal attacks.

5.12 Office of the Mayor

Council members hold both the office and the person of Mayor in high regard. He is considered to be well-respected and well connected which is an asset to any city. Given that he is frequently in the office, his presence means he is available to the public (which is positive) and to other staff than the CAO (which can become a negative). The Mayor has to defer any requests for support of an idea or issue to the CAO or else he will run the risk of confusing the administration and the ability of the CAO to manage. We would argue that the Mayor needs to focus on being visible on the street connecting

with the public and local businesses. In this way, the Mayor will utilize his office as the City's chief ambassador.

5.13 Reporting

We found that there is limited vetting of reports by the management team as that function appears to be solely the responsibility of the CAO. We would argue that senior management could play a useful role in reviewing the reports of their colleagues. This should be happening at meetings of management before Council meetings.

5.14 Management Meetings

We were pleased to note that management team meetings are held and are planned for by the CAO. These meetings are held monthly following Council meetings. Due to the legislation, a significant portion of these meetings is accorded to health and safety/risk management issues. We feel that these meetings should be re-assessed by the CAO and, subject to any changes in the organization structure, their purpose and timing could be altered to reflect a dual approach: an executive leadership team (ELT) and a senior management team (SMT).

5.15 Communications

It is our assessment that the communications function is viewed by Council and management as generally inadequate. The City understands that this ought to be considered more of a priority. This function is not staffed at present and appeared to us to be more of a "off the side of the desks" priority. The degree of public engagement appears to depend on the issue. The website is not adequate to enable access to information or at least appears to be more difficult and less user-friendly than it should. It is our view that Council should have a communications policy and a communications plan. Both should be drafted for Council to discuss at a GPC meeting. Once those are approved, obviously some funding needs to be targeted for this function.

5.16 Management Advisory Role

Generally speaking, Council seemed quite pleased with the work of the CAO and department heads in providing Council with comprehensive advice. The reports are

viewed as well-written albeit quite lengthy. We note that the City does not utilize a standardized format which we feel would be preferable. This would provide a more disciplined and focused approach and should be aimed at ensuring Council has, in a two page document, what it needs in order to make a policy decision. Where there is a legitimate need for a much more comprehensive approach (i.e. a longer report), it should be attached with a linkage shown in the main report. Where the issue deals with a governance policy (which many of them should), the administration should be expected to draft a suitable policy, in a standardized format and present it through the CAO to a meeting of GPC so that it can be discussed/debated.

5.17 Need for Clear Protocols

Protocols should be written clarifying:

- CAO will be advised of any requests by Council for information
- Council hires and terminates the CAO; Council defers to the CAO alone those responsibilities vis-à-vis other management employees
- CAO will assist Council with policies dealing with matters as: performance reviews; compensation
- Where Council accesses the administrative structure needs clarity for all (i.e. not lower than CAO direct reports)
- Any request for information from the administration is copied to all members of Council and to the CAO
- Management is not expected to know the answers to all questions; but expected to review and report back to Council at the first opportunity
- Current approved policies expected to be followed by management until and unless changes approved by Council.

We have appended to this document several protocol statements as a guideline.

6.0 Cuff's Comments

6.1 The City of Kenora is obviously an organization in transition. There is a new Council in place subsequent to the recent October 2014 election. While there are

people on this Council who have been on a prior Council(s) all are new to this Council term of office (2014-18).

- a. This term has involved looking at the Strategic Plan initiated by the predecessor Council and discerning what actions flow from that Plan.
- b. The City is also currently involved in an Organization Review which includes receiving advice from an external consultant(s). The Review has produced its own share of angst among City management in part because of the delay in sharing any results of the study with those who participated in it.
- c. One of the over-riding features of Council's governance is the "portfolio" system which has impacted much of what the City Council does and its interface with management. (We comment more on this model under point 4 of this section).
- d. It is encouraging, based on our time in the City, that Council and management both seemed to us to be open to change. Our Report speaks to the need for the system to move into a more progressive governance model.
- e. We have also spoken to the need for management to become more focused, proactive and attuned to the recommended governance model if the Council is to be better equipped at guiding the City.
- f. The Organization Review and the work of the HR consultants are designed to assist the City in terms of a shift in its basic culture. The Review stemmed from the work of the CAO in developing an "operations review" which opened the door to a discussion on a broader "organization review" which would be tied to the Strategic Plan. External consultants were engaged; Council and staff participated in the process and thus far the results have been restricted to the Council and CAO.
- g. Our concerns vis-à-vis the Review and its implications reside mainly around the sheer size and scope of the recommendations and the fact that marshalling them to the finish line will inevitably fall to the CAO. While

that is as it should be, she is already working at a very high level and thus adding to that burden, regardless of how challenging and results-oriented, will need to be very carefully measured by the CAO. She will need to keep Council in the loop as this work is being approved and implemented.

- h. Our other concern, which we spoke to, dealt with the proposed structure (which we will not critique in detail) which we believe should be rolled out as a final design and not in a two phase approach. The latter will simply add to the uncertainty and internal angst. If the Council and CAO know where they wish to get to, get there!

6.2 Our second major theme deals with Council's role in governance. We were underwhelmed by the number of legitimate Council policies and thus the absence of a policy framework in which to function as a governance body.

- a. As a critical part of a Council's orientation, all members should be briefed on what it means to set a policy framework and a strategic set of priorities. Such a briefing should occur at the outset of the Council's term and annually thereafter.
- b. Management needs to be developing such policies on an ongoing basis and Council should be expecting to govern in such an environment. Without such a mindset, Council will inevitably be drawn into helping the CAO and managers manage which is not healthy for the long term viability of the City. We have included a few sample policies at the conclusion of our Report.
- c. All of Council should be equally and concurrently briefed. There should never be the suspicion that a member of Council knows more about the current issues than another because he/she has been more thoroughly or earlier briefed.
- d. We note that Council's **decision-making/governance** processes are hindering its effectiveness.
 - a. The present has evolved into a system wherein Council relies on its "committee of the whole" process to act as the Council meeting which results in the actual Council meeting being little more than a rubber-

stamping mechanism for the committee. This approach is confusing to the public and might be improved by advising the public in plain language that this is the case: any attendance would be better justified at the committee stage given that Council is not expecting much input at its Council meeting.

- e. Council members spoke to the need for more time to discuss important issues and feeling rushed due to the scope of the agendas at committee of the whole.
- f. We also believe that Council decision-making is heavily influenced by its reliance on what is described as a “portfolio” system. Such a system is characterized by Council appointing individual Councillors as the “go to” person for each department and the principal spokesperson for that department. The portfolio system impacts a number of crucial aspects of its roles and responsibilities including the intended role of Councillors (i.e. to govern not manage); the competency of management (which is negatively impacted by a system which sees managers report upward to a Councillor rather than solely to their CAO); accountability (given that department heads can hide behind their lead Councillor who might be expected to take responsibility for a particular report); organizational confusion (given that Councillors appear to be managing departments based on their expertise rather than setting policy as one body called Council); an uneven distribution of workloads (given that some Councillors based on their portfolio can be very busy whereas others might not be nearly as challenged); and the appearance that some Councillors have a greater role in the system than their colleagues based on “their” portfolio and its deemed importance.

6.3 Meetings of Council are held monthly as are the meetings of the committee of the whole (COW). The Council meetings are held on the third Tuesday of each month at 12:00 pm whereas the COW are held on the second Tuesday of each month at 9:00 am. Council meetings tend to last about one hour and the COW about 3-4 hours. Members of management attend meetings of Council presumably

to gain an understanding of how the Council thinks and to hear what is important for each of their departments. The number of those attending seems excessive in comparison to other municipalities which we have surveyed. This should be monitored by the CAO and discussed as to what is the best use of time and resources.

6.4 The office of the Mayor is significant to how well Council as a whole functions and how well the City is able to achieve its goals. The incumbent Mayor is well-respected by the Council and by the administration. He is obviously committed to the City and to fulfilling his role. While the Mayor's compensation could not be described as based on full-time work, the Mayor's personal circumstances appear to allow him to spend considerable time in the office. This has both a positive and negative consequence in that while he is available to the public, he is also available to staff. This will inevitably reduce the status of the CAO given that management and staff can go past her door on their way to see the Mayor. It is our view that the Mayor's time and impact is better expressed in the community rather than in the office.

6.5 Council as a whole appears to function relatively well in terms of being keen to serve the City and in terms of relating to each other in a friendly, compatible manner. The Council (including the Mayor) impressed as being willing to learn new concepts and to improve its ability to serve. Relationships between one another were generally healthy and any personal difficulties seemed to be resolved rather expeditiously. That is how it should be. It is not important or expected that Council members be friends but rather, that they be friendly and respectful of one another. The Mayor has a particular role to play in ensuring that this remains so. While there have been clashes within Council these appear to us (based on considerable experience elsewhere where relationships have been poisonous) to be relatively harmonious and workable. The Mayor needs to continue to monitor these relationships and ensure that he does not contribute to any issues in this regard. The key to all these relationships is respect for one another.

6.6 The agenda process could be improved by having the senior management team review all reports as a group of professional colleagues before a Council meeting and prior to the CAO "signing off". If the City is to get out of its silo mentality style, senior

managers need to see each other as colleagues. That includes reviewing each other's reports and providing suggestions as to how they can be improved as policy-related documents for the Council.

6.7 The budget process appears to be well-defined and effectively managed. The process could be improved by Council by setting clear targets early in the process and then requiring that the budget be ready for Council approval by December 15th.

- a. We recognize that slight changes might be necessitated early in the new year but that should not hinder Council from moving forward the targeted approval date.

6.8 The role of the CAO and senior management is central to how effectively this Council will be able to discharge its responsibilities. The CAO has a principal role as the key advisor to Council. She is expected to ensure that the Mayor and Council clearly understand the issues on which they will need to pronounce judgment; and to advise which of several options on each issue makes the most sense to the administration as the right decision to make. This does not negate the fact that the Council may not share such an opinion and may therefore make a decision which the CAO will understand is Council's view politically (i.e. what they think the public will accept). We have described this role (along with others) more fully in the appendices to this report.

- a. We are concerned about the amount of time the CAO spends in her office trying to stay abreast of all the issues. This exhausting schedule is not healthy for her or her personal life and sets an almost impossible standard to be met by her department heads. We would encourage Council to discuss with the CAO the steps necessary to relieve her of some of this burden/expectations and allow her more personal time. This should also in the long run enable the CAO to extend the duration of her career. This would be greatly assisted by members of Council being sufficiently concerned about the demands on the CAO's time such that they do not take up her time unnecessarily. Each member should reflect on the time demands if all of them are equally in her office or on the e-mail with requests.

- b. It would be very useful to have the CAO adopt a standardized report format for reporting to Council (the CAO and department heads)
- c. Senior management, on the other hand, are to report directly to the CAO and provide her with their advice on matters dealing with their departments. They are also expected to assist each other as colleagues in service to the greater cause which is the city as a whole. These roles cannot be carried out as intended if members of Council insist on directing the traffic. Council has one employee: the CAO. Their direction therefore ought to be by way of Council resolutions to the CAO who will ensure that the decisions of Council are carried out by the organization.
- d. We note that Council as a whole respects the work and expertise of senior management. This is not to say that there are not questions which arise from time to time regarding individual senior managers. On the whole however, the relationships between Council and management appear to us to be reasonably healthy.
- e. Management reports are valued by Council. These reports are quite comprehensive and may in fact provide more detail than considered necessary for a policy governance body. Having a standardized reporting format would be preferable to the current system. This would drive more of a disciplined reporting style into the organization.

6.9 Management meetings are held monthly following meetings of Council. The CAO creates the agenda for these meetings and ensures that the key issues as she understands them are placed on the agenda. Other managers also contribute their issues to the agenda. The Health and Safety/Risk Management issues are a significant part of these agendas.

- a. We believe that these meetings would be more useful/effective if they were held prior to meetings of Council and used to brief each other on what issues were going forward to Council, as well as to challenge each other's reports on the issues.

- b. Further, the degree of communication amongst members of senior management would be enhanced if these meetings were held bi-weekly at a minimum or weekly if needed.
- c. Depending on how the management is eventually restructured as a result of the current and ongoing review, we believe that the management structure could reflect an “executive leadership team” and a “senior management team”. The ELT could therefore meet weekly and the SMT could meet bi-weekly or monthly.

6.10 Communication processes were generally perceived as inadequate. The functions of a solid municipal communications delivery system seem to be handled on an “off the side of the desk” and are not clearly assigned to one person.

- a. The City’s website should be re-evaluated and assessed as to its capacity for providing easy access to needed information. Public press releases and management information circulars should be re-visited in terms of their effectiveness. Overall, the absence of a quality communications policy and plan limits any strategic impact.

7.0 Council’s Governance System

We spoke at length regarding the concerns we have with the current system of governance utilized by City Council. We believe that the system, and particularly the portfolio system, contributes to a number of weaknesses in your model and reduces the strength of your administrative component. This, in turn, weakens the Council’s ability to function as sound governors. We outline as follows the elements of what we would see as an improved system which we believe will address the issues and see continual improvement by your Council and administration. Our remarks are based on an earlier study which has been carefully reviewed and edited to ensure they fit your circumstances.

- ✚ We believe that the current committee of the whole is largely a dry run or rehearsal for the regular meeting of Council. We do not believe that it adds much value to the decision-making process of this Council.

- ✚ COW does not appear to add much to Council in terms of quality reflection on what might be deemed the greater or more significant issues.
- ✚ Council's strategic planning process has not encouraged or resulted in sufficient emphasis by Council on what ought to be the strategic issues facing the City. In the absence of that, Council's focus has more and more tended to be on operational matters.
- ✚ We find that Council members are interested in public feedback and that in the absence of such, tend to focus on what little commentary they do receive. This unfortunately results in more emphasis being placed on few voices.

7.1 Criteria of an Effective Governance System

An effective governance system could be said to exist if:

- The Council was fully briefed at the outset of any new term as to its powers and expectations
- The respective roles of the Mayor, Councillors, the CAO and senior managers were fully explained at the outset of a new term of office for Council members
- The procedural bylaw was adapted to the preferred governance style of this Council
- Council took the time to establish its goals at the outset of every term
- The terms of reference of special purpose bodies and their relationship to Council was fully explained and understood by all parties
- The advisory role of the CAO and her administration was clear, comprehensive and fully respected
- The accountability of the CAO was outlined at the outset and respected by all parties
- Accessibility to the administration was clearly outlined and respected
- The Council had a suitable opportunity to reflect on the policy options facing it on key matters and access to the views of the public as they existed at that moment in time

- The key matters of City business consistently faced a rigorous review by the administration before presentation of new or revised policies for Council's consideration.

7.2 Appropriate Model

There are very few options which would enable Council to meet the foregoing criteria and principles and still function effectively and get the business done. It must be remembered that the key evaluation will be dependent on the following question:

✚ *“Did our Model of Governance enable Council to ensure that the business of the City was conducted in a fair, responsible and effective manner? Further, did the Model ensure that Council acted as the policy and political leaders?”*

Now, it is clear that various models can essentially be used to achieve the same ends. The real question lies more in determining which model will work best and be most conducive to ongoing quality government. The two extremes in civic governance are essentially: a considerable number of standing committees with narrow mandates (or a portfolio system) or a committee of the whole with a very broad yet hopefully focused mandate. In the former instance, Councillors are appointed to a plethora of standing committees and act in an oversight role to various civic functions. Thus, one committee may be devoted to parks while another oversees recreation with still others devoted to community facilities, tourism, planning, economic development, fire services, policing, social services, housing and so on. These committees tend to be so focused on a narrow range of functions that within the first few meetings, the focus by the weight of necessity has shifted from policy issues to day-to-day management.

The second extreme is that of a single standing committee, referred to as a “committee of the whole”, which has a narrow range of issues which must be referred to it by virtue of its terms of reference (e.g. planning, budget). Thus, this single committee may be limited to reviewing planning matters (which by legislative necessity, must be reviewed by a committee of Council), and budget issues which take pre-eminence during one season of the year. In this model when taken to its extreme, the vast bulk of the City's business flows through unimpeded to Council at its regular meetings or is handled by the administration who understands that they have the authority to do so by virtue of the legislation, the CAO's bylaw and its delegated powers. While this model can be very

efficient, it tends to encounter some resistance from Councillors who may fear that they are being left out of issues that they saw as being “interesting”. Or, members of Council might argue that because these Committee of the Whole issues are going to return to the regular Council meeting table, the process may (and will likely) become redundant.

It is our view that Council wants to agree to a model that achieves the objective of being a Council that is fully engaged on the larger, more strategic issues and is able to add some value to the decision-making process on behalf of the residents. (This does not take away from the fact that there will always be members of Council who relate better to individual items that are largely administrative).

We believe that the Council-driven model which we are proposing will go a long ways towards ensuring that Council as a whole is fully engaged in the significant matters and is able to lead.

7.3 Criteria for the New Model of Governance

Council’s decision as to whether or not it believes that the new model will make a positive difference should be based on its evaluation on a series of factors. These factors (or criteria) are suggested below:

a) Responsiveness to public needs (public-focused)

The corporation of the City of Kenora exists to provide public-focused services to its customers, the citizens and businesses of the City. This requires an organization which is open to, and responsive to, public input. That input, while largely focused at the political level, must also be reflected in how the employees of the City respond to demands and new priorities.

b) Responsiveness to political leadership (accountability)

This criterion points to one of the key underpinnings of local government. The organization’s corporate structure and personnel must be responsive to the guidance and leadership of the City as provided by the elected Council. It must not only be responsive to the direction provided by bylaws, resolutions and policies, but also the City’s administration must have built into it clear levels of accountability. The will of Council should be understood as pre-eminent in what decisions are being made, what

services are being delivered, how they are being delivered, and how the delivery of services and the expenditure of public funds is being reported and assessed.

Regardless of the delegation of considerable administrative powers to the CAO and her staff, the public clearly expects the elected Council to be accountable. This requires that the Council is well-informed, engaged in driving the policy priorities and committed to steering the organization. Within the policy and strategic framework established by Council, the administration is charged with making a multitude of decisions which constitute the rowing of the organization. Thus, Council and the citizenry must be cognizant of who is responsible for administrative action and who, at the end of the day, is accountable for the results.

c) Transparency of decision-making (openness)

Public business should be done publicly. This criterion refers to the fact that local governments are expected to function in a far more open environment than either their provincial or federal counterparts. Thus, while some of what a Council does must by necessity be treated in very strict confidence (largely via in camera sessions), there are very few issues which should not be the subject of public debate. The citizens need to become aware of how the system works and how it can be accessed. While they are aware that some issues will be confidential, the citizens of Kenora will likely expect those to be significant and defensible.

d) Coordination of resources (collaboration)

The Council and administration of the City run a multitude of businesses. These range from fire services to bylaw enforcement, from providing planning services and granting building permits to engineering and designing new roads to maintaining existing roads. There are, however, numerous areas of overlap and thus the potential for duplication. As well, many of these services are interdependent - that is, they affect and even rely upon the actions of other staff in other departments. These resources are expensive and valuable and need to be treated in a collaborative manner. Whatever the governance model employed by Council, it must act as an integrator of resources and not one which contributes to silo management. Functions should be balanced where possible in terms of their people, potential impact, degree of complexity and perceived value to the City.

e) Openness to change (flexibility)

Flexibility is a by-word for the organizational culture of today and presumably into the future. As the focus of the City's business changes over time in response to what are the perceived needs of the residents and businesses, this system must also be open to various kinds of adjustment. The City is in a particularly dynamic environment. What might have been acceptable in terms of practice and service delivery in previous years may be questioned today.

f) Clarity of authority

Accountability requires specificity of authority to take action. In order to preserve the respective responsibilities of both Council and the administration, the Governance Model will need to set out the expectations and areas of authority for each party. It must be clear to each part of the organization what duties they are charged with and what level of authority each holds. This clarification is particularly needed and useful in such aspects as:

- Power to hire/fire
- Authority to expend funds
- Authority to guide and direct staff
- Power to advise a political or public body.

g) Capacity to continue (sustainable)

We noted earlier that organizations change (or should change) in response to both external and internal factors. Part of the Council's mandate is to seek to ensure that the City functions effectively and in such a manner that it is sustainable within its available resources.

The Council also has a responsibility to ensure that there is a clear succession policy and plan vis-à-vis its relationship to its chief administrative officer.

h) Simplicity of Design (a clear decision-making framework)

The business of a municipality of the size of Kenora City is very complex. The City is involved in a plethora of services and functions which are determined in part by legislation and in part by local preference. The Governance Model should not, in any way, add to the complexity of the business but, rather, enable good decisions to be made in a straight-forward manner. Thus, anyone viewing or participating in the

conduct of the City's business should understand that there is a logical manner by which decisions are made and the work discharged.

i) Currency of Information (the right to concurrent advice)

This is a difficult yet important issue to address. Any system of governance needs to recognize the importance of ensuring access to all policy-related information and subsequent decisions by those who are charged with the responsibility of making policy decisions. This single consideration of currency of information augers against any system wherein only certain members have access to the key pieces of information (i.e. that which occurs in portfolio systems and most standing committee systems). Thus, whatever the system of governance, care must be taken to ensure that it must enable all members of Council to actively and equally share information on a concurrent basis.

7.4 A Template of Interdependent Measures

In addition to the governance criteria we want to make clear the notion that any changes to governance need to be considered within a larger framework. That is, if we are proposing changes in one aspect, what else needs to be functioning better if the system as a whole is to enable Council to function at its best?

These proposed changes and improvements include:

- Improved understanding of Council's approach to governance (i.e. Council needs to be willing to participate in relevant training in governance matters throughout each Council term)
- Clear understanding of the CAO's role in functioning as Council's senior policy advisor and a willingness to follow the protocol of ensuring all administrative advice flows through the CAO (such a protocol needs to be written and agreed to and then adhered to by Council)
- A proactive orientation process following each municipal election that places the focus on governance
- A proactive approach to strategic planning that ensures that the Council is involved in leading the process on an annual basis with special attention paid to holding a strategic planning session within 90 days of any municipal election (a policy should be drafted now that reflects this intent and dates established now in anticipation of the next term of office)(an external

facilitator should be identified and the focus of any such session should be clearly on the strategic issues)

- A renewed commitment and approach to policy development
- A reviewed and potentially revised Procedural Bylaw (depending upon the agreement of Council to these governance issues and recommendations, some procedural changes will need to be made)
- Concurrence on Principles guiding the “Governance Model” (these are included in this section of the Report)
- A Governance & Priorities Committee(GPC)(replacing the COW) which includes clearly stated and agreed upon terms of reference and guidelines (more on this later)
- An Agenda Committee formed by the Mayor and two members of Council (whose role it is to guide the development of policy-oriented agendas which ensure that Council’s issues and concerns are being addressed)
- A “Request for Decision Format” for all administrative reports in order to improve consistency and ease of identifying the governance issues at stake in any such matter before Council
- Role statements for the Council, the Mayor and the Chief Administrative Officer

The foregoing components form the model that we are proposing. Taken together as an inter-related and inter-dependent fabric, they will establish the City as a leader of municipal governance and as a body that is serious about its desire to provide consistent and responsive leadership to its residents.

While this new model will take some time to refine appropriately, we are confident that it will meet the requirements of this Council (and the organization) and ensure that Council has the necessary tools to lead effectively.

7.5 The Governance & Priorities Committee (GPC)

It is our view that the City’s decision-making by Council will be improved by a stronger, more strategic approach to how it reviews issues. We believe that the present use of the Committee of the Whole model should be replaced by a re-focused Governance & Priorities Committee with new terms of reference and a strategic use of public input.

The main purpose of this committee will be to enable members of Council to review upcoming and important issues with members of the administration (and the public where that is appropriate) in a more relaxed environment, where the focus is on understanding the broader policy implications rather than on giving direction or arguing the merits of the issues.

All members of Council are the invited participants of the **Governance & Priorities Committee (GPC)** with the CAO (and, at her request, members of the management team) acting in an advisory capacity. The purpose of the **Governance & Priorities Committee** is to enable members of Council to discuss key and significant agenda issues with the administration in a non-confrontational environment prior to their presentation for action on a Council meeting agenda. This committee is not expected to make key decisions as that role should be reserved to a regular meeting of Council. The value of a GPC meeting is its intention to offer Council members and the administration alike a forum to present and discuss key issues which will likely have a broader impact on the overall City agenda (i.e. its priorities) in a setting which leads itself to discussion rather than resolution.

GPC Committee meetings will generally have both a public and private component. Issues in the latter category would largely be restricted to those pertaining to legal matters, confidential City land purchases and sales and personnel issues (or other similar matters incorporated within the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and/or as advised by the City's solicitor).

Changing the current approach to this committee of Council should ensure that Council members are afforded a period of reflection on the key or significant issues which are likely to have a broader impact on all members of Council. Thus, the Councillors as a body would be cognizant of the key issues under review by the administration (or by an external body) insofar as they lead to the need for policy guidance from the Council. The actual day-to-day administrative aspects of the work of the City will continue to be discharged by the administration, under the leadership of the CAO. The advantage would be an increased degree of Council involvement in the more significant issues as they percolate forward to Council.

7.6 Potential Governance Policies

We provide below a list of policies which the City should consider enacting.

- Council's Adherence to Confidentiality
- Council's Review of the CAO
- Council's Acceptance of the Views of Others
- Council's Governance Model
- Policy re: Regular and Transparent Reporting
- Policy re: Respect for an Apolitical administration
- Policy re: Governing in Interests of the Whole
- Policy re: Ethical Government
- Council Priority Setting
- Council's Approach to Training/Development
- Council Policies and Bylaws
- Organization Structure
- Council's Access of Administration
- Policy re: Primacy of the Council Table
- Policy re: Open meetings
- Council-CAO Covenant

8.0 Summary Comments

We were both encouraged and impressed by what we found in the City of Kenora. The Council appeared to be very willing to learn more about how its governance could be improved and appeared open to moving away from the current portfolio system.

As well, the CAO was obviously keen to see changes which would enhance her ability to manage effectively and to provide Council with improved access to quality managerial reporting.

It is our view that both Council and management should continue to seek ways by which they can improve their service to the community. This mindset and attitude will prove helpful in creating the path forward. We lose ground when we stand pat; progress is only achieved by those who see problems as opportunities, roadblocks as challenges, and frustrations as temporary setbacks.

9.0 Recommendations

1. We recommend that Council adopt this Report “in principle” as a first step. This puts the matter on the table for Council’s consideration.
2. We recommend that Council approve the attached role statements (Mayor, Councillors, CAO) (Appendix A) which provides greater clarity on how this system of local government ought to function. These are intended as supplementary to the legislation and not to conflict with it.
3. We recommend that Council and the CAO/administration review the orientation process utilized by the City and determine what if any changes would improve the current approach. We have attached a PowerPoint presentation which we delivered recently across the US which should be used as a guideline in this review.
4. We recommend that Council adopt “in principle” the governance principles as attached (Appendix B).
5. We recommend that the CAO review the current reporting process/format to Council and determine what changes are necessary. A template “Request for Decision” is attached (Appendix C).
 - a. We further recommend that all management reports be addressed to the Chief Administrative Officer as per the approved organization structure.
 - b. We further recommend that the CAO determine which of her senior management (or herself) will speak to any report before Council.
6. We recommend that Council be presented with draft protocol statements by management (see attached) (Appendix D).
7. We recommend that Council review its governance model and seek to strengthen it by improving opportunities for reflection on the key issues.
8. We recommend that Council adopt an “Agenda Committee” as part of the new approach to governance and in line with the proposed “Governance and Priorities Committee” (Appendix E).
9. We recommend that Council adopt the Governance and Priorities Committee model of governance as described and as appended (Appendix E).

10. We recommend that Council “governance policies” be reviewed by the Governance and Priorities Committee (GPC) and any recommended changes be presented to a regular meeting of Council within 6 months. We have attached a couple of sample policy statements (Appendix F) and a list of potential governance policies.
11. We recommend that the Council review the draft Performance Review format for the position of Chief Administrative Officer and approve it for the use of Council when next assessing its CAO (Appendix G).
12. We recommend that Council adopt the Council-CAO Covenant (Appendix H) which ought to be used as a guide to the relationship between Council and its CAO.
13. We recommend that Council direct that the results of the Organization Review be implemented quickly and that the final structure be approved immediately.
 - a. We recommend that a seasoned staff member be assigned to the office of the CAO to act in an “executive assistant” capacity and to assist in managing the time demands on the CAO.
14. We recommend that the CAO proceed with making any managerial changes in title of those appointed to the newly-created positions; and further, and subject to any legal counsel, take any other steps deemed necessary relative to other changes in employment status.
15. We recommend that the Mayor be regarded as the City’s primary spokesperson on public policy issues including all Council decisions.

10.0 Closing Comment

We have appreciated the invitation to provide advice to Council and management. We trust that the recommendations together with the content of the two seminar/workshop sessions will prove to be valuable.



George B Cuff, FCMC

President

c.c. Jeff Nixon, Associate Consultant

Appendix A: Role Statements

Role of the Mayor

According to the Act, the Mayor has the same responsibilities of all members of Council as well as performing the leadership roles of the Council.

“Role of head of council

225. It is the role of the head of council,

- (a) to act as chief executive officer of the municipality;
- (b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the head of council under this or any other Act.”

Head of council as chief executive officer

226.1 As chief executive officer of a municipality, the head of council shall,

- (a) uphold and promote the purposes of the municipality;
- (b) promote public involvement in the municipality’s activities;
- (c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.”

It is important that these roles be clearly understood. The legislation does not encourage or allow the Mayor to act independently. The Mayor is expected to be a leader and yet function as “one of” not “apart from”. The Mayor will always be viewed

by the public as the face and voice of Council but must never allow that public personae to be used in an imperial or directive fashion.

Importance of the Mayor's Position

The foregoing commentary does not mean that the Mayor does not have a very important role to play. The Mayor is central to what is commonly referred to as "tone at the top". Much of how the community views its Council is a reflection of how it sees its Mayor. Is the Mayor on top of things or seemingly disinterested? Is the Mayor decisive or does he seem to waffle? Is the Mayor respectful of other Council members and trying to build a team or does the Mayor operate in a high-handed manner seemingly without caring about the need to lead a team? Is the Mayor a person of high integrity or someone that believes that the rules and legislation were meant for everyone else?

The Mayor's style should be one which enables each member of Council to see their own worth to the collective whole.

The Mayor is the leader of the Council team despite the fact that his team may not see things as one but rather whose members speak out separately on the key issues. Where Council members disagree on key issues, the challenge of the Mayor is to listen carefully to what each is saying and try to identify common ground in their arguments. The Mayor seeks consensus while understanding that in its absence democracy rules. That is, regardless of the Mayor's efforts the Council might be split on this or that issue. That is how it may remain and thus the Mayor has to lead from whatever decision of Council has been approved by resolution. Such consensus building is not simple nor is it not without considerable time and effort. And, ironically, it might be without positive result.

What most Mayors understand is that a healthy Council has everyone at the table, informed and involved. That is, there is no effort to exclude those who might disagree; such disagreement should be accepted with grace and as a normal part of any healthy council.

Leader of All

The duty of the Mayor in such circumstances is to work with all members and not single out some as being on his "side" and the others as relegated to the sidelines because they do not support the Mayor. Such a style of leadership (which we realize has been

witnessed in various communities across Canada) is divisive to the core and results in enmity not collegiality. Playing silly, immature games while purposely dividing the Council and then not really caring as long as the Mayor controls the majority view is behaviour unbecoming a chief elected official. How one leads the team in such a circumstance is difficult to fathom. The Mayor recognizes that on any given topic, some of his colleagues may choose to have a different opinion. That being so does not inhibit a mature and thoughtful Mayor from ensuring that all members are equally and concurrently informed and all given the opportunity to express their differences to the views of the Mayor. When that is so it eliminates any possibility of the Mayor acting in a deliberate fashion to shut out the voices of those he would expect to be opposed.

Concurrently Informed

The Mayor ought to be focusing on how to ensure that all of Council is concurrently informed. That would be the respectful thing to do and would reflect the fact that the Mayor sees all of Council as his colleagues and as equals. One way in which this process can be manipulated in the Mayor's favour is by the Mayor holding onto valuable information and not sharing the same with his Council colleagues. This is generally done knowingly and with the purpose of making the rest of Council dependent on the Mayor for his judgment as to what course of action to follow. A mature Mayor seeks to ensure that all members of Council are treated equally and fairly.

Community Conscience

We generally expect the Mayor to be the conscience of the community: to act in such a way as to place the interests of others before any evidence of self-interest. The Mayor needs to conscientiously set aside any professional or personal obligations or commitments that are not in the best interests of the community and act as one of rather than the only one. The Mayor's business interests should be made known to the CAO and Clerk and any issue that subsequently arises in Chambers which impacts on those interests should be quickly identified so that the Mayor can be excused from any discussion on or voting on these issues.

If acting as expected and anticipated by legislation, the Mayor respects the fact that he is but one voice representing Council's "face" to the public. The Mayor has one vote, not a majority. The Mayor can encourage a Council to act in a certain way but cannot

coerce it to do so nor can the Mayor act unilaterally. The Mayor can say what he thinks Council's views on a matter will be, but a Mayor cannot categorically state what it will be; nor can a Mayor make any commitment to an action before the Council as a whole has made a decision.

The Mayor's voice has much more volume than that held by his colleagues. That is, when the Mayor speaks his voice carries weight beyond that of any other member of Council. The Mayor has the vote of the citizenry behind him/her and they see him as "their" leader and spokesperson. That is a role and perspective which ought not to be treated lightly.

Informal Power

The Mayor's power is informal but it can still be very persuasive. The Mayor may only have one vote on each matter but the office carries with it more prestige and "power" than the vote would signify. Whenever the Mayor speaks, the community presumes that he is uttering the will of the Council. This is both a power and an obligation: a power in that his voice carries more influence than the individual voices of his colleagues; an obligation in that the Mayor must be very careful not to go beyond the parameters of his office and presume that because he speaks, others must fall in line. The Mayor, regardless of how committed to a particular course of action, needs to ensure that all members of Council understand the implications of that course and are willing to endorse the leadership being offered by the Mayor.

It needs to be understood that the ability of the Mayor to be influential on Council is highly dependent on the willingness of the rest of Council to follow the lead of the Mayor. While each Mayor is entitled and indeed expected to hold his own views on most issues, the challenge for a Mayor is to be able to rightfully claim that he reflects the will of the majority of Council. The most logical way to ensure that this is the case is to develop a policy framework on the key issues such that each member knows where the Council stands on that topic with sufficient confidence so as to express those views publicly without fear of contradiction.

Role of the Chief Administrative Officer

The CAO's work is multi-faceted and includes the responsibility of all aspects of the administration: the duty of advising the Mayor and members of Council; ensuring a focus on quality customer service; supporting and coaching team members; ensuring sound policies are developed; establishing the necessary supporting procedures; participating as a member of the senior management team; supporting effective administration; and working collegially with the Mayor.

As we view it, a CAO's ability to carry out these roles depends in large measure on her ability to build relationships with those in the organization (particularly at the senior level) and to develop a strong relationship to Council. This is generally a function of her ability to advise Council regularly and comprehensively such that the latter is able to develop a high degree of confidence in her ability to carry out the tasks involved.

This confidence is an elusive factor and one that dominates the life of each and every CAO across Canada. Indeed, every chief officer that we have ever worked with has commented on the absolute necessity of building a high level of confidence with the Mayor and Councillors in order to make the system work as intended.

Strong Relationship Required

There are various reasons why we place such a strong emphasis on relationship and confidence building. First, the decisions of the governing body are often predicated on their confidence in the advice provided by their administration. Where there is a substantial degree of confidence, it may be presumed that the Council will accept the advice and provide their approval by way of resolution, policy or by by-law. This is not to say that there will not be suggestions for change or amendment or questions relative to options that have been presented. There is not, however, any likelihood of hand-wringing over the "what ifs" after the meeting, given that Council feels confident that it has received all of the salient and available information and thus its decisions, regardless of their popularity, are likely sustainable.

Secondly, the decisions being made by a Council on the advice of its CAO are assumed to be relatively "high level" and of substantive impact on the delivery of local government services or the resolution of issues. As a result, it is imperative that the advice of the CAO is presented in an honest, comprehensive and straight-forward manner without reference to the potential political fall-out which might occur. Similarly, Council members should be able to receive the

reports and advice of the CAO with complete confidence. Both Council and the CAO will recognize that a perception that decisions have been mishandled or with less than complete objectivity and professionalism, may negatively impact the City. Such decisions may become the matter of lawsuits if not carefully managed and may cost the City financially and may negatively impact the City's reputation if it is found that the City acted without taking all the steps that would be considered by peers in similar circumstances as "reasonable, logical".

Thirdly, the role and performance of the CAO impacts the perception that a Council can have of its complete administration and particularly those at the senior management level. If the relationship between the Council and CAO is one based on trust and respect then there is more likely to be a similar degree of confidence in the work and reports of other members of the senior management team. If there is a lack of trust then it might be expected that members of Council will begin to bypass the CAO and deal directly with the other senior managers. If the Council has confidence in the ability of its CAO to make quality decisions, this transfers as well to her ability to recruit top quality people for senior level positions as well as being able to make prudent decisions relative to their hiring or dismissal.

One Employee Model

Many jurisdictions across Canada recognize the value of considering Council as a "one employee" organization. This model requires the advice to Council being vetted, approved and signed off by the CAO and any direction to the administration either flowing through the CAO or being subject to the approval of the CAO.

Another significant role played by the CAO is that of the administrative team leader responsible for organizing and building the skills and abilities necessary to discharge the functions of a City. According to the position description, he/she is also responsible for ensuring that there is a strong focus on quality customer service using a team approach. This requires training and coaching senior staff in what the City regards as "quality service". Further, the leadership must not only encourage all members of the administration to pursue service excellence, the CAO and her team must "walk the talk" such that those following can model their performance and attitude in terms of what they see on a daily basis in the lives and management styles of the CAO and her subordinates.

A part of this responsibility is to build into the direct reports and through them to the rest of the administration, the type of successes that are possible through collaborative efforts. This

is never accomplished at once or through an individual effort but over the course of time and through the combined efforts of all senior team members.

The CAO also has a delicate balance to maintain in terms of her leadership “at the table”. She needs to be seen as “in charge” without using the powers attached to the role in such a way as to intimidate her colleagues. Her role as meeting chair is to guide discussions, solicit solutions to issues, encourage respect for the Council, and plan administrative response to the Council’s leadership (as expressed through the budget and strategic plan). If the message is one of empowerment and support for a collegial approach, then unilateral decisions should be minimal.

Council also needs to have confidence that its decisions are going to be carried out by the administration immediately (i.e. as soon as realistically possible) after the Council meeting. Thus, regardless of the advice of the CAO and administration being deemed acceptable or not, the decision of Council is that which defines the resulting action. The CAO is responsible for ensuring that the decisions of Council are implemented as quickly as possible after the motion approving such action.

Policy Advice

One of the principal roles of any chief administrative officer is that of acting as the Council’s principal policy advisor. The issues that should be presented to a Council by the CAO should be those that are significant to the well-being of the community. These should always be accompanied by the written advice of the CAO and should include reference to the existing policy that may need to be changed or waived or to a proposed new policy that ought to be drafted by the CAO and presented to Council.

It is our view that the CAO should:

- take forward to Council any issues which she is not familiar with and which is not a matter which is subject to a current council policy or bylaw
- provide her advice to Council in written form relative to any such issue, clearly outlining the key elements of the issue and including her recommendation as to the appropriate action by the council
- identify the concerns of the residents and advise Council as to the essence of any concerns and what she has been doing about them

- ensure that the services of the organization are clearly defined and are in concert with the expectations of the residents
- create position descriptions which reflect actual and current duties to be provided by each of the personnel
- empower staff to take action on their areas of responsibility
- provide support for staff in the face of any criticism from the public or from the council; take corrective action vis-à-vis poor performance where that is justified; provide confidential performance feedback to staff on an annual basis
- coordinate the efforts of the staff through regular (preferably at least once bi-weekly) meetings
- encourage ongoing and relevant training for staff; advise council which courses are available and which are applicable and appropriate to which member of staff
- ensure that the compensation plan and personnel policies are appropriate and fair for all employees.

Assistance to the Council in Direction-Setting

While the Council has the principal role in setting forth the vision for and with the community, this does not happen in a vacuum. The CAO is expected to play a significant role in developing the approach to be taken by the Council in articulating its views as well as providing advice to the Council on both current and future issues that need to be taken into consideration.

The CAO should be expected to provide Council with the background to what has been done by prior Councils; the role of planning with regard to the budget; the impact of past plans on the work of the administration; the projects that have been previously committed to by this or a prior Council; the impact of public consultation on the community's priorities.

What the CAO should not do is provide Council with a comprehensive draft plan and ask for its approval. Baptizing the will of the administration is not a good example of Council's vision.

Leadership to the Administration

The CAO is expected to play the predominant role in acting as the team leader of the administration. In this respect, she acts as the key linkage between the policy-makers on the one hand and the policy advisors and implementers of policy on the other. The CAO represents

the narrow portion of the hour glass in that information and advice going to Council needs to be cleared through her office whereas the direction from Council and guidance on how the will of Council is to be discharged also flows downward from the CAO.

The CAO needs to have a thorough knowledge of the programs and services offered by the municipality. While the CAO should not be expected to be the expert in such matters where there are qualified staff leading those departments, the CAO still needs to be sufficiently briefed as to the key directions and issues being faced by each department and/or service area.

The CAO is also responsible for directing/choosing who is to be hired in the key senior positions in the organization. Any position reporting to the CAO should be hired by the CAO. Any position reporting directly to a department head should, with few exceptions, be reviewed and approved for hiring by the CAO. The request for new positions should be approved by the CAO as should a recommendation to change the organization structure.

Managerial procedures should also be the purview of the CAO. Whereas the Council is responsible for establishing the policies of the system, the CAO needs to ensure that those are supported by effective administrative procedures. In larger centres, the CAO also will be charged with the development and approval of administrative policies.

Relationship Building with Council as a Whole

One of the key components of a well-rounded performance review system is an assessment of the relations that the CAO has developed and maintained with all embers of Council, including the relationship to the Mayor.

It needs to be made clear that the role of a CAO is set out in legislation as being subservient to the Council as a whole. This is an important distinction in that all too often the Mayor or a powerful Councillor will exert influence over the CAO as though they had ownership of her role. Such a misapprehension of roles should never be tolerated by other members of Council as it establishes a dangerous precedent for future administrator-Council relationships and because it is contrary to the law.

The CAO answers to Council as a whole. Her reports should be addressed to the “Mayor and Councillors” and any advice presented to one should be immediately copied to all others on Council. This is one of the key mechanisms for communicating this critical understanding. While the CAO needs to have a particular relationship to the Mayor based on more extensive contact with the chief elected official, she must ensure that the proximity of that relationship does not

interfere with the separation of roles. The Mayor acts as Council's liaison to the CAO and will pass both information and comments along that she feels are significant. That relationship, however, must not grow into something it is not intended to be or there will accrue negative results.

It would be useful for the CAO to draft for Council approval certain protocols that establish how this relationship will function. Such protocols need to include:

- Direction given to the CAO
- Direction given to other members of the administration
- Contacting staff for information/advice
- Access to preliminary research reports
- Use of office for private meetings
- Distribution/Use of Councillors' access to information
- Access by the CAO to legal advice
- Role of CAO at meetings with other political leaders
- Role of CAO in approval of Councillor expense accounts
- ❖ A Critical "Link-pin"

Each Council should be advised by one person who should be delegated authority over the administrative organization. While that is admittedly a sweeping statement it is nonetheless an accurate portrayal of a very healthy system. The chief officer for the administration (in most instances referred to as the CAO - Chief Administrative Officer) should be viewed as Council's "go to person".

As we view it, a CAO's ability to carry out these roles depends in large measure on her ability to build relationships with those in the organization (particularly at the senior level) and to develop a strong relationship to Council. This is generally a function of her ability to advise Council regularly and comprehensively such that the latter is able to develop a high degree of confidence in her ability to carry out the tasks involved.

Fiscal Management

Ensuring that the financial affairs of the municipality are being properly managed is also a requisite function of the CAO. While local governments often associate that responsibility with the Treasurer/Chief Financial Officer/Director of Corporate Services, the person most accountable for the fiscal health of the municipality is the CAO.

Such a statement is not contrary to any delegation of responsibility to the Chief Financial Officer (CFO). Rather, it is a reflection of the principle of personal accountability of the senior officer. The former (the CFO) is the person most likely to have the best grasp on the financial affairs of the community. The latter (i.e. the CAO) is the key member of the administration who should be held accountable by Council for ensuring that the fiscal affairs of the municipality are always maintained in a sound, healthy state. Thus, it is incumbent upon the CAO to choose someone for the important post of Chief Financial Officer who has the requisite skills and academic preparation, realizing how important that role is to the Council and residents of the community.

The CAO-Staff Relationship

I am continually reminded that the CAO has at least one other very significant audience with whom to maintain a high degree of confidence. The administration holds the keys to whether or not the decisions of the Council are being translated into action. If the CAO and her senior staff are on the same page, then it is likely that the decisions of Council will successfully work their way down the system. Where there is a lack of confidence in the CAO by the senior staff, that undercurrent of non-support will also send waves across the organization and will result in discontent, low morale and poor performance. The CAO has to be the team leader and in order for that to happen, the CAO has to be able to engender respect for her role. This is one of the principal challenges facing a new CAO and particularly one who comes to the job without much (or any) public sector experience at the senior level.

As chief administrative officer, one of the principal functions is to provide both a directing and coordinating role vis-a-vis other staff. The CAO is to be responsible for the functions and activities carried out by subordinate staff. While it is apparent that the CAO will need to know something about each of their areas of responsibility, it is equally evident that the CAO will need to rely upon the expertise and academic training possessed by each of these individuals.

Relationship to the Public

The CAO also has an important role in setting the tone of the municipality's relationship with the public. If the CAO sees the public as the client and the most important audience that the staff have for their work, then the responsiveness of the CAO will underline this sense of closeness to the people being served. If, on the other hand, the CAO is seemingly more interested in the technology of city hall and/or the outside involvements that she has, then the administration as a whole may respond with indifference to the needs and complaints of the public.

Local municipal officials must be prepared to respond to all sorts of demands both reasonable and unreasonable. There are times when the pressures are heavy and responses to the public are not made in as courteous and polite manner as they might be.

The CAO and all other staff members must remember that they serve the public and that they are the people who represent the City to them. The job is not always easy but a positive attitude toward the public will not only help - it should be considered as essential.

Quality of Reports

It is our view that the principal mandate of the senior staff, particularly the Chief Administrative Officer, is to advise the Council as to its policies, programs, decisions and budget. A CAO is normally retained due to their expertise and experience. It is that which Council wishes to “tap”. Such advice should be prepared and delivered by the CAO to Council in advance of any meeting (whether Committee or Council).

It is ultimately the Chief Administrative Officer’s responsibility to check each report to Council in light of the following:

- does this issue need to be decided by Council?
- is this issue of considerable political interest to Council?
- has the appropriate format been followed?
- is the information complete?
- is it well-written?
- do I agree with the recommendation(s); if yes, have I signed it off; if not, have I attached my own report?

In the final analysis, it is the responsibility of the Chief Administrative Officer to ensure that any reports which are to be presented to Council meet the stated (written) standards of quality and completeness. This does not necessitate that the Chief Administrative Officer defer or dismiss reports which she may not fundamentally agree with but, rather, that she ensure that her own opinion, if contrary to that of the writer, is presented to Council as the covering document. In some instances, the Chief Administrative Officer might wish to request Council to defer or delay a decision until the management has had further opportunity to study the issue(s).

What if the Reality Proves Otherwise?

I accept that it is possible that a Council can be served by someone who lacks professionalism; plays silly games; is caught up in power; listens only to the Mayor; abuses senior and junior staff; has an anger (or substance abuse or pornography) problem; etc. All of the foregoing have happened. None of the foregoing are reasons to abandon the notion that a solid administrator with considerable authority is not the way to go. Council just has to make better choices and get the recruitment right at the outset. Find the best person available after utilizing a thorough (and preferably independent) executive search process.

Don't Settle

Do not settle for a warm body or someone local who has managed the hardware store but knows nothing about municipal management. While someone with generally good management skills could grow into the role of a CAO, this is not an easy transition and particularly not if the candidate does not have experience working at a senior level in the public sector. The role of a CAO is critical to the success not only of a Council but, more importantly, the community. Can you afford to do less?

George B Cuff, FCMC is a recognized name in local government across Canada. He has authored well over 300 articles and six books published by Municipal World. The proceeds of his writing (and recently produced video series) go to support a children's camp in northwestern Romania. He can be reached at george@georgecuff.com

Appendix B: Governance Principles

While not legislated, the following “governance principles” are based both on good governance literature and the experience of this consultant over a 35 year career.

- √ The will of the majority as it is understood by Council will be reflected in all Council decisions.
- √ All Council decision-making save and except that which is protected from public exposure by law shall be conducted openly with the public’s right to be present respected.
- √ Council members will respect the right of each other to have a difference of opinion on any or all issues and will not attack other Council members for holding and/or voicing a different opinion.
- √ Council members will respect the power differential which exists between themselves and their administration and will refrain from public and/or personal criticism; Council will publicly support and respect the role and integrity of its administration.
- √ Decisions made by Council at a duly constituted meeting will be deemed to be decisions of Council and will be subject to prompt enforcement by the CAO and/or her staff.
- √ Municipal property or information will not be used for personal gain by any member of Council.
- √ All advice and information presented to Council by the administration will be treated with respect regardless of whether or not the member agrees with such advice and/or information.
- √ Decisions by Council will reflect a thorough decision-making process including staff reports, public board or committee input (if appropriate), public hearings (where required or appropriate) and will be consistent with Council values, mission, goals and objectives.
- √ Council will govern the organization through policies, bylaws and resolutions; the administration will manage and administer the decisions of Council and will ensure the effective utilization of the human, fiscal and physical resources.
- √ Council will respect the mandate of other area governing or administrative organizations (e.g. school system, health authority, etc.) and will seek to work cooperatively with such organizations in the expenditure and use of public resources.
- √ Council will seek to ensure that there is an effective monitoring process in place which ensures that its decisions are being implemented effectively and efficiently and in a timely manner.

Appendix C: Request for Decision (RFD)

Request for Decision (RFD)

Meeting:

Meeting Date:

Originated By:

Topic/Issue:

A) THE PROPOSAL:

What is the essence of what is being proposed? Why is this important for the senior management team (SMT) to review; for the CAO to agree; for the Council to approve? What would justify this being beyond the authority of the CAO to respond?

B) GOVERNANCE IMPLICATIONS:

What are the policy consequences or impacts of this decision? What new policy is being recommended? What current policy is being set aside if we go in this direction?

C) BACKGROUND TO THE PROPOSAL:

What is the history of the issue and why are we discussing this now? What are the key preceding events? Have we seen the issue previously? What gives rise to this being placed before the SMT?

D) DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

What are the key options in terms of action? The City can stay with the status quo (option a) which is...? The City can proceed with option b, c, d...which are and which result in...

The advantages and disadvantages from the perspective of senior management are???

E) COSTS / SOURCE OF FUNDING (if applicable):**F) IMPACT ON STAFF RESOURCES:****G) IMPACT ON APPROVED BUSINESS PLAN OR PROPOSED BUSINESS PLAN:**

This proposal is linked to the priorities of this Council as noted in the Strategic Plan...

H) RECOMMENDED ACTION:

That the Council accepts the proposal of the senior management team (SMT) and as signed off by the CAO. This proposed course of action has been identified as Option XXX which succinctly stated is as follows:

I) ADDITIONAL BACKGROUND INFORMATION:

There is a file of background information which Council members have access to relative to this report. The executive summary of that information is attached hereto. Additional information can be accessed by following this link:

J) ADDED COMMENTS BY CAO (as applicable):

Initials show support - Approved by:

Department Head: _____

CAO: _____

Date: _____

Appendix D: Statements of Protocol

Protocols should be written clarifying:

- CAO will be advised of any requests by Council for information
- Council hires and terminates the CAO; Council defers to the CAO alone those responsibilities vis-à-vis other management employees
- CAO will provide Council with policies dealing with matters as: performance reviews; compensation
- Where Council accesses the administrative structure needs clarity for all (i.e. not lower than CAO direct reports)
- Any request for information from the administration is copied to all members of Council and to the CAO
- Management is not expected to know the answers to all questions; but expected to review and report back to Council at the first opportunity
- Current approved policies expected to be followed by management until and unless changes approved by Council
- All reports to Council will include a recommendation by the relevant department head and counter-signed by the CAO
- Management through the CAO will endeavour to keep Council informed on all key issues facing the community
- Issues for which management does not have clear policy guidance will be prioritized for policy development

Some Suggested Council Protocols

1 Treatment of the CAO

We agree to respect the apolitical nature of the office of the CAO and to receive her advice as being in the perceived best interests of the City and/or organization. We will respectfully listen to comments in response to questions posed at Council meetings and will ensure that the CAO is accorded a respectful audience. We will not bypass the CAO in our search for information

and will coordinate any questions/concerns relative to the jurisdiction of the administration through the office of the CAO.

2 Treatment of the senior administration

We agree to respect the apolitical nature of our senior staff and will treat their advice and reports with respect. We will not knowingly or wilfully interfere with their work but will coordinate any of our concerns as a Council through the office of the CAO.

3 Access to staff information

We will agree to access information developed and or possessed by our administration by accessing such information through a motion of Council or by direct request to the office of the CAO. We agree that we will not demand reports from individual staff nor expect that any report being sent to us is being sent in confidence (i.e. to one member of Council and not to all others).

4 Use of public property

We agree to respect the fact that property belonging to the City of Kenora is held as a common interest for the good of all citizens. As a result, we will not presume that any such property belongs solely to members of Council or that we can as members of Council take advantage of our access to such property as a result of being on Council.

5 Role of citizens to request information

We respect the right of all citizens to have access to public information. Wherever possible and not in violation of the law, we will make agenda information available to citizens in advance of meetings and minutes (even if still noted as "unaccepted or draft") available as soon as practical following a meeting.

6 Right of citizens to appear before Council

Our citizens are entitled to appear before Council on issues that are within the jurisdiction of the City according to the Municipal Act. Any such presentations that follow must be communicated to the City office in advance by way of a letter requesting an appearance before Council and where possible should contain at least a summary of the matter to be presented. Council will listen attentively to such presentations and may, through the chair, ask questions of the delegation. Council will not (unless in the case of a perceived emergency) provide any definitive response to the delegation until the next regular meeting of Council.

7 Treatment of ABCs

Council is appreciative of the willingness of citizens to volunteer their time and talents to serve on various local organizations (referred to as ABCs—agencies, boards and committees). These agencies, when established by Council, are considered as a part of Council’s decision-making process and thus will have matters referred to them for their advice. The ABCs will in turn advise Council of their recommendation on matters that they have considered. Council may or may not accept the advice of any ABC on matters within their terms of reference.

8 Respect for each other in Chambers

Council members will treat each other with respect in Council Chambers. During the course of meetings, proper titles will be used such that Councillors will refer to the Mayor as “Your Worship” or “Mayor XYZ”; and to each other as “Councillor Smith (i.e. whatever the appropriate last name is). When another member of Council is speaking, respect will be shown by the other members of Council who will not interrupt the member speaking.

If a member of Council speaks in an unbecoming manner or is derogatory to members of Council, the administration or the public, the Mayor shall:

- Advise the member that such language is not tolerated
- Ask the member to apologize
- Request the member to meet in the Mayor’s office after the meeting
- Remind the Council member of the Council’s commitment to improved behaviour both publicly as well as in private conversations
- Advise all members of Council if the action is repeated and seek a motion of censure against the offending member.

9 Authority of the Mayor to host

The municipality recognizes that from time to time the Mayor will be placed in a position where it is appropriate for the City to be the host at a meal or reception. The Mayor will be entitled to charge the expense of such an event to the City’s account/credit card and will provide adequate details of the event/occasion such that other Council members or members of the administration or the external auditor who may be called upon to review the Mayor’s expenditures will be able to fully appreciate the reason for the expenditure. Where the event is not covered in the approved budget and is known to the Mayor or City officials the Mayor will seek the concurrence of Council before the event takes place.

10 Obligation to inform

Council members respect the fact that they represent the citizens as a whole and not small groups or sectors of citizens. As a result, the messages of Council will be communicated through official channels to all of the public following a meeting and will not be sent in advance to groups/organizations/friends of Council members.

Any request to staff for information by a member of Council will be responded to according to the City's policies. In every instance where information is being sent to one member of Council that same information will be sent concurrently to all.

#11 Attendance in City Hall

All members of Council are welcome to attend the City Hall. Given the prominent position which such members hold, the Council members are encouraged to alert the CAO or her secretary to their visit and to request from the CAO any information they may be seeking. If the matter is one of an existing policy, the CAO may refer the member to a department head. The Council member ought to restrict their visit and comments to the CAO. If the matter is a pending or yet to be drafted policy, when in attendance in City Hall, members of Council will refrain from making any derogatory comments about other members of Council or senior staff. Any such comment will be referred by staff who may overhear such comments to the CAO who will take that up with Council or the Mayor depending upon its significance.

12 In Camera Meetings

Council has the right under certain circumstances as defined by the Municipal Act and by MFIPPA to go "in camera". The matters to be discussed in camera should be generally identified (e.g. labour relations) and the only motions permitted would be a motion to go in camera and a subsequent motion to come out. Any decisions to be made as a result of an in camera discussion need to be made in public. Going in camera is not a matter to be taken lightly nor should it be used to discuss other matters which are not in camera matters. Further, Council members need to be as respectful towards each other and any member of staff in camera as at a public meeting. Such meetings should never be used as a session to bash one another and any attempt to do so should be immediately halted by the Mayor.

If a matter of Councilor conflict with another member of Council arises, that matter should be carefully addressed by the Mayor and resolution sought. (An apology is always helpful). This

“personal” matter should not be conducted in public but nor should it be an opportunity for one Councillor to attack another.

Managerial Protocols re: Governance

1. The CAO reports to the Council and is the Council’s sole employee. All other employees report to the CAO. One of the keys to success is the sharing of information between the department heads and the CAO so that there are no surprises.
2. The primary decision-making body is the Council. All of the direction by way of policy emanates from Council. Administration advises; Council decides. Once a decision on a policy is made, the administration accepts responsibility to see that the policy is followed.
3. Unless established otherwise by legislation, any committees are subsidiary to the Council and are to be considered advisory in nature. They are very important in this governance model but are not THE decision-making body.
4. The role of the administration involves enabling the Council to make very good decisions by providing it with the best advice the administration has at its disposal. Such advice will always be clear, comprehensive and devoid of any political consideration.
5. Department heads are responsible for the assisting in the preparation of Council agendas (as well as any GPC agendas). Department heads are to submit such items firstly to the CAO for her review and approval before such items are added to any Council agenda.
6. Department heads and the CAO will utilize the approved “Request for Decision” format in order to provide their advice to the Council in a straight-forward and succinct manner. The CAO will “sign off” on the issue (“Request for Decision”) before it is added to a Council or committee agenda. Each RFD should incorporate decision options. These are to be the best options available to any decision. The RFD will clearly indicate which of the options is preferred by the administration and for what reasons; and will be signed off by the CAO.
7. The CAO will determine who from senior staff is to attend any meeting of Council. The CAO will also determine the seating arrangement for any member of the administration.
8. The CAO will be responsible for the calling of any meetings of the senior management team (SMT). The agenda for such meetings will be her responsibility.
9. Department heads are expected to hold departmental meetings on a regular basis not less frequently than once per month and preferably every two weeks.

10. Any department heads or the CAO may be invited to attend meetings of ABCs (agencies, boards and committees) and if in attendance, will be expected to act in an advisory capacity only; and will not be under the direction of the committee; but under the direction of the CAO or, if applicable, the Council as a whole.

Appendix E:

Governance and Priorities Committee & Agenda Committee

Principles of Operation (Governance & Priorities Committee)

- ✚ That with the exception of any emergency issues brought to the attention of Council by the CAO, new policy issues will be considered by the GPC prior to consideration by Council
- ✚ That any member of Council may request a matter to be discussed at a GPC meeting and that such a matter will be discussed by the Agendas Committee as to whether or not such an item will be added. If the matter is brought up at a GPC meeting, and a decision is made to refer the matter to the Agendas Committee, then the item may be added to the agenda of the next scheduled meeting of the Agenda Committee
- ✚ That the GPC meeting will be advisory in nature (unless otherwise designated by Council) with recommendations forwarded to Council
- ✚ That the CAO has the liberty to re-draft items submitted by the administration for Council approval based on the feedback received at a GPC meeting
- ✚ That the public has the right to attend any portion of the GPC meeting with the exception of any portion wherein the Committee decides on a majority vote to go in camera
- ✚ That the agenda items be circulated to all members of Council as per the terms of the Procedural Bylaw
- ✚ That the GPC meet no less than once every 4 weeks except during the July, August and December when the GPC may stand adjourned except to meet at the call of the Mayor

- ✚ That the GPC meetings will be chaired by the Mayor unless the Mayor designates otherwise. The committee shall designate which member of Council will serve as Acting Chair in the event that the Chair is absent
- ✚ Special purpose bodies (agencies, boards or committees) and/or Council-appointed task forces and public advisory committees will report direct to the GPC who may, in turn, refer their report with a recommendation to Council or may refer the matter to the CAO for comment prior to dealing with the report and or minutes
- ✚ Requests by delegations will be reviewed by the Agenda Committee, who will determine whether or not the delegation should be heard by the GPC or by Council at its next regularly scheduled meeting. All delegations must comply with the provisions of the Procedure Bylaw with regard to providing briefing materials to Council in advance of any meeting with Council (or one of its Committees)

Terms of reference for the Governance & Priorities Committee

The following are proposed as the appropriate terms of reference for the GPC. The GPC may:

- Hear from delegations and/or refer these on to Council
- Review matters forwarded to it by the CAO or by Council via the Agendas Committee
- Consider matters placed on the agenda by the CAO, by other members of Council (as determined by a resolution of Council) or by consideration of the Agendas Committee. Ensure that all such matters are referred to the CAO for a report
- Approve matters which it considers are within current policy
- Refer any matter on to a regular meeting of Council which is not the subject of current policy (including new statements of policy)
- Review reports or minutes from external boards and committees so that there is some degree of consistency as to how each is treated by the Council
- Meet publicly at a time which is deemed by a majority of Council as acceptable to most members of the public; meet on the alternate weeks to that of regular Council meetings

- May determine to meet in-camera on a vote of the committee at the conclusion of a meeting; in-camera matters are limited as per the legislation
- Meet principally as a forum for discussion rather than as a decision-making arena; enables all of Council to review and discuss key issues without the requirement to decide
- May refer an item to the CAO for more information or clarification but must move the issue forward to Council for its consideration and decision upon receipt of the clarifying information (in other words, the referral process if used is intended to be limited on a normal basis to two weeks)

The principal advisor to the Governance & Priorities Committee is the CAO. Whether or not other management (or other staff) is in attendance is the prerogative of the CAO.

Final reports or recommended actions should be placed on the agenda of the regular Council meeting and be subject to the discussion and debate of the Council at that time. We view the regular Council meeting as the principal decision-making forum of any municipality. This is where the major issues of the day need to be aired, debated and decided. As a result, the regular meetings of Council are recognized as the forum for decision-making.

Appointment of the Chair

Such meetings should be chaired by the Mayor (unless the Mayor chooses otherwise). There is some logic in having someone other than the Mayor chair this Committee but also a downside in terms of the public's assumption of the leadership role of the Mayor. We prefer granting the decision-making authority in terms of this decision to the Mayor.

Quorum

A quorum for a meeting of the GPC should be those members present at a regularly scheduled meeting.

Role of the Administration

The primary role of the CAO as always is to act as the policy advisor to Council and to ensure that Council has access to well-rounded information that adds to Council's understanding of the issues. During a GPC meeting, the CAO should be engaged

frequently by Council in terms of responding to questions or by directing the questions of the Councillors to other appropriate members of his administration.

When a topic is opened by the Mayor to the table (i.e. to the rest of Council in attendance) for its discussion, the best approach would be for the Mayor to ask the CAO if she had any additional or new information to add prior to opening the floor to members of Council (or even to the public). The CAO may then re-direct the question to the senior staff member most impacted by the topic or under whose jurisdiction the topic fits. Providing that it is always deemed acceptable for the CAO to intervene in an administrative presentation, once she has deferred in her initial remarks to a department head, the members of Council should be permitted to continue their questions to that individual. (This is a departure from the protocol at a regular meeting of Council where members should be asked to direct all questions of administration to the CAO).

Seating of the Administration

As we discussed with Council, we continue to believe that even though this GPC meeting is intended to be more informal than a regular meeting of Council, the CAO and her staff who are present should sit at a table set apart from members of Council. This distinction is useful in order to maintain the perceived separateness of roles in the eyes of the public and of Council.

Administrative Review of Agenda Issues

While the agenda and tone of a GPC meeting is not as formal as that of a regular meeting, the quality of any debate will depend on the quality of the input. This requires that the CAO and department heads as appropriate establish their own timeline such that a meeting of the senior management team occurs several days prior to a GPC meeting in order that the department heads can review/discuss the issues from individual departments that are proposed to go forward to GPC.

Authority of a Council Member to Request Staff Reports

Any member wishing a report from the administration should be presenting such a request to Council as a whole through a motion at a Council meeting or through a request to the Mayor to place such a matter on the Agendas Committee meeting. No member of Council has that authority on his/her own.

End of Meeting Additions

While it is common practice in many places to allow items to be added onto an agenda at the end of a meeting, such items should only be considered as “for information” and not “for decision”. Such additions are very unfair to a policy-making body which strives for thoughtful debate which in turn requires the time to prepare through advance study. “Instant expert” decisions are often prone to be exposed as questionable or wrong when considered in the cold light of the realities of the following day.

Public Input at Meetings

Public input to any public governance process is generally considered desirable. It is not always agreeable. However, the City is a public body that according to legislation must conduct its business in public (except wherein the Council or committee of Council may determine to go in camera).

Public input could be achieved and managed in a number of ways. Obviously, the more traditional approach is through a delegation process at regular or committee meetings of Council. This requirement and forum enables a delegation to gain the attention of Council on a particular matter and to present their views for a fixed time (generally 3-5 minutes) after which Council members may be entitled to ask any questions designed to flesh out the remarks of the delegation.

A second approach is similar to the first and that is the availability of time on an agenda for City agencies, boards and committees (ABCs) to make a presentation on matters within their mandate and to seek Council’s concurrence. These differ from the first process only insofar as the latter are through ongoing, recognized groups whereas the former is more frequently that of individuals seeking redress on very specific and often time-sensitive matters.

A third approach to public participation at meetings of Council (or at a GPC meeting) is to provide a “public dialogue session” at the beginning or conclusion of a committee meeting and to engage in a more free-wheeling style of dialogue wherein members of the public are entitled to speak to matters on the committee agenda and to ask questions (through the chair) of Council members or any staff members who may have presented an issue. Such a forum needs to be carefully guarded in terms of its boundaries such that no member of the public is allowed unfettered access to staff so

as to dominate or manipulate the session. Further, issues that have already been dealt with and are the subject of a Council policy or resolution are not considered open for such discussion. Terms of reference are essential for such processes in order to be effective.

Agendas Committee

Quite simply, meetings are controlled by their agenda. While many municipalities overlook the importance of the agenda to good Council decision-making, we believe that an agenda is central to the process of local government and one of the key instruments by which Council controls the decisions which impact upon the City.

The recommended Agendas Committee should play a special and integral role in determining what is on a Council meeting agenda and its order of priority.

Mandate and Guidelines for the Agendas Committee

The proposed mandate of the Agendas Committee is:

- to ensure that the business of Council is being dealt with fairly and expeditiously
- to review potential agenda items and ensure that these are appropriate for inclusion on a Council and/or the Governance and Priorities Committee agenda
- to advise Council as to why any particular matter should not be brought forward for Council review at the present time
- The Agendas Committee should consist of three members of Council including the Mayor, the Deputy Mayor and one other member of Council serving for a term of one year (this person should be rotated annually by the Mayor). Advising the Committee will be the responsibility of the CAO (or designate) and the City Clerk (or designate). This committee should meet at least 3-4 days prior to a GPC meeting and review the agenda items as put forward by either the CAO, members of Council or by the Clerk. This committee should operate by consensus.

Agenda items should include:

- those submitted by the administration (and which require Council's policy review and approval)
- those which Council members agree by a resolution of Council to refer to either this Committee or to the GPC agenda for consideration

- those issues which an individual Council member might submit which the Committee believes warrants a report by the administration (and thus which the Committee places before Council in the form of a “notice of motion”)
- those which external boards/agencies believe require the guidance of Council before they can take a particular course of action

The Agendas Committee is not intended to act as a censor for agenda items. Rather, it is to serve as a sounding board for both Council and the senior administration to ensure that issues are dealt with effectively and in the proper course of time. The Committee is charged with ensuring that the time a Council spends considering Council’s business is used wisely and that business is conducted as openly as possible so as to be transparent before the public. The Committee will ensure that the focus of Council is placed on “higher order” issues that potentially can impact current Council direction and policy. These “higher order” issues, for the most part, will likely be those of a strategic policy nature dealing with those issues which we outline as being within the purview of a Council.

The Agendas Committee will not have authority to defer any proposed agenda matter for longer than one regularly scheduled meeting without the prior consent of Council (by resolution). The City Clerk should be responsible for establishing a mechanism for tracking these issues and for advising the Council as to their eventual disposition.

Appendix F: Governance Policies

CAO Recruitment Policy

The Issue

The well-being of City of Kenora rests upon the capacity that it has to govern effectively and to deliver effective, efficient and desired services. This capacity relies upon, in some measure, the ability of the City to ensure that it has identified and recruited a quality administrative leader to provide guidance and direction to the administrative organization in a manner which reflects the decisions and philosophy of the Council.

It is incumbent upon this and every Council to have a policy and plan in place so that whenever a vacancy does arise in this extremely important role, that a strategy is in place to fill the position temporarily (a succession plan) and on a permanent basis (a succession/recruitment plan). As such the issues identified herein speak to the need of Council to provide policy leadership in this regard and to put in place a recruitment plan that will enable Council to act in a professional and expeditious manner whenever a vacancy in the position of CAO does occur.

Council is committed to taking whatever steps are deemed necessary to ensure that this organization always benefits from the capable leadership that ought to be afforded by a competent, experienced and responsive chief administrative officer.

Mission

To deliver quality, cost effective Municipal services.

Vision

Kenora is a City of choice, renowned as a sustainable, lifestyle community supported by a Municipality committed to excellence.

Core Values

- ❑ *Trust & Respect*
- ❑ *Communication*
- ❑ *Commitment*
- ❑ *Innovation*
- ❑ *Preparedness*

- ❑ *Fiscal Responsibility*
- ❑ *Environmental Stewardship*

Core Business

- ❑ *Develop our economy*
- ❑ *Strengthen our foundations*
- ❑ *Focus on our people*
- ❑ *servicing the needs of the people through local municipal services*
- ❑ *making and enforcing laws*
- ❑ *being responsible stewards of taxpayers' money*
- ❑ *providing long-term viability for our municipality*
- ❑ *facilitating public input*
- ❑ *fulfilling the requirements of provincial legislation*

Definition

Recruitment pertains to the search and selection process utilized in locating an individual for a vacant position in the organization. It combines a series of approaches that work in a linked fashion such that potentially qualified and interested candidates are identified, reviewed, interviewed, referenced checked and assessed by the recruitment firm/agent prior to being placed before Council as potential candidates for the position of chief administrative officer.

Recruitment also refers to the process whereby Council interviews all short-listed candidates and determines which one is likely to best meet the needs of the community and organization for the foreseeable future. It includes the offer made to the successful candidate and an employment agreement being entered to with that person.

Related Strategic Goals

3-2 The City will identify and mitigate succession planning issues across the full spectrum of the organization in full anticipation of the imminent retirement of senior staff.

3-10 The City will ensure that employee learning & development opportunities are delivered to all levels of Staff in a prompt and timely manner that enables appropriate career planning and skills development.

City of Kenora Policy

The Council of the City of Kenora believes in the importance of its employees to the welfare of its citizens. Council understands that our employees are essential to enabling our citizens to

enjoy this City and its many benefits, including all of the services rendered by the City. Council's values include: effective leadership and long term planning. These both speak to the need to ensure that we are properly administered and guided and that our services are effectively and efficiently rendered. Our core businesses (see above) also speak to the importance that we place on quality people providing first rate service.

The Council respects the authority it has vested in its Chief Administrative Officer (CAO) and thus realizes that Council guides the organization through the CAO. As a result, Council is responsible for ensuring that it has a plan in place to ensure an orderly transition from one CAO to another whenever that needs arises. Our Succession Plan is based on our desire that the organization continue to function in a responsive manner despite any changes in our administrative leadership and particularly during a transition period, when we are in the process of recruiting a new CAO.

Council's Succession Policy is that it will ensure that an interim CAO is appointed in the absence of our CAO and that our succession plan is followed; that Council is afforded the time and resources necessary to ensure that the best candidate for any vacancy CAO position is identified; and that the future needs and aspirations of the City as Council understands these to be will be a part of any decision as to a replacement for the outgoing CAO.

Council's Recruitment Policy is as follows:

"City of Kenora Council will always ensure that if affords both the community and the organization the best possible administrative leadership possible by recruiting to this position someone who has the experience, talent, competencies and style necessary to handle the position responsibilities in a professional, competent fashion. The City will consider both internal and external candidates as its focus is not on promoting the best but finding the best. Such a person may or may not be currently working for the organization.

As the Recruitment Plan indicates, Council will always consider using the resources of an experienced search consultant in locating quality candidates. As a Council we will do our best with or without the help of an external recruitment agent to find that person who best meets the identified needs of the community on a "go forward" basis".

Linkage to Other Council Documents

This Recruitment Policy is but one of a series of inter-linked policies and strategies that will ensure that City of Kenora continues to be recognized as an “employer of choice”. This Policy is also directly linked to Council’s succession policy (see Policy #xxxx), succession plan and recruitment plan for the position of CAO.

Succession Planning Policy

The Issue

The well-being of the City of Kenora rests upon the capacity that it has to govern effectively and to deliver effective, efficient and desired services. This capacity relies upon, in some measure, the ability of the City to identify quality candidates for elected office and to provide them with the training and orientation they need to be effective in their roles as public representatives. It also requires that the City is cognizant of its role and responsibilities in:

- ❑ Structuring the organization so as to best provide the services it wishes to deliver to its citizens
- ❑ Ensuring that the services and actions of the administration take into account the goals and objectives of the Council
- ❑ Ensuring that the human resources needed to deliver those services is present in the organization and sufficiently skilled to handle the challenges of an ever-changing environment
- ❑ Providing the leadership resources needed by a growing workforce so as to ensure that they are motivated, learning in their roles, held accountable for quality performance, and delivering services in such a manner that the citizens are satisfied with the effort and responsiveness shown.

While these are challenges facing the entire organization and for which the Council is held accountable, the focus of Council’s responsibility lies in its relationship to its chief administrative officer (CAO). The Council is aware that it must carefully manage this relationship in such a manner that it engenders respect and enjoys the mutual trust so essential to this interface. It is also aware that there is a demand for quality people employed in this

senior level position and that this CAO may either leave to take on another position elsewhere or may retire early. As a result, the Council must ensure as a matter of good governance that it develop both a succession policy and plan for the position of CAO.

Mission

To deliver quality, cost effective Municipal services.

Vision

Kenora is a City of choice, renowned as a sustainable, lifestyle community supported by a Municipality committed to excellence.

Core Values

- ❑ *Trust & Respect*
- ❑ *Communication*
- ❑ *Commitment*
- ❑ *Innovation*
- ❑ *Preparedness*
- ❑ *Fiscal Responsibility*
- ❑ *Environmental Stewardship*

Core Business

- ❑ *Develop our economy*
- ❑ *Strengthen our foundations*
- ❑ *Focus on our people*
- ❑ *Servicing the needs of the people through local municipal services*
- ❑ *making and enforcing laws*
- ❑ *being responsible stewards of taxpayers' money*
- ❑ *providing long-term viability for our municipality*
- ❑ *facilitating public input*
- ❑ *fulfilling the requirements of provincial legislation*

Definition

Succession planning is a process of identifying future successors to key positions in the organization. It is part of a broad process of reviewing organizational requirements, identifying the essential skills needed for all key positions, and ensuring that management development programs are established or pursued that ensure that such skills are being developed.

Succession planning begins from a base of realism in that all organizations go through a continuous process (some over a longer time frame than others) of identifying needed skills, filling those positions from either internal or external sources, providing ongoing training and upgrading of such skills, losing the individual to either retirement or resignation, and beginning the search again for those same skills and talents (or reviewing the organization's current needs to see if those skills are still required).

Related Strategic Goals

3-2 The City will identify and mitigate succession planning issues across the full spectrum of the organization in full anticipation of the imminent retirement of senior staff.

3-10 The City will ensure that employee learning & development opportunities are delivered to all levels of Staff in a prompt and timely manner that enables appropriate career planning and skills development.

Related Organizational Goals

- ❑ *To ensure that the comprehensive human resource needs of the organization are consistently being identified and addressed*
- ❑ *To update the human resource needs on a regular basis*
- ❑ *To identify internal candidates for possible promotion into more senior level positions*
- ❑ *To ensure that the organization consistently identifies training opportunities that enhance our ability to develop such candidates.*

The City of Kenora Council Policy

The Council of the City of Kenora believes in the importance of its employees to the welfare of its citizens. Council understands that our employees are essential to enabling our citizens to enjoy this City and its many benefits, including all of the services rendered by the City. Council's values include: effective leadership and long term planning. These both speak to the need to ensure that we are properly administered and guided and that our services are effectively and efficiently rendered. Our core businesses (see above) also speak to the importance that we place on quality people providing first rate service.

The Council respects the authority it has vested in its Chief Administrative Officer (CAO) and thus realizes that Council guides the organization through the CAO. As a result, Council is responsible for ensuring that it has a plan in place to ensure an orderly

transition from one CAO to another whenever that needs arises. Our Succession Plan is based on our desire that the organization continue to function in a responsive manner despite any changes in our administrative leadership and particularly during a transition period, when we are in the process of recruiting a new CAO.

Council's policy is that it will ensure that an interim CAO is appointed in the absence of our CAO and that our succession plan is followed; that Council is afforded the time and resources necessary to ensure that the best candidate for any vacancy CAO position is identified; and that the future needs and aspirations of the City as Council understands these to be will be a part of any decision as to a replacement for the outgoing CAO.

Linkage to Other Council Documents

The Succession Policy is but one of a series of inter-linked policies and strategies that will ensure that The City of Kenora continues to be recognized as an “employer of choice”. This Policy is also directly linked to Council’s recruitment policy (see Policy #HR-1-1) and recruitment plan for the position of CAO.

Potential Governance Policies

- Council’s Adherence to Confidentiality
- Council’s Review of the CAO
- Council’s Acceptance of the Views of Others
- City’s Role in the Region
- Council’s Governance Model
- Policy re: Regular and Transparent Reporting
- Policy re: Respect for an Apolitical administration
- Policy re: Governing in Interests of the Whole
- Policy re: Ethical Government
- Potential Governance Policies
- Council Priority Setting
- Council’s Approach to Training/Development
- Council Policies and Bylaws
- Organization Structure

- Council's Access of Administration
- Policy re: Primacy of the Council Table
- Policy re: Open meetings
- Council-CAO Covenant

Appendix G:

Performance Assessment Format for the Chief Administrative Officer

Name of CAO: _____

Date Appointed to Position: _____

Date of Appraisal Meeting: _____

Current Salary: _____

Date of Last Revision: _____

Purpose of a Performance Evaluation Process

This performance evaluation of the CAO is a valued instrument of this Mayor and Council and is used in order to:

- ✚ Underline the importance which the Mayor and Council places on its relationship to the CAO
- ✚ Ensure that the Mayor, Council and CAO understand essential components/competencies of this position
- ✚ Provide a balanced format that is deemed acceptable and useful to both parties and one that serves the purpose of outlining requirements and ensuring sound and regular feedback
- ✚ Provide the CAO with a forum for outlining and discussing his annual objectives and an assessment of the results
- ✚ Establish any needed changes in the criteria for future evaluations.

Performance Evaluation Content

A review of the CAO's performance should embrace a number of areas. These include the following:

- ✚ Assistance to Council in understanding its governance role

- ✚ Relationship building with the Mayor
- ✚ Policy advice and leadership on the key issues
- ✚ Fiscal management
- ✚ Leadership of the administrative team
- ✚ Team selection, assessment, training, mentoring
- ✚ Development of community relationships
- ✚ Accomplishment of goals
- ✚ Areas for improvement

Guidance to Performance Assessment Factors

Rate each factor according to your perception of the performance of the CAO in the past year.

Please provide narrative comments or examples to illustrate, if possible.

RATING CRITERIA:

1. Outstanding
2. Above Standard
3. Standard
4. Below Standard

✚ 1. Assistance to Council in understanding its governance role

- a) *Preparing an orientation program and suitable materials for a new Council*
- b) *Identifying the needs/priorities of this Council*
- c) *Committing to equal treatment/courtesy/assistance*
- d) *Providing advice on potential areas of conflict/pecuniary issues*
- e) *Seeking to develop a relationship based on mutual respect, trust and integrity*
- f) *Ensuring access to relevant training programs for all Council members*
- g) *Being responsive to the feedback and input received from all members of Council*
- h) *Communicating advice to Council that will assist it in its governance responsibilities*
- i) *Communicating any issues of concern to Council impacting its relationship to the administration*

- j) Monitoring legal implications of issues; being aware of Council 's legal and legislative requirements*
- k) Ensuring ready access to useful policy-based information*
- l) Maintaining appropriate boundaries; assuring equal treatment*
- m) Providing quality control on advice going forward*
- n) Ensuring an ongoing degree of open communication with Council; presenting reasonable and professional views in a straight-forward yet pleasant manner.*

Rating: _____

Comments:

2. Relationship building with the Mayor

- a) Meeting with new Mayor immediately following election*
- b) Identifying concerns of the Mayor; addressing her expectations, style and needs issues*
- c) Ensuring the apolitical nature of the relationship clear (including no personal connection to the Mayor)*
- d) Identifying areas of potential overlap & strategies to address*
- e) Ensuring Mayor prepared for any engagements/speeches*
- f) Ongoing briefings and meetings held on scheduled basis*

Rating: _____

Comments:

3. Policy advice & leadership on the key issues

- a) Assistance in identifying key issues; offering strategic advice addressing such issues*
- b) Ensuring both Council and administration aware of importance of policy development*
- c) Providing quality advice and guidance to Council on identified issues*

- d) *Coordination and preparation of draft policy statements*
- e) *Strength of administrative leadership as observed in terms of the CAO's decision-making ability (e.g. decisiveness, quality of decisions)*
- f) *Advice to Council on importance of strategic planning as a leadership tool; assistance to Council in planning/designing a strategic planning session*
- g) *Implementing approved policy; monitoring policy implications*
- h) *Review/monitoring of financial controls/audit reports/business plan and budget*

Rating: _____

Comments:

4. Fiscal management

- a) *Ensuring the development of a comprehensive, inclusive and transparent process of business planning and budgeting*
- b) *Ensuring that Council provides guidance to the administration in the development of both plans and budgets*
- c) *Providing Council with accurate, comprehensive advice on the current status of the fiscal condition of the City*
- d) *Advising Council on the status of any changes required by the external auditor; acting promptly on audit recommendations*

Rating: _____

Comments:

5. Leadership of the administrative team

- a) *Providing ongoing, consistent leadership to department heads and through them to the full administration*

- b) Communicating effectively and regularly; providing ongoing guidance/direction*
- c) Making administrative decisions within constraints of bylaw/policies*
- d) Providing inspiration and modeling of a desire to be the best*
- e) Delegating/empowering within reasonable limits*
- f) Supervising direct reports and expecting results*
- g) Disciplining behaviour and correcting promptly*
- h) Ensuring sound corporate communications plan*
- i) Ensuring that senior staff are involved in the process of developing City goals and priorities; providing a forum for Council and senior staff to engage in discussions relative to the City's strategic plan*

Rating: _____

Comments:

6. Discharge of all legislative and bylaw requirements

- a) Determining changes to the organizational structure*
- b) Continually assessing the needs of the system; seeking the advice of senior staff in this process*
- c) Developing a sound policy-based and cross-organizational approach to recruitment & selection*
- d) Ensuring a planned approach to training/development*
- e) Attending suitable conferences/courses as an example*
- f) Establishing mechanisms for mentoring other supervisory staff*
- g) Fulfilling all legislated and bylaw requirements*

Rating: _____

Comments:

7. Development of community relationships

- a) *Maintaining a positive profile in the City of Kenora’s jurisdiction as the senior administrative spokesperson and leader*
- b) *Ensuring that Council members and the Mayor have access to sound advice on how to engage the public (community communication plan)*
- c) *Maintaining contact with other administrative leaders in the region and with other key administrative leaders throughout the Province*
- d) *Developing a positive/constructive rapport with media*
- e) *Ensuring the development of administrative protocol to develop courteous relationships with the public*

Rating: _____

Comments: _____

Annual Objectives/Key Results

These should be developed by the CAO and reviewed with the Mayor and Council.

Key Objectives	Key Results

Overall impression of performance and results achieved.

Accomplishment of Goals

Comments:

Areas for Improvement (Rank in order of importance)

1. *Assistance in the Council's governance processes*

2. *Relationship building with the Mayor*

3. *Policy advice & leadership on the key issues*

4. *Fiscal management*

5. *Leadership to the administrative team*

6. *Discharge of all legislative and bylaw requirements*

7. *Development of community relationships*

Follow-Up

Indicate those measures or steps which should be taken by the CAO over the course of the next appraisal period to improve her performance, e.g. types of external or internal development courses/seminars, changes in management practices, etc.

Sign Off

Signatures of the Mayor and CAO to indicate completion of the process

Signature of the CAO _____

Date _____

Signature of Mayor (or designate) _____

Date _____

Appendix H Council-CAO Covenant

WE, as Members of the City of Kenora Will:

- ❖ *carry out our responsibilities as set out in the applicable legislation to the best of our abilities*
- ❖ *make decisions which we believe to be in the best interests of the citizens of our jurisdiction*
- ❖ *review the background information and advice made available to us by the administration prior to rendering a decision*
- ❖ *seek further input from our CAO when we are unsure of the issues or uncertain as to the preferred course of action*
- ❖ *refer any complaints, either written or verbal, about the decisions of the Council or the actions of administration, to the CAO for review, comment and follow-up (as appropriate)*
- ❖ *refrain from making any commitments on behalf of the Council to individual citizens or groups other than to take the request up with the Council or CAO and to respond appropriately*
- ❖ *seek to participate actively in the decision-making process as it occurs at the Council table; make decisions at the table and not away from the table*
- ❖ *refrain from any public or private criticism of our administration wherein individual employees are identified*
- ❖ *act as good stewards of the City and as public servants of our citizens through ethical conduct*
- ❖ *provide effective leadership through guiding the corporation of the City through annual or longer term goals and priorities (the Council's Business Plan), through the budget approval process and by agreeing to reasonable policies which reflect, in our views, the best interests of a majority of our citizens*
- ❖ *ensure that we formally evaluate the performance of the CAO at least once annually and involve the CAO in this process so as to ensure a full understanding of the Council's candid assessment.*

Signatures:

Mayor

Councillor _____	Councillor _____
Councillor _____	Councillor _____
Councillor _____	Councillor _____

I, THE CHIEF ADMINISTRATIVE OFFICER WILL:

- ❖ *conduct myself as your chief policy advisor in an honest and ethical manner*
- ❖ *ensure that the Mayor and Councillors are accorded respect in all of my personal and public comments*
- ❖ *provide advice (on all issues) which is professionally sound, ethical, legal and in accordance to the policies and objectives of Council*
- ❖ *guide the actions of the administration so that they are in accordance with the policies and objectives of Council*
- ❖ *act only on the will of Council as a whole as established by the resolutions, policies and bylaws of Council*
- ❖ *forward any complaints or concerns of Council to the appropriate department and individual so that reasonable and prompt follow-up is assured*
- ❖ *ensure that Council is made aware of the full picture with regard to each issue at least to the extent that the administration is aware of such information and ensure that Council has access to the reasonable decision options as well as my recommendation as your CAO*
- ❖ *seek to ensure that Council is aware of any key issues as they arise and thus avoid the problems associated with surprises*
- ❖ *maintain a current understanding of the applicable legislation as well as relevant programs, policies and initiatives of other levels of government*
- ❖ *admit to any mistakes of substance made by myself or my staff and take corrective action*
- ❖ *listen carefully to the concerns of Council vis-à-vis my performance and seek to improve any deficiencies on an ongoing basis*
- ❖ *ensure that all major issues are tracked in sufficient detail so as to advise Council of any progress, anticipated problems or decision points.*

Signature:

CAO _____

Governance Zone-Primary Obligation (Part One)

It seems to me that members of Councils make a tragic and yet oft-repeated mistake whenever they forget that their appointment to other bodies by a Council stems from and is dependent upon their membership on that Council. While I am aware that there are certain organizations wherein their bylaws or the legislation appointing them requires an obligation to act in a manner consistent with the aims of that organization (e.g. Regional Municipality Council in Ontario, Regional District Board in BC), the majority of bodies (agencies, boards and committees)(ABCs) to which a Council appoints are either creations of the municipality or are independent entities in the municipality and have their own jurisdiction (e.g. the Chamber of Commerce, the Ratepayers Group, etc.).

There are certain protocols to follow as a Council relative to such organizations:

1. The role of the Council as a whole should be identified by all members of Council as primary. Nothing should be done which relegates in any way the status of the Council as the primary body.
2. In the case of a City-appointed committee (ABC) or a situation where the City is asked to appoint one of its members to an ABC established under its own bylaw, the Councillor should not allow their name to be nominated for the role of Chair. That should be the responsibility of a member of the public who can legitimately give their full attention to that ABC and who does not have a prior obligation to serving the Council as her primary obligation.
3. The Councillor is to be a liaison and not an advocate, otherwise the ability of a Councillor to hear competing points of view from their colleagues and the administration will be compromised. No member of Council should provide any assurance to any such ABC. Each member of Council needs to be open to the dialogue which they will hear at the table and thus any prior commitment to anyone else would constitute a breach in that commitment.
4. The spokesperson for the ABC is the person elected as its chair. That person should be invited to speak to Council and present their issue, particularly if it is an important one.
5. No member of a Council should chair an outside ABC given the appearance and reality that such an appointment conveys the distinct impression to all and sundry that the Councillor/Chair will be representing us "in front of Council" and taking our cause to their colleagues. That being the case (and it is), how does such a Councillor then

presume to suggest that their primary obligation is to Council, which, by the way, is how they were appointed in the first place.

6. In the event, however, where the only members on the committee are elected officials say from other communities in the region, then the Councillor should be quite willing to assume the leadership role as the only other option is another elected official. At the same time, the Councillor must be cognizant of the fact that their role as a Councillor of the local municipality is their primary role (i.e. that's what got them to the dance).
7. The Mayor or Council as a whole should change appointments to ABCs on an annual basis given that the Councillor is not elected to become an expert on the affairs of another body but, rather, to be a solid thinker relative to the governance aspects of any request made to a Council. Simply sticking a member of Council on a particular board or committee and leaving him/her there on the basis that "they are becoming more aware of the issues" represents very poor thinking and even more questionable governance. (The only exception to this rule is with regard to bodies that consist solely of members of Council from various jurisdictions. In that instance, having someone on long enough to become the Chair of that organization may make some sense and be of value to the local municipality i.e. we get our message heard more readily than the voices of other municipal members).
8. Any commitments made outside of the Council Chambers and before the matter is actually being discussed by all members of Council such that they can find out the thinking of each other and debate the merits of the logic or illogic being espoused is a fatal flaw in the governance process. If the primacy of the Council meeting is not respected, its capacity for sound judgment and its place as THE voice of the community will not simply slip away, it will become recognized for what it is, a rubber-stamping mechanism used solely to keep matters "legal".

It makes a mockery of what ought to be the most significant centerpiece of local government if we tolerate anything that detracts from the right of a Council to discuss and debate an issue or to hear the views of others.

Governance Zone: Primary Obligation-Chapter Two

I have written previously on this topic (July 2006) but that article raised a number of other related issues that seem to necessitate some elaboration. I have either struck a goldmine of governance challenges or my usually convoluted and fractured writing style has left the intended audience more confused than at the outset. The truth of the matter is that this is a significant issue that has caused innumerable problems often inhibiting good governance rather than assisting it.

I would like to approach this matter by identifying certain principles of what I see as good governance. I will then speak to some specific examples.

Principle # 1:

Good governance requires that nothing be allowed to detract from the primacy of the governing body.

This principle speaks to the notion that a Council is established by legislation as the principal governing body on behalf of a municipality. Nothing that a Council does therefore ought to be perceived as encouraging others to believe that Council's principal business can or should be conducted in other venues. Therefore, simply delegating matters to a committee of Council with full authority to determine a matter may seem efficient but may, in the final analysis be one step in a course that weakens Council as the primary vehicle for decision-making. Unless such delegation is required by legislation or the associated body has been granted governing authority by legislation, final decisions on matters lying within the jurisdiction of the Council ought to be decided by the Council and not an appendage thereof.

Principle # 2:

Any associated agencies, boards and committees (or commissions) should be populated primarily by citizens and their governance should be left in the hands of capable citizens.

This principle speaks to the membership of what are commonly referred to as "ABCs". For example, the Environmental Advisory Committee or the Planning Advisory Committee are useful to the extent that they possess a clear mandate (as established by Council) and that their purpose is properly identified as ensuring that the public has been given a forum for useful

input. These are not intended as additional forums for Councillors to inform the public of their views. Rather, the intent is for a Council to listen, a novel concept to be sure.

Principle # 3:

A Council may decide to appoint one of its members to such bodies as a means of indicating its view that such bodies are significant or because it feels the need for a pair of Council eyes in their midst so as to ensure that the group does not go too far off the preferred course of Council.

Regardless of the fact that the people being appointed to ABCs are generally understood to be sound, competent and committed folks, most Councils still exercise their right to appoint one or more representatives to many of these same bodies. There are various reasons for doing so ranging from the innocuous (i.e. that's what we always have done) to self-serving (i.e. where there are people meeting, votes await). In the main however, it has been my experience that such appointments occur out of respect for the significance of the mandate in terms of Council's estimation of the potential value; or because Council is aware that such bodies functioning on their own without oversight may cause significant problems to the style or agenda (i.e. we have other fish to fry) preferred by the current Council. One of the concerns with Council appointments to such bodies is the message this conveys to other civic-minded and mature folks serving alongside members of Council. Why would quality people want to serve as independent advisors if they sense that their unfettered advice is being squelched before it leaves the boardroom?

Principle # 4:

Appointments to such bodies ought to be as a result of a careful, step-by-step process that ensures that the municipality is able to access the best minds and most qualified people that their community has produced.

The municipal clerk is obligated to ensure that the general public has been made aware of potential opportunities to serve their community and thus an advertisement to that effect is essential. At the same time, it would seem logical for a Council to seek out those residents and community leaders whom members of Council and the administration perceive as balanced, mature people who may have shone in another venue. This is not an invitation to "stack" the committee with those whom individual Councillors sense will support only their ideological

views. Thus, the environmental committee or the economic development committee would profit from those who are not cheerleaders but may well be sceptics.

Principle # 5

Members of Council ought not to allow their names to stand for election as the head of this or that board or commission unless the body in question consists solely of elected officials.

Thus, there may be instances that Council has entered into a regional agreement with other municipalities to collect and recycle waste. A regional governing body may have been formed. Council is obligated to appoint one or more of its members. In that case, any elected official might be wise to seek election to head the governing body (on the basis that our municipality will be better served if one of its own members acts as chair. On the other hand, the vast majority of Council appointed agencies, boards and committees are comprised in the majority of residents who have been selected/appointed to serve and for whom this may be their only such appointment. In these instances, Council members should be anxious to have community citizens serve in leadership capacities on the basis of two substantive arguments:

- ✚ Whereas Council members have a multitude of other appointments that will occupy their week, this in some instances may be the only committee whereon the public member serves.
- ✚ The leaders of such bodies should be effective spokespersons for their committee. They should be able to effectively articulate the issues or proposal to Council. A Councillor, on the other hand, needs to keep their options open given their requirement to serve the vast interests of the whole community not the specific interests of any one committee.

Principle # 6

The Mayor (or Chair in the case of a regional board) should make the appointments to any internal or external committees.

In some respects this statement represents a departure for me as an observer of local government. At one point in time, I would have recommended that this be the mandate of the full Council. (And at one point in time most Provincial legislation required all of Council to make such choices). Now the legislation in some instances empowers the Mayor to make the appointments. I would agree that as the chosen leader of the municipality the Mayor should be

in the best position to make balanced and unbiased appointments based on discussions with all members of Council and on those factors that the Mayor (and hopefully Council as a whole) deem relevant. I note that this mandate also requires the Mayor to exercise good judgment and not be too quick to favour friends and supporters on Council and relegate those whose support is deemed questionable to lesser bodies.

As a layperson (i.e. non-expert) board of directors, such appointments can and should be rotated annually or at maximum, once every two years.

So What?

ABCs (agencies, boards and committees) are intended to be instruments of positive contribution to any community. The people serving on these bodies want to feel like they are making a difference in the lives of their fellow residents. In order for that to occur the Council needs to understand how it can best maximize its own involvement with such community groups as well as eliminate any roadblocks to an effective governance framework.



June 8, 2015

City Council Committee Report

TO: Mayor and Council

FR: Bruce Graham, Risk Management & Loss Prevention Officer

RE: Municipal Insurance Renewal

Recommendation:

That Council of the City of Kenora hereby accepts the renewal proposal for Municipal Insurance as presented by Lake of the Woods Insurance and BFL Canada in the amount of \$308,658.00 plus HST for the period of July 1, 2015 to July 1, 2016.

Background:

At the request of Council, an RFP for the provision of Municipal Insurance and Risk Management Services was issued on March 17, 2014.

The successful respondent to the RFP was Lake of the Woods Insurance with insurance provided by BFL Canada and they have been handling the City's insurance for the term from July 1, 2014 to July 1, 2015.

It was a provision of the RFP that "Based on satisfactory performance and service, subsequent renewals may be granted."

It is my opinion that Lake of the Woods Insurance and BFL Canada have provided satisfactory performance and service and therefore a renewal with them is justified.

The renewal price of \$308,658.00 represents an premium increase of \$20,755.00 over last year's premium of \$287,903.00.

The primary reason for the premium increase is a change in the value of our insured properties from \$106,915,146.00 to \$111,632,816.00, an increase of \$4,717,670.00. Of this \$1,700,000.00 is due to the addition of the Whitecap Pavilion to our property list. The Whitecap Pavilion was inadvertently left off of the Property Schedule that was sent out with the RFP last year. This oversight was not discovered until after the RFP was awarded to Lake of the Woods Insurance. It was agreed that insurance coverage would be extended to the Pavilion for the 2014-2015 term without affecting our premiums and that the necessary adjustments would be made prior to renewal.

Additionally, we have worked with Lake of the Woods Insurance over the past year to establish and assign proper values to the City's heavy equipment to ensure that we have the proper coverage in place. This exercise saw the value of our heavy equipment increase by \$1,457,000.00.

The remainder of the increase in the value of our insured property is the result of an approximate 1.5% increase for inflation.

There are no claims related premium increases.

Budget:

As per 2015 budget.

Communication Plan/Notice By-law Requirements:

Strategic Plan or Other Guiding Documents:

Goal #1: Develop Our Economy

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

Lake of the Woods Insurance is a locally owned and operated business and is a very active part of the Kenora business community.

Goal #2: Strengthen Our Foundations

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

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



May 28, 2015

City Council Committee Report

To: Mayor and Council

Fr: Michelle Saunders, Tax Collector

Re: Tax Appeals under 358 of the Municipal Act, 2001

Recommendation:

That Council hereby approves Section 358 tax adjustments with potential refunds totaling \$1,487.00.

Background:

The cancellation of taxes under Section 358 of the Municipal Act relates to properties that have been overcharged, due to gross or manifest clerical error, on the part of MPAC. Property owners are allowed to appeal current taxes, plus two prior years, in the year for which the application is made. Such errors include a transposition of figures, typographical error or a duplicate property created.

In the case of the current 358, the assessment was substantially incorrect. It was assessed as a buildable waterfront lot when in fact, it is not buildable and not on water causing the rate payer to be substantially overtaxed.

Budget:

The municipal share of the tax reduction is \$1,293.75; the remaining \$193.25 is attributed back to the related school boards.

Communication Plan/Notice By-law Requirements: Property owners receiving a Section 358 adjustment will be notified in writing of the applicable refund amount.

Strategic Plan or other Guiding Document: We demonstrate integrity, honesty, fairness, transparency and accountability in all of our actions.



June 4, 2015

City Council Committee Report

To: Mayor & Council

Fr: Heather Kasprick, Manager of Legislative Services

Re: Smoke Free at Municipal Beaches

Recommendation:

That Council of the City of Kenora hereby authorizes a bylaw that prohibits smoking on all beaches located in the City of Kenora; and further

That the appropriate bylaw be passed for this purpose.

Background:

The Northwestern Health Unit directed a letter to Council requesting Council to consider passing a bylaw banning smoking from all beaches entirely which would cover any beach area that is not included in the newly regulated 20 meters from playgrounds. The NWHU Medical Officer of Health will be making a deputation to Council on this matter at the June 16th Committee of the Whole meeting.

Recent regulatory amendments to the Smoke-Free Ontario Act have been introduced to reduce children's exposure to tobacco use and to protect the public from second-hand smoke. These regulatory amendments make smoking within 20 metres of playgrounds illegalⁱ.

In the City of Kenora, Anicinabe Beach, Norman Beach, Keewatin Beach, Garrow Beach and Coney Island Beach are partially smoke-free as they contain playground equipment. Darlington Beach, Ottawa Street Beach and Rabbit Lake Beach are not smoke-free as they contain no playground equipment.

The new amendments offer a unique opportunity for municipalities to act to further protect community members from the effects of second-hand smoke. The City of Kenora can use authority under the Municipal Act to make beaches 100% smoke-free regardless of the distance from playground equipment or lack of playground equipment.

Why consider a smoke-free beaches by-law?

The vast majority of the population in the Northwestern Health Unit area does not smoke. The current smoking rate is 20%, which is slightly higher than the rest of Ontario (18%)ⁱⁱ. Public support for smoke-free outdoor spaces is high among both smoking and non-smoking adults; 89% of adults aged 18 and over support a smoking ban at children's playgrounds and poolsⁱⁱⁱ.

Smoke-free beaches offer protection from exposure to second-hand smoke^{iv}.

- There is no safe level of exposure to tobacco smoke;
- Second-hand smoke contains more than 4000 chemicals, more than 50 are known to cause cancer;
- Levels of second-hand smoke in outdoor settings can be compared to indoor levels;
- Brief exposures to tobacco smoke may cause adverse health effects in non-smokers.

Smoke-free beaches may help de-normalize smoking which may prevent children and youth from starting to smoke^v.

- Youth exposed to tobacco smoke are at a greater risk for starting to smoke compared to adults;
- Youth who have friends and family members that smoke are more likely to be smokers themselves;
- Smoking restrictions reduce the visibility of smoking which can impact youth's perception that smoking is unacceptable;

Smoke-free beaches can prevent litter and pollution caused by discarded cigarette butts^{vi}.

- Cigarette butts are the most common form of litter in the world;
- Filters are not biodegradable and can pose a threat to the environment;
- Cigarette butts are toxic and can cause adverse health effects in children and wildlife if ingested.

Smoke-free beaches support quit attempts and those who have recently quit.

- Quit attempts can be inspired by smoke-free laws and by-laws;
- Reduced visibility of smoking supports those who are trying to quit by reducing cues for smoking;
- Relapse can occur when a former smoker sees someone smoking or from smelling smoke.

Municipal benefits of a smoke-free beach by-law:

- A smoke-free beaches by-law can level the playing field between and within municipalities.
- The understanding and enforcement is clear as beach areas are entirely and not partially smoke-free.
- The financial and staff cost of cleaning beaches can be reduced with a smoke-free beaches by-law.
- A smoke-free beaches by-law can increase the health of community members by providing clean, safe and accessible spaces to play and be active.

ⁱ Smoke Free Ontario Act Regulation Amendments

ⁱⁱ Canadian Community Health Survey, 2013

ⁱⁱⁱ Centre for Addiction and Mental Health Monitor (Full Year), 2013

^{iv} Smoke-Free Beaches in Ontario: Progress and Implications for Practice, November 2011

^v Smoke-Free Beaches in Ontario: Progress and Implications for Practice, November 2011

^{vi} Smoke-Free Beaches in Ontario: Progress and Implications for Practice, November 2011

Other municipalities have already passed similar bylaws or are working on such bylaws. The only municipality to date in the north who have passed such bylaw is Thunder Bay, however, I am aware of two others that are currently working on a draft for their Council consideration.

Council should be aware that should this bylaw be accepted, it would become the responsibility of the bylaw enforcement officers to enforce the beaches and beach areas that are outside the 20 meters from playgrounds as the Tobacco Enforcement Officers cannot enforce municipal bylaws. The intention of the NWHU tobacco enforcement officers is to work with the municipal bylaw officers to form relationships on reporting and enforcement. They do plan to be active in the community monitoring these areas regularly and if something is discovered they would work with the bylaw officers on enforcement.

Budget: N/A

Communication Plan/Notice By-law Requirements: Public Notice, advertisements, social media

Strategic Plan or other Guiding Document:

Strategic Plan Corporate Action

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

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



**Northwestern
Health Unit**

www.nwhu.on.ca

May 1, 2015

210 First Street North
Kenora, ON P9N 2K4

Mayor Dave Canfield & Council
City of Kenora
One Main Street South
Kenora, ON P9N 3X2

Dear Mayor Canfield and Council:

Re: Smoke-Free Ontario regulation amendments

Smoke-Free Ontario Act regulations were recently amended to create smoke-free outdoor spaces in your municipality. These new regulations are part of the government's plan to reduce children's exposure to tobacco use and to protect the public from second-hand smoke.

As of January 1, 2015, it is illegal to:

- smoke within 20 meters of children's playgrounds and public sports fields, including spectator stands, and
- smoke on bar and restaurant patios whether or not there is a roof over the patio.

The new regulations apply to all municipal playgrounds, including those that are located at municipal beaches and sports fields. Because the smoke-free area is a 20 metre radius around the playground equipment, sports field and spectator stand there is a possibility that the public spaces in which they are situated will only be partially smoke-free.

In Kenora, Anicinabe Beach, Norman Beach, Keewatin Beach, Garrow Beach and Coney Island Beach will be partially smoke-free in the 20m radius around the playground equipment. Darlington Beach, Ottawa Street Beach and Rabbit Lake Beach do not have to be smoke-free as they contain no playground equipment.

The new amendments offer a unique opportunity for municipalities to act now to further protect community members from the effects of second-hand smoke. The City of Kenora can use your authority under the Municipal Act to make your beaches 100% smoke-free regardless of the distance from playground equipment or lack of playground equipment.

A by-law would equalize outdoor protection from second-hand smoke across the community and will result in less cigarette butt litter on the beaches. It will enhance the

.../2

Letter to Mayor Dave Canfield & Council
May 1, 2015
Page 2

positive image of Kenora as a community that supports healthy lifestyles, along with other municipalities including Thunder Bay, Sudbury, Ottawa and Toronto.

My staff would be pleased to work with your municipality to prepare and pass such a bylaw, and we can offer the following support:

- A presentation to council to answer questions about the implementation and enforcement of the Smoke Free Ontario Act Amendments.
- In-person, phone and email support to develop a draft by-law.

To that end Christine McLeod, from the health unit, will be contacting your office within the next month to follow up on this matter.

I encourage you to consider the adoption of an outdoor smoke-free by-law for municipal beaches in your community. By doing so, you will not only help with the public's understanding and enforcement of the new provincial law, but you will be offering safe and healthy environments for children and families to play.

Thank you,



Dr. Kit Young Hoon, MBBS, MPH, MSc, FRCPC
Medical Officer of Health

c: Shannon Robinson, (A)Manager Chronic Disease Prevention & Smoke-Free Ontario



June 4, 2015

City Council Committee Report

To: Mayor and Council

Fr: Heather Lajeunesse, Deputy Clerk

Re: Receipt and Approval of Various Committee Minutes

Recommendation:

That Council hereby adopts the following Minutes from various City of Kenora Committees:

- January 14 & April 8 – Accessibility Advisory Committee
- February 18 & March 24 – Harbourtown BIZ
- March 3 & May 5 – Kenora Urban Trails Committee
- March 31 – Harbour Advisory Committee (public session #2)
- April 1 & 20 & May 11 – Harbour Advisory Committee
- April 15 – Environmental Advisory Committee
- April 15 & May 20 – Heritage Kenora
- May 28 – Lake of the Woods Museum Board; and

That Council hereby receives the following Minutes from other various Committees:

- February 19 – Kenora District Services Board
- February 24 – District of Kenora Home for the Aged Board of Management
- March 4 – Kenora Police Services Board
- March 17 Planning Advisory Committee
- March 27 – Northwestern Health Unit Board of Health; and further

That these Minutes be circulated and ordered filed.

Background:

This static monthly report appears on the Committee of the Whole Agenda (Business Administration-BA) for the purpose of Council approving and/or receiving various Committee Minutes. Those being approved are the Committees of Council which Council should be approving the actions of those Committees and does so in the form of a by-law under the Confirmatory By-law.

The Minutes being received are typically from local Boards or Corporations for information only (and cannot be 'approved' by Council).

The various Minutes will appear under separate cover as an attachment on SharePoint to this report.

Budget/Financial Implications: N/A

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

Strategic Plan or other Guiding Document:

Our Values: Communication: We ensure respectful and inclusive communications with our staff, community and partners

June 2, 2015

City Council Committee Report

To: Mayor and Council

Fr: Colleen Neil, Recreation Services Manager

Re: Event Centre Drawings & Business Case Budget Amendment

Recommendation:

That Council hereby approves a total project cost of \$160,000 for the purchase of drawings and a business case for a potential Event Centre to be funded through a \$30,000 fundraising allocation, \$50,000 from senior level of government and \$80,000 through Contingency Reserves; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2015 Operating & Capital Budget at its June 23, 2015 for this purpose; and further

That Council gives three readings to a by-law for this purpose.

Background:

At its July 15, 2014 meeting of council a by-law was approved for the Terms of Reference for the completion of a Business Case for the potential Event Centre; and direction was given to proceed with funding applications for this purpose; and the City of Kenora's financial share of the business case project shall not exceed \$80,000 or fifty percent of the total amount of the final cost.

With this same resolution Council also approved an amendment to the City's capital budget in the amount of \$160,000, contingent on receipt of a minimum of 50% external funding, for the purposes of the development of a business case, with a maximum of \$80,000 City share of this project to be taken from the City's Recreation reserves.

Following this resolution the Event Centre Committee made application to NOHFC for \$50,000, FedNor for \$25,000 and was committed to raising the remaining \$5,000 (or more) through fundraising events.

The Event Centre Committee's fundraising event, Just Add Ice, raised \$25,000.00 in the fall of 2014. This amount exceeded their \$5,000 contribution and reduced the city's contribution from \$80,000 to \$65,000. Due to the success of this fundraising event, and both NOHFC and FedNor applications being moved to stage 2, it was decided at the time of 2015 budget deliberation the City's contribution of \$80,000 could be reduced to \$65,000.

NOHFC has now officially announced that the City/Event Centre Committee was successful in their application for funding for the Business Case with a grant amount of \$50,000.

The Kenora Hospitality Alliance has also granted the Event Centre Committee with a donation of \$5,000 to support the Business Case moving forward.

At this time, the Event Centre Committee is asking Council to restore the original City funding of the Business case back to \$80,000 so that the Business Case can proceed. (City \$80,000 + NOHFC \$50,000 + Fund Raiser \$25,000 + KHA \$5,000 = \$160,000)

The Event Centre Committee is still hopeful that they will be hearing a positive response from FedNor in the near future for the \$25,000 request. Should this amount be received it will be used toward the project to decrease the City's allocation to \$55,000.

Budget:

There are two parts to this budget amendment. The first is to bring the budget for the project to \$160,000. The second is the shift in funding to take \$15,000 more from the city that allows the project to proceed at this time rather than waiting for FedNor approval.

Communication Plan/Notice By-law Requirements:

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

Strategic Plan or Other Guiding Document:

1-10 The City will promote and leverage its recreation and leisure amenities as a means to support local economic activity, tourism and to strengthen community ties with our regional neighbours.

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

June 2, 2015

City Council Committee Report

To: Mayor and Council

Fr: Colleen Neil, Recreation Services Manager

Re: Ice Allocation Policy

Recommendation:

That Council hereby approves the City of Kenora Ice Allocation Policy RS-1-1; and further That Council gives three readings to a by-law to amend the Comprehensive Policy Manual for this purpose.

Background:

With ice time being at a premium in the City of Kenora the Recreation Services Department is recommending formalizing an ice allocation policy to assist and guide staff and the public in ensuring that there is a fair and transparent process for the accessing of and allocation of the ice time in the municipality.

This policy will be shared with the public at the annual ice users meeting on June 4, 2015

Budget:

N/A

Communication Plan/Notice By-law Requirements:

Policy amendments will be communicated to Recreation Staff and Customers

Strategic Plan or other Guiding Document:

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

1-10 The City will promote and leverage its recreation and leisure amenities as a means to support local economic activity, tourism and to strengthen community ties with our regional neighbours

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

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



Section Recreation Services	Date 06/1/2015	Resolution No.	Page 1	Of 5
Subsection	Supersedes Resolution No.		Policy No. RS-1-1	

Purpose

To identify the process for accessing and allocating ice time at the Kenora Recreation Centre and at the Keewatin Memorial Arena.

Policy Statement

The responsibility will be with the Recreation Programmer to make contact with the involved groups.

The City of Kenora staff may at their option schedule an annual meeting with the ice users for the purpose of reviewing the ice allocations.

Ice Time

Individuals, groups and organizations wishing to book ice time will do so via a the standardized application form (Appendix A), indicating the desired location, times, days, tournaments, special events, the name, phone number and address of a contact person(s) who will handle ice time bookings, cancellations, etc., and submit such requests to the Kenora Recreation Centre Office by the advertised date in June of each year.

Request will not be considered individually but will be reviewed with all received requests during the mass seasonal booking process contained within this policy.

Groups or individuals who do not have a good payment record with the City or have outstanding balances, will be required to pay all outstanding accounts prior to their request being considered.

Groups or individuals who have had poor payment history may be required to pay in full or in part for ice time as a condition of contracting for ice time.

A deposit may be requested, at the discretion of the Recreation Programmer, equal to one month's ice time.

Groups or individuals must sign a Facility Contract and, if required, submit their deposit by the designated date each year advertised by the Recreation Programmer.

After 30 days of contracts being sent out, if the Recreation Programmer has not received a signed contract and a deposit, if requested, ice time will be cancelled and dealt with as per the cancellation policy stated within.

No ice time will be confirmed or used until contract and payment conditions are complied with.

Ice Time Allocation Priority

Consideration and priority for ice time allocation will be as follows:

1. City of Kenora public recreation and special events.
2. Local minor games, playoffs, special events and tournaments.
3. Local minor regular programs.
4. Local adult games, special events, and tournaments.
5. Local adult regular programs.
6. Non Resident Minor special events, tournaments and games.
7. Non Resident Adult special events, tournaments and games.

For the purpose of this policy "minor" shall be defined using Hockey Canada's definitions and shall be considered Midget players and under.

Successful and Returning tournaments and events will have priority over new events or new requests or one-time events.

New events or requests are defined as not having been an active participant in the previous years schedule.

The Recreation Staff will give consideration to the Ice Time Allocation Priorities and the Economic Impacts of a tournament or special event for the community as a whole and make the final determination.

Tournaments and Special Events

All applications for the hosting of a tournament or special event must be made in writing indicating the name of the group or organization, proposed dates, anticipated hours and contact person.

Conflicts

When there is a conflict with the ice time allocation prior to the schedule being distributed, the Recreation Programmer will first take into consideration the allocation policy and if all is equal the Programmer will contact the affected groups.

The Recreation Programmer will contact the group wanting the same time and inform them of the conflict and ask if they can work out an agreement. The Recreation Centre will require a letter from both groups indicating same – an amendment to their group's

original request. If there is no solution arrived at amongst the conflicting groups, then the Recreation Programmer in alliance with the Recreation Manager, will make a decision as to who will receive the requested time.

When the conflict arises **after** the ice time allocation and the distribution of the schedule, the Recreation Programmer will meet with the groups. If there is no solution arrived at amongst the conflicting groups, then the Recreation Programmer in alliance with the Recreation Manager, will make a decision as to who will receive the requested time.

Cancellations

All cancellations of ice time must be done in writing through the office of the Recreation Programmer at the Kenora Recreation Centre. No cancellations will be accepted over the phone.

The following will apply:

- Cancellations must be completed and signed by a designated representative of the group.
- Seven working days advance written notice is required on all cancellations of regular ice time.
- Tournaments or Special Events are subject to 30 days written notice.

If less than the stated time frame of written notice is given, the group cancelling will be charged for that ice time, at the current rental rate in effect.

The Recreation Programmer will attempt to fill the cancelled ice time but there are no guarantees. If the ice is able to be rented, the cancelling group will not be charged.

When ice, within the guaranteed hour's allotment, is cancelled by a Minor group and duly accepted by the City, the ice time will be offered to all other Minor Groups and then offered for open rental.

When ice is cancelled by an Adult group and duly accepted by the City, the ice time will be offered for open rental.

Any cancellations caused by storms, floods, power failures, acts of God or business interruptions caused by mechanical failure of the City of Kenora's equipment, will be considered unavoidable and the groups or individuals will not be charged for cancellations of this nature, nor will the City be held responsible for any losses, whatsoever, arising from cancellations for circumstances outlined here.

Available Ice Times

Any group, individual may rent ice at the Arenas that is not regularly scheduled. However, the following conditions will apply:

- All bookings of ice or rooms will be done through the Recreation Programmer or the Customer Service Desk and subject to a signed Facilities Contract (appendixes hereto as Schedule A) prior to access the facility.
- The rental fee must be paid in full prior to the confirmation of the booking.
- The cancellation policy will apply.

Cancellation of Ice Times by Recreation Office

The Recreation Centre Office reserves the right to cancel ice times of user groups:

- if a past bill has not been paid within a reasonable time or;
- to utilize the ice surface for special events that are for the benefit of the community or;
- if it is felt that ice conditions are not safe or the arena is not safe for the Public to be allowed entry.

Every attempt shall be made to provide sufficient notice to user groups of any cancellation which may affect them.

Ice Rental Rates

Ice rental rates will be reviewed on an annual basis and recommendations for any changes or adjustments will be made to council for approval.

All groups or individuals renting ice shall be charged the applicable rate in the User Fees and Charges By-law as approved by Council.

Maintenance

The Recreation Centre Staff shall be responsible to ensure the Arena is kept clean, and in good repair at all times. Staff have the right to refuse access based on their determination of unsafe conditions.



June 1, 2015

City Council Committee Report

TO: Mayor and Council

FR: Colleen Neil, Recreation Services Manger

RE: Lease Agreement with Kenora Baseball League

Recommendation:

That Council hereby authorizes the Mayor and Clerk to enter into a five (5) year lease agreement between the Corporation of the City of Kenora and Kenora Baseball League, effective June 23, 2015 for the Jaffray Melick Concession; and further

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

Update:

The Kenora Baseball League delivered a deputation to council seeking permission to apply for grants to make improvements to the Jaffray Melick Ball Fields.

In support of the Kenora Baseball League's request Council approved the leagues request to take the lead on applying for grants to improve the JM Ball Fields and directed the Recreation Services Manager to bring forward a joint use agreement for consideration.

The League, the Recreation Services Manager and the Risk and Loss Prevention Officer have met and have submitted an agreement that all feel is in the best interest of the both the City and League to move towards making improvements to the JM Ball Fields.

Budget:

Potential loss of \$775.00 per year in lieu of long term benefit of upgraded ball fields in the city of Kenora

Communication Plan/Notice By-law Requirements:

Notice be given for all required by-law requirements.

Communication will be ongoing with Kenora Baseball, Property and Planning Department and the Recreation Services 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 quality of life.

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



June 1, 2014

City Council Committee Report

TO: Mayor and Council

FR: Colleen Neil – Recreation Services Manager

RE: Kenora SportsPlex Lease/Agreements

Recommendation:

That Council hereby authorizes an amendment to the current five (5) year lease agreement between the Corporation of the City of Kenora and The Kenora SportsPlex, effective June 23, 2015; and further

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

Background:

In 2012 The Kenora Soccer Association submitted a proposal to Council of the City of Kenora for an alternate and expanded use of the Jaffray Melick Recreation Complex.

This proposal met the criteria set out in the previous recommendation of the 2010 Major Recreation Facility Strategy and fit within the future direction and four season strategy for the City of Kenora and the Lake of the Woods Development Commission.

At its August 2012 Council for the City of Kenora gave direction to the Recreation Services Department to develop an agreement with the Kenora Soccer Association for the re-development and use of the Jaffray Melick Recreation Complex for the purposes of an indoor soccer and sports training facility. The agreement was not initiated until 2013 when favourable notice of funding for the facility improvement grant was received and the facility was approved for occupancy.

Since 2013, starting with the renovation of the facility, this partnership has been a great success.

Below is a brief breakdown of the types of groups/events that have utilized the Kenora SportsPlex in 2014:

- Birthday parties (over 50 held in 2014)
- Team training from Confederation College
- Kenora Baseball League training camps
- Kenora Thistles AAA Midgets (hockey) training
- Special Olympics activities
- St Louis School, Valleyview School, King George School, TA, BBSS
- BBSS Bronco Hockey club training
- BBSS Athletic programs
- TA Athletic programs
- Minor Soccer
- Men's Soccer

- Women's Soccer
- Athletic (AA) Soccer
- Old Timers Soccer
- Private soccer rentals
- Kenora Indoor Football league
- Dodgeball

Prime time (Mon-Fri 4 p.m.-10 p.m.) is fully booked every night. Off times and weekends are getting busier with new events and the expectation is that the 2015/2016 season will see even greater use.

To assist the club with startup in the complex, City assistance was included in the original agreement. This included that the City would take care of the bookings for the facility; the City would collect the payments on behalf of the Club and in turn the finance department would transfer the collected fees to the Kenora Soccer Association (now the Kenora SportsPlex). This was always intended to be a short term solution and only included to assist a group of volunteers who took this project on. The Finance department was given assurance that it would only be for up to one year.

The current agreement, signed in 2013 for a 5 year period, was in collaboration with three City Departments. Finance – accounting for the payments and remitting them to the Soccer Association, Recreation – taking the bookings and ensuring contracts were signed; and Property and Planning ensuring that the facility was in good repair and overseeing any capital improvements and to act as the point of contact for the Soccer Association.

As they are now into one full year of operation, the SportsPlex has now taken over their own bookings and managing their own payments, which was originally agreed upon. This was seen a good transition to the Association becoming more independent and less reliant on the City.

The agreement with the Kenora SportsPlex will be amended to reflect these changes as well as a name change from the Soccer Association to the Kenora SportsPlex, as its own entity, and this agreement is being submitted to Council for resolution at its June meeting.

Budget:

No direct impact on the current budget however, less City staff time will be required for the direct operation of this facility and its programs.

Communication Plan/Notice By-law Requirements:

The Kenora SportsPlex; Property and Planning Department; Recreation Services Department; Corporate Services 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 quality of life.



June 1, 2015

City Council Committee Report

To: Mayor and Council

Fr: Colleen Neil – Recreation Services Manager

Re: Municipal Ice Rental Rates

Recommendation:

That Council hereby approves an amendment to 'Schedule B' of the Tariff of Fees and Charges Bylaw to reflect increased municipal ice rental rates; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend the Tariff of Fees and Charges By-Law Number at its June 23, 2015 meeting to adopt these rates outlined in the revised 'Schedule B'; and further

That By-law Number 32-2015 be hereby repealed.

Background:

In 2009 Council passed a resolution that recreation rates and fees would be set at a minimum 55% cost recovery for youth programs; 65% cost recovery for adult programs and 100% cost recovery for summer and ice and non-resident rates and further that there be no increase greater than 5% in any given year.

A review was conducted of the 2014 arena operating expenses which included all facility expenses, utilities, ice resurfacer operating expenses, facility insurance costs and staff per hour costs. The hourly operating rate for one (1) hour of recreational ice is \$160.00 and for a game or special event is \$168.00.

After review, it has been determined that the current Adult rates are already at the recommended cost-recovery amount of 65%.

The chart below includes a summary of the current rental rate along with the recommended hourly rate that would have to be achieved in order to satisfy the cost-recovery amount of 55% for minor rates, 100% for non-resident recreation and 105% for non-resident game/tournament/special event. 100% cost-recovery for summer ice is also recommended.

	Current Rate	Recommended Cost Recovery Amount	Recommended Percentage of cost recovery
RESIDENT:			
Minor – recreation	\$77.85	\$87.98	55%
Minor – game/tournament/special event	\$85.10	\$92.93	55%
NON-RESIDENT:			
Recreation	\$133.70	\$160.00	100%
Game/tournament/special event	\$140.10	\$177.10	105%
Summer Ice	\$140.10	\$160.00	100%

In order to attain the recommended percentage of the cost recovery amount, the following rate increase(s) are being recommended.

Recommended Yearly Rate Increases:

	Current Rate	2015-2016		2016 -2017		2017 -2018		2018 -2019	
		% Increase/ Total	% of Cost Recovery	% Increase/ Total	% of Cost Recovery	% Increase/ Total	% of Cost Recovery	% Increase/ Total	% of Cost Recovery
RESIDENT:									
Minor – recreation	\$77.85	5% (\$3.89) \$81.74	51%	5% (\$4.09) \$85.83	54%	3% (\$2.57) \$87.98	55%		
Minor – game/ tournament/ special event	\$85.10	5% (\$4.26) \$89.36	53%	4% (\$3.57) \$92.93	55%				
NON-RESIDENT:									
Recreation	\$133.70	5% (\$6.69) \$140.39	88%	5% (\$7.02) \$147.40	92%	5% (\$7.37) \$154.77	97%	3.5% (\$5.42) \$160.19	100%
Game/ tournament/ special event	\$140.10	5% (\$7.01) \$147.11	88%	5% (\$7.66) \$154.46	92%	5% (\$7.72) \$162.18	97%	5% (\$8.11) \$170.29	100%
Summer Ice	\$140.10	5% (\$7.01) \$147.11	92%	5% (\$7.36) \$154.46	97%	4% (\$6.18) \$160.64	1.00%		

A further 4% (\$6.81) increase in 2019 – 2020 would be necessary in order to obtain the 105% cost recovery for Non-Resident game/tournament/ special event rate (\$177.10).

During the annual ice users meeting on June 4, 2015 the ice users where informed that there was a recommendation coming forward to the June Council meeting for a potential increase in ice user fees and as per resolution this potential increase would not be more than 5%. This information was shared so that users would have gauge to use when determining their ice request submission due in June.

Budget:

Proposed rate increase for the 2015-16 was included in the 2015 budget submissions.

Communication Plan/Notice By-law Requirements:

Required under Schedule 'A' to Notice By-law 144-2007: before passing or amending a by-law pertaining to fees and charges imposed by the municipality, Council shall give public notice of its intention to pass a by-law by placing it on applicable agenda preceding meeting subsequently posted on Portal.

Strategic Plan or other Guiding Document:

1-10 The City will promote and leverage its recreation and leisure amenities as a means to support local economic activity, tourism and to strengthen community ties with our regional neighbours

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

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

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



June 3, 2015

**City Council
Committee Report**

To: Mayor and Council

Fr: Richard Perchuk, Operations Manager

Re: Amend Traffic Regulation By-Law #127-2001–Schedule “K” and Schedule “C” to increase accessible parking on Second Street South – Knox United Church

Recommendation:

That Council authorizes an amendment to the City of Kenora Traffic Regulation By-law Number 127-2001 to include changes to Schedule “K” Disabled Parking Spaces on Streets and Highways and Schedule “C” Limited/Restricted Parking to provide two (2) accessible parking spaces on Second Street South fronting Knox United Church; and further

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

Background:

Now that Phase III of the Downtown Revitalization Program is complete for Second Street South it is now in order to follow up on a request from the Chairman of Knox United Church for two (2) accessible parking spaces.

There is one regulatory space already in place fronting the Church and it will be adjusted slightly to accommodate the addition of another space. In addition, the location of the 15 minute restricted parking will be adjusted slightly west of where it is now.

It is recommended that the City Traffic Regulation By-Law Number 127-2001 be amended to include changes to Schedule “K” Disabled Parking Spaces on Streets and Highways and to Schedule “C” Limited/Restricted Parking to provide for two (2) accessible spaces on Second Street South fronting Knox United Church.

Schedule “C” Limited/Restricted Parking

Column 1 STREET	Column 2 LOCATION	Column 3 SIDE	Column 4 RESTRICTION
Amend:			
2 nd Street South	From 11 metres west of 5 th Avenue South for a distance of 16 metres westerly	North	15 minutes Monday to Friday
To Read:			
2 nd Street South	From 11 metres west of 5 th Avenue South, westerly for 8 metres	North	15 minutes Monday to Friday

Schedule "K" Disabled Parking on Streets and Highways

Column 1 STREET	Column 2 LOCATION	Column 3 SIDE	Column 4 TYPE OF PARKING	Column 5 # OF SPACES
Amend:				
2 nd Street South	From 27 metres west of 5 th Avenue South, west for 6 metres	North	Parallel	1
To Read:				
2 nd Street South	From 19 metres west of 5 th Avenue South, west for 14 metres	North	Parallel	2

Budget/Finance Implications: 2015 Operating Budget

Communication Plan/Notice By-law Requirements:

Resolution & By-Law required.

Distribution: R. Perchuk, M. Vogrig, P. VanWalleghem, K. Koralalage, O.P.P

Strategic Plan or other Guiding Document:

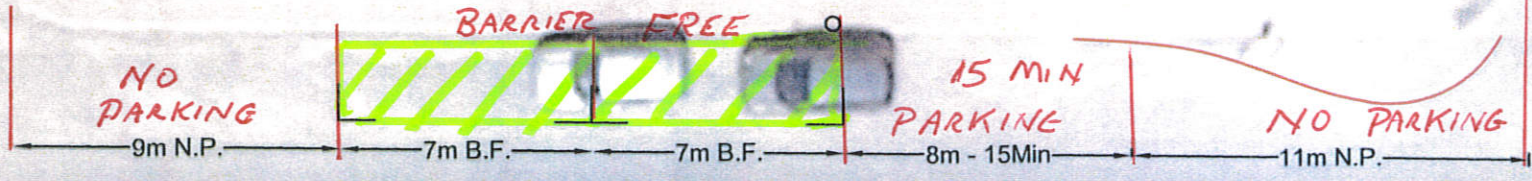
Goal #2 Strengthen Our Foundations

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

LANE

KNOX CHURCH

FIFTH AVE. S.



SECOND STREET SOUTH



June 2, 2015

**City Council
Committee Report**

To: Mayor and Council

Fr: Richard Perchuk, Operations Manager

Re: Amend Traffic Regulation By-Law #127-2001 – Schedule “B” No Parking-Tow Away Zones and Schedule “C” Limited/Restricted Parking – Lakeview Drive

Recommendation:

That Council hereby approves an amendment to the City of Kenora Traffic Regulation By-law #127-2001 to allow free four (4) hour parking along the south side of Lakeview Drive on the paved shoulder along the greenbelt from 190 metres west of the Roundabout, westerly for 250 metres; and further

That the City of Kenora Traffic Regulation By-law Number 127-2001 be amended to include changes to Schedule “B” No Parking-Tow Away Zones and Schedule “C” Limited/Restricted Parking; and further

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

Background:

In 2014 Council approved a daily free parking zone, with a four (4) hour limit, along the green belt on Lakeview Drive. This change assisted those attending the Farmer’s Market on Wednesdays, but also assisted the City with the increased congestion due to the increase in summer traffic, road construction and the high demand for downtown parking spaces. The designation was for a four (4) month period that ended in October. As this initiative has proven successful in the past it is recommended that it be allowed all year long.

It is recommended that the City Traffic Regulation By-Law Number 127-2001 be amended to include changes to Schedule “B” No Parking Areas – Tow Away Zone and Schedule “C” Limited/Restricted Parking to add “Anytime” to the “4 hours” restricted time period under Schedule “C”.

Schedule “B” No Parking Areas – Tow Away Zone

Column 1 STREET/HIGHWAY	Column 2 LOCATION	Column 3 SIDE	Column 4 TIME
Delete:			
Lakeview Drive	From Main Street South to 14 th Street	Both	Anytime
Add:			
Lakeview Drive	From the Roundabout to 14 th Street	North	Anytime
Lakeview Drive	From the Roundabout to 190 metres westerly	South	Anytime
Lakeview Drive	From 440 metres west of the Roundabout to 14 th Street	South	Anytime

Schedule "C" Limited/Restricted Parking

Column 1 STREET	Column 2 LOCATION	Column 3 SIDE	Column 4 RESTRICTION
Add: Lakeview Drive	From 190 metres west of the Roundabout, westerly for 250 metres	South	4 hours Anytime

Budget/Finance Implications: 2015 Operating Budget

Communication Plan/Notice By-law Requirements:

Resolution & By-Law required.

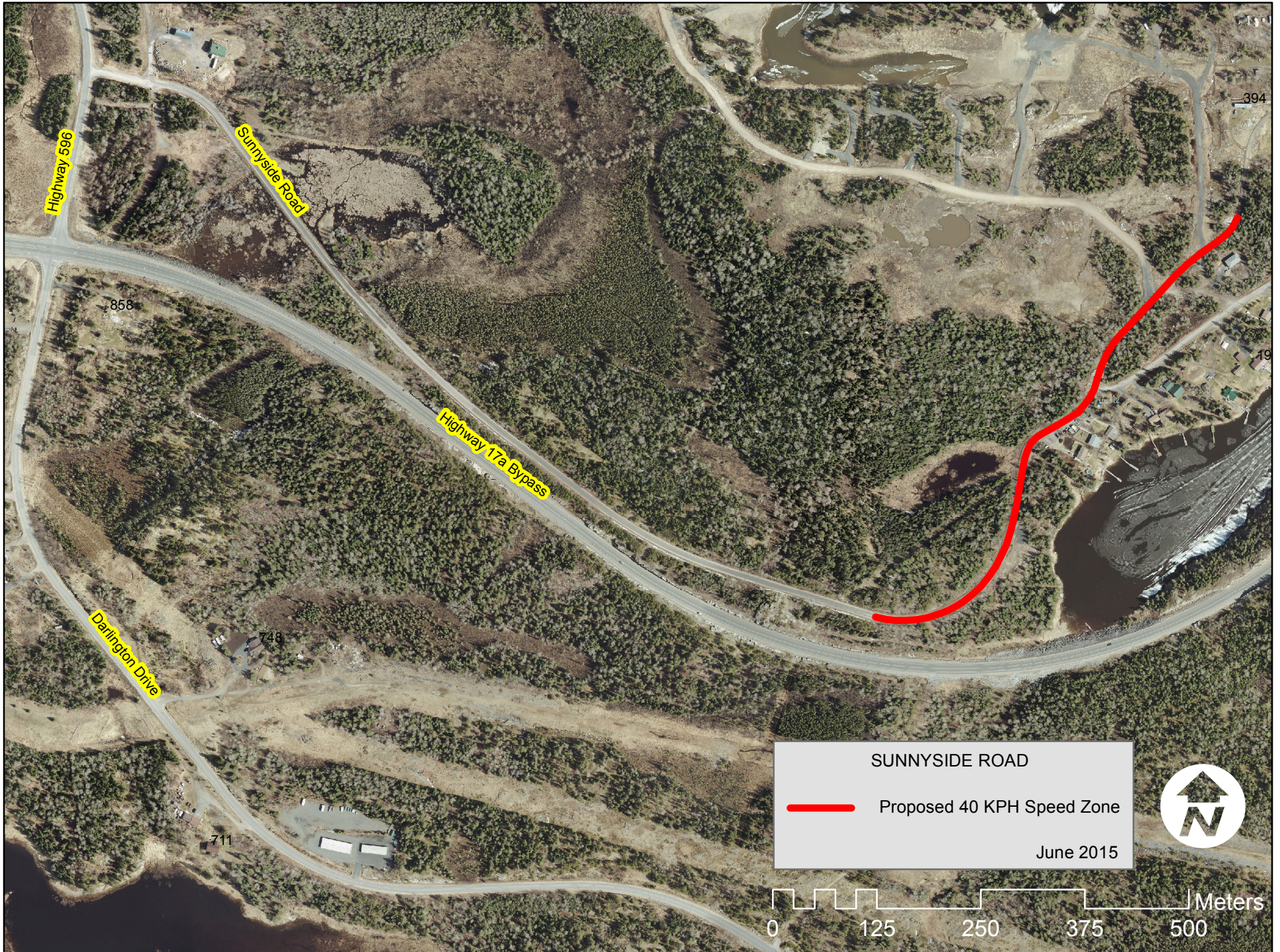
Distribution: R. Perchuk, M. Vogrig, P. VanWalleghem, K. Koralalage, O.P.P

Strategic Plan or other Guiding Document:

Goal #1 Develop Our Economy

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

1-9 - The City will promote Kenora as a 365-day lifestyle destination.



Highway 596

Sunnyside Road

Highway 17a Bypass

Darlington Drive

858

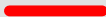
748

711

394

19

SUNNYSIDE ROAD

 Proposed 40 KPH Speed Zone

June 2015





June 3, 2015

**City Council
Committee Report**

To: Mayor and Council

Fr: Richard Perchuk, Operations Manager

Re: Amend Traffic Regulation By-Law #127-2001 – Schedule “T” Rate of Speed –Sunnyside Road

Recommendation:

That Council authorizes an amendment to the City of Kenora Traffic Regulation By-law Number 127-2001 Schedule “T” Rate of Speed – 40 Kilometres Per Hour Zone to add Sunnyside Road from 1.2 kms east of Highway 596, easterly to the end; and further

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

Background:

The Operations Department received two (2) requests from residents living on Sunnyside Road for signage to control motorist speed, in particular at a section that contains a hill and sharp corner. With the increase in summer traffic to Sunnyside Camp, and for the safety of those living in the area, those concerned want motorists to travel at a speed that is safe for the conditions. The one 40 km per hour sign that is presently in place is not listed in the City Traffic Regulation By-Law Number 127-2001, and was most likely erected in the former Town of Keewatin days when most of the Township became 40 kms per hour. Since the City of Kenora rate of speed is 50 kms, any variation from 50 kms per hour requires an amendment to the Traffic Regulation By-Law for enforcement purposes. The Engineering Department supports a 40 km zone in this area. It is recommended that the City Traffic Regulation By-Law Number 127-2001 be amended to add Sunnyside Road to Schedule “T” Rate of Speed 40 Kilometres Per Hour Zone from 1.2 kms east of Highway 596, easterly to the end, see attached drawing.

Schedule “T” - Rate of Speed

40 Kilometres Per Hour Zone

Column 1 Street	Column 2 Location	Column 3 Maximum Speed
Add:		
Sunnyside Road	From 1.2 kms east of Highway 596, easterly to the end.	40 kilometres per hour

Budget/Finance Implications: 2015 Operating Budget

Communication Plan/Notice By-law Requirements:

Resolution & By-Law required.

Distribution: R. Perchuk, M. Vogrig, P. VanWalleghem, K. Koralalage, O.P.P

Strategic Plan or other Guiding Document:

Goal #2 Strengthen Our Foundations

1-4 - The City will act as the catalyst for continuous improvements to the public realm.



May 13, 2015

City Council Committee Report

To: Mayor & Council

**Fr: Richard Perchuk, Operations Manager
Biman Paudel, Water & Sewer Supervisor
Ryan Peterson, Water Treatment Plant
Gord St. Denis, Wastewater Treatment Plant**

Re: 2015 Water & Wastewater Systems Monthly Summary Report - April

Recommendation:

That Council of the City of Kenora hereby accepts the April 2015 Kenora Water and Wastewater Systems Monthly Summary Report, as prepared by Biman Paudel, Water and Sewer Supervisor, Ryan Peterson, Water Treatment Plant Operator and Gord St. Denis, Wastewater Treatment Plant Operator.

Background:

The Water and Sewer Department will be providing Council with Water and Wastewater Systems Summary Reports, on a monthly basis.

The purpose of the Report is to provide Council with an understanding on how the water and wastewater systems they own and operate are maintained. Data will be collected at the end of each month and presented to Council for acceptance, see attached.

The Operations Department recommends that Council accept the 2015 Water and Wastewater Systems Monthly Summary Report for April.

Budget/Finance Implications: N/A

Communication Plan/Notice By-law Requirements:

Resolution required.

Distribution: R. Perchuk, B. Paudel, R. Peterson, G. St. Denis

Strategic Plan or other Guiding Document:

Goal#2 Strengthen Our Foundations

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

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

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

CITY OF KENORA

**Monthly Summary Report
Water & Wastewater Systems**

April 2015

Prepared by: Biman Paudel, Water & Sewer Supervisor
Ryan Peterson, ORO, Water Treatment Plant
Gord St. Denis, ORO, Wastewater Treatment Plant

1.0 Introduction

This report contains the major maintenance activities and operational events that occurred during the month of April 2015 at the Kenora Area Water Treatment Plant, Kenora Wastewater Treatment Plant, Water Distribution System and Wastewater Collection System. This information report has been prepared for Council to better understand how the systems they own and operate are maintained on a monthly basis.

2.0 Water Treatment Plant

2.1 Monthly Flow and Operating Data – See Schedule “A”

2.2 Weekly Bacteriological Samples

1 Raw, 1 Treated and 6 Distribution for a total of eight (8) samples are taken on a weekly basis.

Sampling was conducted on the following dates:

- Apr 7th
- Apr 13th
- Apr 20th
- Apr 27th

All samples tested were within the allowable parameters.

2.3 Maintenance

- Installed cell booster system in WTP.
- Installed suction and discharge pressure transmitters at Norman Booster.
- Installed suction and discharge pressure transmitters at Brinkman Booster.
- Cleaned polymer mix tank.

2.4 Training

- All four (4) Operators attended Water Quality Sampling and Monitoring on April 1st, 2015.
- Ryan and Blair attended Tapping of Water Mains on April 2nd, 2015.

2.5 Water Quality Complaints

There was one (1) water quality complaint in April. A resident complained of cloudy, bad tasting water. Chlorine residual was 1.81 mg/L and no odour was detectable at the time. Cloudiness was due to air coming out of solution in the water (normal seasonal occurrence). A bacti sample was taken from the residence as part of our regular weekly samples.

2.6 Other Information

- Distribution system chlorine levels were sampled at three locations weekly throughout the month in addition to the chlorine levels being sampled along with regular weekly bacteriological samples.

3.0 Water Distribution System

3.1 Maintenance

3.1.1. Water Distribution

- April 7 - Dug and repaired watermain break at: 200 First Street North.
- April 8 - Dug and repaired curb box at: 50 Parsons Street.
- April 9 - Dug and repaired watermain valve at: the intersection of Valley Drive and Hillside Crescent.
- April 13 - Dug and repaired watermain break at: 1109 Fourth Street South.
- April 16 - Fixed hydrant on Veterans Drive beside Trans Canada Pipeline Station.
- April 20 - Dug and repaired watermain break at: 1 Dennis Street.
- April 22, 23 - Dug and repaired watermain break at: 342 Seventh Avenue South.
- April 28 - Dug and repaired watermain break at: 521 Second Street South.

3.1.2. Wastewater Collection

- April 1 - Thawed and rodded frozen sewer at: 701 First Street South.
- Thawed frozen sewer at: 115 Silverstone Drive.
- April 2 - Thawed frozen sewer at: 412 Eighth Street South.
- April 3 - Flushed sewer main at: 812 Seventh Avenue South.
- Rodded plugged sewer at: 633 Eighth Avenue South.
- April 4 - Thawed and rodded frozen sewer at: 518 Fourth Avenue South.
- April 5 - Repaired grinder pump at: 302 Rabbit Lake Road.
- April 7 - Rodded plugged sewer at: 518 Fourth Avenue South.
- Dug and repaired grinder pump at: 418 Rabbit Lake Road.
- April 9 - Televised sewer line at: 115 Silverstone Drive.

- April 16 - Flushed sewer main at: 817 Park Street.
- Rodded plugged sewer at: 42 Gunne Crescent.
- April 17 - Repaired grinder pump at: 2 Universal Drive.
- April 21 - Flushed sewer main at: 34 Matheson Street.
- April 24 - Replaced grinder pump at: 6 Bay Ridge Drive.

3.1.3. Water Thaws:

Year	City Property	Private Property	Total
April, 2014	42	0	42
April, 2015	0	0	0

3.2 Training

- April 1 – All the staff attended Walkerton training on “Water Quality Sampling and Monitoring”.
- April 2 - All the staff attended Walkerton training on “Tapping of Water Mains.”
- April 14 – Ray Lindquist, Dave King, Ray Lunam, Jim Bell and Mike Derouard went to Winnipeg to attend Xylem’s training on “Operation and maintenance of FLYGT pumps”.
- April 15 - All the staff attended ½ day training on “Pre-trip Inspection”.

3.3 Water Quality Complaints

There was one (1) water quality complaint reported to the Water Treatment Plant for the month of April.

- The complaint was related to water quality. For further details see Item 2.5.

3.4 Boil Water Advisory(s) - 2015

Date and Location:

- April 7th – 1 resident on 200 First Street North.
- April 13th – 9 residents on Fourth Street South and 6 residents on River Drive.

3.5 Other Information

There is no further information for the month of April, 2015.

4.0 Wastewater System

4.1 Monthly Flows & Operating Data – See Schedule “B”

4.2 Weekly Bacteriological Samples

4.2.1. Complete Analyses of Raw Sewage, Treated Effluent and Activated Sludge sent out April 28th, 2015 - Results:

- a. Total BOD (biological oxygen demand) Raw Sewage: 120 [mg/L]
- b. Total BOD Final Effluent: 4.0 [mg/L] - limit is 25[mg/L].
- c. Total Suspended Solids Raw Sewage: 86 [mg/ L]
- d. Total Suspended Solids Final Effluent: 2.0 [mg/ L] – limit is 25 [mg/L]

4.2.2. Weekly Final Effluent Bacti Samples sent to ALS Laboratory on April 1, 8, 15, 22, 29, 2015 - Results: Organisms/100 ml

- a. Geometric Means from samples in April: 13.1 organisms/100mL.
- b. Geometric Means Limit as per Certificate of Approval is 200 organisms/100 mL.

In summary, raw sewage enters the plant with a bacti count of approximately 3 million organisms/100 mL and leaves the plant with a geometric mean of 13.1 organisms/100 mL, which is well within the limit of 200 organisms/mL. Plant reduction of BOD is 97% and the Plant reduction of suspended solids is 98%.

4.3 Maintenance

- 4.3.1 Replaced 15 amp breaker on sand extractor cleaning mechanism (influent building).
- 4.3.2. Cleaned both clarifier scum collection pits.
- 4.3.3. Sent in WSER Federal Government quarterly effluent toxicity sample, 0% immobility and 0% mortality of Rainbow Trout.
- 4.3.4. Budget pricing for 2015 Capital.
- 4.3.5. Sludge Press maintenance.

4.4 Training

- 4.4.1. April 16th, 2015 - Gord St. Denis, Ray Hanstead and Darryl Wilson attended Circle Check training.
- 4.4.2. Health and Safety Policy reviewed with staff.

4.5 Other Information

- 4.5.1. April 16th, 2015 - Workplace Health & Safety inspection completed.

Schedule "A"

**Water Systems Flow and Operating Data
Monthly Summary Report - 2015**

Water Plant Flows	Units	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL
<u>Influent Flow</u>														
Total Influent Flow	m ³ /month	240262	222165	262102	237655									962184
Maximum Daily Influent Flow	m ³ /day	8546	8924	9048	8829									35347
Minimum Daily Influent Flow	m ³ /day	6955	7370	7581	6746									28652
Average Daily Influent Flow	m ³ /day	7750	7934	8455	7922									32061
Maximum Daily Instantaneous Influent Flow	m ³ /day	18234	18088	17856	17664									71842
<u>Effluent Flow</u>														
Total Effluent Flow	m ³ /month	228044	210133	248392	224528									911097
Maximum Daily Effluent Flow	m ³ /day	8318	8447	8649	8403									33817
Minimum Daily Effluent Flow	m ³ /day	6654	6697	7526	6381									27258
Average Daily Effluent Flow	m ³ /day	7356	7505	8013	7484									30358
Samples														
<u>Weekly Bacteriological</u>														
Number of Raw Samples Taken		4	4	5	4									17
Number of Treated Samples Taken		4	4	5	4									17
Number of Distribution Samples Taken		24	24	30	24									102
<u>Boil Water Advisory Bacteriological</u>														
Number Taken		10	18	5	6									39
Callouts														
Major		0	0	0	0									0
Minor		1	3	1	1									6

Schedule "B"

Wastewater Systems Flow & Operating Data Monthly Summary Report - 2015

		January	February	March	April	May	June	July	August	September	October	November	December	AVERAGE	TOTAL
Wastewater Plant Flows															
<u>Influent Flow</u>															
Total Influent Flow	m ³ /mon.	144,396	134,421	194,952	230,861										704,630
Maximum Daily Influent Flow	m ³ /day	5,394	6,498	9,959	9,344										31,195
Minimum Daily Influent Flow	m ³ /day	4,335	4,591	4,762	6,900										20,588
Average Daily Influent Flow	m ³ /day	4,657	4,800	6,288	7,695										23,440
<u>Effluent Flow</u>															
Total Effluent Flow	m ³ /mon.	162,455	149,972	207,330	223,434										743,191
Average Daily Flow	m ³ /day	5,240	5,356	6,688	7,448										24,732
<u>Samples</u>															
Weekly Bacteriological --ALS Labs		5	5	4	5										19
Number of Raw Samples Taken		1	1	1	1										4
Number of Treated Samples Taken		6	5	4	4										19
Geometric Means (Bacti Samples)		11.9	18.6	49.5	13.1										93
Sludge Hauled to Landfill	yds/mon.	315	210	360	225										1,110
<u>Callouts</u>															
		2	1	0	2										5



1 June, 2015

City Council Committee Report

To: Mayor and Council

Fr: Tara Rickaby, Planning Administrator

Re: Black Sturgeon Lake Water Quality – Kenora Consultants Inc.

Recommendation:

That the City of Kenora enters into a contract with Kenora Consultants Inc., Ryan Haines as project lead, to provide the water quality monitoring services for Black Sturgeon Lake at the fee of \$14,284.00 + HST; and further

That three readings be given to a by-law to authorize the execution of this contract.

Background:

In 2007, the City of Kenora retained the services of Kelli Saunders Environmental Management/Gartner Lee to undertake a lake management plan for Black Sturgeon Lake. The study was approved, by City Council in 2008. The report contains a series of recommendations based on best management practices for managing the basin and surrounding lands.

In 2009 and 2010, the City of Kenora commissioned water quality studies, of various points in Lower and Upper Black Sturgeon Lakes. The results of these tests provide some benchmark data, which is included as part of this document.

In 2010, the City of Kenora Official Plan was approved, and implemented a number of land use policy recommendations for Black Sturgeon Lake. Development restrictions such as larger frontages for new lots, a limitation on the total number of lots to be created, and water quality monitoring were some of the more important components of the Official Plan.

Since the approval of the Black Sturgeon Lake Capacity and Management Study (October, 2007), and corresponding Official Plan, there have been 71 new lots approved for creation, either by consent or by subdivision. To date, all 56 of those have been registered and are transferable; 15 remain unregistered and are presently not transferable.

In May, of this year, the City of Kenora issued a Request for Proposals (RFP) from interested parties for the preparation of a proposed work program to conduct a water quality monitoring program for Black Sturgeon Lake. The purpose of the project is to undertake research on the water quality, per the recommendations of the Lake Capacity and Management Study for Black Sturgeon Lake (Kelli Saunders Environmental Management & Gartner Lee Limited. 2007). The intent of the RFP is to award the work to a consultant based on the evaluation of relevant information from Respondents with proven work records and management expertise in similar undertakings. Three proposals were received and based on the review criteria, Kenora Resource Consultants Inc. was the successful firm.

Because this was a budgeted item, the project has begun, based on a letter of intent.

Budget: Property and Planning - Capital budgeted item

Communication Plan/Notice By-law Requirements:

Notice by-law, Finance, Manager of Property and Planning, Planning Administrator

Strategic Plan or other Guiding Document:

2-13 - The City will continue to advance our leadership position as “Stewards of the Lake” and “Stewards of the Land” by safeguarding water quality on our lakes and optimizing waste diversion practices that reduce future landfill requirements

City of Kenora Official Plan (2010) and 2014, as adopted by Council

1 June, 2015

City Council Committee Report

To: Mayor and Council

Fr: Charlotte Caron, Manager of Property and Planning

Re: Authorize the execution of a contract – Scatliff + Miller + Murray

Recommendation:

That Council of the City of Kenora hereby authorized an agreement with Scatliff + Miller + Murray, to provide an update to the Beaches, Parks and Trails Plan to include Norman Park complete with renderings and the City of Kenora's Urban Trails, at the fee of \$12,750 + HST; and further

That three readings be given to a by-law to authorize the execution of the contract by the Manager of Property and Planning.

Background:

In 2010, the City of Kenora adopted its Beaches Parks and Trails concept plan. At that time Norman Park was not included in the plan as the City had included Norman in a funding application for the Lake of the Woods Discovery Centre and Norman Park. Since that time the Lake of the Woods Discovery Centre has been constructed and the City has recently accessed accessibility funding to link the Lake of the Woods Discovery Centre and Norman Park and the Kenora Rotary Club has stepped forward with a Splash Park project at Norman Park. The purpose of this project is to develop a concept plan and high level cost estimates for the redevelopment of Norman Park as an accessible park including the Splash Park. Scatliff + Miller + Murray were the authors of the Original Beaches Parks and Trails report through an RFP process. The Kenora Regional Trails Committee has created a five year trails plan and this project will facilitate the inclusion of the five year trail plan into the Beaches, Parks and Trails concept plan.

Budget: Strategic Planning Funding

Communication Plan/Notice By-law Requirements:

Notice by-law, Finance, Manager of Property and Planning, Planning Administrator, Economic Development Officer, Real Estate Officer, Tourism Development Officer

Strategic Plan or other Guiding Document:

1-9 - The City will promote Kenora as a 365-day lifestyle destination

1-10 - The City will promote and leverage its recreation and leisure amenities as a means to support local economic activity, tourism and to strengthen community ties with our regional neighbours

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



1 June, 2015

City Council Committee Report

To: Mayor and Council

**Fr: Tara Rickaby, Planning Administrator
Lori Nelson, Heritage Kenora Committee**

Re: Designation of Kenora Public Library under the Ontario Heritage Act

Recommendation:

That Staff be hereby directed to follow the process, under the Ontario Heritage Act, to designate the Kenora Public Library;

Whereas Section 29 of the Ontario Heritage Act, RSO 1990, authorizes Council of a municipality to designate property within the municipality to be of cultural heritage value or interest if:

- (a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed by regulation, the property meets the prescribed criteria; and
- (b) the designation is made in accordance with the process set out in this section. 2005, c. 6, s. 17 (1); and

Whereas the Kenora Public Library, located at 24 Main Street South and described as PLAN 3 BLK 1 LOT 28 meets the criteria prescribed by the Province for designation under the Ontario Heritage Act; and

Whereas Heritage Kenora adopted a motion, at its meeting of May 20, 2015, that the property be designated under the Ontario Heritage Act (Section 29); and

Whereas these actions of the City of Kenora Council fulfill the requirement of the Ontario Heritage Act that Council consult with the Board before giving notice of its intention to designate a property; and

Now therefore be it resolved that, subject to there being no objection received by July 17, 2015, Council of the City of Kenora passes a bylaw to designate the building known as the Kenora Public Library (legally described as PLAN 3 BLK 1 LOT 28) and certain of its elements (Greek revival style, twin Doric columns, columned portico, denticulated cornice, symmetrical windows and window openings c/w brick lintels and keystones, variegated brick exterior, Mansard roofline, brick chimney on north wall, Tyndall stone front entryway, building name – Public Library – in raised lettering, arched front doorway, finial roof cap of stone, corbel brick work, front yard setback and green space, under Part IV of the Ontario Heritage Act for its cultural heritage value and interest; and

That the Municipal Solicitor be directed to register said by-law on the title of the subject property.

Background:

The Kenora Public Library is a significant heritage property. Its completion and opening highlights a period in Kenora's history when the rough frontier town began to evolve into a more permanent twentieth century community whose economy was expanding beyond basic resource extraction.

The great achievement of this library built during a period, when Canada was fully involved in the First World War, speaks highly of the vision, focus and courage of Kenora residents in municipal government, administration and members of the town's Library Board. In as much as they sought funding for a "Carnegie Free Library", they demonstrated a worldview not unlike that of their benefactor Andrew Carnegie. A self made man of humble roots, Mr. Carnegie believed that given access to a library's resources, motivated individuals of limited means could pull themselves up by their boot straps and improve their circumstances as he had.

The Kenora Public Library, which opened to the public in 1916 was representative of the times. This was an era during which existed a strong public desire to learn, to read and to advance one's place in life. The fact that the Library was a "Carnegie Free Library" illustrated that it was everybody's library. This made it clear to all that books and the knowledge that they contained were not just a privilege of wealth but resources for all.

In May, 2007, Council passed a resolution to add the Kenora Public Library to the municipal registry (of properties of cultural heritage significance or interest).

The Kenora Library Board adopted the following motion at their meeting of October 22, 2014:

Moved by: Rory McMillan

Seconded by: Marj Poirier

That the Kenora Public Library Board makes recommendation to the Council of the City of Kenora that the Library Building be designated on the municipal register of Cultural Heritage Properties. **Carried**

Heritage Kenora adopted the following motion at their meeting of 19 May 2015: ***Moved by Lisa Moncrief, seconded by Jim Clark, to recommend to City Council, the heritage designation of the Kenora Public Library based on the Statement of Cultural Heritage Value or Interest and the description of heritage attributes. Carried.***

The Kenora Public Library will celebrate its centennial birthday this year.

Budget:

Operating Budget (Advertising/legal) – Heritage Committee

Communication Plan/Notice By-law Requirements:

Heritage Kenora Committee

Charlotte Caron, Property & Planning Manager

Notice by-law and regulations of the Ontario Heritage Act

Strategic Plan or other Guiding Document:

Ontario Heritage Act

Terms of Reference – Heritage Kenora Committee

Harbourtown Community Improvement Plan

City of Kenora Official Plan

KENORA PUBLIC LIBRARY RESEARCH REPORT

RESEARCH: Completed by Bruce Findlay and Lori Nelson - February 2007 & Lisa Moncrief and James Clarke 2015

ORIGINAL NAME: Kenora Public Library

STREET ADDRESS: 24 Main Street South - Kenora

LEGAL DESCRIPTION: Plan 3, Block 1, Lot 28

ARCHITECT: John Manuel (1879-1933) - Born in Hawick, Scotland and early in his career he worked in Hawick, Edinburgh, Liverpool, London, and North Wales. In 1912, Manuel emigrated to Canada where he contributed to the design of the provincial legislature in Winnipeg, Manitoba, and became resident architect at the Banff Springs Hotel in Banff National Park (note: he was not the architect of the original hotel which was built in 1887-88. The hotel had a fire in the 1920s and the hotel was rebuilt.) He was also responsible for the design of the Labour Temple in Calgary. Manuel died from a fall from a tenth-storey window in the Palliser Hotel of which he had been making some sketches (now the Fairmont Palliser Hotel) in Calgary, Alberta in June 1933.
Addition (1992) - Prairie Partnership of Winnipeg, Manitoba

CONSTRUCTION DATE(s): 1915

OWNERSHIP: City of Kenora

TITLE SEARCH: Completed by Bruce Findlay and Lori Nelson - February 2007
1887 - Hudson's Bay Company transfers to the Corporation of the Town of Rat Portage
1887 - Patent to Hudson's Bay Company
1912 - Hudson's Bay Company transfers to the Corporation of the Town of Kenora. Covenant placed on property at that time, that any buildings constructed on site were to be used for municipal purposes only.
1923 - Release of covenant between the Hudson's Bay Company and the Corporation of the Town of Kenora.

USE: Public Library

HISTORICAL/ASSOCIATIVE VALUES:

Built as one of 111 libraries in Ontario (2500 worldwide) financed by the Carnegie Foundation, established by Andrew Carnegie, the Scottish born philanthropist. Carnegie started work at the age of 12 as a messenger boy for the local telegraph company in Pittsburgh. Through his skills at telegraphy he rose to superintendent of the Pennsylvania Railroads Pittsburgh division. Over the next half century Carnegie invested in steel ultimately creating the Carnegie Steel Company which he sold on retirement for 250M. When he died he had given away \$350M of his 400M fortune.

In 1907, negotiations were initiated by the Town of Kenora with the Carnegie Foundation which, at that time, was providing capital funding for the construction of libraries. If the local Library Board could find a suitable building site, the Foundation was willing to provide funding for the building. It was some years later that an agreement was reached between the Library Board and the Town of Kenora whereby the vacant lot along the shoreline of Main Street was provided for the construction of a new library building.

Carnegie' private secretary James Bertram managed the library building grants program. He was not above chastising communities that did not honour the pledges which they made, either with respect to the floor plans which had been approved or the maintenance

support. Kenora evidently deviated from the building plans on which grant approval had been based, a fact that Bertram discovered when he received photographs of the completed building and blueprints. He wrote suggesting that Kenora was ungracious. Defending the plan changes, Kenora Board Chairman J.W. Humble explained that "we never get a building erected in this country without extras cropping up." Bertram replied, "That comment on your general experience has no bearing on the present situation in view of the explicit pledge given, and if you will pardon me from saying so, in the face of the pledge, your statement shows a lack of a sense of responsibility."

(Correspondence between the Town of Kenora, the Library Board and the Carnegie Foundation are on file at the Lake of the Woods Museum and provide greater detail of the dealings between the three parties prior to, during, and after the construction of the Library).

DESIGN/PHYSICAL VALUES:

The predominant features of many of the Ontario Carnegie library buildings have their origins in classical Doric, Ionic, and Corinthian architecture. The majority of these buildings were single-storey with exposed basements and centrally located entrances with columned porticos and a symmetrical arrangement of windows. These classical details are easily recognized in the Kenora Public Library, which is constructed of brick and served by a single flight of exterior stairs, with twin columns supporting the portico.

The building is what is termed the Greek Revival Style which is based on the ancient Greek Temple and some would consider it the first truly North American Style. The style is associated with the ideals of Greek Democracy and the similar ideals of the American Government at the time. There is symmetry around the central entry. The columns are of the Doric order, the simplest and oldest of the classical orders. This is a modified Doric as the column has stylized flute/facets. The entablature contains the architrave, the frieze, and the cornice. In Greek Revival this cornice incorporates a pediment. This style is heavily dependent on the proportional relationship of the elements. e.g. the entablature is 1.4 x column width.

Key attributes that express the value of the Kenora Public Library building include;

- Greek revival style
- twin Doric columns
- columned portico
- denticulated cornice
- symmetrical windows and window openings c/w brick lintels and keystones
- variegated brick exterior
- Mansard roofline
- brick Chimney on north wall
- Tyndall stone front entryway
- building name – Public Library – in raised lettering
- arched front doorway
- finial roof cap of stone
- corbel brick work
- front yard setback and green space
- interior ceiling height

CHANGES:

1973-1975 - Upper floor renovated – the librarian's office and processing department were moved to the caretaker's quarters on the lower floor. A reinforcing beam was installed in the ceiling of the youth area on the lower floor to prevent it from collapsing under the weight of the books on the upper floor. 1991-1992 - Addition on the west (lake) side.

CONTEXTUAL VALUES:

The Kenora Public Library has been a focal part of the community, and a gathering place for almost 100 years. It is historically and visually linked to its surroundings where it contributes to an important collection of buildings in the downtown corridor.

The front yard setback allows for one of only two green spaces on Main Street.

The Kenora Public Library is a significant heritage property. Its completion and opening highlights a period in Kenora's history when the rough frontier town began to evolve into a more permanent twentieth century community whose economy was expanding beyond basic resource extraction.

The great achievement of this library built during a period, when Canada was fully involved in the First World War, speaks highly of the vision, focus and courage of Kenora residents in municipal government, administration and members of the town's Library Board. In as much as they sought funding for a "Carnegie Free Library", they demonstrated a worldview not unlike that of their benefactor Andrew Carnegie. A self made man of humble roots, Mr. Carnegie believed that given access to a library's resources, motivated individuals of limited means could pull themselves up by their boot straps and improve their circumstances as he had.

The Kenora Public Library, which opened to the public in 1916 was representative of the times. This was an era during which existed a strong public desire to learn, to read and to advance one's place in life. The fact that the Library was a "Carnegie Free Library" illustrated that it was everybody's library. This made it clear to all that books and the knowledge that they contained were not just a privilege of wealth but resources for all.

The library opened during a key period in the development of the Canadian Middle Class.

November 4, 2014

Mayor & Council
City of Kenora
1 Main Street South
Kenora, ON P9N 3X2

Dear Mayor Canfield and Members of Council:

The Kenora Public Library Board passed the following motion at its regular monthly meeting held on October 22nd, 2014:

“That the Kenora Public Library Board makes recommendation to the Council of the City of Kenora that the Library Building be designated on the Municipal Register of Cultural Heritage Properties.”

It may also be noted that the 100th Anniversary of the Kenora Public Library’s Carnegie Building will be marked in 2015, as our research indicates that the Library opened in its present location on August 25th of 1915. Heritage designation may certainly be an appropriate means to celebrate the buildings centennial.

Attached for your reference is the Heritage Kenora – Draft Assessment that was provided to the Library by Heritage Kenora Representatives, Jeff Port, David Nelson and Jim Clarke.

Thank you for your consideration of this matter.

Sincerely,

Cathy Peacock
CEO



10 June 2015

City Council Committee Report

TO: Mayor and Council

FR: Tara Rickaby, Planning Administrator

RE: Lakeshore Hotel – Update – Lease agreement – docking

Recommendation:

That a by-law be adopted to enter into an offer of purchase/sale or lease for a portion of the Wharf Street Road allowance, with Laura and James Bartel o/a The Lakeshore Hotel; and

That the Mayor and Clerk be authorized to execute such agreement on the City's behalf.

Background:

Update:

- Per Council's direction, discussion is progressing regarding the realignment/re-construction of the sidewalk, along Wharf Street; site visit scheduled for 11 June 2015;
- The Traffic By-law will not be amended until after the sidewalk is re-aligned and constructed.

In March of 2015 Council gave staff direction to negotiate a lease for the use of the municipal lands abutting Wharf Street and Portage Bay – Lake of the Woods while continuing to work with the property owner to develop a mutually agreeable resolution. During internal discussions, it was identified that an offer of purchase/sale would be an appropriate means of agreement to ensure adequate insurance, compliance with Federal/Provincial and Municipal law, etc. together with financial security of \$1000. Once reviewed by the Municipal Solicitor, this document will provide the property owner/developer with the ability to begin construction of their docking facility immediately.

The status of this file is as follows:

- 1 May - a proposal to make Wharf Street a one way street and to realign parking, was circulated (hand delivered, mailed and emailed where possible) to the property owners in the area. Comments were required by 6 May 2015. There were no objections received, and one letter of support received, from a property owner on the south end of Wharf Street

- Discussions regarding the replacement and location of a sidewalk along the north side, adjacent to, or across from the Lakeshore hotel will be finalized over the next few weeks. The city has indicated that the “master” plan is to ensure a public walkway, along the south side, abutting the Lakeshore property. The current sidewalk is partially located on lands owned by the Lakeshore Hotel.
- Per Council’s direction, surveying will commence once the road/sidewalk matters have been resolved.



It is anticipated that the final report/agreement for purchase/sale or lease, by the July Council meeting.

Budget: Owner/developer to pay all fees/costs associated with the development.

Communication Plan/Notice By-law Requirements:

By Minutes of Committee of the Whole and Agenda and Minutes of Council; Manager of Property and Planning, Real Estate Officer, Planning Administrator, Chief Building Official, Operations Manager

Strategic Plan or other Guiding Document: Strat Plan –

Diversify the Economy -
Provide clear and decisive leadership on all matters of economic growth

- Forge strong, dynamic working relationships with the Kenora business community
- Foster and support entrepreneurial business development

Promote Kenora to external investment audiences

City of Kenora Official Plan (2010) – Supported by Principle 4 – Diversified Economy

Kenora shall maintain and seek opportunities for a strong, diversified economy that provides a wide range of employment opportunities for its residents, including youth to withstand global market conditions and provide financial stability.

And Principle 5 – Tourist Destination

Over the lifetime of this Plan, the City of Kenora shall continue to expand its role as an urban, cultural service centre and tourist destination, providing services to the traveling public and residents of the area.



June 4, 2015

City Council Committee Report

TO: Mayor and Council

FR: Melissa Shaw, Real Estate Officer

**RE: License of Occupation- Establishment of Temporary Occupation on
City sidewalks**

Recommendation:

That intent of the City of Kenora License of Occupation is to ensure sidewalk improvements are established in a safe and orderly manner and to promote pedestrian uses and increase street-level activity from May 15th to October 15th annually; and further

That a patio guideline requires that all food and beverage businesses wishing to extend their premises onto City Property to obtain a License of Occupation, which is a mechanism of authorization for the legal establishment of temporary occupation on City sidewalks with outdoor patios, cafes and/or merchandise displays; and further

That Council give three readings to a bylaw to adopt a new License of Occupation Policy; and further

That bylaw number 70-2012 be hereby repealed; and further

That Council hereby approves an amendment to 'Schedule E' of the Tariff of Fees and Charges Bylaw to reflect new charges relating to the License of Occupation; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend the Tariff of Fees and Charges By-Law Number at its June 23, 2015 meeting to adopt these rates outlined in the revised 'Schedule E'; and further

That bylaw number 32-2015 be hereby repealed.

Background:

In May, 2012 the City of Kenora approved an Outdoor Commercial Patio Policy, which was put in place to deal with patios of similar nature to those on Bernier Drive. This policy is more comprehensive and addresses Sidewalk Cafes, Sidewalk Patios (including small and large) Merchandise Displays, and decorative components.

As the City of Kenora continues to revitalize its Downtown; renewal focuses on economic development opportunities, culture, arts, entertainment and lifestyle. The City of Kenora recognizes the development of commercial outdoor greatly contribute to the character of a street, patios actively promote the Downtown, creating a vibrant and healthy environment to attract residents, tourists and new business.

At present the City does not have a consistent method of handling Patio Policy Applications, proper insurance measures, and at the same time, there is a lack of participation among the local business community. There is a need to review our regulations and guidelines for the consistent and compatible establishment of outdoor sidewalk patios, sidewalk cafes, merchandise displays and to assist in the development and promotion among business owners throughout the City of Kenora.

Please see the attached background report for more information.

Budget:

A. Sidewalk Café- \$75.00 annually

- Intended but not limited to use by Coffee Shops, Bakeries, Delis, and confectionary stores. Sidewalk Café Licences of Occupation will be restricted to establishments located on the ground floor, with the use of single row, tables, chairs and/or benches up against the building face

B. Sidewalk Patio

- **Small Patio Applications- \$200.00 Annually**

- o with occupancy of twenty (20) people or less

- **Large Patio Application- \$350.00 annually**

- o with occupancy of twenty-one (21) people or more
 - Currently restricted to Bernier Drive where installed patios offers unobstructed sidewalk width for pedestrian movement along the abutting Sidewalk. Perimeter fencing is required regardless of sales and or consumption of alcohol

C. Merchandise Display- \$50.00

- A Merchandise Display Permit allows business owners to display their products and decorative components (Planters, Pots etc.) on a portion of the sidewalk in front of their business

Communication Plan/Notice By-law Requirements:

Finance, Licensing, Chief Building Official (By-Law), Property and Planning, Filing

Strategic Plan or other Guiding documents:

Strategic Plan 1-12 -The City will support, promote and expand the tourism industry. In recognition of the growing importance of tourism within the economy, Kenora will pursue the recruitment and facilitation of a new event(s) which celebrates Kenora as a thriving and dynamic year-round destination.

The Economic Development Plan contains several actions for business attraction that focuses on bringing new small- and medium size businesses and industry to Kenora; retaining our existing businesses and promoting their growth and expansion, and creating infrastructure improvements which make Kenora a destination and lifestyle community.

The City of Kenora Official Plan: encouraging tourism based economy, and promoting sustainable development; compact development, using land existing infrastructure efficiently, enhance the character of surrounding neighbourhoods, and contribute to the quality of everyday living.

Commercial Outdoor Patios on City-owned Property

The intent of this report is to guide the review of the Kenora Patio Policy (Outdoor Patio Policy PP-06-1) approved by-law number 70-2012, which leases municipal lands used for commercial patios and to identify policies in other jurisdictions that provide provisions which might assist in the revision of our current program.

Outdoor cafés, restaurants and outdoor merchandise displays encourage people to linger in a neighbourhood. Outdoor seating acts as a form of advertisement for local businesses and generates a friendly atmosphere on the street. Within the City of Kenora, and the Harbourtown Community, there is a sufficient supply of local business that could benefit from an outdoor patio from May to October annually. It is necessary to review our existing Patio Policy to ensure the success of our local businesses and accommodate potential future growth.

Currently, under the existing Patio Policy, there are three (3) businesses operating outdoor patios on Municipal Property; Bijou Steakhouse, Mrs. D's Chip Truck and Borelli's on the Harbourfront. Several businesses have also placed tables, chairs and benches along their frontages that partially encroach onto municipal right of way, and while not authorized, these causal arrangements are tolerated.

In 2013, of the three patios operating on Municipal land, only one was issued a Patio Policy, a second tenant refused to pay (no fines were enforced) and the third tenant was paying rent under a lease agreement, which expires in 2015. In 2014, the Patio Policy was overlooked from an administrative level and permits were not issued, however the patios were in operation.

2013 and 2014 Patio Revenues

Tenant	Patio Size	Patio Policy Rate/Revenues	2013 Collected Revenues	2014 Collected Revenues
Bijou	400 sq. ft.	\$4.50 x 400=\$1800	\$1,494* *Prorated June-Oct	\$0
Mrs. D's	218 sq. ft.	\$4.50 * 218=\$981	\$0	\$0
Borelli's (Haps)	1250 sq. ft.	N/A-Lease Agreement	\$350	\$350
Total		\$2781	\$1844	\$350

At present the City does not have a consistent method of handling Patio Policy Applications, at the same time, there is a lack of participation among the local business community. There is a need to review our regulations and guidelines for the consistent and compatible establishment of outdoor commercial patios in the City of Kenora, and to assist in the development and promotion of outdoor patios so that downtown business owners will have the opportunity to offer an outdoor eating experience amidst the pleasurable Downtown and in proximity to the Kenora Harbourfront during our busy summer months.

Analysis:

As the City of Kenora continues to revitalize its Downtown; renewal focuses on economic development opportunities, culture, arts, entertainment and lifestyle. The City of Kenora recognizes the development of commercial outdoor greatly contribute to the character of a street, patios; actively promote the Downtown, creating a vibrant and healthy environment to attract residents, tourists and new business.

The current Tourism Development Strategy recognizes tourism as a social and Economic force, and acts as a guide for new investment and growth. In 2012, Kenora officially rebranded itself as "North America's Premier Boating Destination," aiming to attract tourists and cottagers to the Lake of the Woods. The new brand encapsulates Kenora's vision as a premier destination for visitors, expanding businesses, and for those looking to settle in a lifestyle community.

The City's Economic Development Plan was updated in 2012 and contains several Actions for business attraction that will focus on bringing new small- and medium sized Businesses and industry to Kenora; retaining our existing businesses and promoting their growth and expansion, and creating infrastructure improvements which make Kenora a destination and lifestyle community.

The City of Kenora's Official Plan promote the development of outdoor patios, by encouraging tourism based economy, and promoting sustainable development; compact development, using land existing infrastructure efficiently, enhance the character of surrounding neighbourhoods, and contribute to the quality of everyday living. Outdoor patios recognize and support commercial activities of existing businesses, provide a wide range of good and services, and attract visitors and create a diverse range of new employment opportunities for residents, promoting development and growth throughout the City of Kenora.

Patio Programs among Ontario Cities/Towns

As the culture of dining and drinking on outdoor patios has become increasingly popular most jurisdictions have detailed policies in place to promote and support outdoor patios. Many large urban centers throughout Ontario and Canada use an encroachment policy to enforce the issuance of patio permits, while mid-size cities such as Barrie, Kingston and Markham lease Municipal Lands. Within our analysis, little weight should be placed on the large Centers, costly pedestrian right-of-way fees are justified due to the high demand for downtown real estate. Focus should be placed on the smaller tourist cities/towns such as Collingwood, North Bay, Golden, BC and Canmore, AB, where patios policy fees are fair and equitable as not to discourage local businesses, rather to the promote their small businesses and to be seen as a benefit to operating downtown.

After reviewing policies in many small medium and large jurisdictions, it is apparent that best practice is achieved when fundamental tools to permit and regulate patios are in in place:

- A By-law under the Municipal Act
- An Application Process and Annual Renewal
- Compliance with Standards and Design guidelines

- Fees and liability Insurance
- Regular monitoring and inspection

Table 1- Comparative study of Patio Policies among Cities/Towns in Ontario

City/ Town	Agreement Type	Allowable Design Type	Duration	Application Fee	Lease Rate	Annual Renewal Fee
City Of Barrie	Right of Way Activity Application for Outdoor Patio	Sidewalk Patio Design, with alternative pedestrian routes made available	May-October	Building Permit: \$5.50/m2 plus	\$0.40/sf.	\$400.00
	Encroachment Policy		May-October	\$60.30 for Zoning Review		
City of Hamilton	Encroachment Agreement	Urban Design Guidelines (Single row Patios, Sidewalk Patios and Large Boulevard Patios)	May-October	2014 Permit Fee: \$1500.26		
Richmond Hill	Sit Plan Application	N/A	May-October	Site Plan Review: \$572.00 - \$1143.00		
Town of Collingwood	Encroachment Application	Sidewalk Patio	April -October	Sidewalk Patio Fee: \$200		\$40 (for each Encroachment Permit)
		Sidewalk Café	May-October	Side- Walk Café Fee: \$75.00		
		Store-Front Merchandise	May-October	Storefront Merchandize Permit: \$60.00		
City of Kingston	Lease Agreement	N/A	May-October	Administration Fee: \$100	\$25-\$50/ m2	
City of Owen Sound	Sidewalk Patio Application and an Encroachment Agreement	Design Guidelines within the Encroachment Agreement and the Street Furniture guideline	May-October	Sidewalk Patio Application: \$50		Encroachment Fee: \$100
City of Ottawa	Temporary Encroachment Permit	Patio Design Guidelines in Application	May-October	Non -Refundable Administration Fee: \$299.00		
Town of Markham	Road Occupancy	Rules outlines in Road Occupancy By-Law	May-October	Boulevard Patio Permit: \$375- Initial review	\$35/m2	Boulevard Patio-Renewal:

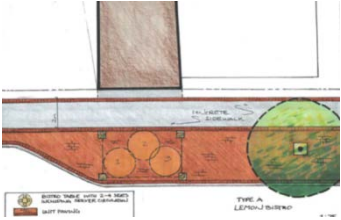
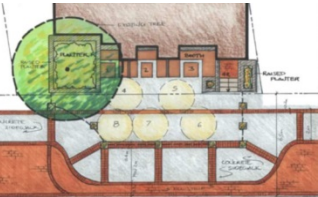
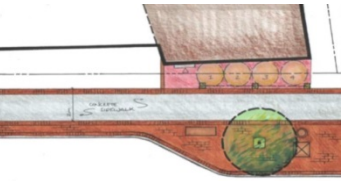
Town of Whitby	Permit Application	Guidelines within Application	May-October	Permit Application Fee: \$165	
North Bay	Encroachment Permit Application	Guidelines within the Application	May-October	Application Fee: \$10	
City of London	Boulevard Café Permit		May-October	Application fee: \$200	TBD by Real Estate Dept.
Welland	License of Occupation		May-October		0.10/sq. ft. of Patio Area
Fernie, BC	Patio Application	Parking Patio	May-October	Application fee: \$50	\$10/m2
Golden, BC	License of Occupation	Parking Patio	May-October	Min \$300 annual fee to \$100/Parking stall per month.	
Canmore, AB	License of Occupation	Parking Patio, Guidelines within the Policy	May-October	\$300 annual fee	
Saskatoon, SK	Side walk Café License	Side walk café, Parking Patio guideline	May-October	\$25/day for the first 30 days, \$18/day there after	


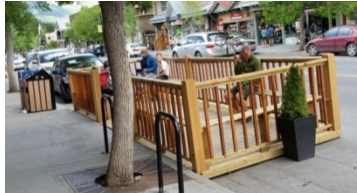



Patio Design Types:

Proposed design guidelines ensure patios complement the visual appearance of the streetscape, interactions with the surrounding environment and do not conflict with public safety. In the City of Kenora, the available width between curb and property line typically ranges between 2 metres (6.56 feet) and 3 metres (9.84 feet). Other street scape elements also add to these limitations in addition to accessibility and public safety concerns.

Side walk patios are vital to the success of our local restaurants on Bernier Drive where adequate space exists; however alternative patio types need to be addressed for those street which offer sidewalk limitations; Main Street, Second Street South, Matheson Street and Ottawa Street in Keewatin. The City shall promote Sidewalk Café, encouraging façade improvements through the Harbourtown CIP to introduce active storefronts; taking the restaurants out onto the street through the use of garage-door style storefronts, french doors and open patio designs.

Table- 2 Patio Types

Patio Type	Design	Pros	Cons	Proposed Location
<p>Boulevard Patio Located between the curb and sidewalk (within a bump out) do not affect pedestrian traffic flow. Note: this design is not feasible in Kenora</p>	 <p>Image: City of Markham Patio Policy</p>	<ul style="list-style-type: none"> - Maintains linear path of travel for pedestrians 	<ul style="list-style-type: none"> - -Required to cross the sidewalk to access the patio - -Patio places customers closer to the Curb - Potential conflict with light poles, bins, benches 	<p>N/A in Kenora.</p>
<p>Sidewalk Patio Which extends from the Building face or property line across the sidewalk. Only where sufficient space is available or an alternative pedestrian route is available. Restaurant establishments are authorized to extend outdoor patios to the edge of the street. Uninterrupted pedestrian traffic flow must be maintained, where the sidewalk does not meet this requirement, the provision of temporary sidewalks, designed for pedestrian safety and temporarily located on some on-street parking spaces.</p>	 <p>Image: City of Markham Patio Policy</p>	<ul style="list-style-type: none"> - Opportunity to extend from private front yard and maximize seating capacity - Enclose managable area for serving staff - -Servers don't have to cross the sidewalk - - Customer seating is away from the curb/traffic 	<ul style="list-style-type: none"> - Linear path of travel is obstructed - Sidewalk users deviate around patio closer to the curb/traffic - Conflicts with sidewalk trees, ligh poles and benches - If a temporary sidewalk is used, safety concerns displacing pedestrians into street - Surface of the new sidewalks on Main and 2nd have use unlevel bricks to delinate pedestrians from traffic, these creat un level surface to enter onto temporary sidewalks in street. 	<ul style="list-style-type: none"> - Bernier Drive - Ottawa Street - Matheson street
<p>Sidewalk Café Single Row, tables, chairs or benches up against the building face.</p>	 <p>Image: City of Markham Patio Policy</p>	<ul style="list-style-type: none"> - Linear path of travel maintained - No conflict with trees or street furniture - Customers away from traffic - Servers do not cross the sidewalk - Seating is away from the curb 	<ul style="list-style-type: none"> - Limited seating area - If unfenced potential for chairs and tables to be moved and cause sidewalk encroachment 	<ul style="list-style-type: none"> - Main Street - Second Street South - Ottawa Street - Matheson Street

<p>In Street Patio Also known as Parklets, this in-street patio is located within in a parking lane.</p>	 <p>Image: Google search Parking Patio</p>  <p>Image: Canmor, Alberta</p>	<ul style="list-style-type: none"> - linear flow of pedestrian traffic maintained - Where sidewalk are too narrow, offer an alternative patio solution 	<ul style="list-style-type: none"> - Required to cross the sidewalk to access the patio - Patio is in-street - Traffic Control issues - Added safety measures - Loss of parking 	<ul style="list-style-type: none"> - Ottawa Street - Matheson Street
<p>Activate storefronts Promote façade improvement under the Harbourtown CIP to make them more permeable. Encourage the installation of approved 'garage-door' façades, French doors, sliding doors and patios.</p>	  <p>Images: Toronto Young Street</p>	<ul style="list-style-type: none"> - Linear path of travel maintained - No conflict with trees or street furniture - Customers away from traffic - Servers do not cross the sidewalk - Seating is away from the curb - Funding available - Encourage greater interaction between pedestrians, consumers and retailers. 	<p>-Costly for business owners</p>	<p>Must be located within the Harbourtown Community or Keewatin CIP</p>
<p>Sidewalk Merchant Display</p>	 <p>Image: Google search, Sidewalk Display</p>	<ul style="list-style-type: none"> - Allow business owners to display their products on a portion of the sidewalk in front of their businesses - Openness promotes businesses by drawing the contents of restaurants and shops out onto the street. 	<ul style="list-style-type: none"> - Potential for tables to be moved and cause sidewalk encroachment - Linear path of travel is obstructed - Sidewalk users deviate around patio closer to the curb/traffic - Conflicts with sidewalk trees, light poles and benches 	<p>No Restrictions, must maintain 1.5m pedestrian walk way inclusive of A-Frame signs, sandwichboard signs, temporary signs.</p>

Considerations & Constraints:

Wherever possible outdoor Patios/cafes should be promoted to enhance the vitality of our downtown from May- October. The City has experienced positive growth in the past four (4) years, due to expansion of the local economy and migration from other areas of the District of Kenora; furthermore the current strength of the USD will hopefully spur an increase in tourism activity in the community. In order to move forward there are key considerations:

Review and Research

- Existing provisions contained in our legislation
- Review of legislation/practices in other cities
- Development of guidelines/best practices
- Potential impacts to neighbourhoods

Consideration of impacts to other by-laws and legislation

Patio Policy applications shall be circulated among relevant departments for review and approval. The City of Kenora departments reserve the right to require additional regulations to ensure that safety regulation is met; input shall be requested from internal staff:

- City of Kenora Fire and Emergency Services
- City of Kenora Operations Department
 - i. Right-of-way encroachment
 - 1. Pedestrian safety is our main concern
 - ii. Newly designed sidewalks in areas of improvement have uneven surface next to curb to delineate pedestrians from oncoming traffic. These uneven surfaces will limit in-street patio development.
 - iii. Traffic control
 - 1. Disturbance
 - 2. loss of sightline
 - iv. Sewer and Water obstructions
 - v. Fleet- Vacuum, Sidewalk Sweeper
 - 1. Require Min 60" to maneuver
- Property and Planning
 - i. Zoning
 - ii. By-Law
 - iii. Building Code
- Economic Development
- Risk Management
 - i. Insurance
 - ii. Indemnification
- Tourism

Stakeholder and Industry Consultation

Prior to finalizing the reviews Patio Policy, external agencies should be consulted. These agencies might require additional information and/or requirements of the application. And may provide great feedback on the feasibility of the suggested policy.

- Northwestern Health Unit
- Ontario Provincial Police Service
- Harbourtown Biz

- o LOWBIC
- o Kenora Hospitality Alliance

Recommendation:

The intent is to ensure sidewalk improvements are established in a safe and orderly manner and to promote pedestrian uses and increase street-level activity from May 15th to October 15th annually. It is recommended that the City of Kenora enforce a patio guideline that requires all food and beverage businesses wishing to extend their premises onto City Property obtain a License of Occupation, which is a mechanism of authorization for the legal establishment of temporary occupation of City sidewalks with outdoor patios, cafes and merchandise displays;

That the City of Kenora Tariff of Fees By-Law be amended to reflect the fees and that a By-Law be given three reading to adopt the License of Occupation Policy and that By-law 70-2012, Outdoor Commercial Patio Policy be repealed.

License of Occupation Policy



Section Property and Planning	Date 06/1/2015	Resolution No.	Page 1	Of 6
Subsection License of Occupation	Supersedes By-Law No. 70-2012		Policy No.	

Purpose:

The intent of the City of Kenora License of Occupation is to ensure sidewalk improvements are established in a safe and orderly manner and to promote pedestrian uses and increase street-level activity from May 15th to October 15th annually;

As the City of Kenora continues to revitalize its Downtown; renewal focuses on economic development opportunities, culture, arts, entertainment and lifestyle. The City of Kenora recognizes the development of commercial outdoor greatly contribute to the character of a street, patios; actively promote the Downtown, creating a vibrant and healthy environment to attract residents, tourists and new business.

This Policy requires all food and beverage businesses wishing to extend their premises onto City Property obtain a License of Occupation, which is a mechanism of authorization for the legal establishment of temporary occupation on City sidewalks with outdoor patios, cafes and/or merchandise displays.

License of Occupation:

The City of Kenora License of Occupations shall be limited to:

A. Sidewalk Café- \$75.00 annually

- Intended but not limits to use by Coffee Shops, Bakeries, Delis, and confectionary stores. Sidewalk Café Licences of Occupation will be restricted to establishments located on the ground floor, with the use of single row, tables and seating up against the building face. Fencing may be required by the Alcohol and Gaming Commission of Ontario (AGCO) for areas that will be associated with the serving and consumption of alcohol
- Promote the use in conjunction with active storefronts. Encourage greater interaction between pedestrians, consumers and retailers.
- There are numerous forms that active storefronts can take, which include approved 'garage-door' façades, french doors, and patio doors to link the inside with the outdoor patio
- Façade improvement may be eligible for funding through the Harbourtown Community Improvement Plan, municipal financial

incentives to encourage the rehabilitation and improvement to private lands. The intent of the plan is to target improvements to existing buildings and properties, and is not directed towards future new developments in the Harbourtown Centre

B. Sidewalk Patio

- **Small Patio Applications- \$200.00 Annually**
 - o with occupancy of twenty (20) people or less

- **Large Patio Application- \$350.00 annually**
 - o with occupancy of twenty-one (21) people or more
 - Currently restricted to Bernier Drive where installed patios offers unobstructed sidewalk width for pedestrian movement along the abutting Sidewalk. Perimeter fencing is required regardless of sales and or consumption of alcohol

C. Merchandise Display- \$50.00

- A Merchandise Display Permit allows business owners to display their products on a portion of the sidewalk in front of their business. Merchandise Displays help to create a vibrant community, liven the sidewalk and support businesses. All displays and decorative components on City sidewalks must be reviewed and approved by the City of Kenora staff to ensure safety and accessibility for all street users

Factors which will decide which patio type will be authorized:

1. Design Guidelines
2. Location and width of sidewalk to accessibility standard
3. Street furniture (trees, light poles, benches)
4. Public safety

Application Process

The provision of safe and hazard-reduced environments is paramount in the creation and enforcement of these guidelines. Constructing, erecting ,or placing an outdoor patio, tables, chairs, benches or merchandise on public (City-owned) property requires approval from the City of Kenora through the issuance of a License of Occupation (application form attached). License of Occupation are only valid for the dates indicated on each permit and must be renewed on an annual basis.

1. 1.Complete the application (attached)
2. Sketch of the proposed outdoor sidewalk patio, or sidewalk café to be approved
 - Area of patio in square metres and width and length of sidewalk occupied
 - Location of all chairs, tables and fencing
 - Location of all surrounding objects, parking metres, fire extinguishers, light fixtures
 - Proposed patio must not be located in front of any business, other than that of the applicant.
3. Valid Insurance certificate (\$5,000,000.00) naming "The Corporation of the City of Kenora" as an additional insured
4. Copy of Article of Incorporation or Master Business Licence

5. Enclose the application fee, payable to the City of Kenora

City of Kenora- Real Estate Officer
2nd floor, 60 Fourteenth Street North
Kenora, ON P9N 4M9
Tel: 807-467-2292
Fax: 807-467-2246

The complete application will be circulated internally and to Kenora Hydro for comment and conditions to approval within five (5) working days.

General Terms and Conditions

- The area contained within a licence of Occupation may be used solely for that of a Patio
- The distance and orientation of the sidewalk patio in relation to the surrounding development shall be considered to ensure negative effects of no occur with existing surrounding development, land uses, or pedestrian right-of-way
- Not all sidewalk or locations are suitable for licences of Occupation permits, the City of Kenora maintains the right to refuse issuance of a permit in instances where it is felt that a patio may impact public welfare or safety and/or cause a nuisance
- All Applicants must hold a valid City of Kenora Business License
 - i. All applications must be in conjunction with an associated business and cannot be a stand-alone establishment
- Hours of operation are restricted to the same hours of operation as the parent business
- Application must comply with the Sign By-Law 115-2010
- Must comply with the Noise By-Law 27-2007
- Must comply with the Smoking By-law No. 145-2007 and Provincial smoking legislation
- Must comply with the Accessibility for Ontarians with Disabilities Act, 2005 O. Reg. 413/12
- Use of the patio must comply with all of the Federal, Provincial and Municipal laws
- It is the responsibility of the applicant/owner/constructor to "Call Before you Dig"

Term and Renewal

- Seasonal terms for patios begin on May 15th to October 15th and all structures must be removed by October 31st annually
- Annual Applications will be available after April 1st annually through the Real Estate Officer, and online at kenora.ca
- Off-season usage will be considered on a case-by-case basis

Liability and Indemnity

- The Licence of Occupation shall require the applicant to indemnify and save the City, its elected officials, officers, employees and agents, harmless with respect to any actions, third party claims, costs, losses,

injuries or damages (including legal costs) whatsoever arising directly or indirectly from the applicant's (or the applicant's employees, contractors, subcontractors, agents, directors or officers) placement of an outdoor patio on or within sidewalks, boulevards, right-of-way, and street parking spaces.

- The applicant covenants and agrees to further hold the town and any other agencies, having in utilities or services on or in the sidewalks, boulevards, right-of-way, and street parking spaces, harmless from any claims, suits, actions or demands whatsoever which may in any manner be affected in a work of constructing, altering, relocating or repairing and public service or utility rendered necessary or desirable by or on account of any maintenance work required to be carried out with respect to the outdoor patio, including, but not limited to, the temporary fencing, landscaping, furniture and other patio amenities.

Insurance

- Every applicant shall carry public liability and property damage insurance in which policy the Corporation of the City of Kenora shall be an additional insured and the policy shall include a cross-liability endorsement. Initially the amount of insurance coverage shall be at least Five Million (\$5,000,000.00) Dollars and this amount shall be reviewed on an annual basis and be increased to keep the amount appropriate for inflation, current liability awards, and potential replacement of City property.

Seizure and Disposal

- The City retains the right to:
 - i. Suspend or revoke the license of Occupation if, at any time, it is found that violations of the regulations have occurred or if the patio is creating conflicts that the City of Kenora deems unacceptable
 - ii. Require dismantling of the patio, at the applicant's expense, in order to gain access to the sidewalk. Twenty-four hour (24 hour) notice will be given to the applicant, unless the situation is deemed an emergency by the City of Kenora.

Maintenance

- The Responsibility of maintenance and upkeep of the patio is solely that of the applicant
- The Patio is not to be used as a storage area of any kind at any time
- All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, and chipping or peeling paint
- All furniture and fixtures must be maintained in a clean condition at all times

Additional terms and conditions of Sidewalk Cafés and Sidewalk Patios

- Patio setup must be removable and constructed of:
 - i. Sturdy Material
 - ii. Designed for stability
 - iii. Accessible

- iv. If fencing is used, securely anchored to the sidewalk at corners and possibly fastened to the building
 - v. Perimeter fences if used, shall not exceed 1 metre in height
- The Sidewalk Café must provide a minimum of 1.5 metres of unobstructed sidewalk width for pedestrian movement along the abutting Sidewalk and/or along any physical obstruction such as utility poles, fire hydrants, bus shelters, parking meters, trees, benches or garbage receptacles. If 1.5 metres of unobstructed pedestrian thoroughfare area cannot be achieved and maintained, the outdoor patio area must be adjusted to ensure that this minimum distance is achieved. Unfortunately some areas of the City sidewalks have insufficient right-of-way area or width to accommodate a patio or café
- Sidewalk Cafes shall be considered an accessory use, and shall be operated for no longer than the operating hours of the principle use to which it is an accessory
- The area of any Sidewalk café or patio should not extend onto the neighbouring business frontage, unless supported by the building owner
- Portable signs as per By-Law 115-2010 (A-Frame signs, sandwich board signs and temporary signs) must maintain a minimum 1.5 metres distance of unobstructed sidewalk width for pedestrian movement
- Alternative pedestrian sidewalks (In-street temporary sidewalk) will be approved at the discretion of the City of Kenora
 - The distance and orientation of the temporary sidewalk in relation to surrounding development shall be considered to ensure negative effects do not occur with the existing surrounding developments and land uses
 - Separation of 1.5 metres must be maintained between the nearest edge of the temporary sidewalk and the nearest edge of any intersection, cross-walk, bus shelter or bus stop
 - All temporary sidewalks must have a consistent appearance and be:
 - i. Constructed of sturdy Material
 - ii. Designed for stability
 - iii. Accessible
 - iv. Allow for proper drainage
 - v. Design for easy removal
 - All costs for traffic control devices are borne by the Applicant

Additional terms and conditions of Merchandise Display:

- Entrances/Exits and utility connections for any building may not be blocked by merchandise displays
- Displays must be placed against building
- Merchandise displays are only allowed on sidewalks between the hours of operation of the Business
- A minimum distance of 1.5 metres from any sidewalk obstruction must be maintained. Obstructions include trees, poles, bike racks, bus stops, news boxes and parking meters
- Only approved merchandise may be displayed

- Permit area may only be used for displaying merchandise. Payments from customers, food and flower preparations, and storage of merchandise or containers are not allowed on sidewalks
- All surrounding areas must be kept in a neat, clean and orderly manner.
- Umbrellas are not permitted on the sidewalk or within merchandise displays, unless a minimum of 2.5 metres of unobstructed pathway is maintained
- Portable signs as per By-Law 115-2010 (A-Frame signs, sandwich board signs and temporary signs) must maintain a minimum 1.5 metres distance of unobstructed sidewalk width for pedestrian movement

Approving Authority

- Applications may be approved by one of the following:
 - Real Estate Officer
 - Manager of Property and Planning
 - Planning Administrator



Application for License of Occupation

Business Information	Owner Information
Name	Name
Street Address	Street Address
City/Town	City/Town
Province Postal Code	Province Postal Code
Telephone Number	Telephone Number
Email Address	Email Address

License of Occupation Type

Sidewalk Patio		
Small 20 person occupancy	<input type="checkbox"/> New	<input type="checkbox"/> Renewal
Large 21+ person occupancy	<input type="checkbox"/> New	<input type="checkbox"/> Renewal
Sidewalk Café	<input type="checkbox"/> New	<input type="checkbox"/> Renewal
Sidewalk Merchandise Display	<input type="checkbox"/> New	<input type="checkbox"/> Renewal

Annual Fee (Plus HST)

Sidewalk Patio		
Small	\$200	
Large	\$350	<input type="checkbox"/> Paid
Sidewalk Café	\$75	<input type="checkbox"/> Paid
Storefront Merchandise Display	\$50	<input type="checkbox"/> Paid

Please attach all appropriate documentation

	Received
Valid Insurance certificate (\$5,000,000.00) naming "The Corporation of the City of Kenora" as an additional insured	
Copy of Article of Incorporation or Master Business Licence	
Sketch of the proposed outdoor sidewalk patio, or sidewalk café to be approved <ul style="list-style-type: none"> o Area of patio in square metres and width and length of sidewalk occupied o Location of all chairs, tables and fencing 	

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <ul style="list-style-type: none"> o Location of all surrounding objects, parking metres, fire extinguishers, light fixtures o Proposed patio must not be located in front of any business, other than that of the applicant | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

I/We hereby agree and understand the terms and conditions set out in the City of Kenora License of Occupation By-Law any amending By-Laws and will comply therewith and I understand that any non-compliance will result in the revoking of my license without refund.

I/We, the undersigned am the owner of the subject property or have approval from the registered owner and certify that the statements herein contained in the said application are true and made with a full knowledge of the circumstances connected with the same.

Name	Title
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Signature of Applicant	Date
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Please return this application to:

City of Kenora- Real Estate Officer

2nd floor, 60 fourteenth Street North

Kenora, ON P9N 4M9

Tel: 807-467-2292 Fax: 807-467-2246 Email: mshaw@kenora.ca

The complete application will be circulated internally and to Kenora Hydro for comment and conditions to approval within five (5) working days.

License of Occupation Terms and Conditions

Application Type:

A. Sidewalk Café

- Intended but not limited to use by Coffee Shops, Bakeries, Delis, and confectionary stores. Sidewalk Café Licences of Occupation will be restricted to establishments located on the ground floor, with the use of single row, tables, and seating against the building face. Fencing may be required by the Alcohol and Gaming Commission of Ontario (AGCO) for areas that will be associated with the serving and consumption of alcohol
- Promote the use in conjunction with active storefronts. Encourage greater interaction between pedestrians, consumers and retailers.
- There are numerous forms that active storefronts can take, which include approved 'garage-door' façades, french doors, and patio doors to link the inside with the outdoor patio
- Façade improvement may be eligible for funding through the Harbourtown Community Improvement Plan, municipal financial incentives to encourage the rehabilitation and improvement to private lands. The intent of the plan is to target improvements to existing buildings and properties, and is not directed towards future new developments in the Harbourtown Centre. Visit www.kenora.ca for more information

B. Sidewalk Patio

- *Small Patio Applications*- with occupancy of twenty (20) people or less
- *Large Patio Application*- with occupancy of twenty-one (21) people or more
 - Currently restricted to Bernier Drive where installed patios offers unobstructed sidewalk width for pedestrian movement along the abutting Sidewalk. Perimeter fencing is required regardless of sales and or consumption of alcohol

C. Merchandise Display

- A Merchandise Display Permit allows business owners to display their products on a portion of the sidewalk in front of their business. Merchandise Displays help to create a vibrant community, liven the sidewalk and support businesses. All displays and decorative components on City sidewalks must be reviewed and approved by the City of Kenora staff to ensure safety and accessibility for all street users

General Terms and Conditions

- The area contained within a licence of Occupation may be used solely for that of a Patio
- The distance and orientation of the sidewalk patio in relation to the surrounding development shall be considered to ensure negative effects of no occur with existing surrounding development, land uses, or pedestrian right-of-way
- Not all sidewalk or locations are suitable for licences of Occupation permits, the City of Kenora maintains the right to refuse issuance of a

permit in instances where it is felt that a patio may impact public welfare or safety and/or cause a nuisance.

- All Applicants must hold a valid City of Kenora Business License
 - i. All applications must be in conjunction with an associated business and cannot be a stand-alone establishment
- Hours of operation are restricted to the same hours of operation as the parent business
- Application must comply with the Sign By-Law 115-2010
- Must comply with the Noise By-Law 27-2007
- Must comply with the Smoking By-law No. 145-2007 and Provincial smoking legislation
- Must comply with the Accessibility for Ontarians with Disabilities Act, 2005 O. Reg. 413/12
- Use of the patio must comply with all of the Federal, Provincial and Municipal laws
- It is the responsibility of the applicant/owner/constructor to “Call Before you Dig”

Additional Terms and Conditions subject to Sidewalk Cafes and Sidewalk Patios

- Patio setup must be removable and constructed of:
 - i. Sturdy Material
 - ii. Designed for stability
 - iii. Accessible
 - iv. If fencing is used, securely anchored to the sidewalk at corners and possibly fastened to the building
 - v. Perimeter fences if used, shall not exceed 1 metre in height
- The Sidewalk Café must provide a minimum of 1.5 metres of unobstructed sidewalk width for pedestrian movement along the abutting sidewalk and/or along any physical obstruction such as utility poles, fire hydrants, bus shelters, parking meters, trees, benches or garbage receptacles. If 1.5 metres of unobstructed pedestrian thoroughfare area cannot be maintained, the outdoor patio area must be adjusted to ensure that this minimum distance is achieved Unfortunately some areas of the City sidewalks have insufficient right-of-way area or width to accommodate a patio or café
- Sidewalk Cafes shall be considered an accessory use, and shall be operated for no longer than the operating hours of the principle use to which it is an accessory
- The area of any Licence of Occupation should not extend onto the neighbouring business frontage, unless supported by the building owner
- Alternative pedestrian sidewalks (In-street temporary sidewalk) may be considered at the discretion of the City of Kenora
- Portable Signs as per By-Law 115-2010 (A-Frame, Sandwich Board Signs and Temporary signs) must maintain a minimum 1.5 metres distance of unobstructed sidewalk width for pedestrian movement

Additional Terms and Conditions subject to Sidewalk Merchandise Displays

- Entrances/Exits and utility connections for any building may not be blocked by merchandise displays
- Displays must be placed against building
- Merchandise displays are only allowed on sidewalks between the hours of operation of the Business
- A minimum distance of 1.5 metres from any sidewalk obstruction must be maintained. Obstructions include trees, poles, bike racks, bus stops, news boxes and parking meters. This requirement may be varied on a case by case basis
- Only approved merchandise may be displayed.
- Permit area may only be used for displaying merchandise. Payments from customers, food and flower preparations, and storage of merchandise or containers are not allowed on sidewalks.
- All surrounding areas must be kept in a neat, clean and orderly manner.
- Umbrellas are not allowed on the sidewalk or within merchandise displays unless a minimum of 2.5 metres of unobstructed pathway is maintained
- Portable Signs as per By-Law 115-2010 (A-Frame, Sandwich Board Signs and Temporary signs) must maintain a minimum 1.5 metres distance of unobstructed sidewalk width for pedestrian movement

Term of License and Renewal

- Seasonal terms for patios begin on May 15th to October 15th and all structures must be removed by October 31st
- Annual Applications will be available after April 1st annually through the Real Estate Officer, and online at www.kenora.ca
- Patio terms may vary annually to ensure street cleaning can be accomplished
- Off-season usage will be considered on a case-by-case basis

Maintenance

- The Responsibility of maintenance and upkeep of the patio is solely that of the applicant
- The Patio is not to be used as a storage area of any kind at any time
- All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, and chipping or peeling paint
- All furniture and fixtures must be maintained in a clean condition at all times

Seizure and Disposal

- The City retains the right to:
 - i. Suspend or revoke the license of Occupation if, at any time, it is found that violations of the regulations have occurred or if the patio is creating conflicts that the City of Kenora deems unacceptable
 - ii. Require dismantling of the patio, at the applicant's expense, in order to gain access to the sidewalk. Twenty-four hour (24 hour)

notice will be given to the applicant, unless the situation is deemed to be an emergency by the City of Kenora

Liability and Indemnity

- The Licence of Occupation shall require the applicant to indemnify and save the City, its elected officials, officers, employees and agents, harmless with respect to any actions, third party claims, costs, losses, injuries or damages (including legal costs) whatsoever arising directly or indirectly from the applicant's (or the applicants employees, contractors, subcontractors, agents, directors or officers) placement of an outdoor patio on or within sidewalks, boulevards, right-of-way, and street parking spaces
- The applicant covenant and agrees to further hold the town and any other agencies, having in utilities or services on or in the sidewalks, boulevards, right-of-way, and street parking spaces, harmless from any claims, suits, actions or demands whatsoever which may in any manner be affected in a work of constructing, altering, relocating or repairing and public service or utility rendered necessary or desirable by or on account of any maintenance work required to be carried out with respect to the outdoor patio, including, but not limited to, the temporary fencing, landscaping, furniture and other patio amenities

Insurance

- Every applicant shall carry public liability and property damage insurance in which policy the Corporation of the City of Kenora shall be an additional insured and the policy shall include a cross-liability endorsement. Initially the amount of insurance coverage shall be at least Five Million (\$5,000,000.00) Dollars and this amount shall be reviewed on an annual basis and be increased to keep the amount appropriate for inflation, current liability awards, and potential replacement of City property



June 2, 2015

City Council Committee Report

TO: Mayor and Council

FR: Charlotte Caron, Manager of Property and Planning

RE: Property Standards Committee Terms of Reference and Procedures

Recommendation:

That the Council of the City of Kenora approves the Terms of Reference for the City of Kenora Property Standards Committee; and further

That the Council of the City of Kenora hereby delegates authority to the Kenora Property Standards Committee to make decisions under Sections 15.1 and 15.6 of the Building Code Act; and further

That Council hereby appoints the Kenora Planning Advisory Committee as the Property Standards Appeal Committee; and further

That Council authorizes an amendment to bylaw number 34-2014 to reflect these Terms of Reference.

Background:

The Council of the Corporation of the City of Kenora established a Planning Advisory Committee (PAC) under the authority of section 8(1) of the Planning Act, R.S.O. 1990, c.P.13, as amended, in June of 2001. The Committee makes decisions in accordance with the Planning Act, as amended.

The City of Kenora has a property standards by-law, No. 160-2000. The by-law makes provision for appeals to orders; the Kenora Planning Advisory Committee is the appeal body. As such, the Committee's mandate is to hear the appeal and to confirm, modify or rescind the order and/or extend the time for complying with the order. This document provides procedures and protocols specific to this process.

Budget: N/A

Communication Plan/Notice By-law Requirements: Agenda for Property and Planning and Council, PAC, Chief Building Official, Planning Administrator

Strategic Plan or other Guiding Document:

Administrative

City of Kenora Official Plan (2010) – Section 8.6



The Corporation of the City of Kenora

Property Standards Committee

Terms of Reference

Purpose

The Property Standards Committee is a quasi-judicial body with the authority under the provisions of Section 15.1 and 15.6 the *Building Code Act*, to hold public hearings on appeals submitted to the for matters related to The Corporation of the City of Kenora's Property Standards By-Law.

The Committee operates independently from Council and its decisions may be appealed to the Superior Court of Justice.

Mandate

The mandate of the Property Standard's Committee is to hear and determine all appeals in accordance with the procedures established under the provisions of the *Statutory Powers Procedures Act*.

The Committee considers appeals to the Property Standards Orders issued by Property Standards Officers. It is the responsibility of the Secretary of the Property Standards Committee to accept all applications for processing, upon submission by the Appellant.

The Committee is authorized under the *Building Code Act* to:

- Hear an appeal filed by the Appellant.
- On an appeal, has all the powers and functions of the officer who made the Order or Notice and the committee may confirm, modify or rescind the Order or Notice, if in the committee's opinion doing so would maintain the general intent and purpose of the *Property Standards By-Law*.

When an appeal has been taken, the Secretary shall give notice of a hearing to the Appellant and to affected parties (as determined by the Secretary).

Operation

The Property Standards Committee is responsible for the observance and protection of applicable building law and also with protecting the rights of individuals affected by the decisions made.

The common law principles of natural justice require the Property Standards Committee to ensure that individuals affected by their decisions have their equivalent of “a day in court”.

Operation

The Committee must also satisfy legal requirements concerning notice, public hearings, calling of those who desire to be heard in favour of or against the application, notice of decisions and recording of proceedings.

The legal procedures detailed in the *Building Code Act*, *Municipal Act*, *Statutory Powers Procedures Act*, *Municipal Conflict of Interest Act* and *Municipal Freedom of Information and Protection of Privacy Act* govern the Property Standards Committee.

The Property Standards Committee is guided by policies and controls established by Council, through the *Property Standards By-Law*, and by the *Building Code Act*.

Hearings

Property Standards Committee public hearings are held on as a required basis at the call of the Secretary, in consultation with the Chair. When called, the public hearing is held in the City of Kenora Operations Centre Boardroom, or Training Room, dependent upon availability.

Reporting

The Secretary shall keep on file the records of all official business of the committee, including records of all applications and minutes of all decisions respecting those applications, and Section 253 of the Municipal Act, 2001 applies with necessary modifications to the minutes and records, pursuant to Section 15.6 (7) of the Building Code Act.

Minutes are circulated to Council for their information.

The Committee may make recommendations on issues within their Terms of Reference that warrant Council's consideration.

Organization

Members appointed to the Property Standards Committee will be the same members appointed to the Kenora Planning Advisory Committee.

Council members do not reside on the Property Standards Committee.

Pursuant to Section 15.6 (4), the members of the committee shall elect one of themselves as chair, and, when the chair is absent through illness or otherwise, the committee may appoint another member to act as acting chair.

Term of Office

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

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

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

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

Absenteeism

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

Quorum

Pursuant to Section 15.6 (1) of the Building Code Act, a by-law passed under Section 15.1 shall provide for the establishment of a committee composed of such persons, not fewer than three (3), as the council considers advisable to hold office for such term and on such conditions as the by-law may establish.

Pursuant to Section 15.6 (5) of the Building Code Act a majority of members constitutes a quorum for transacting the committee's business.

Duties and Responsibilities

Chair

- Presides at all public hearings and exercises authority and performs duties as required.
- Provides guidance and leadership to the committee in the completion of its mandate.
- Ensures that decorum is maintained at each hearing and that rules of procedure and conduct are observed.

Acting Chair

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

Members

- Review applications sent to them in advance of the meeting
- Attend the Committee hearings, consider all comments and make decisions in public regarding applications
- Contribute time, knowledge, skill and expertise to the fulfillment of the Committee's mandate.
- Declare where a pecuniary interest or possible pecuniary interest exists

Code of Conduct

Municipal Act, Building Code Act, Statutory Powers Procedures Act

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

Municipal Conflict of Interest Act

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

i) a) When present at a hearing at which matter considered

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

- Shall, prior to any consideration of the matter at the hearing, disclose the interest and the general nature thereof;
- Shall not take part in the discussion of, or vote on any question in respect of the matter;
- Shall not attempt in any way whether before, during or after the hearing to influence the voting on any such question.

b) When present at a "closed" hearing at which matter considered

Where a hearing is not open to the public, in addition to complying with the requirements set out above, the member shall forthwith leave the hearing or the part of the hearing which the matter is under consideration.

ii) When absent from hearing at which matter considered

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

iii) Disclosure to be recorded in the minutes

Every declaration of interest and the general nature thereof shall be recorded in the minutes of the hearing.

Municipal Freedom of Information and Protection to Privacy Act

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

Administrative Support Staff

Secretary (Planning Administrator or Manager of Property and Planning, or Chief Building Official)	(Non-Voting)
Recording Secretary (As assigned)	(Non-Voting)
Manager of Property and Planning – Resource Person	(Non-Voting)
City of Kenora Building Inspector	(Non-Voting)

Other Items of Reference

Except as otherwise provided in the Terms of Reference, all other procedural matters respecting the calling, place and proceedings of meetings shall be governed under the Municipal Procedural By-Law. Where there is a contradiction between the Terms of Reference in terms of hearing procedure rules, the Municipal procedural by-law and applicable legislation shall prevail.

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

PART B

Code of Conduct for Council Appointed Board Members

1. Agent of the Municipality - In carrying out the provisions of this by-law, the Committee shall at all times be the Agent of the Municipal Corporation and while acting bona fide within the limits of the authority of this by-law, neither the Committee nor any member shall incur any liability by reason of anything done or left undone by the Committee; provided however, that nothing in this paragraph shall authorize or empower the Committee to incur any debt, liability or obligation for which the Municipal Corporation shall become liable without having previously obtained the consent of the Council.
2. Members shall attend and actively participate in all hearings.
3. Members shall not interfere with the operational decisions and responsibilities of the day to day operation of the municipal workforce.
4. Members are encouraged to undergo any training that may be provided for them through the Ministry of Municipal Affairs and Housing, or any other training provider.
5. Members shall keep confidential any information deliberated in the absence of the public, Property Standards Officer, and the Appellant.
6. Members shall discharge their duties loyally, faithfully, impartially and according to the Municipal Act or any Regulation, Rule or By-Law.
7. Members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated.

PART C

Public Hearing Procedure

Notice of Appeal

1. A Notice of Appeal may be filed by a property owner, an agent authorized by the property owner or an occupant.
2. A Notice of Appeal, including the required fee as set out in the City of Kenora Tariff of Fees By-law, must be sent by registered mail or personally delivered to the Secretary of the Property Standards Committee on or before the appeal deadline date set out in the Order or Notice to Comply.

Notice of Hearing

1. Upon receipt of a Notice of Appeal, the Secretary will send a Notice of Hearing to the Appellant and to affected parties (affected parties will be determined by the Secretary), by registered mail at least 21 days prior to the hearing.
2. The Notice of Hearing includes the date, time and location of the hearing, and advises the Appellant that the matter may be heard and decided by the Property Standards Committee in their absence if they do not attend the hearing.
3. Property Standards Committee public hearings are held on as a required basis at the call of the Secretary, in consultation with the Chair. When called, the public hearing is held at the Operations Centre, in the Operations Centre Boardroom or Training Room, depending upon availability.

Disclosure

1. The Property Standards Officer, who attends the hearing in support of the Order or Notice, will, a minimum of seven (7) days before the scheduled hearing, send a disclosure package to the Appellant, which may include the following:
 - A copy of the title search showing ownership of the property
 - A copy of the signed Order or Notice
 - A copy of the signed courtesy letter sent to the Appellant (if applicable)
 - A copy of the Property Standards Officer's notes.
 - A copy of the photographs taken by the Property Standards Officer.

- A copy of any relevant maps, drawings or other documents
 - A list of additional material that may be used at the hearing such as additional photographs of the property
 - A request for disclosure from the Appellant including the deadline date.
2. If the Appellant has any material, such as documents or photographs, that he/she wishes to use during the hearing, the Appellant should disclose the information/document(s) to the Property Standards Officer in advance of the hearing, as requested in the disclosure package.
 3. If either the Property Standards Officer or the Appellant brings forward material during the hearing that has not been disclosed to the other party in advance, the Chair of the Committee will recess the hearing to allow the other party to review the material. When the hearing resumes, the other party will be given the opportunity to state any objections to the use of the material during the hearing. The Committee will decide, based on the submissions of the parties, whether or not the material may be referred to or introduced into evidence.

Committee Agenda

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

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

- (i) Call meeting to order
- (ii) Additions to the Agenda
- (iii) Declaration of Interest by a member for this meeting or at a meeting at which a member was not present
- (iv) Adoption of minutes of previous meeting - N/A
- (v) Correspondence relating to applications before the Committee
- (vi) Request(s) for adjournment/Orders that have been complied with
- (vii) Considerations of Applications for Appeal
 - a.
- (viii) New Business
- (ix) Old Business
- (x) Adjournment
- (xi) Next meeting

An Agenda is available for the public at the hearing.

Legal Counsel

The Appellant may choose to be represented by a lawyer or an agent (who, in accordance with the Law Society Act and its regulations may provide representation), or may be self-represented.

Public Hearing

1. All Appellants and/or their representatives must sign in.
2. an appeal hearing of the Committee shall be called to order by the Chair, or in the absence of the Chair, by the designate.
3. The Chair shall determine if any member has a Conflict of Interest. If a member declares a conflict they shall remove themselves from the hearing.
4. Generally, after an appeal hearing is called to order, the Chair shall call for any requests for deferral of an appeal or any requests for withdrawal of an appeal.
5. An appeal shall only be deferred upon reasonable cause as determined by the Committee.
6. Generally, after all requests for withdrawal have been made and all requests for deferral have been considered, the Secretary shall call each appeal in the order in which it appears on the agenda or in such other order as the Committee determines.
7. The Property Standards Officer will present all of their evidence, including witnesses to support the Order. The Appellant and Committee may question all such evidence presented by the Officer.
8. The Committee shall provide each Appellant with an opportunity to present their appeal. The Property Standards Officer and Committee may question all such evidence presented by the Appellant.
9. The Committee shall permit both the Property Standards Officer and the Appellant the right to re-call any of their own witnesses, for the purpose of clarification of evidence already before the Committee.
10. The Committee shall provide any person having an interest in an appeal to express their comments with respect to that appeal.
11. The Committee shall provide the Appellant or Property Standards Officer an opportunity to respond to any comments, correspondence, or proposed conditions brought forward at the appeal.
12. When considering an appeal, the Committee shall have all the powers and functions of the Property Standards Officer who made the Order, and may do any of the following things if, in the Committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the Official Plan or Policy Statement:
 - a. Confirm, modify or quash the Order, or
 - b. Extend the time for complying with the Order.

Voting

1. Once all of the evidence has been heard in respect of the appeal, the Committee will recess and will retire in Closed Session to discuss the appeal and make a decision. The Committee must decide whether the Order is to be confirmed, modified or quashed or whether time for compliance with the Order is to be extended.
2. The Chair will reconvene the hearing.
3. The Chair shall ask the members of the Committee for a motion with respect to the disposition of the appeal. The Chair, upon receipt of a motion from a member of the Committee, shall ask for a seconder for the motion. Once motion has been moved and seconded, the Chair shall call for a vote on the motion and each member of the Committee shall vote on the motion openly and individually and the Chair shall announce the decision of the Committee.
4. Where there is a tie vote on a motion, the motion shall be defeated and a new motion brought forward.

Decision

1. The Committee renders its decision on the matter in the presence of the public, the Property Standards Officer and/or designate and the Appellant. If Committee determines that additional information is required to render a decision, it may adjourn the matter to a future hearing date.
2. In its decision, the Property Standards Committee may confirm, modify or rescind the Order or Notice and/or extend the time for complying with the Order or Notice.
3. A copy of the decision of the Property Standards Committee will be sent to the Appellant by Registered Mail within fourteen (14) days of the public hearing.