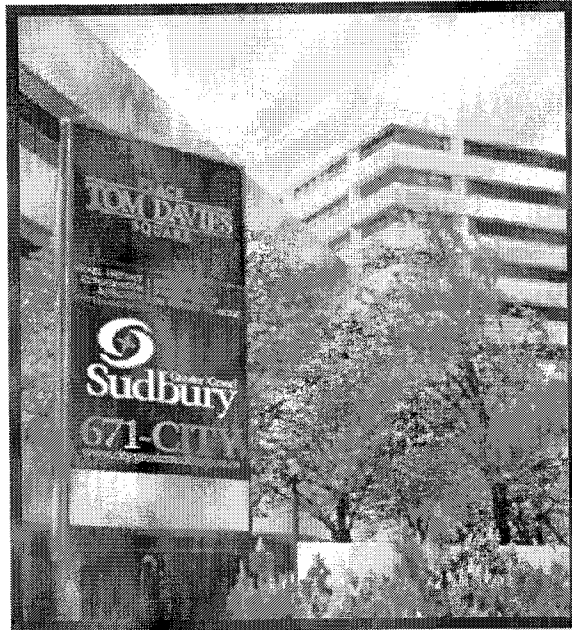


Vision: The City of Greater Sudbury is a growing, world-class community bringing talent, technology and a great northern lifestyle together.

Vision : La Ville du Grand Sudbury est une communauté croissante de calibre international qui rassemble les talents, les technologies et le style de vie exceptionnel du Nord.

Agenda Ordre du jour



For the
City Council
Meeting
to be held

Pour la réunion
du
Conseil municipal
qui aura lieu

on Thursday, May 29th, 2003

jeudi 29 mai 2003

at 7:00 p.m

à 19 h

**Council Chamber
Tom Davies Square**

**dans la Salle du Conseil
Place Tom Davies**

 **Greater | Grand
Sudbury**
www.city.greatersudbury.on.ca

Regular Council

Agenda

For The City Council Meeting
To Be Held On
THURSDAY, 2003-05-29
COUNCIL CHAMBER
Tom Davies Square

7:00 p.m.

Agenda
ordre du jour



(52ND)

AGENDA

FOR THE CITY COUNCIL MEETING
TO BE HELD ON THURSDAY, 2003-05-29
AT 7:00 P.M., IN THE COUNCIL CHAMBER

(PLEASE ENSURE CELL PHONES AND PAGERS ARE TURNED OFF)

6:00 P.M. **COMMITTEE OF THE WHOLE - "IN CAMERA"**
 COMMITTEE ROOM C-11, TOM DAVIES SQUARE
 To deal with: Litigation Matters

7:00 P.M. **REGULAR COUNCIL MEETING**
 COUNCIL CHAMBER, TOM DAVIES SQUARE

1. Moment of Silent Reflection
2. Roll Call
3. Declarations of Pecuniary Interest

PUBLIC HEARINGS

{NONE}

DELEGATIONS

4. Representatives of the Greater Sudbury Public Library will take Council on a tour of Sudbury's Virtual Library.
 (FOR INFORMATION)

- Councillor Ted Callaghan, Chair, Greater Sudbury Public Library Board
- Ms Laura Bryant, Virtual Librarian

5. Report dated 2003-05-23, with attachment, from Chief Administrative Officer regarding City of Greater Sudbury - West Nile Virus Preparedness and Response Plan 2003.

(RESOLUTION PREPARED)

(POWER POINT PRESENTATION)

1-20

- Mr. Ed Gardner, Sudbury & District Health Unit
- Dr. Stephen Monet, Co-ordinator of Environmental Initiatives

MATTERS ARISING FROM THE "IN CAMERA" SESSION

At this point in the meeting, Deputy Mayor Petryna will rise and report any matters discussed during the "In Camera" session. Council will then consider any resolutions or by-laws.

MATTERS ARISING FROM THE PRIORITIES COMMITTEE: 2003-05-28

At this point in the meeting, Deputy Mayor Courtemanche, Chair, Priorities Committee, will bring forward any matter requiring Council approval.

MATTERS ARISING FROM THE PLANNING COMMITTEE: 2003-05-27

At this point in the meeting, Councillor Bradley, Chair, Planning Committee, will bring forward any matter requiring Council approval.

PART 1 - CONSENT AGENDA

(RESOLUTION PREPARED adopting resolutions for Items C-1 to C-13 contained in the Consent Agenda)

(For the purpose of convenience and for expediting meetings, matters of business of repetitive or routine nature are included in the Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.

A particular matter of business may be singled out from the Consent Agenda for debate or for a separate vote upon the request of any Councillor. In the case of a separate vote, the excluded matter of business is severed from the Consent Agenda, and only the remaining matters of business contained in the Consent Agenda are voted on collectively.

Each and every matter of business contained in the Consent Agenda is recorded separately in the minutes of the meeting.)

MINUTES

- | | | |
|-----|---|----------------|
| C-1 | Report No. 51, City Council Minutes of 2003-05-15.
(RESOLUTION PREPARED - MINUTES ADOPTED) | M.1-16 |
| C-2 | Report No. 18, Priorities Committee Minutes of 2003-05-28.
(RESOLUTION PREPARED - MINUTES ADOPTED) {MINUTES TABLED} | |
| C-3 | Report No. 18, Planning Committee Minutes of 2003-05-27.
(RESOLUTION PREPARED - MINUTES ADOPTED) {MINUTES TABLED} | |
| C-4 | Report of Tender Opening Committee, Minutes of 2003-05-20.
(RESOLUTION PREPARED - MINUTES RECEIVED) | M.17-18 |

PART I - CONSENT AGENDA (Continued)

TENDERS

- C-5 Report dated 2003-05-16 from the General Manager of Public Works regarding Tender Award: Contract 2003-1: Paris Street Trunk Watermain, Walford Road to fire Hall (Long Lake Road).
(RESOLUTION PREPARED) 21-22
- C-6 Report dated 2003-05-16 from the General Manager of Public Works regarding Tender Award: Contract 2003-2: Lasalle Boulevard Watermain Improvements (Auger to Sylvio).
(RESOLUTION PREPARED) 23-24
- C-7 Report dated 2003-05-16 from the General Manager of Public Works regarding Award of Contract: Transit Centre Addition/Renovation.
(RESOLUTION PREPARED) 25-26
- C-8 Report dated 2003-05-16 from the General Manager of Public Works regarding Contract 2003-17: MR 35 Reconstruction, Notre Dame Street (East Entrance) to Clarabelle Road.
(RESOLUTION PREPARED) 27-29
- C-9 Report dated 2003-05-21 from the General Manager of Public Works regarding Tender Award: Contract 2003-48 - Sudbury Landfill Site, Small Vehicle Transfer Station.
(RESOLUTION PREPARED) 30-32
- C-10 Report dated 2003-05-21, with attachments, from the General Manager of Public Works regarding Municipal Groundwater Study - Consulting Services.
(RESOLUTION PREPARED) 33-36

ROUTINE MANAGEMENT REPORTS

- C-11 Report dated 2003-05-22 from the General Manager of Economic Development & Planning Services regarding Citizen Appointment to the Greater Sudbury Development Corporation.
(RESOLUTION PREPARED) 37-38
- C-12 Report dated 2003-05-23, with attachment, from the General Manager of Economic Development & Planning Services regarding Special Occasion Permit - Les Scouts du Canada.
(RESOLUTION PREPARED) 39-44
- C-13 Report dated 2003-05-23, with attachment, from the General Manager of Economic Development & Planning Services regarding Temporary Liquor License Extension - Cambrian College's Annual Staff Activity Day.
(RESOLUTION PREPARED) 45-50

PART I - CONSENT AGENDA (Continued)

TELEPHONE POLLS

{NONE}

BY-LAWS

- | | | | |
|----------|---|---|-------|
| 2003-105 | 3 | A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE USE OF A MARKSENSE BALLOT AND OPTICAL SCAN VOTE TABULATORS AND TO ESTABLISH PROCEDURES FOR THEIR USE FOR THE NOVEMBER 10 TH , 2003 MUNICIPAL ELECTION UNDER THE MUNICIPAL ELECTIONS ACT, 1996, AS AMENDED

(Report dated 2003-21-05 from the General Manager of Corporate Services) | 51-65 |
| 2003-106 | 3 | A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE USE OF THE FRENCH LANGUAGE IN NOTICES, FORMS AND OTHER INFORMATION FOR THE NOVEMBER 10 TH , 2003 MUNICIPAL ELECTION UNDER THE MUNICIPAL ELECTIONS ACT, 1996, AS AMENDED

(Report dated 2003-21-05 from the General Manager of Corporate Services) | 51-65 |
| 2003-107 | 3 | A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE USE OF A PARTICULAR BALLOT FORM FOR THE NOVEMBER 10 TH , 2003 MUNICIPAL ELECTION

(Report dated 2003-21-05 from the General Manager of Corporate Services) | 51-65 |
| 2003-108 | 3 | A BY-LAW OF THE CITY OF GREATER SUDBURY TO PROVIDE FOR AN ADVANCE VOTE AND REDUCED VOTING HOURS FOR THE YEAR 2003 MUNICIPAL ELECTION

(Report dated 2003-21-05 from the General Manager of Corporate Services) | 51-65 |

PART I - CONSENT AGENDA (Continued)

BY-LAWS (Continued)

2003-116 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO PROVIDE FOR THE MAILING OF NOTICES OF THE DAY, TIME AND LOCATION OF VOTING PLACES TO EACH RESIDENT VOTER FOR THE NOVEMBER 10TH, 2003 MUNICIPAL ELECTION AND TO AUTHORIZE THE USE OF PROXIES AND PROXY VOTING

(Report dated 2003-21-05 from the General Manager of Corporate Services)

51-65

2003-117A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE A POSSIBLE LAND ACQUISITION AGREEMENT FOR A STORMWATER RETENTION POND WITH PAGNUTTI DEVELOPMENTS INC.

(Planning meeting of Tuesday, May 27th, 2003)

2003-118Z 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 95-500Z, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER CITY OF SUDBURY

(This By-law rezones the subject property to Single Residential to permit the subdivision of the property into 41 lots for single residential use - 1085903 Ontario Ltd. - G. Ceccarelli - Willow Ridge Estates).

Planning Committee Recommendation 2003-60.

2003-119 3 A BY-LAW OF THE CITY OF GREATER SUDBURY RESPECTING THE SUPPLY OF WATER, THE MANAGEMENT AND MAINTENANCE OF THE WATERWORKS SYSTEMS OF THE CITY

(This By-law incorporates the City's new policy on the use of municipal fire hydrants into the Waterworks By-law)

2003-120T 3 A BY-LAW OF THE CITY OF GREATER SUDBURY AMENDING BY-LAW 2001-1, THE TRAFFIC AND PARKING BY-LAW

(This By-law corrects the description of One-Way Streets to Schedule "M" of By-law 2001-1)

PART I - CONSENT AGENDA (Continued)

BY-LAWS (Continued)

- 2003-121A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2002-165A TO APPOINT OFFICIALS FOR THE CITY OF GREATER SUDBURY
- (This By-law up-dates the list of Acting Fire Chiefs and Inspectors pursuant to the Building Code Act)
- 2003-122A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO CONFIRM THE PROCEEDINGS OF COUNCIL OF MAY 29, 2003
- 2003-123A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE AN AGREEMENT WITH GOLDER ASSOCIATES LIMITED FOR A MUNICIPAL GROUNDWATER STUDY
- (Report dated 2003-05-21 from the General Manager of Public Works) **33-36**
- 2003-124A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE AN AGREEMENT WITH WHITEFISH LAKE FIRST NATION FOR THE SUPPLY OF POTABLE WATER
- (Report dated 2003-05-21 from the General Manager of Public Works) **66-78**
- 2003-125F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2003-90F, BEING A BY-LAW TO ESTABLISH MISCELLANEOUS USER FEES FOR CERTAIN SERVICES PROVIDED BY THE CITY OF GREATER SUDBURY
- (This By-law amend the User Fee By-law to add fees established in the City's Culvert Policy and Municipal Fire Hydrant Policy.)
- 2003-126 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT A BUILDING, PROPERTY AND PARK NAME POLICY
- (Priorities Committee Meeting of 2003-05-28)

PART I - CONSENT AGENDA (Continued)

CORRESPONDENCE FOR INFORMATION ONLY

- C-14 Report dated 2003-05-21, with attachment, from the General Manager of Corporate Services regarding Municipal Corporations.
(FOR INFORMATION) 79-94

PART II - REGULAR AGENDA

REFERRED AND DEFERRED MATTERS

{NONE}

MANAGERS' REPORTS

- R-1 Report dated 2003-05-13 from the General Manager of Emergency Services regarding Pilot Project - EMS Training Innovation.
(RESOLUTION PREPARED) 95-97
- R-2 Report dated 2003-05-21 from the General Manager of Citizen & Leisure Services regarding Transit Capital Program and Transit Renewal Funding Program.
(RESOLUTION PREPARED) 98-101
- R-3 Report dated 2003-05-23, with attachments, from the General Manager of Corporate Services regarding Transfer of Land - Energy Court Sudbury to Greater Sudbury Telecommunications Inc.
(RESOLUTION PREPARED) 102-105
- 2003-127A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO
AUTHORIZE AN AGREEMENT FOR THE SALE OF LAND
TO GREATER SUDBURY TELECOMMUNICATIONS AND
TO AUTHORIZE A GRANT TO LAURENTIAN UNIVERSITY
- R-4 Letter dated 2003-05-13 from Deputy Mayor Courtemanche regarding Federation of Canadian Municipalities (FCM) Board Representation.
(RESOLUTION PREPARED) 106

MOTIONS

ADDENDUM

PART II - REGULAR AGENDA (Continued)

CIVIC PETITIONS

QUESTION PERIOD

NOTICES OF MOTIONS

"IN CAMERA" (Incomplete Items)

10:00 P.M. ADJOURNMENT (RESOLUTION PREPARED)

{TWO-THIRDS MAJORITY REQUIRED TO PROCEED PAST 10:00 P.M.}

2003-05-23

**THOM M. MOWRY,
CITY CLERK**

**GLORIA WARD
COUNCIL SECRETARY**

ORDRE DU JOUR

POUR LA RÉUNION DU CONSEIL MUNICIPAL QUI AURA LIEU LE JEUDI 29 MAI 2003 À 19 h, DANS LA SALLE DU CONSEIL

(VEUILLEZ FERMER LES TÉLÉPHONES CELLULAIRES ET LES TÉLÉAVERTISSEURS)

18 h **COMITÉ PLÉNIER - RÉUNION «À HUIS CLOS»**
SALLE DU COMITÉ C-11, PLACE TOM DAVIES
Objet de la réunion : Questions de litiges

19 h **RÉUNION DU CONSEIL MUNICIPAL**
SALLE DU CONSEIL, PLACE TOM DAVIES

1. Moment de silence
2. Appel nominal
3. Déclarations d'intérêt pécuniaire

AUDIENCES PUBLIQUES

{AUCUNE}

DÉLÉGATIONS

4. Des représentants de la bibliothèque municipale du Grand Sudbury présenteront au Conseil la bibliothèque virtuelle de Sudbury.
(À TITRE D'INFORMATION)

- Le Conseiller Ted Callaghan, président, Conseil des bibliothèques du Grand Sudbury
- Madame Laura Bryant, bibliothécaire (bibliothèque virtuelle)

5. Rapport de l'administrateur en chef daté du 23 mai 2003, et accompagné de pièce jointe, au sujet de l'état de préparation de la Ville du Grand Sudbury face au virus du Nil occidental et du plan d'intervention 2003.
(RÉSOLUTION PRÉPARÉE) (PRÉSENTATION POWER POINT)

- M. Ed Gardner, Conseil de santé publique de Sudbury et du district
- D^r Stephen Monet, coordonnateur des initiatives reliées à l'environnement

QUESTIONS DÉCOULANT DE LA SÉANCE À HUIS CLOS

À cette étape de la réunion, l'Adjoint au maire, Mike Petryna se lèvera pour rapporter toute question traitée pendant la séance à huis clos. Le Conseil examinera ensuite les résolutions ou les règlements.

QUESTIONS DÉCOULANT DE LA RÉUNION DU COMITÉ DE PRIORITÉS 28 MAI 2003

À cette étape de la réunion, l'Adjoint au maire, Courtemanche, président, Comité des priorités, rapportera toute question à soumettre à l'approbation du Conseil.

QUESTIONS DÉCOULANT DE LA RÉUNION DU COMITÉ DE PLANIFICATION 27 MAI 2003

À cette étape de la réunion, le Conseiller Bradley, Président, Comité de planification, rapportera toute question à soumettre à l'approbation du Conseil.

PARTIE I - ORDRE DU JOUR DES RÉOLUTIONS

(RÉSOLUTION PRÉPARÉE pour les articles C-1 à C-13 de l'ordre du jour des résolutions)

(Par souci de commodité et pour accélérer le déroulement des réunions, les questions d'affaires répétitives ou routinières sont incluses à l'ordre du jour des résolutions, et on vote collectivement pour toutes les questions de ce genre.

À la demande d'un conseiller, on pourra traiter isolément d'une question d'affaires de l'ordre du jour des résolutions par voie de débat ou par vote séparé. Dans le cas d'un vote séparé, la question d'affaires isolée est retirée de l'ordre du jour des résolutions, on ne vote collectivement qu'au sujet des questions à l'ordre du jour des résolutions.

Toutes les questions d'affaires à l'ordre du jour des résolutions sont inscrites séparément au procès-verbal de la réunion.)

PROCÈS-VERBAL

C-1 Rapport n° 51, Procès-verbal de la réunion du Conseil municipal, daté du 15 mai 2003.

(RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)

C-2 Rapport n° 18, Procès-verbal de la réunion du Comité des priorités, daté du 28 mai 2003.

(RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ) {P.-VERBAL DÉPOSÉ}

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

PROCÈS-VERBAL (suite)

- C-3 Rapport n° 18, Procès-verbal de la réunion du Comité de planification, daté du 27 mai 2003.
(RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ){P.-VERBAL DÉPOSÉ}
- C-4 Rapport sur le procès-verbal de la réunion du Comité de dépouillement des soumissions, daté du 20 mai 2003.
(RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL REÇU)

SOUSSIONS

- C-5 Rapport du directeur général des Travaux publics, daté du 16 mai 2003, au sujet de l'attribution d'une soumission: Contrat 2003-1: Conduite principale d'adduction d'eau de la rue Paris, du chemin Walford jusqu'à la caserne de pompiers (Chemin Long Lake).
(RÉSOLUTION PRÉPARÉE)
- C-6 Rapport du directeur général des Travaux publics, daté du 16 mai 2003, au sujet de l'attribution d'une soumission: Contrat 2003-2: Améliorations de la conduite principale sur le boulevard Lasalle (de Auger à Sylvio).
(RÉSOLUTION PRÉPARÉE)
- C-7 Rapport du directeur général des Travaux publics, daté du 16 mai 2003, au sujet de l'attribution d'un contrat : Agrandissement/rénovation du Centre de Transit
(RÉSOLUTION PRÉPARÉE)
- C-8 Rapport du directeur général des Travaux publics, daté du 16 mai 2003, au sujet du contrat 2003-17 : Reconstruction de la route 35, de la rue Notre-Dame (entrée est) au chemin Clarabelle.
(RÉSOLUTION PRÉPARÉE)
- C-9 Rapport du directeur général des Travaux publics, daté du 21 mai 2003, au sujet de l'attribution d'un contrat : contrat 2003-48 - Lieu d'enfouissement de Sudbury, station de transfert pour petits véhicules.
(RÉSOLUTION PRÉPARÉE)
- C-10 Rapport du directeur général des Travaux publics, daté du 21 mai 2003 et accompagné de pièces jointes, au sujet d'une étude sur les eaux souterraines de la Ville - Services d'experts-conseils.
(RÉSOLUTION PRÉPARÉE)

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

RAPPORTS DE GESTION COURANTS

- C-11 Rapport du directeur général des Services de développement économique et de planification daté du 22 mai 2003, au sujet de la nomination de citoyens à la Société de développement communautaire du Grand Sudbury.
(RÉSOLUTION PRÉPARÉE)
- C-12 Rapport du directeur général des Services de développement économique et de planification daté du 23 mai 2003, et accompagné de pièce jointe, au sujet d'un permis pour occasion spéciale - Les Scouts du Canada.
(RÉSOLUTION PRÉPARÉE)
- C-13 Rapport du directeur général des Services de développement économique et de planification daté du 23 mai 2003, et accompagné de pièce jointe, au sujet d'une prolongation de permis d'alcool temporaire pour le Cambrian College's Annual Staff Activity Day.
(RÉSOLUTION PRÉPARÉE)

SONDAGE TÉLÉPHONIQUE

{AUCUN}

RÈGLEMENTS

- 2003-105 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR AUTORISER L'UTILISATION DE BULLETINS DE VOTE À PERFORATION ET D'UNE TABULATRICE À LECTEUR OPTIQUE ET POUR ÉTABLIR DES PROCÉDURES QUANT À LEUR UTILISATION, EN VUE DES ÉLECTIONS MUNICIPALES DU 10 NOVEMBRE 2003, EN VERTU DE LA LOI SUR LES ÉLECTIONS MUNICIPALES, 1996, TELLE QUE MODIFIÉE
- 2003-106 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR AUTORISER L'UTILISATION DU FRANÇAIS DANS LES AVIS, FORMULAIRES ET AUTRES DOCUMENTS, POUR LES ÉLECTIONS MUNICIPALES DU 10 NOVEMBRE 2003, EN VERTU DE LA LOI SUR LES ÉLECTIONS MUNICIPALES, 1996, TELLE QUE MODIFIÉE
- 2003-107 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR AUTORISER L'UTILISATION DE BULLETINS DE VOTE PARTICULIER POUR LES ÉLECTIONS MUNICIPALES DU 10 NOVEMBRE 2003

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

RÈGLEMENTS (suite)

2003-108 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR PRÉVOIR UN SCRUTIN ANTICIPÉ ET DES HEURES DE SCRUTIN RÉDUITES POUR LES ÉLECTIONS MUNICIPALES DE L'ANNÉE 2003

2003-116 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR PRÉVOIR L'ENVOI POSTAL D'AVIS INDIQUANT LE JOUR, L'HEURE ET LE LIEU DES BUREAUX DE VOTE À CHAQUE RÉSIDENT AYANT LE DROIT DE VOTER, EN PRÉVISION DES ÉLECTIONS MUNICIPALES DU 10 NOVEMBRE 2003 ET POUR AUTORISER LE RECOURS AU VOTE PAR PROCURATION.

(Rapport du directeur général des Services corporatifs daté du 21 mai 2003)

2003-117A 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR AUTORISER LA POSSIBILITÉ D'UN ACCORD D'ACQUISITION DE PROPRIÉTÉ AVEC PAGNUTI DEVELOPMENTS INC. EN CE QUI CONCERNE UN BASSIN D'EAUX PLUVIALES

(Réunion du Comité de planification du mardi 27 mai 2003)

2003-118Z 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR MODIFIER LE RÈGLEMENT 95-500Z, LE RÈGLEMENT GÉNÉRAL DE ZONAGE POUR L'ANCIENNE VILLE DE SUDBURY

(Ce règlement redéfinit le zonage de la propriété en question pour permettre sa subdivision en 41 lots, à des fins de résidence individuelle - 1085903 Ontario Ltd. - G. Ceccarelli - Willow Ridge Estates).

Recommandation 2003-60 du Comité de planification.

2003-119 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY CONCERNANT L'APPROVISIONNEMENT EN EAU, LA GESTION ET LA MAINTENANCE DES RÉSEAUX D'ADDUCTION ET DE DISTRIBUTION DE LA VILLE

(Ce règlement incorpore la nouvelle politique de la Ville sur l'utilisation des bornes-fontaines au règlement sur le réseau d'adduction d'eau.)

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

RÈGLEMENTS (suite)

- 2003-120T 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR MODIFIER LE RÈGLEMENT 2001-1, PORTANT SUR LA CIRCULATION ET LE STATIONNEMENT.
- (Ce règlement permet de corriger la description de rue en sens unique à l'annexe « M » du règlement 2001-1)
- 2003-121A 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR MODIFIER LE RÈGLEMENT 2002-165A PERMETTANT DE NOMMER DES FONCTIONNAIRES POUR LA VILLE DU GRAND SUDBURY
- (Ce règlement actualise la liste des chefs de pompiers et des inspecteurs intérimaires en vertu de la Loi sur le code du bâtiment)
- 2003-122A 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR CONFIRMER LES PROCÉDURES DU CONSEIL LE 29 MAI 2003
- 2003-123A 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR AUTORISER UN ACCORD AVEC LA *GOLDER ASSOCIATES LIMITED* POUR UNE ÉTUDE SUR LES EAUX SOUTERRAINES DE LA VILLE
- (Rapport du directeur général des Travaux publics daté du 21 mai 2003)
- 2003-124A 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR AUTORISER UN ACCORD AVEC LA PREMIÈRE NATION DE WHITEFISH LAKE POUR L'APPROVISIONNEMENT EN EAU POTABLE
- (Rapport du directeur général des Travaux publics daté du 21 mai 2003)
- 2003-125F 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR MODIFIER LE RÈGLEMENT 2003-90F, ÉTANT UN RÈGLEMENT POUR ÉTABLIR DIVERS FRAIS D'UTILISATION POUR CERTAINS SERVICES FOURNIS PAR LA VILLE DU GRAND SUDBURY
- (Ce règlement modifie le règlement sur les frais d'utilisation pour permettre l'ajout de frais établis dans la politique de la Ville de Culvert et dans la politique municipale sur les bornes-fontaines)
- 2003-126 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR UNE POLITIQUE SUR L'ADOPTION D'UN NOM D'ÉDIFICE, DE PROPRIÉTÉ ET DE PARC
- (Réunion du 28 mai 2003 du Comité des priorités)

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

CORRESPONDENCE À TITRE D'INFORMATION SEULEMENT

- C-14 Rapport du directeur général des Services corporatifs daté du 21 mai 2003, accompagné de pièce jointe, au sujet de corporations municipales.
(À TITRE D'INFORMATION)

PARTIE II - ORDRE DU JOUR RÉGULIER

QUESTIONS RENVOYÉES ET QUESTIONS REPORTÉES

RAPPORTS DES GESTIONNAIRES

- R-1 Rapport du directeur général des Services d'urgence daté du 13 mai 2003, au sujet d'un projet pilote - Innovation en matière de formation aux Services d'urgence.
(RÉSOLUTION PRÉPARÉE)
- R-2 Rapport de la directrice générale des Services aux citoyens et des Loisirs daté du 21 mai 2003, au sujet du programme d'immobilisations pour le Transit du Grand Sudbury et pour le renouvellement du programme de financement.
(RÉSOLUTION PRÉPARÉE)
- R-3 Rapport du directeur général des Services corporatifs daté du 23 mai 2003, et accompagné de pièces jointes, au sujet d'un transfert de propriété - de *Energy Court Sudbury* à *Greater Sudbury Telecommunications Inc.*
(RÉSOLUTION PRÉPARÉE)
- 2003-127A 3 UN RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR AUTORISER UN ACCORD VISANT LA VENTE DE PROPRIÉTÉ À LA *GREATER SUDBURY TELECOMMUNICATIONS* ET POUR ACCORDER UNE SUBVENTION À L'UNIVERSITÉ LAURENTIENNE
- R-4 Lettre datée du 13 mai 2003 du maire adjoint Courtemanche au sujet de la représentation au sein de la Fédération canadienne des municipalités.
- R-5 Lettre du maire adjoint Courtemanche datée du 13 mai 2003, au sujet d'une représentation au Conseil de la Fédération canadienne des municipalités. (FCM).
(RÉSOLUTION PRÉPARÉE)

MOTIONS

ADDENDA

PÉTITIONS CIVIQUES

PÉRIODE DE QUESTIONS

AVIS DE MOTIONS

SÉANCE À HUIS CLOS (Articles incomplets)

LEVÉE DE LA SÉANCE À 22 H (RÉSOLUTION PRÉPARÉE)

***UNE MAJORITÉ DES DEUX TIERS EST REQUISE POUR POURSUIVRE LA RÉUNION APRÈS
22 H.}***

2003-05-23

**THOM M. MOWRY,
GREFFIER MUNICIPAL**

**GLORIA WARD
SECRÉTAIRE DU CONSEIL**

Request for Decision City Council



Type of Decision										
Meeting Date	May 29, 2003				Report Date	May 22, 2003				
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low	
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed	

Report Title
City of Greater Sudbury - West Nile Virus Preparedness and Response Plan 2003

Policy Implication + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
	<p>The Province has stated that it will cover 100% of the cost of the larvicide and 50% of the cost of applying the larvicide with municipalities responsible for the remaining 50%.</p> <p>In accordance with the Health Protection and Promotion Act, the City of Greater Sudbury has been billed for \$16, 061 as its share of the Board of Health approved budget for the direct incremental costs related to West Nile Virus.</p> <p>Municipalities will only be billed their share of the Board of Health approved budget for contingency costs related to larviciding and /or aducliding in the amount of \$75, 000 should it be necessary to undertake these initiatives.</p> <p>Additional costs may be required as a result of the mapping of surface water features.</p>
<input checked="" type="checkbox"/>	Background Attached

Recommendation	
	<ol style="list-style-type: none"> That Council endorse the proposed City of Greater Sudbury - West Nile Virus Preparedness and Response Plan 2003 that outlines the City's role in contending with the possibility of West Nile Virus becoming a human health risk in the area; That the appropriate City officials be authorized and directed to take the necessary actions in preparing for the possibility of West Nile Virus in the area; and That Council approve the necessary funds associated with the City of Greater Sudbury - West Nile Virus Preparedness and Response Plan 2003 as needed.
	Recommendation Continued

Recommended by the General Manager
<p>Doug Nadorozny Manager of Economic Development and Planning Services</p>

Recommended by the C.A.O.
<p>Mark Mieto C.A.O.</p> 

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Date: May 22, 2003

Report Prepared By

Stephen Monet, Ph.D.
Coordinator of Environmental Initiatives

Division Review

Name
and Title

RECOMMENDATION:

1. That Council endorse the proposed City of Greater Sudbury - West Nile Virus Preparedness and Response Plan 2003 that outlines the City's role in contending with the possibility of West Nile Virus becoming a human health risk in the area;
2. That the appropriate City officials be authorized and directed to take the necessary actions in preparing for the possibility of West Nile Virus in the area; and
3. That Council approve the necessary funds associated with the City of Greater Sudbury - West Nile Virus Preparedness and Response Plan 2003 as needed.

Purpose

The purpose of this report is to outline the actions that shall be undertaken by the City of Greater Sudbury to ensure that its role in preparing for the possibility of West Nile Virus becoming a human health risk in the area is consistent with the Draft Sudbury and District Health Unit West Nile Virus Control Plan 2003 (Appendix 1).

This report outlines the City of Greater Sudbury - West Nile Virus Preparedness and Response Plan 2003, henceforth referred to as the *City WNV Plan*. The intent of the *City WNV Plan* is to demonstrate 'duty of care' by the City in dealing with the possible incidence of West Nile Virus in the municipality.

Background

West Nile Virus has rapidly emerged as a new disease in southern Ontario. West Nile Virus is now a reportable disease in Ontario, and, as such, local Health Units are legally required to monitor and respond.

Here in Sudbury, the Sudbury and District Health Unit (SDHU) has prepared its Draft West Nile Virus Control Plan 2003, henceforth referred to as the SDHU Plan. The SDHU Plan clearly outlines the actions to be undertaken in preparing for and responding to the possibility of West Nile Virus in Sudbury and other municipalities within the SDHU's jurisdiction. The SDHU Plan also establishes the role of the municipalities in fulfilling their responsibilities in dealing with the possibility of West Nile Virus becoming a human health risk in the area. Actions associated with the municipal role include those related to public education, possible enactment of by-laws, and operations aimed at applying larvicides (products that kill developing mosquitoes in standing water).

Date: May 22, 2003

Elimination of all mosquitoes and mosquito breeding habitats in the City of Greater Sudbury is not possible. Therefore, rationality and common sense must prevail along with a demonstration of a reasonable degree of care on the part of the City. Mosquitoes are a fact of life in the North and have always created nuisance situations which citizens have had to contend with.

Mosquitoes as a nuisance problem is a related but separate issue from the problem of mosquito-transmitted West Nile Virus. Not all mosquito species carry West Nile Virus. Mosquitoes may pose a significant nuisance problem at a given site yet may not be carrying West Nile Virus at all if they are non-carrier species. It has yet to be established if Sudbury has breeding populations of the mosquito species that transmit West Nile Virus or if these species, if present here, in fact carry the disease. The SDHU's surveillance and monitoring activities in 2003 will be used in assessing human health risks associated with West Nile Virus in Sudbury.

Outlined below are the actions that shall be undertaken by the City to fulfill its role in being prepared for the possibility of West Nile Virus becoming a human health risk in the Sudbury area.

Sudbury and District West Nile Virus Community Partnership

The City of Greater Sudbury is a member of the Sudbury and District West Nile Virus Community Partnership (SDWNV Community Partnership) initiated and lead by the SDHU. Other members include the following:

- Ministry of the Environment
- Ministry of Natural Resources
- Nickel District Conservation Area
- specialists from Laurentian University

Through the SDWNV Community Partnership clear roles and responsibilities for all members are established along with information sharing protocols. Through its membership on the SDWNV Community Partnership the City obtains the latest developments on West Nile Virus and response plans by the SDHU and can coordinate any required actions in fulfillment of its municipal role in dealing with the West Nile Virus issue.

City West Nile Virus Working Group

To allow proper coordination and implementation of the *City WNV Plan*, a City West Nile Virus Working Group has been established with representation from all Departments. Sections and Groups with particularly key roles in implementing the *City WNV Plan* include Operations - Public Works, Supply and Services, Health and Safety, and Environmental Initiatives. The Working Group will include other City divisions as required.

Education and Training of City Employees

The City is responsible for informing its employees on matters relating the West Nile Virus. Employees must be informed on measures they can take to reduce their risk of contracting West Nile Virus. Measures for personal protection against mosquito bites (nuisance problem) for employees have been in place for several years starting at the former City of Sudbury and the Regional Municipality of Sudbury. The City provides all outside workers with the insect repellent for their personal use while on the job. This measure will continue.

Date: May 22, 2003

As a first step, an SDHU Information Session on West Nile Virus was provided to key City staff on May 13, 2003. General Managers were notified of this Information Session to allow them the opportunity to send key staff. The intent of this first Information Session was to establish a link between the City's Health and Safety Section and the SDHU on West Nile Virus matters and to allow an opportunity for information to filter from the key staff to other City employees under their charge.

Additional steps have been taken by the Health and Safety Section. Draft West Nile Virus Guidelines have been developed and once finalized will become part of the City's Health and Safety Policies and Procedures Manual and will be distributed to all employees via GroupWise. The West Nile Virus Guidelines for City employees address the following issues:

- 1) personal protection;
- 2) handling of dead birds;
- 3) elimination of surface water situations on City-owned lands when and where appropriate. City staff, especially those responsible for property maintenance, shall be made aware of and directed to eliminate potential mosquito breeding habitat (e.g., standing water) on City-owned lands under their charge. The intent is to use common sense and seize opportunities for quickly eliminating standing water from parks, operations yards, etc. as part of routine maintenance. The intent is not to conduct an exhaustive inventory of potential mosquito breeding habitat on all City-owned land or to undertake major drainage or engineered construction works to eliminate all standing water on City owned lands.

The Health and Safety Section, in collaboration with the SDHU, is preparing a comprehensive education and training plan for employees of the City.

Public Education

The *City WNV Plan* supports the SDHU's comprehensive public education campaign to inform citizens of the City on the issue of West Nile Virus. The education campaign will focus particularly on the message of personal protection from mosquito bites as being the primary means of protection against West Nile Virus should this disease become an issue here.

The SDHU will handle all calls from the public on health matters relating to West Nile Virus in the Sudbury area.

Source reduction (i.e., standing water control) on private property using preventative, common sense measures also figures prominently in the SDHU public education campaign and may be further supported by the City through the enactment of a Standing Water Control By-law as discussed below. The public education campaign should include commercial and industrial sites, especially those that have onsite stormwater retention facilities.

Date: May 22, 2003

Source Reduction on Private Land

Source reduction on private land will be accomplished mainly through the willing participation of Sudburians as they are informed by the SDHU public education campaign. The City may support the efforts of source reduction on private lands by enacting and enforcing a Standing Water Control By-law. Issues associated with the enactment and enforcement of standing water on private lands are currently under discussion between staff at the City and the SDHU. The matter will be presented to Council once a workable approach has been developed.

The City currently does not have a by-law that regulates standing water within the City. The City's existing Property Standards By-law does not address standing water. The intent of the by-law would not be to establish a framework that creates rivalries between neighbours over trivial standing water situations. Rather the intent would be to regulate standing water where gross negligence has led to an unreasonably large extent of mosquito breeding habitat that is contributing substantially to a potential health hazard yet could be easily rectified.

Municipal Preparation for Larviciding on Municipal Land

Should the SDHU's surveillance and monitoring activities reveal that West Nile Virus is present in the City of Greater Sudbury and poses a health risk for citizens a decision will need to be made as to whether or not to undertake larviciding (killing developing mosquitoes in standing water) in the City. The SDHU will make this determination and will notify the City to proceed with larviciding. Areas to be larvicided and the exact means of doing so will be determined by the SDHU and City in consultation with the extermination firm contracted by the City to conduct the larviciding.

The City's responsibility is to be prepared to larvicide appropriate locations on municipal land, if deemed necessary. Preparedness involves 1) having all the required information on hand to expeditiously obtain a permit to larvicide from the Ministry of the Environment and 2) have an appropriately licensed contractor on retainer in case larviciding is deemed necessary by the SDHU.

The City will work closely with the SDHU, the Ministry of the Environment, the Nickel District Conservation Authority and the Ministry of Natural Resources to ensure that permit application and support documents are in place should larviciding be deemed necessary by the SDHU. The Ministry of the Environment requires a separate application for permits for applying larvicide in each of the following features:

1. Catch basins/storm drains;
2. Ditches and Temporary Pools or Permanent Pools including stormwater management ponds;
3. Sewage and sludge storage lagoons; and
4. Wetlands

Features to be larvicided will be determined in close collaboration with the SDHU and the exterminator contracted by the City.

Date: May 22, 2003

The City will need to contract a firm to conduct mapping of surface water features using remote sensing technology. This mapping will be crucial to obtaining a permit from the MOE and to the proper planning and execution of a broader larviciding program should it become necessary.

The City will ensure that an appropriately licensed exterminator is on retainer in case larviciding of catchbasins and perhaps some stormwater management ponds is deemed necessary by the SDHU in 2003. The City will also ensure that the contractor has the necessary materials, personnel, equipment and insurance.

Financial Implications

The Province has stated that it will cover 100% of the cost of the larvicide and 50% of the cost of applying the larvicide with municipalities responsible for the remaining 50%.

The Board of Health of the Sudbury and District Health Unit recently passed a resolution at its April 17, 2003 meeting enhancing its 2003 budget for costs associated with West Nile Virus. The resolution, cover letter from the SDHU, and 2003 West Nile Virus Levy are included in Appendix 2.

Program costs are divided into two budget components: direct incremental costs of \$37,590 and contingency costs for larviciding and/or adulticiding should these actions be required of \$150,000.

In accordance with the Health Protection and Promotion Act, the City of Greater Sudbury has been billed for \$16,061 as its share of the Board of Health approved budget for the direct incremental costs related to West Nile Virus. Municipalities will only be billed their share of the Board of Health approved budget for contingency costs related to larviciding and /or adulticiding in the amount of \$75,000 should it be necessary to undertake these initiatives.

Additional costs to the City associated with preparedness and response to the West Nile Virus situation include:

- Mapping of surface water features in and around the City's 'populated' areas. A proposal from a firm to conduct the mapping of surface water features is expected on Tuesday, May 27th, 2003.

Conclusion

West Nile Virus has not been established as a human health risk in the Sudbury area. It is the responsibility of the SDHU, through its West Nile Virus Control Plan 2003, to assess the human health risk posed by West Nile Virus and to provide guidance as to the need for larviciding.

The *City WNV Plan* outlined above is a precautionary measure demonstrating City preparedness to deal in a responsible and timely manner with the possibility for this disease to manifest itself within City boundaries.

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APPENDIX 1



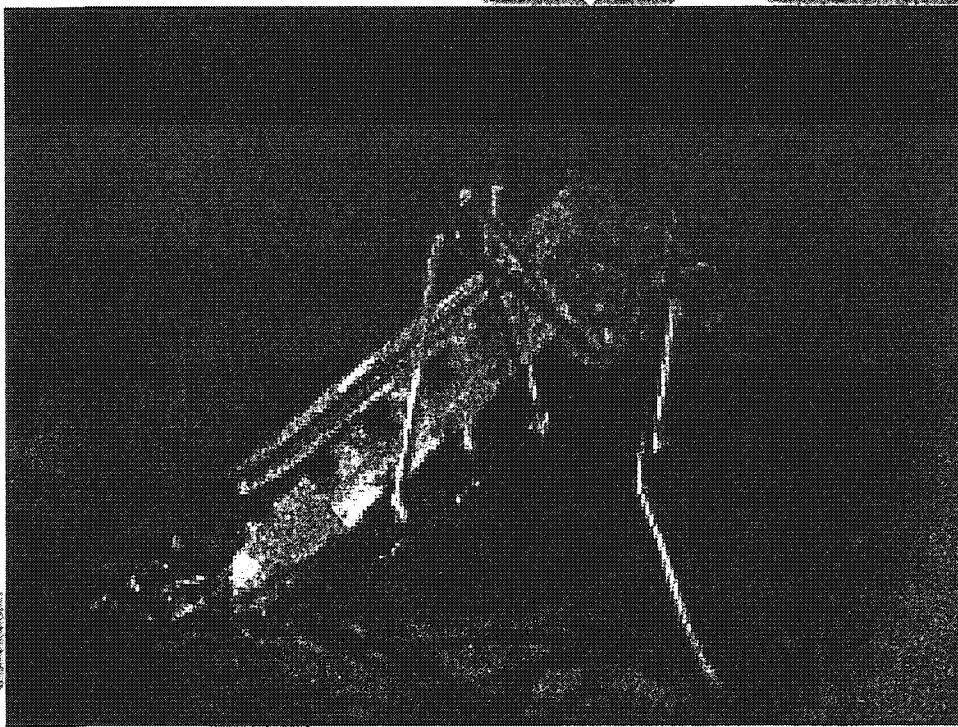
Sudbury & District

Health Unit

Service de
santé publique

Sudbury & District Health Unit

West Nile Virus Control Plan 2003



Sudbury & District Health Unit
1300 Paris Street
Sudbury, Ontario
P3A 3A3
Tel: (705) 522-9200
Fax: (705) 677-9607
Website: www.sdhu.com

April 30, 2003

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Healthy Santé
Day! dès aujourd'hui!
Sudbury & District Health Unit Service de santé publique de Sudbury et du district

Overview

West Nile Virus control measures to-date have focused on reducing mosquito breeding sites on private and municipal property, and providing information to the public on how to prevent mosquito bites. In 2002, this information was disseminated to the public through pamphlets and the media.

Only two crows tested positive for West Nile virus in 2002 and there were no positive human cases. Based on this evidence the Sudbury & District Health Unit is pursuing a pragmatic approach through Public Education and Surveillance Activities.

Public education will emphasize personal protection and source reduction.

Public Education

Personal Protection

Citizens will be advised that the most effective method of personal protection from mosquito bites is to avoid places where mosquito densities are high and to avoid being out-of-doors at times of the day when mosquito activity is at its highest (dusk and dawn and during calm, warm, humid evenings).

If people find themselves in situations where they must be exposed to biting mosquitoes, there are several things they can do. First, they can minimize the exposed skin surface by wearing a hat or head net, long trousers, and a long-sleeved shirt. Some mosquitoes will bite through lightweight clothing, but the number of bites received is definitely reduced if most areas of the body are covered. When mosquito densities become very high or there is a risk of disease transmission, people may want to apply a mosquito repellent.

Most effective repellents contain DEET (N,N-diethyl-meta-toluamide). Commercial repellents contain varying concentrations of DEET, usually between 10 and 30%. In general, the higher the concentration of DEET in a product the longer the duration of protection with a single application. Thus the lower concentration products provide 1 or 2 hours of protection, whereas higher concentration products are effective for 4 to 6 hours. The duration of protection of lower concentration DEET products can match that of higher concentration products, if they are reapplied at regular intervals (e.g., hourly). The efficacy of any repellent will depend on weather conditions (i.e., strong wind speeds and high temperatures or relative humidity will decrease the duration of protection) and amount of physical activity of the user (i.e., sweating will result in rapid declines in protection times).

DEET-based repellents do have some minor drawbacks. DEET can be an irritant to some people and it may damage synthetic materials such as rayon, nylon or certain plastics. When applying repellents, always read the label instructions carefully and thoroughly apply the material to all exposed skin, including behind the ears. If people wish to avoid using DEET, there are few, if any, effective alternatives. Plant oils, such as oil of lavender or citronella, have been shown to be somewhat repellent to mosquitoes. However, most other plant oils are not available as commercial mosquito repellents. More detailed information concerning the selection and safe use of insect repellents can be obtained from **Health Canada's Pest Management Regulatory Agency (PMRA)** at:

http://www.hc-sc.gc.ca/hpb/lcdc/publicat/info/repell_e.html

There is a vast array of other products that are marketed to repel mosquitoes, most of which are totally ineffective. These include wristbands that contain an aromatic repellent, ultrasonic emitters, electric grids, electronic repellers, aromatic plants (the most common one is the so-called mosquito plant), incense coils, vitamins, and even mixtures of brewer's yeast and garlic. Research has shown that all of these methods are of little or no value in repelling mosquitoes.

Source Reduction

The best way to keep mosquitoes away is to clean up areas where they like to breed. Unlike birds or other insects, mosquitoes do not fly very far and tend to stay close to their breeding sites and normal habitat.

Artificial containers such as tires, buckets, birdbaths, etc. collect rainwater. Besides other sanitation concerns they are ideal mosquito breeding sites for certain species due to the lack of predators and may be especially productive when they are in a heavily vegetated area.

Every residential and commercial property owner should regularly inspect their property and buildings to determine if conditions are conducive to mosquito breeding and endeavour to eliminate those conditions. The public education campaign in 2003 will highlight the need for Sudbury & District residents and commercial/industrial property owners to eliminate mosquito-breeding sites on private property.

Cleanup will be accomplished through property owner education, or failing that through enforcement of existing property standards by-laws or public health legislation.

Mosquito Sources	How to Reduce Backyard Mosquitoes
Ponds	Stock with fish or use BTI; remove excess vegetation.
Swimming pools	Keep water off cover; maintain water quality at all times.
Tree holes	Fill hole with sand or mortar.
Plastic pools	Drain water when not in use, or cover so mosquitoes cannot lay eggs.
Containers	Empty water; store in an inverted position; dispose of; or cover.
Bird baths	Change water at least once a week.
Standing water	Eliminate by draining; fill in low areas.
Watering troughs	Stock with fish, or change water weekly.
Street gutter or catch basins	Keep litter and garden debris out of gutters; do not over water yard.
Septic tank fields	Ensure proper drainage so mosquitoes cannot lay eggs.
Roof gutters	Clean once a year to remove debris.
Rain Barrels	Cover with screening or empty weekly.
Irrigated lawns or fields	Avoid over-irrigation; Drain standing water.

Surveillance Activities

Surveillance Activities will include: 1) reports from the public of dead bird sightings and collection of appropriate birds for testing of West Nile virus, 2) reports from Sudbury & District Veterinary Association of WNV activity in animal populations especially horses 3) collection of mosquitoes throughout our region to monitor their numbers and the species present and 4) reports from physicians of human cases of West Nile illness.

Dead Bird Sightings

The public will be asked to report dead bird sightings. The species to be submitted for West Nile diagnosis are crows and ravens only. These sightings will be mapped in a database and monitored for increases, which could precede human cases. The enumeration and geographic distribution of positive birds will be monitored to assess the risk to human health. Health Inspectors will refer to the Canadian Cooperative Wildlife Health Centre Guelph's protocol for submission of dead birds, Ontario – 2003.

Veterinarian Reports

Health Unit staff will liaise with the Sudbury & District Veterinary Association to monitor for significant increases in WNV illness in animals especially horses. This information will be logged in a health unit database.

Collection of Mosquitoes

Health unit staff will sample mosquito populations at strategic locations. The purpose of this sampling is to enumerate and speciate the mosquito population. Initial sampling will occur where positive birds have been found, but the traps will be moved within the Health Unit catchment area to reflect new dead bird data. Using this data, the risk of exposure to humans can be more clearly defined.

Reports From Physicians

Making WNV illness both a reportable and communicable disease under the Health Protection and Promotion Act, effective May 1, 2003, will enhance human surveillance. This will mean that physicians will be required to report the specific diagnosis of the WNV illness to the local medical officer of health, who in turn, will report these cases to the province's Reportable Disease Information System (RDIS). With more specific knowledge of the burden of WNV illness in our respective communities, Dr. Penny Sutcliffe, Medical Officer of Health will be even better prepared to take whatever actions may be needed to protect public health.

Larviciding Contingency Plan

A larviciding program could be considered should the level of West Nile activity make a significant increase in our area. *At this point, surveillance data is needed to effectively design a larviciding program, if merited, for our municipalities.* Larviciding does not involve spraying of neighbourhoods and is designed to prevent larvae from hatching into adult mosquitoes. The larviciding program could focus on catch basins that are a high risk-breeding zone for *Culex pipiens/restuans*. Two types of larvicides are being proposed for use: methoprene and *Bacillus thuringiensis* (Bti). A larvicide program could minimize the need for more aggressive measures such as adulticide.

Larviciding programs conducted through early spring to mid summer in catch basins and other stagnant water bodies prevent *C. pipiens* and *C. restuans* larvae from developing into adults. This should reduce the number of adult mosquitoes that would otherwise amplify WNV in the bird population.

Larviciding programs conducted through late spring to early fall for the treatment of temporary pools, created by rainfall, prevent *A. vexans* larvae from developing into adult mosquitoes. This should reduce the number of adult mosquitoes and lower the risk of humans developing WNV from biting mosquitoes.

Adulticiding programs, which do involve spraying of neighborhoods to kill adult mosquitoes that are flying around, would only be indicated in 2003 if there were very large numbers of infected birds, mosquitoes and/or human cases.

Larvicides

Methoprene:

Methoprene (Altosid™) is very effective against *Culex* species and is recommended for use in catch basins, since catch basins contain a high density of *Culex* larvae. Presently in Canada, Methoprene only comes in pellets.

Methoprene is called an "insect growth regulator" or "biorational larvicide". This means it mimics a natural hormone in the insect and so prevents the larvae from maturing into adult mosquitoes. Methoprene has been registered by the United States Environmental Protection Agency (US EPA) since 1975 and Health Canada since 1977. The US EPA has placed methoprene in the "least toxic" category with regard to humans stating that it does not pose unreasonable risk to human health". Health Canada states that methoprene "poses little risk to people when used according to label directions". Methoprene has no known serious health risks. As well, the public should have no exposure to methoprene since the pellets will be placed mainly in catch basins, and methoprene dissipates rapidly in the environment once it is released from the pellets.

Methoprene is rapidly broken down by sunlight. It breaks down quickly in water and soil, and will not leach into groundwater. It is classified by the US EPA as not posing an unreasonable risk to wildlife or the environment. The effect of methoprene has been studied on a great number of species. It has been found to have no effect on bees or dragonflies. Methoprene has been found to be acutely toxic to some species of freshwater, estuarine and marine invertebrates such as crayfish. However, there appears to be few long lasting effects after treatment. Reports of frog abnormalities have been widely circulated but have not "stood up to scientific scrutiny". Most of the studies done on methoprene toxicity involve much higher concentrations than would be found using methoprene for mosquito control. The US EPA in 2001 concluded that exposure to methoprene will not reach levels toxic to aquatic non-target organisms.

Bacillus thuringiensis israelensis (Bti):

Bti (Vectobac™, Aquabac™, Teknar™) is the product that could be used in woodland lots, natural ponds and boggy areas. It will likely be used in a granular form that is applied by hand or using a hand-held applicator device. Aerial application may be considered for remote, otherwise inaccessible, bodies of water, which are found to be a source of "bridging vector" larvae.

Bti is a "microbial larvicide". This means it is a naturally occurring bacterium that produces a crystallized toxin. When the larvae eat the bacteria, the specific conditions in the mosquitoes stomach cause the crystallized toxin to be released resulting in the death of the larvae.

The US EPA has registered Bti since 1983. Bti is effective against mosquitoes and black flies, and may affect some midges. Extensive studies by the EPA have found that Bti is essentially

nontoxic to humans and so there are no concerns for human health effects. As well, extensive studies have shown that Bti does not pose a risk to wildlife, non-target species, or the environment, when used according to label directions.

Applications

Based on the importance of *Culex pipiens* and *Culex restuans* in the amplification of WNV, control strategies in Sudbury & District, if merited, would likely focus on the following habitats (in order of priority from highest to lowest):

Habitat	Recommended Control Strategy
Catch Basins/Storm Drains	Larvicide with Methoprene – use Bti for those that drain directly into environmentally sensitive areas.
Ditches and Temporary Pools or Permanent Pools Including Storm Water Management Ponds	Site-by-site assessment – physical alteration if feasible or Bti if it represents a significant mosquito-breeding site.
Sewage and Sludge Storage Lagoons	Site-by-site assessment – physical alteration if feasible or Bti if it represents a significant mosquito-breeding site.
Wetlands	Site-by-site assessment – Bti if it represents a significant mosquito-breeding site.

Catch Basins/Storm Drains

Methoprene products will be considered for application to catch basins/storm drains since these are high in organic content and suspended silt and it is unlikely that non-target aquatic organisms will be present (Note: *Bti* has limited efficacy in water bodies with high organic and silt content). Label rate for methoprene pellets is 0.7 g per catch basin (equivalent to a broadcast application rate of 11.2 kg/ha in water with a high organic matter content) based on an average surface water area of 0.6 m². Catch basins with an average surface water area greater than 0.6 m² would receive proportionately more of the methoprene pellets. A greater amount of methoprene pellets per catch basin is consistent with label directions if drainage from the catch basin is impeded and the water in the catch basin is backed up, above the level of the outlet pipe, on standing water in the sewer. This would be determined by a pre-treatment inspection.

A review of best practices indicates that an amount of up to 3.5 g of methoprene pellets may be applied in such situations and is consistent with label directions.

Ditches and Temporary Pools or Permanent Pools Including Storm Water Management Ponds

Bacillus thuringiensis var. israelensis (Bti) products will be considered for application in ditches and temporary pools or permanent pools including storm water management ponds since these water bodies may support non-target aquatic organisms (methoprene may have an impact on these organisms whereas *Bti* is very specific to mosquito larvae). The rate of application will be determined by the larval instar stage, target species etc. as indicated on product labels.

Sewage and Sludge Storage Lagoons

Methoprene products will be considered for application in sewage and sludge lagoons since these water bodies are high in organic content and it is unlikely that non-target aquatic organisms will be present (Note: *Bti* has limited efficacy in water bodies with high organic content).

A label rate for methoprene products of 11.2 kg/ha for broadcast application of pellets and 22.4 kg/ha of granules is in accordance with label directions for water with a high organic content.

Wetlands

Bacillus thuringiensis var. israelensis (Bti) products will be considered for permit approval in wetlands since these water bodies support non-target aquatic organisms (methoprene may have an impact on these organisms whereas *Bti* is very specific to mosquito larvae). The rate of application will be determined by the larval instar stage, target species, etc., as indicated on product labels.

The use of pesticides, either larvicides or adulticides, is governed by strict regulations by the Ministry of the Environment. Completed permit application forms and support documentation must be submitted to the Ministry of Environment Regional Pesticides Specialist responsible for Sudbury and District.

See Ministry of Environment website for further information on permit applications.
<http://www.ene.gov.on.ca/envision/gp/4319.htm>

Conclusion

Although it is impossible to predict the impact of West Nile Virus in future seasons, the unexpected experience in 2002 has demonstrated the potential burden of illness that can result from this virus where conditions (infected birds, significant bridging vector mosquitoes and human population densities) are most conducive to evolution of the disease. It remains to be seen whether there is evidence of a similar pattern of activity for 2003, taking into account the over wintering survival of infected mosquitoes and the susceptible bird population to sustain the amplification cycle.

The Sudbury and District experience in 2002 was very modest in comparison to the Greater Toronto area. The focus for this region will be on personal protection measures and reduced exposures and practical mosquito source control measures. There would need to be signs of a significant increase in potential for human cases to trigger a larvicide program to augment this public education campaign.

Decisions on where and when to larvicide will be made after careful consideration of the evidence of WNV infections in the bird and mosquito populations and the potential for significant human exposure.

Role of Municipalities

Establishing a steering committee for implementing the Mosquito Control Program and consider developing a mosquito control by-law which would give municipalities right to access private property for the purposes of mosquito control.

- ✓ Conduct an inventory of mosquito breeding sites within the municipality and provide a contingency plan for the elimination (where possible) of these sites.
- ✓ Prepare a plan to deal with standing water complaints from the public and furthermore, develop a plan to deal with standing water on municipal land.
- ✓ Obtaining provincial pesticide applicator licenses or retaining the services of a licensed Pest Control Operator.
- ✓ Fulfilling pesticide-use permit requirements.
- ✓ Purchasing of tools, supplies and equipment.
- ✓ Renting vehicles and other equipment.
- ✓ Training and assigning appropriate staff.
- ✓ Supporting the Sudbury & District Health Unit educational campaign on Personal Protection and Source Reduction.
- ✓ Providing educational resources to municipal staff about personal protection.
- ✓ Provide training and educational resources for municipal staff responsible for outdoor recreational activities i.e. day camps, playgrounds, etc.

APPENDIX 2



Sudbury & District

Health Unit

Service de
santé publique

Promotion
Prevention
Protection

April 24, 2003

Thom Mowry
City of Greater Sudbury
200 Brady Street
Box 5000, Station A
Sudbury ON P3A 5P3

**CITY OF
GREATER SUDBURY**
MAY 5 2003
**GENERAL MANAGER
CORPORATE SERVICES**

Dear Mr. Mowry:

With the emergence of West Nile virus, the demand for public health resources and personnel has increased. The Board of Health of the Sudbury & District Health Unit, along with other provincial health units petitioned the Ministry of Health & Long-Term Care to fund this additional responsibility under the "Mandatory Health Programs and Services Guidelines 100%". Late in March 2003, the Board of Health received notification that the Ministry will only fund West Nile virus program costs at 50%.

This decision made it necessary for the Board of Health to pass a resolution at its April 17, 2003 meeting enhancing its 2003 budget for costs associated with West Nile virus.

The resolution is attached for your reference. Please note that the program costs are divided into two budget components: direct incremental costs of \$37,590 and contingency costs for larviciding and/or adulticiding should these actions be required of \$150,000.

In accordance with the Health Protection and Promotion Act, the municipalities will be billed \$18,795 as their share of the Board of Health approved budget for the direct incremental costs related to West Nile virus. The municipalities will only be billed their share of the Board of Health approved budget for contingency costs related to larviciding and/or adulticiding in the amount of \$75,000 should it be necessary to undertake these initiatives.

Attached to this letter is a schedule detailing the levy for each municipality for the costs related to West Nile virus. An invoice will follow.

Sincerely

Paddy Buchanan
Acting Director, Corporate Services

Encl.

PB:np

cc. M. Mero
S. Johnson

An Accredited Teaching Health Unit
Centre agréé d'enseignement en santé

18

SUDBURY & DISTRICT BOARD OF HEALTH

MOVED BY: Ken Dupuis

No.: _____ -03

SECONDED BY: Willy Leveille

Date: April 17, 2003

WHEREAS there has been significant illness in Ontario and the United States related to West Nile virus; and

WHEREAS the demand on public health resources and personnel related to West Nile virus is expected to escalate in 2003; and

WHEREAS the detection of West Nile virus-positive birds in Sudbury during the summer of 2002 means that the Sudbury & District Health Unit must prepare to prevent human West Nile virus infection in 2003; and

WHEREAS preventing human West Nile virus infection requires costs associated with public communication and education campaigns and bird and mosquito surveillance programs; and

WHEREAS 2003 surveillance activities within the Sudbury & District Health Unit catchment area may detect significant risk to human health from West Nile virus; and

WHEREAS preventing human West Nile virus infection may involve costs to municipalities associated with larviciding and/or adulticiding; and

WHEREAS the Sudbury & District Health Unit can provide municipalities with access to 50% funding for larviciding and/or adulticiding; and

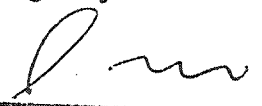
WHEREAS program activity related to West Nile virus is an additional responsibility under the Mandatory Health Programs and Services Guidelines; and

Whereas at its meeting of January 16, 2003, the Sudbury & District Board of Health passed a motion requesting that West Nile virus prevention and control activities be 100% provincially funded; and

Whereas the Ministry of Health and Long Term care confirmed on March 17, 2003 that West Nile virus expenditures are eligible for funding through the Ministry of Health and Long Term Care through its 50% grants to boards of health; and

Whereas the costs for the 2003 West Nile virus program are not included in the 2003 Sudbury & District Health Unit budget;

THEREFORE BE IT RESOLVED THAT this Board of Health enhances the 2003 budget for the Sudbury & District Health Unit in the amount of \$37,590 for direct incremental costs related to public communication and education campaigns and bird and mosquito surveillance programs and further, that this Board of Health approves a contingency budget of \$150,000 for activities related to larviciding and/or adulticiding.

Sudbury & District Board of Health
APR 17 2003
CARRIED

(Chair) *A*

SUDBURY & DISTRICT HEALTH UNIT

	Total	Municipal Share
2003 West Nile Virus Levy	37,590	18,795

	2000 Census Population*	% Population*	Levy
Assiginack	803	0.44%	82
Baldwin	592	0.32%	60
Barrie Island	47	0.03%	5
Billings	508	0.28%	52
Burpee	331	0.18%	34
Central Manitoulin	1,775	0.96%	181
St. Charles	1,294	0.70%	132
Chapleau	2,671	1.45%	272
French River	2,856	1.55%	291
Espanola	5,187	2.82%	529
Gordon	444	0.24%	45
Gore Bay	842	0.46%	86
Markstay-Warren	2,843	1.54%	290
Northeastern Manitoulin & the Islands	2,322	1.26%	237
Nairn & Hyman	427	0.23%	44
Killarney	460	0.25%	47
Sables-Spanish River	3,060	1.66%	312
Tehkummah	342	0.19%	35
Greater City of Sudbury	157,456	85.45%	16,061
Total	184,260	100.00%	18,795
Per Capita Rate			0.10

* Population data per September, 2000
Municipal Property Assessment Corporation

Request for Decision City Council



Type of Decision

Meeting Date	May 29, 2003				Report Date	May 16, 2003			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title

Contract 2003-1, Paris Street Trunk Watermain, Walford Road to Fire Hall (Long Lake Road)

Policy Implication + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

Background Attached

Recommendation

That Contract 2003-1, Paris Street Trunk Watermain, Walford Road to Fire Hall (Long Lake Road), be awarded to R.M. Belanger Limited in the tendered amount of \$3,881,328.70, this being the lowest tender meeting all contract specifications, and that funding be provided as follows:

2003 Capital Program for Water Services	\$2,200,000
Capital Financing Reserve Fund, Water	1,047,000
2003 Capital Road Program	170,000
Capital Financing Reserve Fund, Roads	464,000

Recommendation Continued

Recommended by the General Manager


D. Bélisle
General Manager of Public Works

Recommended by the C.A.O.

M. Mieto
Chief Administrative Officer

21

Date: May 16, 2003

Report Prepared By

Allan P. Sweetman P. Eng. Sewer & Water Engineer

Division Review

Tenders for Contract 2003-1, Paris Street Trunk Watermain, Walford Road to Fire Hall (Long Lake Road), were opened at the Tender Opening Committee meeting at 2:30 p.m., local time, Thursday, May 8, 2003, as follows:

BIDDER	TOTAL \$ TENDERED AMOUNT
R.M. Belanger Limited	3,881,328.70
Interpaving Limited	3,936,923.33
Garson Pipe Contractors Limited	3,950,570.97
Teranorth Construction & Engineering Limited	4,063,155.94
Pioneer Construction Inc.	4,222,620.99

A review of the tenders received resulted in staff noting an extension and addition error in Interpaving Limited's tender resulting in a tendered amount of \$3,936,923.33.

The lowest tender meeting all contract specifications was submitted by R.M. Belanger Limited, in the tendered amount of \$3,881,328.70, this being the lowest tender meeting all contract specifications and is recommended for approval.

The Engineer's estimate for this tender is \$3,400,000.00 and this work is funded from:

2003 Capital Program for Water Services	\$2,200,000
Capital Financing Reserve Fund, Water	1,047,000
2003 Capital Road Program	170,000
Capital Financing Reserve Fund, Roads	464,000

Following approval for the use of reserves from the Capital Financing Reserve Fund, Water and the Capital Financing Reserve Fund, Roads, the water reserve will have a balance of \$5.0 million, while the roads reserve will have a balance of \$165,000.

Request for Decision City Council



Type of Decision

Meeting Date	May 29, 2003				Report Date	May 16, 2003			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title

Contract 2003-2, Lasalle Boulevard Watermain Improvements (Auger to Sylvio)

Policy Implication + Budget Impact

<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached


Recommendation

That Contract 2003-2, Lasalle Boulevard Watermain Improvements (Auger to Sylvio), be awarded to Garson Pipe Contractors Limited in the tendered amount of \$1,349,400.97 this being the lowest tender meeting all contract specifications, and that funding be provided as follows:

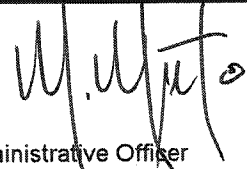
2003 Capital Program for Water Services	\$900,000
Capital Financing Reserve Fund, Water	450,000

Recommendation Continued

Recommended by the General Manager



D. Bélisle
General Manager of Public Works

Recommended by the C.A.O.


M. Mieto
Chief Administrative Officer

23

Date: May 16, 2003

Report Prepared By
 Allan P. Sweetman AI Sweetman, P.Eng. Sewer & Water Engineer

Division Review

Tenders for Contract 2003-2, Lasalle Boulevard Watermain Improvements (Auger to Sylvio), were opened at the Tender Opening Committee meeting at 2:30 p.m., local time, Tuesday, May 6, 2003, as follows:

BIDDER	TOTAL \$ TENDERED AMOUNT
Garson Pipe Contractors Limited	1,349,400.97
R.M. Belanger Limited	1,360,274.95
Pioneer Construction Inc.	1,391,608.87
Holloway Equipment Rental Ltd.	1,488,664.25
Teranorth Construction & Engineering Limited	1,502,939.12

All tenders have been reviewed and found to be in order.

The lowest tender meeting all contract specifications was submitted by Garson Pipe Contractors Limited, in the tendered amount of \$1,349,400.97, this being the lowest tender meeting all contract specifications and is recommended for approval.

The Engineer's estimate for this tender was \$870,000. It is clear that construction costs have escalated significantly over the past year. Every tender called this spring has demonstrated increases from 20% to 50% above estimated costs and budgets. Fortunately, there are significant reserve funds in place to accommodate the cost increases. Funding for this project will be provided as follows.

2003 Capital Program for Water Services	\$900,000
Capital Financing Reserve Fund, Water	450,000

Following approval for the use of reserves from Capital Financing Reserve Fund, Water for this project, as well as the Paris Street Trunk Watermain project, the Capital Financing Reserve Fund, Water will have a balance of \$4.6 million.

Request for Decision City Council




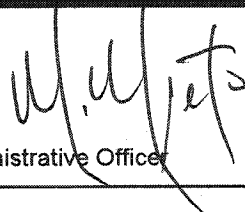
Type of Decision									
Meeting Date	May 29, 2003				Report Date	May 16, 2003			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title
Award of Contract, Transit Centre Addition/Renovations

Policy Implication + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached

Recommendation
That the contract for the Transit Centre Addition/Renovations be awarded to Capital Construction in the tendered amount of \$444,000.00, this being the lowest tender meeting all contract specifications.
Recommendation Continued

Recommended by the General Manager
 D. Bélisle General Manager of Public Works

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

25

Date: May 16, 2003

Report Prepared By


Ed Vildis
Co-ordinator of Buildings & Facilities

Division Review


R. G. (Greg) Clausen, P.Eng.
Director of Engineering Services

Tenders for the Transit Centre Addition/Renovations, were opened at the Tender Opening Committee meeting at 2:30 p.m., local time, Tuesday, May 13, 2003. The results are as follows:

BIDDER	TOTAL \$ TENDERED AMOUNT
Capital Construction	444,000.00
939604 Ontario Inc. o/a Quality Contracting	454,750.00
Build North	460,742.00
J.N. Construction Limited	466,413.00
343315 Ontario Limited o/a LaRo Construction	474,711.31
R. M. Belanger	498,620.00
Kona Builders	499,900.00

All tenders have been reviewed and are found to be in order.

The Engineer's estimate for this tender is \$400,000 based on a design estimate of 965 square feet of new construction and 4075 square feet of renovation. The lowest tendered price of \$444,000, which is approximately 10% higher than the revised Engineer's estimate will be funded from the 2002 Capital Budget for Buildings and Facilities.

Prior to Amalgamation, the former City of Sudbury had begun setting aside reserves for the replacement of the Transit Centre. At Amalgamation, \$1 million had been reserved towards a \$7 million replacement program. Following Amalgamation, it became evident that mounting financial pressures facing the City would not permit the construction of a new Transit Centre in the foreseeable future. Accordingly, the \$1 million in reserves was committed to repairs and renovations to the existing complex. In 2002, 80% of the roof was replaced, and this year's project will renovate general office space, washrooms, locker rooms, and common areas.

Request for Decision City Council




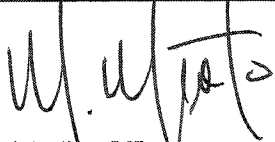
Type of Decision									
Meeting Date	May 29, 2003			Report Date	May 16, 2003				
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Contract 2003-17, MR 35 Reconstruction, Notre Dame Street (East Entrance) to Clarabelle Road

Policy Implication + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached

Recommendation
That Contract 2003-17, MR 35 Reconstruction, Notre Dame Street (East Entrance) to Clarabelle Road, be awarded to Pioneer Construction in the tendered amount of \$6,976,676.01, this being the lowest tender meeting all contract specifications.
And that funding in the amount of \$2.6 million be provided from the 2005 Capital Roads Program.
Recommendation Continued

Recommended by the General Manager
 D. Bélisle General Manager of Public Works

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

Date: May 16, 2003

Report Prepared By
<p>D. Bélisle General Manager of Public Works</p>

Division Review

This report provides the tender results referred to in the Report for Information dated May 7, 2003 submitted with the regular Council Agenda.

Tenders for Contract 2003-17, MR 35 Reconstruction, Notre Dame Street (East Entrance) to Clarabelle Road, were opened at the Tender Opening Committee meeting at 2:30 p.m., local time, Tuesday, May 13, 2003, as follows:

BIDDER	TOTAL TENDERED AMOUNT	CORRECTED TENDERED AMOUNT
Pioneer Construction Inc.	6,979,094.58	6,976,676.01
Belanger Construction (1981) Inc.	7,803,761.87	
Interpaving Limited	7,897,888.28	
Teranorth Construction & Engineering Limited	7,908,661.26	
Laforge Materials & Construction Inc.	8,024,464.38	
Bot Construction (Ontario) Limited	8,103,058.59	7,915,380.54

A review of the tenders received resulted in staff noting errors in the tender submitted by Pioneer Construction Inc. and Bot Construction (Ontario) Limited. The revised tenders are noted above.

The lowest tender for the subject contract meeting all contract specifications was submitted by Pioneer Construction Inc., in the revised amount of \$6,976,676.01.

The Engineers estimate for this tender is \$7,300,000.

The four laning of MR 35, from Sudbury to Azilda, was tendered as two contracts. Contract 2003-16, from Big Nickel Mine Road to Clarabelle Road was awarded on April 24, 2003, at an estimated cost of \$6,294,158.10. The second contract, 2003-17, is recommended for approval at a cost of \$6,976,676.01, for a total of \$13,270,834.11. The budget for the project is \$10 million, funded 50% by the Province through the Northern Ontario Heritage Fund Program. The shortfall as tendered, is \$3.270 million, however contract specifications can be altered to reduce the projected overrun to \$2.6 million. This will be accomplished primarily by using cold-in-place asphalt pavement as opposed to conventional hot-mix asphalt.

Date: May 16, 2003

As evidenced in all contracts called this year, prices have escalated from 20% to 40%. The reason for this is not clear, but it is evident that the bids are competitive, reflecting current market conditions.

The completion date for both contracts on MR 35 is December 2004. Based on thorough reviews of all tendered unit prices, staff do not believe that re-tendering would yield lower prices, nor would stretching the job into 2005 reduce the project costs. Accordingly, staff are recommending the award of Contract 2003-17 in the amount of \$6,976,676.01, with the clear understanding that the specifications in both contracts for this project will be adjusted to achieve a projected total cost of \$12.6 million as opposed to the bid prices of \$13.270 million.

Should Council agree with staff's recommendation to award Contract 2003-17 as bid, a number of options are available to cover the funding shortfall.

1. Reduce the contract limits by eliminating the centre portion, from Clarabelle Road to the limits of the former Town of Rayside-Balfour. This would reduce costs by about \$3 million. The missing link would be re-tendered in 2005, or later. It is likely that costs would escalate in the interim. The City would likely incur penalties under the terms of the present contract as a result of reducing the scope of the works. This option, while legally available, is not recommended.
2. A month ago, Council approved a transfer of \$1.8 million from prior years' surplus/capital projects, into road resurfacing for 2003. This money is available, leaving a shortfall of \$800,000 to be funded otherwise.
3. Council can award Contract 2003-17, pre-committing the 2005 Capital Roads program by \$2.6 million. This is staff's recommended course of action. The project can proceed as tendered, with no uncertainties with respect to future contract prices. It also provides Council two (2) years to seek out and establish other funding sources. Further, Council can petition the Province to share in the full cost of the project under the Northern Ontario Heritage Fund Program.

Request for Decision City Council



Type of Decision

Meeting Date	May 29, 2003				Report Date	May 21, 2002			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title

Tender Award Contract 2003-48 Small Vehicle Transfer Station


Policy Implication + Budget Impact

<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached

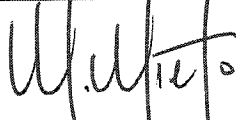
Recommendation

<p>That Contract 2003-48, Small Vehicle Transfer Station, be awarded to Pioneer Construction Inc., in the amount of \$ 2,446,939.85, as determined by the unit prices and quantities involved, this being the lowest tender meeting all the requirements of the plans and specifications; and</p> <p>That the commencement of certain aspects of the Contract be subject to Ministry of the Environment approval.</p>	Recommendation Continued
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Recommended by the General Manager


D. Bélisle,
General Manager of Public Works

Recommended by the C.A.O.

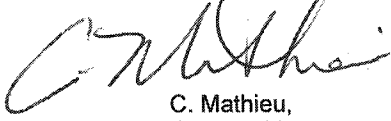

M. Mieto,
Chief Administrative Officer

Request for Decision City Council



Recommendation <i>continued</i>	X	Background
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Please indicate if the information below is a continuation of the Recommendation or Background

Report Prepared By
 C. Mathieu, Manager of Waste Management

Division Review

Tenders for Contract 2003-48, Small Vehicle Transfer Station were opened at the Tender Opening Committee on Tuesday, May 20, 2003, and the following bidders submitted tenders:

BIDDER	AMOUNT (7% GST Included)
Cecchetto & Sons Limited	\$2,722,613.93
Interpaving Limited	\$2,634,402.06
NorEng Construction & Engineering Inc.	\$2,846,200.00
Pioneer Construction Inc.	\$2,447,881.45
R.M. Belanger Limited	\$2,499,337.12
William Day Construction Limited	\$3,013,851.13
Engineer's Estimate	\$ 2,600,000.00

The tenders were reviewed and the following results are provided:

BIDDER	Tender Amount
Cecchetto & Sons Limited	\$2,722,613.93
No errors.	
Interpaving Limited	\$2,634,402.06
No errors.	
NorEng Construction & Engineering Inc.	\$2,846,200.00
No errors.	
Pioneer Construction	\$2,446,939.85
Error in summary of contract prices.	
R.M. Belanger Limited	\$2,499,337.12
No errors.	
William Day Construction Limited	\$2,970,419.83
Error in summary to Section II.	

Award is recommended to Pioneer Construction Inc. Commencement of certain aspects of the work will be subject to Ministry of the Environment approval.

Funding for this work is provided from the Public Works, Waste Management 2002 and 2003 Capital Budget.

Request for Decision City Council




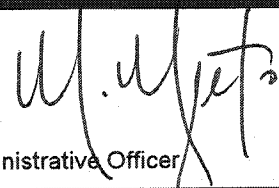
Type of Decision												
Meeting Date				May 29, 2003				Report Date		May 21, 2003		
Decision Requested			<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority		<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
			Direction Only			Type of Meeting		<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed	

Report Title
Municipal Groundwater Study - Consulting Services

Policy Implication + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached

Recommendation
That Council authorize Golder Associates Limited to prepare a Municipal Groundwater Study in accordance with their proposal in the estimated value of \$588,467.90, in order to review the groundwater system supplying water to wells in Capreol, Valley East, Garson, Dowling, Falconbridge and Onaping and to include the evaluation of groundwater impact on Lake Wanapitei and Ramsey Lake.
Recommendation Continued

Recommended by the General Manager
 D. Bélisle General Manager of Public Works

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

Date: May 21, 2003

Report Prepared By
<p>J. P. Graham, P.Eng., Plants Engineer</p>

Division Review

Previously, we reported that the City of Greater Sudbury has successfully secured a grant of \$340,000 to carry out groundwater studies throughout the City. As a result of that report, Council passed Resolution 2003-90 which reads:

“That Council authorize staff to proceed with a Provincially funded Groundwater Study affecting Municipal water supply in Capreol, Valley East, Garson, Dowling, Falconbridge and Onaping;

And further that Council authorize the extension of the study to include the evaluation of the groundwater impact on Lake Wanapitei and Ramsey Lake;

And further that Council authorize Staff to recruit a contract/temporary employee with the proper qualifications to manage the project for its duration.”

At the time of this first report, it was estimated that the total study would cost approximately \$650,000 with approximately \$400,000 identified for the study of the aquifers affecting the municipal well water supply (Part A) and \$250,000 for the study evaluating groundwater impacts on Lake Wanapitei and Ramsey Lake (Part B).

It was also reported that this study would jointly be carried out between the City of Greater Sudbury and Falconbridge Limited. In accordance with the requirements of the Province, we have now received proposals from four local firms based on Terms of Reference outlining the requirements for these Municipal Groundwater Studies.

The following table summarizes the proposed costs for Part A of the project as submitted by the four consultants:

	AMEC	Golder Associates Limited	Trow Consulting Engineers Limited	WESA
Part A - City	\$292,418.00	\$262,500.00	\$206,630.00	\$233,674.5
Part A - Falco	50,375.00	112,500.00	69,070.00	96,917.00
Sub-Total	342,793.00	375,000.00	275,700.00	330,591.00
G.S.T.	23,995.51	26,250.00	19,299.00	23,141.41
GRANT TOTAL	\$366,788.51	401,250.00	\$294,999.00	\$353,732.91

Date: May 21, 2003

Part A of Golder's proposal differentiates itself from the others in that additional field work is included in their proposal price. Because of the Golder team's excellent local knowledge, their proposal proposes to conduct two additional aquifer tests for the wells at Garson and Onaping. As a part of these tests, three new groundwater monitoring wells will be constructed. This additional field work accounts for the higher cost of the Golder Proposal. Our Evaluation Team believes that this work is necessary to ensure the technical accuracy of the study.

The WESA team suggested a \$20,000 contingency allowance which is not included in the base price for field work similar to the Golder Proposal, but were not specific as to the location or the description of the work.

The AMEC, Golder and WESA teams all indicated that it is particularly important to conduct field inspections to ground truth the inventory of the potential contaminant sources to determine the nature of the risk to groundwater supplies locally. We have confirmed that the Trow team did not include this in their proposal. This obviously contributed to the lower price submitted by Trow.

The Provincial grant of \$340,000, which has now been received by the City of Greater Sudbury represents 85% of the cost of Part A of the project which based on the Golder Proposal is valued at \$401,250, including G.S.T.

Part B of the study details the requirements to carry out the evaluation of groundwater supplies affecting Lake Wanapitei and Ramsey Lake. The Provincial grant does not affect this portion of the work. The cost of this work is being paid for solely by the City of Greater Sudbury. The four consultants' cost submissions for this part of the work is summarized as follows:

	AMEC	Golder Associates Limited	Trow Consulting Engineers Limited	WESA
Part B	\$77,089.00	\$174,970.00	\$98,130.00	\$107,277.50
G.S.T.	5,396.23	12,247.90	6,869.10	7,509.43
GRANT TOTAL	\$82,458.23	\$187,217.90	\$104,999.10	\$114,786.93

While the Golder Proposal for Part B represents the highest cost, it also contains a far greater scope of work than anticipated by the other three proposals. Most specifically, the Golder Proposal deals with aquifer systems affecting Lake Wanapitei both from the north and west of the lake. The Golder Proposal is also far more comprehensive in the Ramsey system understanding that a significant amount of work will be necessary to evaluate the groundwater flows impacting Ramsey Lake rising from faults and dikes underneath the lake. The Evaluation Team felt that the breadth of the work identified in the Golder submission shows a far greater understanding of the work necessary to evaluate the complex groundwater systems affecting these two lakes.

The Evaluation Team reviewing these proposals included Paul Sajatovic of the Nickel District Conservation Authority, Ed Gardner of the Sudbury & District Health Unit, Marc Butler of Falconbridge

Date: May 21, 2003

Limited and Paul Graham of the City of Greater Sudbury. Based on the Evaluation Team's review of the proposals and the evaluation criteria outlined in Section 8 of the Request for Proposals, the Team recommends that Golder Associates Limited be awarded the work to carry out these groundwater studies. The Evaluation Team concluded that the Golder Proposal was superior in "content of proposal and quality of approach". The Golder team has a clear edge in local knowledge and experience which is a distinct advantage in this project which has a tight time frame. While their price is the highest, it represents a more comprehensive approach which our Evaluation Team views as critical. We feel that this foundation work must be achieved with the highest standard that is practical. Many long range planning and protection decisions will be made based on these findings.

The City's portion of the funding for both Part A and Part B of the study in the value of \$229,349.15 will be financed from the 2003 Capital Budget for Water under the item set up to meet the new drinking water regulations.

Request for Decision City Council




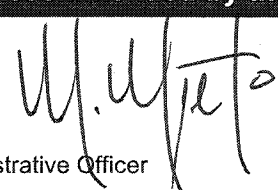
Type of Decision									
Meeting Date	May 29 th , 2003				Report Date	May 22, 2003			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title
Citizen Appointment to the Greater Sudbury Development Corporation

Policy Implication + Budget Impact
This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<p><u>POLICY</u></p> <p>Citizen appointments are made in accordance with the requirements of Council's Procedural By-law 2002-202, as amended. A Nominating Committee of the Greater Sudbury Development Corporation Board of Directors was established to review the process for citizen appointments.</p> <p><u>BUDGET IMPACT</u></p> <p>There is no budget impact associated with this appointment.</p>
Background Attached

Recommendation
<p>That following be appointed to the Board of Directors for the City of Greater Sudbury Community Development Corporation</p> <p>Michael Luciw for a term ending June, 2005 and further;</p> <p>That the existing Board Members, Manfred Herold, Tom DiFrancesco and Richard Dupuis be re-appointed for a term ending June, 2006.</p>
Recommendation Continued

Recommended by the General Manager
 D. Nadorozny, General Manager Economic Development and Planning Services

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

Date: May 22, 2003

Report Prepared By

Maureen Chiesa

Maureen Chiesa
Executive Assistant

Division Review

Name
and Title

BACKGROUND:

The purpose of this report is to ask Council to appoint a new member to the City of Greater Sudbury Community Development Corporation (GSDC) Board of Directors. At the April 9th, 2003, GSDC regular board meeting, it was with regret that the Board accepted the resignation of Board member, John Ratushniak.

In February, advertising was conducted in the Sudbury Star, the Northern Life and Le Voyageur to fill the vacancy left by Ene Querney which occurred in November, 2002. A total of 12 applications were received and are listed as follows:

- | | | |
|----------------|-----------------|-------------------|
| John Arnold | Chuck Jacobs | Leo La Sorsa |
| Michael Luciw | Mike McKean | William E. McLeod |
| Nathalie Morin | Kevin N. Rayner | Tony Ryma |
| Richard Schaak | Michael Skuce | Paul Zulich |

In accordance with the nomination policy, John Arnold was selected and approved by Council to replace Ene Querney who submitted her resignation at the GSDC board meeting of November 13, 2002.

The list of submissions is maintained for a period of six months, for the purposes of filling board vacancies, which may occur during this period. Mr. Ratushniak's term was to end June, 2005. The GSDC Board of Directors re-established a Nominating Committee for the purpose of reviewing the remaining 11 applications in order to make a recommendation to City Council on the current vacancy. The Nominating Committee met on Tuesday, April 22, 2003 and brought forward Michael Luciw's name for recommendation to the Greater Sudbury Development Corporation Board of Directors.

Furthermore, there will be three board members whose term of office expire in June, 2003. Tom DiFrancesco, Richard Dupuis, and Manfred Herold were all contacted and are willing to serve an additional term on the Board of Directors. At the GSDC Board meeting of May 14th, 2003 it was indicated that all three names be recommended for re-appointed for a three year term ending June, 2006. All three have confirmed their willingness to stay involved on the GSDC Board.

The following motion was passed at the GSDC Board of Directors regular board meeting on Wednesday, May 14, 2003:

"That the GSDC Board of Directors recommends that Michael Luciw be appointed to sit on the Board of Directors for the City of Greater Sudbury Community Development Corporation for a term ending June, 2005 and that this nomination be confirmed by City Council".

Request for Decision City Council



Type of Decision

Meeting Date	2003-05-29			Report Date	2003-05-23				
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title

SPECIAL OCCASION PERMIT - LES SCOUTS DU CANADA

Policy Implication + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

Policy Implication: None

Budget Impact: None

Background Attached

Recommendation

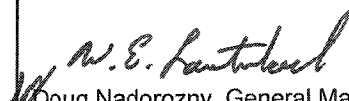
This Council has no objection to the issuance of a Special Occasion Permit to Marc Forget on behalf of Les Scouts du Canada which will be held at the Chelmsford Golf Course at 99 Golf Course Road, Chelmsford, Ontario for the Annual Flour Mill Golf Tournament on July 12th and 13th, 2003. The hours of operation are 12:00 noon to 8:00 p.m. with an anticipated attendance of 200 people each day.

And further that this approval be subject to the following conditions:

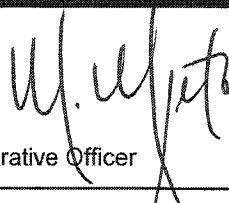
1. That the special event organizer shall ensure the provision of adequate clean-up of the site and those properties adjacent to the event area no later than 12:00 o'clock noon on Monday, July 14th, 2003;

Recommendation Continued

Recommended by the General Manager


Doug Nadorozny, General Manager,
Economic Development & Planning Services

Recommended by the C.A.O.


Mark Mieta,
Chief Administrative Officer

39

Date: 2003-05-23

Report Prepared By



Roger Leblanc,
Municipal Law Enforcement Officer

Division Review

2. That the event representative ensure emergency vehicles have access to the event area;
3. That all Ontario Fire Code regulations must be adhered to, in particular, with respect to Section 2.8 that indicates a Fire Safety Plan is required for this event;
4. That no bonfires of any kind, barbecues or similar types of cooking devices shall be operated on the site without the consent of the Fire Chief, and that an approved fire extinguisher be provided for each of the foregoing;
5. That the special event organizer, or his designate, must be present on the site during the entire duration of the event.
6. That any tent be erected in accordance with the provisions of the Ontario Building Code.

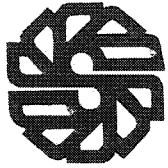
Background:

Attached is an application submitted by Marc Forget on behalf of Les Scouts du Canada, requesting Council's approval for a Special Occasion Permit. The request is made to facilitate the Flour Mill Golf Committee's annual fund raiser and all proceeds will be given to Les Scouts du Canada. The event will take place on July 12th and 13th, 2003 at the Chelmsford Golf Course situated at 99 Golf Course Road, Chelmsford, Ontario. The hours of operation will be 12:00 noon to 8:00 p.m. both days with an anticipated attendance of 200 people per day.

In accordance with Council's policy, this application was circulated to the Fire Chief, Police Chief, Acting General Manager of Emergency Services; Director of Leisure, Community & Volunteer Services, R. Sauve, Manager of Transit Operations; Acting Co-ordinator of Traffic and Transportation and the City Solicitor. Their concerns have been added to the conditions for approval.

The foregoing resolution has therefore been placed on the Agenda for your consideration.

40



city of | ville de
SUDBURY

**Application for Approval
of Outdoor Fund Raisers
and Community Festivals**

Name of Applicant Marc Forget

Name of Group Les Scouts du Canada / Flour mill Golf Committee

Address 2052 Bancroft Dr. Sudbury P3A 1S9 Telephone 566-6997

Proposed Event (Describe all activities to be held)
Golf Tournament at Chelmsford Golf Course /
Sale of liquor + beer.

Anticipated Attendance 200 Location 99 Golf Course Rd. Chelmsford

Date (Sat and Sun) July 12 - 13 2003 Hours of Operation noon to 8 PM

Owner/Occupant of Location _____

Address 99 Golf Course Rd. Chelmsford Telephone No. _____

Security Proposed (State whether police, private security or other and numbers) _____
Private Security

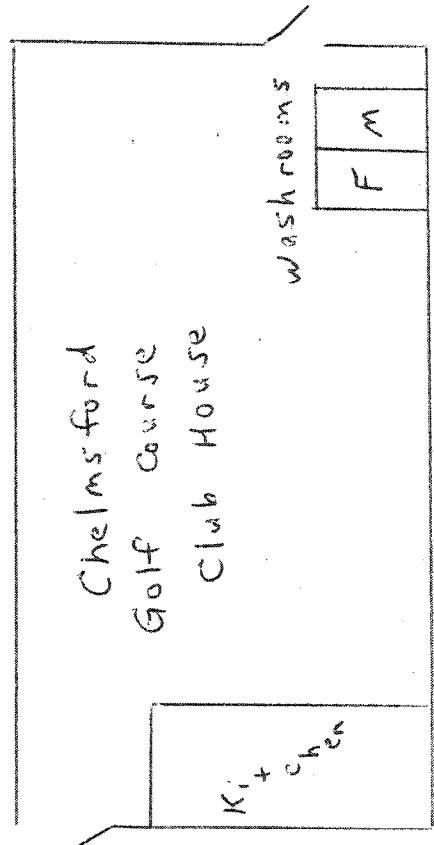
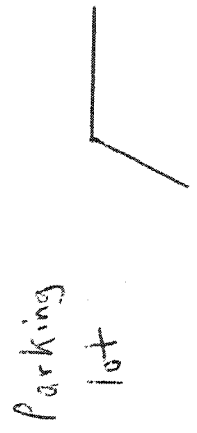
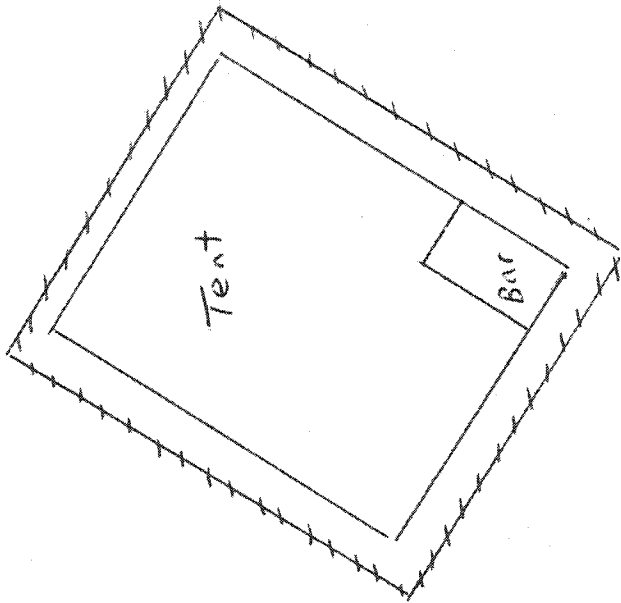
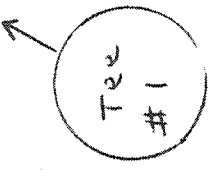
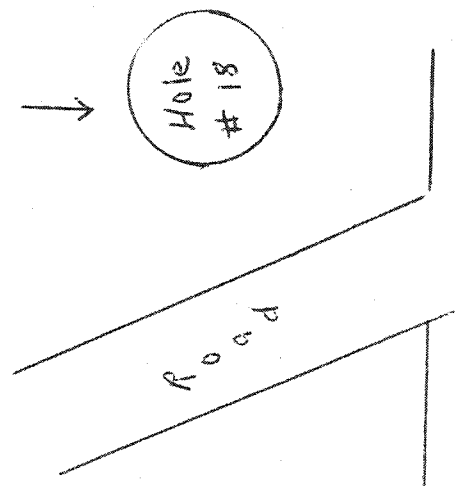
Proposed Access To Location and Proposed Parking Area (Attach Sketch if necessary)
Golf Course Rd.

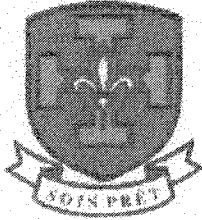
Has This Event Been Held Before? (Provide Details) _____
This is an annual event (community)
" 41st "

Has this Group sponsored any previous outdoor fund raisers or community festivals?
for the past fifteen years, Les Scouts du Canada
(adults) has helped the Golf Committee.

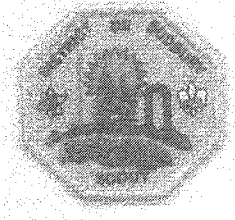
Marc Forget
Signature of Applicant

I/WE certify the above information to be correct and undertake to advise the Municipal ByLaw Enforcement Officer immediately upon any change in the above information.





ASSOCIATION DES SCOUTS DU CANADA
FÉDÉRATION DE L'ONTARIO
DISTRICT DE SUDBURY



May 21, 2003

City of Greater Sudbury,
PO Box 5000 STN A
200 Brady St.,
Sudbury ON
P3A 5P3

Members of City Council,

The Flour Mill Golf Committee will be holding its 41rst annual golf tournament on Saturday and Sunday, July 12 and 13, 2003, at the Chelmsford Golf Course, situated at 99 Golf Course Road in Chelmsford.

Members of the Committee will be in charge of selling refreshments from a tent during this community event, and will see that all liquor laws are observed.

A hot beef meal will be served in the Club House by the owners of the Golf Course on Saturday night.

Proceeds from this event will be given to "Les Scouts du Canada" who in turn will use the money to buy camping equipment and to cover various expenses by the members of the organization.

We are requesting from the Liquor Control Board of Ontario a Special Occasion Permit to sell liquor, as requested by provincial law.

Marc Forget

Marc Forget, member of the Flour Mill Golf Committee,
Leader, Les Scouts du Canada,
2082 Bancroft Drive,
Sudbury ON
P3B 1S9
Telephone 566-6997

SPECIFICATIONS OF ORDER

Determine flame resistance on a sample of vinyl fabric in accordance with the CAN/ULC-S109 Large Flame Test, as per your letter dated October 13, 1993.

IDENTIFICATION (ORTECH sample identification number 93-J51-T0823-2)

Polyester-reinforced vinyl fabric identified as Architent 16 oz. HD.

TEST RESULTS CAN/ULC-S109 Large Flame Test

Tested "as-received" and in single sheet configuration.

	<u>Damaged Length (mm)</u>	<u>Flaming Dripping (s)</u>	<u>Afterflame Time (s)</u>
Machine 1:	35	0.0	0.0
2:	15	0.0	0.0
3:	0	0.0	0.0
4:	0	0.0	0.0
5:	10	0.0	0.0
Cross :	0	0.0	0.0
7:	15	0.0	0.0
8:	5	0.0	0.0
9:	0	0.0	0.0
10:	<u>25</u>	0.0	0.0
Average:	11		

Specified by ULC-S109

Large Flame Test: ≤250 ≤2.0 - (individual)

CONCLUSIONS

When tested in the as-received condition, the vinyl fabric identified in this report meets the flammability requirements of the Large Flame Test of CAN/ULC-S109.

B. Ferguson
 B. Ferguson,
 Fire & Flammability,
 Materials Validation.

93-2032
M...

H.J. Campbell
 H.J. Campbell Ph.D.,
 Manager,
 Fire & Flammability.

Request for Decision City Council



Type of Decision									
Meeting Date	2003-05-29				Report Date	2003-05-23			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title

**TEMPORARY LIQUOR LICENSE EXTENSION
CAMBRIAN COLLEGE'S ANNUAL STAFF ACTIVITY DAY**

Policy Implication + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

Policy Implication: None

Budget Impact: None

Background Attached

Recommendation

This Council has no objection to the issuance of a temporary liquor licence extension to Cambrian College for their Staff Activity Day to include the Cafeterias adjoining the patio area located at Cambrian College, 1400 Barrydowne Road, Sudbury, on June 11th, 2003 from 3:00 p.m. to 8:00 p.m. with an anticipated attendance of 600 people.

Recommendation Continued

Recommended by the General Manager

Doug Nadorozny
Doug Nadorozny, General Manager,
Economic Development & Planning Services

Recommended by the C.A.O.

Mark Mieto
Mark Mieto,
Chief Administrative Officer

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Date: 2003-05-23

Report Prepared By



Roger Leblanc,
Municipal Law Enforcement Officer

Division Review

And that the foregoing approval be subject to the following conditions:

1. That the event representative ensure emergency vehicles have access to the event area;
2. That all Ontario Fire Code regulations must be adhered to, in particular, with respect to Section 2.8 that indicates a Fire Safety Plan is required for this event;
3. That no bonfires of any kind, barbecues or similar types of cooking devices shall be operated on the site without the consent of the Fire Chief, and that an approved fire extinguisher be provided for each of the foregoing;
4. That when outdoor amplified sound equipment is in use, all speakers and speaker stacks shall be positioned to tilt downward into the audience or crowd versus projecting straight over the crowd or adjoining properties;
5. That the event representative or his designate must be present on the site during the entire duration of the event.
6. That the event representatives ensure the provision of adequate clean-up of the site and those properties adjacent to the event.

Background:

Attached is an application submitted by Mr. Emilio Falbo, Space & Facilities Coordinator, College Services, on behalf of Cambrian College, requesting Council's approval for a temporary liquor licence extension to facilitate the Annual Staff Activity Day to be held on June 11th, 2003 on the patio adjacent to the cafeteria which is located on campus at Cambrian College, 1400 Barrydowne Road, Sudbury.

In accordance with Council's policy, this application was circulated to the Fire Chief, Police Chief, Acting General Manager of Emergency Services, Director of Citizen & Leisure Services, the City Solicitor, Manager of Sudbury Transit and the Co-ordinator of Traffic and Parking. Their concerns have been added to the conditions for approval.

The foregoing resolution has therefore been placed on the Agenda for your consideration.



Cambrian College

of Applied Arts

and Technology

1400 Barrydowne Road

Sudbury, Ontario

Canada P3A 3V8

Telephone

(705) 566-8101

Facsimile

(705) 524-7329

www.cambrianc.on.ca

Celebrating
35 years



1-867-2-0-0-3

May 12, 2003

Mr. Roger Leblanc
Municipal Law Enforcement Officer
Municipality of Sudbury
Bag 5000, Station A, 200 Brady Street
Sudbury, Ontario
P3A 5W5

Dear Mr. Leblanc,

Cambrian College's annual Staff Activity Day is scheduled to take place on Wednesday, June 11, 2003. We would like to include the Cafeteria's adjoining patio area to our licensed area for this event.

Sale of liquor would take place between the hours of 3:00pm. to 8:00pm. for this event.

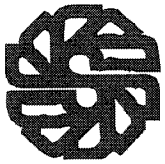
This letter is to inform you of the event and to assure you that all precaution and regulations will be followed.

I have enclosed drawings showing the area that we would like to be temporarily licensed.

If you need more details on this please contact me at 566-8101 ext. 7636.

Sincerely

Emilio Falbo
Space & Facilities Coordinator,
College Services
Cambrian College



Name of Applicant EMILIO FALBO
 Name of Group CAMBRIAN COLLEGE OF APPLIED ARTS & TECHNOLOGY
 Address 1400 BARRYDOWNE RD. Telephone 566-8101 EXT. 7636
 Proposed Event (Describe all activities to be held) STAFF ACTIVITY DAY
BBQ & RECEPTION FOR COLLEGE
STAFF & FAMILIES
 Anticipated Attendance 600 Location POOL/PATIO AREA
 Date JUNE 11, 2003 Hours of Operation 3:00PM - 8:00PM
 Owner/Occupant of Location CAMBRIAN COLLEGE
 Address 1400 BARRYDOWNE RD. Telephone No. 566-8101
 Security Proposed (State whether police, private security or other and numbers) COLLEGE SECURITY

Proposed Access To Location and Proposed Parking Area (Attach Sketch if necessary)
COLLEGE PARKING LOTS, ~~FOR~~ COLLEGE ROADS.

Has This Event Been Held Before? (Provide Details) YES ... THE
DAY IS SET ASIDE FOR COLLEGE STAFF TO
PARTICIPATE IN VARIOUS EVENTS AND THEN
COME TOGETHER FOR A BBQ SOCIAL LATE AFTERNOON

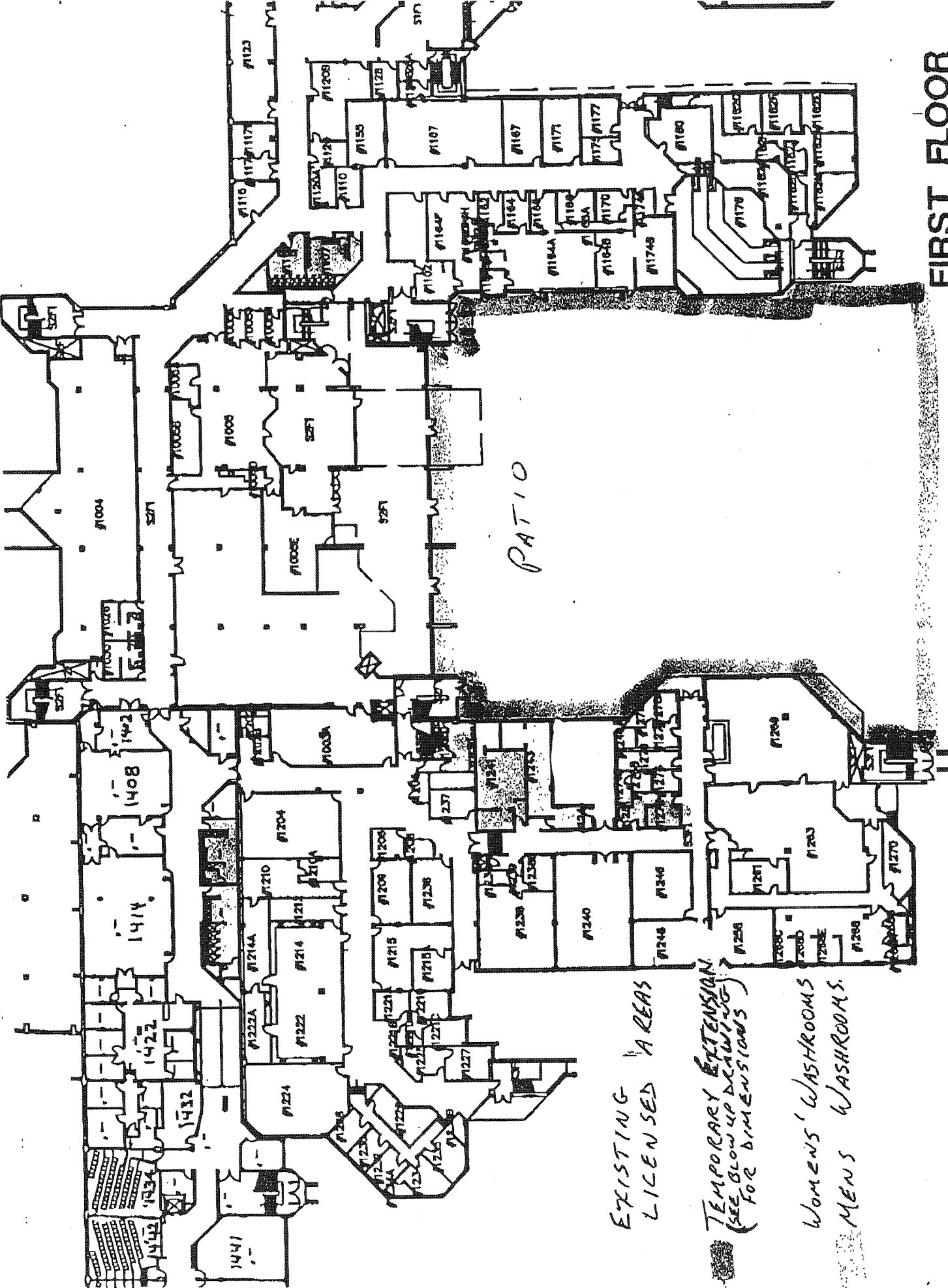
Has this Group sponsored any previous outdoor fund raisers or community festivals?
NO -


 Signature of Applicant

I/WE certify the above information to be correct and undertake to advise the Municipal ByLaw Enforcement Officer immediately upon any change in the above information.

FREEDOM OF INFORMATION
 Personal information on this form is collected under the authority of the Municipal Act, Access to Information Act and is used to process Application For Approval Of Outdoor Fund Raisers And Community Festivals. For further information please contact the City Clerk, c/o The Corporation of the City of Sudbury, 200 Brady Street, PO Box 5000, Station "A", Sudbury, Ontario, P3A 5P5

FIRST FLOOR



PATIO

EXISTING LICENSED AREAS

TEMPORARY EXTENSION (SEE BLOW UP DRAWINGS FOR DIMENSIONS)

WOMEN'S WASHROOMS
MEN'S WASHROOMS

Request for Decision City Council





Type of Decision									
Meeting Date	Thursday, May 29, 2003				Report Date	Wednesday, May 21, 2003			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title
2003 Municipal Election By-laws

Policy Implication + Budget Impact	
n/a	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
Policy Implication:	
<p>The <i>Municipal Elections Act, 1996</i>, as amended, mandates most of the provisions for elections. However, the Act does permit a municipality to tailor certain elements of an election to suit the particular needs of the municipality. In order to do this, the Act requires that Council exercise its discretion by a duly enacted by-law.</p> <p>No specific policy will be created by the adoption of these five by-laws, as these procedures will be in effect for the 2003 municipal election only.</p>	
Budget Impact:	
None.	
<input checked="" type="checkbox"/>	Background Attached

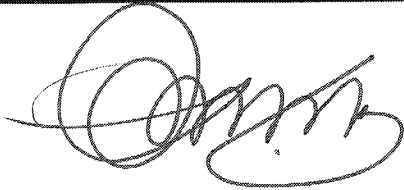
Recommendation
<p>That Council give third and final reading to the following by-laws in respect of the 2003 Municipal Election:</p> <ol style="list-style-type: none"> A By-law of the City of Greater Sudbury to Authorize the Use of a Marksense Ballot and Optical Scan Vote Tabulators and to Establish Procedures for Their Use for the November 10th, 2003 Municipal Elections under the <i>Municipal Elections Act, 1996</i>, as Amended; A By-law of the City of Greater Sudbury to Authorize the Use of the French Language in Notices, Forms and Other Information for the November 10th, 2003 Municipal Elections under the <i>Municipal Elections Act, 1996</i>, as Amended;
<input checked="" type="checkbox"/> Recommendation Continued

Recommended by the General Manager
 Doug Wuksinic General Manager of Corporate Services

Recommended by the C.A.O.
 Mark Mieta Chief Administrative Officer


Date: 2003-05-29

Report Prepared By



Thom Mowry
City Clerk

Division Review



Ron Swiddle
Director of Legal Services and City Solicitor

Recommendation continued:

3. **A By-law of the City of Greater Sudbury to Authorize the Use of a Particular Ballot Form for the November 10th, 2003 Municipal Elections;**
4. **A By-law of the City of Greater Sudbury to Provide for the Mailing of Notices of the Day, Time and Location of Voting Places to Each Resident Voter for the November 10th, 2003 Municipal Elections and to Authorize the Use of Proxies and Proxy Voting; and,**
5. **A By-law of the City of Greater Sudbury to Provide for an Advance Vote and Reduced Voting Hours for the Year 2003 Municipal Election.**

PURPOSE:

The *Municipal Elections Act, 1996* [MEA] significantly altered the manner in which municipal elections were to be administered, from a process strictly mandated by the legislation to one where the municipal council has the flexibility to tailor certain elements of the election to suit the particular needs of the municipality.

In preparation for the 2003 Municipal Election, which will be held on Monday, November 10, 2003, a review of election procedures was undertaken, as the MEA requires various matters to be adopted by by-law prior to September 1st in an election year. The purpose of this Report is to present for Council's consideration five election by-laws which are necessary for the conduct of the 2003 Municipal Election.

BACKGROUND:

1. Alternative Voting Methods:

Section 42(1)(a) of the *Municipal Elections Act, 1996*, as amended, [MEA] permits the Council of a local municipality to pass by-laws authorizing the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators for municipal elections.

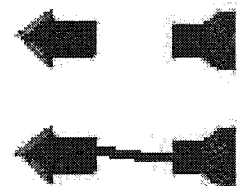
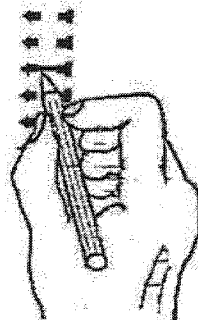
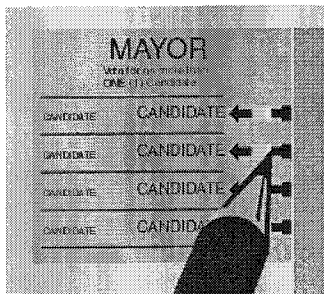
Section 42(3) of the MEA requires the Clerk, in the case of a regular election, by September 1, 2003 to establish procedures and forms for the use of any voting and vote-counting equipment authorized by by-law and to provide a copy of the procedures and forms to each candidate.

Finally, section 42(4) of the MEA provides that the procedures and forms established by the Clerk, if they are consistent with the principles of the MEA, prevail over anything in the MEA and the regulations made under it.

Council has authorized the use of optical scan vote tabulators for the November 10, 2003 municipal elections. Automated vote counting equipment has several benefits to both voters and the municipality, some of which include:

- accuracy of vote tabulation
- consistency in vote tabulation
- rejection of overvoted and/or improperly marked ballots at the time of voting, therefore reducing voter disenfranchisement
- quick tabulation of individual voting place results following the close of the voting (the results will be sent by modem from each location).

To mark the ballot the voter must draw a line connecting the arrow that points to the choice of the candidate using the black ballot-marking pen provided by the Deputy Returning Officer, as illustrated in the following graphics:



The Voter then inserts the ballot into the secrecy sleeve provided and proceeds to a vote tabulator where the Senior Deputy Returning Officer will insert the ballot into the voting machine.

BACKGROUND continued:

1. Alternative Voting Methods:

In order to provide an added measure of due diligence, KPMG has been engaged to review the proposed procedures and to audit certain aspects of the election process. A photocopy of their letter of engagement is attached to this report for the information of Members of Council.

The procedures proposed by the Clerk have been reviewed by KPMG.

2. French Language:

Section 9 of the MEA provides that all notices, forms and other election information for Council and English-language District School Boards shall be provided in the English language only, unless the council of the municipality passes a by-law allowing the use of French, in addition to English.

However, section 9 of the Act was amended by Bill 25 (*Fewer Municipal Politicians Act, 1999*) to provide for French-language notices, forms and other information for French-language District School Boards.

The by-law for Council's consideration provides for the use of the French language for all notices, forms and other information under the Act; this includes any and all prescribed forms.

This by-law is deemed to have come into force and taken effect on January 1st, 2003.

3. Voter Notification Cards and Proxy Voting:

This by-law provides for the mailing of voter notification cards and the use of proxy voting.

Voter Notification Cards are addressed to all voters resident at a residential address rather than one card per voter. The purpose of Voter Notification Cards is to advise the voter of the date of the election, the hours of voting, the location of the voting station for that address, as well as information on advance voting. They also afford the voter an opportunity to correct any errors, such as a misspelling of their name, prior to voting day.

It is not necessary or required for voters to take their voter notification card to the voting station in order to vote. Nevertheless it does speed up the voting process, and as such, voters will be encouraged to take their card with them to the voting station.

This year Voter Notification Cards will have tickets printed along the bottom of the Card which can be used for a free ride on Sudbury Transit to and from voting stations either during the Advance Vote or on Voting Day.

BACKGROUND continued:

3. Voter Notification Cards and Proxy Voting:

Voter notification cards will be mailed out in late September or early October.

Section 42(5) of the MEA provides that where a by-law authorizing the use of an alternative voting method is in effect, Section 44 (Voting Proxies) applies only if the by-law so specifies and if the by-law specifies that Section 44 applies, it may also establish additional criteria that a person must meet to be entitled to vote by proxy.

No additional or "special" rules are recommended, with the exception that all proxy certificates will be numbered and a record kept of the number on the proxy certificates issued to candidates. Candidates will be responsible for the proper issuance of any proxy certificates issued to them. The proper use of Proxy Certificates is outlined in detail in the Candidate's and Trustee's Guides.

Electors who do not receive a Voter Notification Card, for what ever reason, can determine their voting location by entering their address on the City's election web site, either at home or at any Citizen Service Centre or Library Branch, or by telephoning the City's Call Centre.

4. Composite Ballot:

This by-law authorizes the use of a bilingual, colour and school support-coded composite ballot for the November 10th, 2003 municipal election.

There will be five composite ballot styles for each of the six wards, as follows:

1. Rainbow District School Board (Public English)
2. Sudbury Catholic District School Board (Separate English)
3. Conseil scolaire du district du Grand Nord de l'Ontario (Public French)
4. Conseil scolaire de district catholique du Nouvel-Ontario (Separate French)
5. Non-Resident (Mayor and Councillors only - no District School Board).

Each composite ballot will have the following information on its face:

- that the ballot may be invalid unless initialled by the Deputy Returning Officer
- instructions on how to vote (by completing the arrow to the right of the candidate's name)
- the date of the election
- the number of candidates an elector is entitled to vote for
- the appropriate Ward number, and in the case of District School Board Trustees, the Area or Zone shall appear on all ballots except those for non-resident electors not entitled to vote for District School Board Trustees.

Date: 2003-05-29

BACKGROUND continued:

4. Composite Ballot:

Where an acclamation has occurred for any office, a ballot may be overprinted in large block type with the word: "ACCLAMATION" will be included for that office. This will be done for the sole purpose of assisting voters, no ballot count will be taken for that office. The form of the composite ballot may be varied where the number of candidates nominated requires a reorganization of the ballot format.

5. Advance Vote:

Section 43(1) of the MEA provides that a municipal council shall pass a by-law establishing one or more dates for an advance vote, and the hours during which voting places shall be open on that date or dates.

One week of continuous Advance Voting is recommended for the November 2003 Municipal Election. Advance voting will start Monday, October 20, 2003 and end on Saturday, October 25, 2003. The hours of voting will be from 10:00 a.m. to 7:00 p.m. each day. Advance Voting will take place at each of the seven (7) Citizen Service Centres and at Tom Davies Square, 200 Brady Street, Sudbury for each of Wards 1 to 6 in order to accommodate voters located in the inner core of the City of Greater Sudbury.

Reduced Voting Hours at Various Institutions and Retirement Homes:

Section 45(7) of the *Municipal Elections Act, 1996* requires that a voting place shall be provided on the premises of an institution in which, on nomination day [Friday, September 26, 2003], 20 or more beds are occupied by persons who are disabled, chronically ill or infirm, and, at retirement homes in which, on nomination day, 50 or more beds are occupied.

Section 46(3) of the Act, further provides that if the voting place is for the use of residents only, then the council may pass a by-law for reduced voting hours.

Ten (10) locations have been identified which fall within the above criteria which will be treated as "Mobile Polls" with reduced voting hours. These locations are shown on the below chart with the proposed voting hours. These times were established in consultation with the administration of the institution.

Finally, the by-law provides that the Returning Officer may designate alternative locations for the counting of the votes from those locations.

All of which is respectfully submitted for Council's consideration.

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**REDUCED VOTING HOURS INSTITUTIONS & RETIREMENT HOMES
(Monday, November 10th, 2003)**

WARD	VOTING SUBDIVISION	LOCATION	OPEN	CLOSE
Ward 1	48-1	Sudbury and District Participation Projects 576 Haig Street, Sudbury	5:00 pm	8:00 pm
Ward 1	52-2	Extendicare York 333 York Street, Sudbury	10:00 am	3:00 pm
Ward 1	68-3	Palambro Palace 1315 Regent Street, Sudbury	1:00 pm	3:00 pm
Ward 1	68-2	The Breezes Retirement Residence 1385 Regent Street, Sudbury	5:00 pm	8:00 pm
Ward 3	16-1	Valley East Long Term Care (Elizabeth Centre (at Frappier)) 2100 Main Street, Val Caron	10:00 am	2:00 pm
Ward 5	62-1	The Walford Retirement Residence 99 Walford Road, Sudbury	5:00 pm	8:00 pm
Ward 5	63	Rockview Seniors' Residence 211 Caswell Drive, Sudbury	1:00 pm	3:00 pm
Ward 5	76-1	Chronic Care, Laurentian Hospital 41 Ramsey Lake Road, Sudbury	10:00 am	12:00 noon
Ward 6	77	Finnish Rest Home 233 Fourth Avenue, Sudbury	3:00 pm	8:00 pm
Ward 6	89-2	Extendicare Falconbridge 281 Falconbridge Hwy., Sudbury	10:00 am	2:00 pm



KPMG LLP
Chartered Accountants
Claridge Executive Centre
144 Pine Street PO Box 700
Sudbury ON P3E 4R6

Telephone (705) 675-8500
Telefax (705) 675-7586
In Wats (1-800) 461-3551
www.kpmg.ca

PRIVATE AND CONFIDENTIAL

Mr. Thom Mowry
Clerk
City of Greater Sudbury
Tom Davies Square
200 Brady Street
Sudbury, Ontario P3A 5P3

May 14, 2003

Dear Mr. Mowry

Further to our recent discussions, we are writing to confirm the terms of our engagement to conduct, at the request of the City of Greater Sudbury (the "City"), specified procedures relating to the conduct of the 2003 municipal election. We understand our assistance has been requested as a result of the City's decision to employ an automated vote tabulation system for the 2003 municipal election.

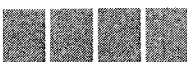
SCOPE OF REVIEW

In conducting our work on this engagement, we will undertake the following procedures:

1. Summarize the procedures to be undertaken by the City with respect to the 2003 municipal election as outlined in the document *Procedures for the Use of Vote Counting Equipment* and provide comments as to potential improvements that will allow the City to adhere to the six fundamental principals of the 2003 municipal election (as outlined in the document *Procedures for the Use of Vote Counting Equipment*)
2. Attend the acceptance testing of the vote tabulation system, which will include:
 - Reviewing a sample of pre-audited test ballots prepared by Elections Systems and Software, Inc.
 - Reviewing the reports prepared by the vote tabulation system once the pre-audited test ballots have been entered into the system
 - Comparing the results listed on the reports to the sample of pre-audited test ballots and identifying any discrepancies

Please note that where discrepancies are noted, it will be the City's responsibility to address these discrepancies.

3. For seven vote tabulation machines selected at random (one for each of the six wards plus one machine from the advanced polls):





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- Compare the election results as listed on the reports prepared by the selected machines to the election results recorded at the City's central election site (to be located at the Trillium Centre) and report on any discrepancies.
- Compare the report produced by the selected machines following a re-entry of the votes cast to the original printout obtained at the time of the closing of the polls and report on any discrepancies

Please note that where discrepancies are noted, it will be the City's responsibility to address these discrepancies.

REPORTING

We anticipate that our reporting for this engagement will be as follows:

- May 2003 – report concerning the results of work steps no. 1
- To be determined – report concerning the results of work step no. 2
- November 2003 – report concerning the results of work step no. 3 (to be provided within two days of the election date)

Please note that our reporting will be limited to listing the procedures undertaken and the results of our review, including any discrepancies noted. Our report will clearly indicate that our involvement was limited to the procedures listed and that we are not providing assurance or any opinion as to the accuracy, validity or completeness of the election results.

CLIENT SERVICE TEAM

This engagement will be lead by Oscar Poloni, a partner in KPMG's Northern Ontario Advisory Services Practice. Mr. Poloni will be assisted by Lorella Hayes, a senior manager in our Sudbury office.

In addition, other KPMG resources will be made available to assist with this engagement.

RESTRICTIONS

This engagement is subject to KPMG's standard terms and conditions, which have been included as Appendix A to this letter.

LIMITED INDEMNITY

In consideration of undertaking the engagement, the City agrees to indemnify KPMG against any and all claims, demands, suits or other proceedings for costs, damages, losses, liabilities, and



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expenses including reasonable legal fees that may be incurred in defending any claim that may be made against KPMG by any third party (including municipal election candidates) which might arise out of this assignment.

This indemnity shall not apply where:

- KPMG has been negligent, dishonest or has committed a fraudulent act in the course of our engagement; and
- The costs, damages, losses, liabilities, or expenses would not have been suffered or incurred but for the negligence, dishonesty or fraud referred to above.

KPMG's maximum liability to the City arising for any reason, whether in contract or tort, relating to services rendered under this letter shall be limited to the amount of fees paid for these services.

Furthermore, the City agrees to indemnify KPMG for fees and expenses related to preparation for and attendance at court if KPMG is required to attend at court to provide testimony related to this engagement.

If any person or entity subpoenas, or otherwise seeks to obtain any testimony or materials within KPMG's custody, possession, or control, which relate or refer in any way to KPMG's work, KPMG shall so inform you of such. Should you require KPMG to take any legal action to attempt to seek protection against disclosure, the City agrees to indemnify KPMG for all costs, expenses and liability, including fees and disbursements.

KPMG is a registered Limited Liability Partnership ("LLP") established under the laws of the Province of Ontario. The Firm is a partnership, but its partners have a degree of limited liability. A partner is not personally liable for any debts, obligations or liabilities of the LLP that arise from a negligent act or omission by another partner of any person under that other partner's direct supervision or control. The legislation does not, however, reduce or limit the liability of the Firm. All the Firm's assets and insurance protection remain at risk. The Firm's insurance exceeds the mandatory professional indemnity insurance requirements established by the various Institutes/Ordre of Chartered Accountants, including that of the Institute of Chartered Accountants of Ontario of \$1 million. In addition, all partners of the LLP remain personally liable for their own actions and/or actions of those who they directly supervise or control. Of course, the Firm and all its resources stand fully behind the work of all its partners and employees.

Our reports are confidential and are intended solely for the use of our client to assist them with this specific matter and are not intended for general use, circulation or publication. Any such reports are not to be published, circulated, reproduced or used for any purpose without our prior permission in each specific instance. We will not assume any responsibility or liability for any costs damages, losses, liabilities expenses incurred by anyone as a result of circulation, publication, reproduction, use of or reliance upon our reports. Comments in our reports are not intended, nor should they be interpreted to be, legal advice or opinion.



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We trust the above is satisfactory for your purposes and appreciate the opportunity to be of continued assistance to the City. Should you have any questions concerning this or any other matter, please do not hesitate to contact us at your convenience. If you are in agreement with the content of this letter, please indicate so by signing in the space designated below and returning a copy to us.

Yours very truly

Oscar Poloni, CA, CBV

lds

The City of Greater Sudbury agrees with the terms of the engagement as set out above.

By

Date



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APPENDIX A STANDARD TERMS AND CONDITIONS

1. **Services.** It is understood and agreed that KPMG's services may include advice and recommendations; but all decisions in connection with the implementation of such advice and recommendations shall be the responsibility of, and made by, Client. Nothing in these Standard Terms and Conditions shall be construed as precluding or limiting in any way the right of KPMG to provide services of any kind or nature whatsoever to any person or entity as KPMG in its sole discretion deems appropriate.
2. **Expenses/Taxes/Payment of Invoices.** All fees and other charges do not include any applicable federal, provincial, or other goods and services or sales taxes, or any other taxes or duties whether presently in force or imposed in the future. Any such taxes or duties shall be assumed and paid by Client without deduction from the fees and charges hereunder.

KPMG will bill for all reasonable expenses including travel, meals, accommodations, long-distance telecommunications, photocopying, delivery, postage, clerical assistance and database research.

Without limiting its rights or remedies, KPMG shall have the right to halt or terminate entirely its services until payment is received on past due invoices.

3. **Term.** Unless terminated sooner in accordance with its terms, this engagement shall terminate on the completion of KPMG's services hereunder. This engagement may be terminated by either party at any time by giving written notice to the other party not less than 30 calendar days before the effective date of termination.
4. **Ownership.**
 - a) **KPMG Technology.** KPMG has created, acquired or otherwise has rights in, and may, in connection with the performance of services hereunder, employ, provide, modify, create, acquire or otherwise obtain rights in, various concepts, ideas, methods, methodologies, procedures, processes, know-how, and techniques; models (including, without limitation, function, process, system and data models); templates; the generalized features of the structure, sequence and organization of software, user interfaces and screen designs; general purpose consulting and software tools, utilities and routines; and logic, coherence and methods of operation of systems (collectively, the "KPMG Technology").
 - b) **Ownership of Deliverables.** Except as provided below, upon full and final payment to KPMG hereunder, one copy of those tangible items specified as deliverables or work product in the attached Engagement Letter or Proposal (the "Deliverables") will become the property of Client. To the extent that any KPMG Technology is contained in any of the Deliverables, KPMG hereby grants Client, upon full and final payment to KPMG hereunder, a royalty-free paid-up, worldwide, non-exclusive license to use such KPMG Technology for Client's own internal purposes in connection with the Deliverables.



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APPENDIX A STANDARD TERMS AND CONDITIONS

- c) Ownership of KPMG Property. To the extent that KPMG utilizes any of its property (including, without limitation, the KPMG Technology or any hardware or software of KPMG) in connection with the performance of services hereunder, such property shall remain the property of KPMG and, except for the license expressly granted in the preceding Paragraph, Client shall acquire no right or interest in such property. In addition, and notwithstanding anything in these Standard Terms and Conditions or the Engagement Letter or Proposal to the contrary, the parties acknowledge and agree that (a) KPMG will own all right, title, and interest, including, without limitation, all rights under all copyright, patent, trademark, trade name and other intellectual property laws, in and to the KPMG Technology and (b) KPMG may employ, modify, disclose, and otherwise exploit the KPMG Technology (including, without limitation, providing services or creating programming or materials for other clients).
5. **Limitation on Warranties. THIS IS A SERVICES ENGAGEMENT. KPMG WARRANTS THAT IT WILL PERFORM SERVICES HEREUNDER IN GOOD FAITH. KPMG DISCLAIMS ALL OTHER WARRANTIES, EITHER EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, WARRANTIES, REPRESENTATIONS OR CONDITIONS OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE**
6. **Limitation on Liability.** Client agrees that KPMG shall not be liable to Client for any actions, damages, claims, liabilities, costs expenses, or losses in any way arising out of or relating to the services performed hereunder for an aggregate amount in excess of the fees paid by Client to KPMG under this engagement. On a multi-phase engagement, KPMG's liability shall be based on the amount actually paid to KPMG for the particular phase that gives rise to the liability. In the event of a claim by a third party relating to the services performed hereunder, Client will indemnify KPMG, its partners, principals and employees from all such claims, liabilities, cost and expenses, except to the extent determined to have resulted from the gross negligence or the intentional, deliberate or fraudulent misconduct of KPMG personnel. In no event shall KPMG be liable for consequential, special, indirect, incidental, punitive or exemplary damages, costs, expenses, or losses (including, without limitation, lost profits and opportunity costs). In any action, claim, loss or damages arising out of this engagement, Client agrees that KPMG's liability will be several and not joint and several. Client may only claim payment from KPMG of KPMG's proportionate share of the total liability based on degree of fault. In furtherance and not in limitation of the foregoing, KPMG will not be liable in respect of any decisions made by Client as a result of the performance by KPMG of its services hereunder. The provisions of this Paragraph shall apply regardless of the form of action, damage, claim, liability, cost, expense, or loss, whether in contract, statute, tort (including, without limitation, negligence) or otherwise.
7. **Cooperation.** Client shall cooperate with KPMG in the performance by KPMG of its services hereunder, including, without limitation, providing KPMG with reasonable facilities and timely access to all relevant data, information and personnel of Client. Client shall be responsible for the performance of its employees and agents and for the accuracy and completeness of all data and information provided to KPMG for purposes of the performance by KPMG of its services hereunder.
8. **Force Majeure.** Neither Client nor KPMG shall be liable for any delays resulting from circumstances or causes beyond its reasonable control, including, without limitation, fire or other casualty, act of God, strike or labour dispute, war or other violence, or any law, order or requirement of any governmental agency or authority.



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APPENDIX A STANDARD TERMS AND CONDITIONS

9. **Limitation on Actions.** No action, regardless of form, arising under or relating to this engagement, may be brought by either party more than one year after the cause of action has accrued, except that an action for non-payment may be brought by a party not later than one year following the date of the last payment due to such party hereunder.
10. **Independent Contractor.** It is understood and agreed that each of the parties hereto is an independent contractor and that neither party is, nor shall be considered to be, an agent, distributor or representative of the other. Neither party shall act or represent itself, directly or by implication, as an agent of the other or in any manner assume or create any obligation on behalf of, or in the name of, the other.
11. **Survival.** The provisions of Paragraphs 1, 2, 4, 5, 6, 9, 10, 11 and 16 hereof shall survive the expiration or termination of this engagement.
12. **Assignment.** Except as provided below, neither party may assign, transfer or delegate any of the rights or obligations hereunder without the prior written consent of the other party. KPMG may assign its rights and obligations hereunder to any affiliate or successor in interest to all or substantially all of the assets or business of the relevant KPMG practice, without the consent of Client.
13. **Severability.** In the event that any provision of these Standard Terms and Conditions or the attached Engagement Letter or Proposal shall be held to be invalid, void or unenforceable, then the remainder of the Standard Terms and Conditions and the Engagement Letter or Proposal, as the case may be, shall not be affected, impaired or invalidated, and each such provision shall be valid and enforceable to the fullest extent permitted by law.
14. **Internet Communication.** Client recognizes and accepts the risks associated with communicating by Internet e-mail, including (but without limitation) the lack of security, unreliability of delivery and possible loss of confidentiality and privilege. Unless Client requests in writing that KPMG does not communicate by Internet e-mail, KPMG accepts no responsibility or liability in respect of risk associated with its use.
15. **Entire Agreement.** These Standard Terms and Conditions, and the attached Proposal or Engagement Letter, including Exhibits, constitute the entire agreement between KPMG and Client with respect to the subject matter hereof and supersede all other oral and written representation, understandings or agreements relating to the subject matter hereof. In the event of a conflict or inconsistency between these Standard Terms and Conditions and the attached Proposal or Engagement Letter, these Standard Terms and Conditions will prevail.
16. **Governing Law.** These Standard Terms and Conditions and the attached Engagement Letter or Proposal shall be governed by the laws of the Province where KPMG's principal office performing this engagement is located.



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APPENDIX A
STANDARD TERMS AND CONDITIONS

17. **LLP.** KPMG LLP is a registered Limited Liability Partnership ("LLP") established under the laws of the Province of Ontario. KPMG is a partnership, but its partners have a degree of limited liability. A partner is not personally liable for any debts, obligations or liabilities of the LLP that arise from a negligent act or omission by another partner or any person under that other partner's direct supervision or control. The legislation does not, however, reduce or limit the liability of the firm. The firm's insurance exceeds the mandatory professional indemnity insurance requirements established by the various Institutes/Ordre of Chartered Accountants. Subject to the other provisions hereof, all partners of the LLP remain personally liable for their own actions and/or actions of those who they directly supervise or control.

Request for Decision City Council





Type of Decision									
Meeting Date	May 29, 2003				Report Date	May 21, 2003			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Water Supply Agreement, City of Greater Sudbury, Whitefish Lake First Nation

Policy Implication + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input type="checkbox"/>	Background Attached

Recommendation	
<p>That Council authorize the Mayor and Clerk to sign an Agreement with Whitefish Lake Indian Reserve No. 6 known as the Whitefish Lake First Nation for the supply of potable water to the First Nations, subject to final approval by the City Solicitor.</p>	
<input type="checkbox"/>	Recommendation Continued

Recommended by the General Manager
 D. Bélisle General Manager of Public Works

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

66

Date: May 21, 2003

Report Prepared By

J. P. Graham, P.Eng.
Plants Engineer

Division Review

The Whitefish Lake First Nation have approached the City of Greater Sudbury requesting to purchase water from the City to supply the First Nations' lands. Their proposal is to provide a new water supply to the existing residential population and for a new business park located immediately south of Junction Creek and east of Reserve Road.

We have had advance discussions with the Band and the agreement is nearing finalization. A copy of the draft agreement is attached to the report.

The agreement anticipates that the City will supply a maximum flow of water of 600 cubic meters per day to the First Nations. This agreement has been modelled after a very similar agreement where the City of Greater Sudbury supplies water to the Markstay area.

We therefore recommend that Council authorize the signing of this agreement subject to a final review and approval by the City Solicitor.

Attachment

WATER SUPPLY AGREEMENT
CITY OF GREATER SUDBURY - WHITEFISH LAKE INDIAN RESERVE NO. 6

CONTENTS

1.	Date	16.	Rate of Payments
2.	Parties	17.	Invoices
3.	Recitals	18.	Interest
4.	Object	19.	Indemnities
5.	Conditions	20.	Dispute Resolution
6.	Term	21.	General
7.	City Reservoir	21.1	Severability
8.	Maximum Charge	21.2	Governing Law
9.	Minimum Charge	21.3	Notices
10.	Quality of Water	21.4	Assignment
11.	Connection to City	21.5	Further Assurances
12.	Construction within City	21.6	Entire Agreement
13.	Ownership and Maintenance	21.7	Schedules
14.	Future Uses	21.8	Continuation of Water Supply
15.	Metering	22.	Signing

WATER SUPPLY AGREEMENT

CITY OF GREATER SUDBURY - WHITEFISH LAKE INDIAN RESERVE NO. 6

1. DATE OF AGREEMENT:

This Agreement is made as of and is effective from

2. PARTIES:

There are two parties to this Agreement, being:

WHITEFISH LAKE INDIAN RESERVE NO. 6 (as represented by the Whitefish Lake Band Council) (hereafter called the "First Nation").

- and -

THE CITY OF GREATER SUDBURY (hereafter called the "City").

3. RECITALS:

3.1 The First Nation requires a source for the supply of water to serve the First Nation Lands in order to accommodate future development within the First Nation Lands.

3.2 The First Nation desires, and the City has agreed to provide water from the City's water system to the First Nation Lands, pursuant to the terms of this Agreement.

3.3 The First Nation will construct a Transmission Water Main that will connect with the City's Water Distribution System, and will carry water to the First Nation Lands.

3.4 The construction to be undertaken by the First Nation within the City will be limited to those works which are required to implement the supply of potable water to the First Nation Lands pursuant to the terms of this Agreement.

3.5 Section 21 of the *Municipal Act, 2001*, S.O.2001,c.25 (the "Municipal Act"), as amended, provides that a municipality may enter into an agreement with a First Nation to supply potable water to the reserve occupied by the First Nation, whether the reserve is within the municipality or not;

3.6 In consideration of the mutual covenants of the Agreement, and other valuable consideration which each party acknowledges to be received and adequate, the parties now agree to the following provisions;

4. OBJECT:

The City agrees to supply water to the First Nation Lands in accordance with the provisions of this Agreement. More specifically, the City agrees to supply water to the First Nation Lands at a point along the Transmission Water Main coincident with the City's Boundary.

It is intended that this water be for the use or consumption of the (occupants from time to time of the First Nation Lands, including, without limitation, unless otherwise noted in agreement, permanent or temporary residents, tenants, subtenants, licensees, individuals, businesses, corporations or institutions).

The City agrees that it will take reasonable steps to ensure that the supply of water is not interrupted or reduced, unless the First Nation requires. The parties acknowledge that interruptions of supply will occur for the purposes of maintenance and repair. The City will take reasonable steps to notify the First Nation in advance of any interruption or reduction where advance notice is feasible and will proceed with due diligence to remedy any conditions which result in such interruption or reduction.

Nothing in this Agreement shall detract from the right of the First Nation to procure water from one or more alternate sources. In the event that the First Nation procures water from an alternate source, the First Nation shall be required to provide 90 days advance notice to a change in the demand for water as a result of procuring such alternative source.

5. CONDITION:

This Agreement is conditional upon the First Nation obtaining, at its own expense:

- (a) All necessary approvals, including without limitation, approvals from the Ministry of the Environment and Energy (or its successor ministry), pursuant to *The Environmental Assessment Act* and *The Ontario Water Resources Act*;
- (b) easements, if required, for the purpose of constructing, installing or maintaining the Transmission Water Main and Community Water Works, and
- (c) the approval of the Ontario Municipal Board to this Agreement, should such approval be required to give effect to this Agreement,

by the _____ day of _____ 2004, and then providing written notice to the City that these approvals have been obtained or conditions have been met, subject to such extensions as may be reasonably required from time to time by the First Nation.

In the event that these conditions are not met within the time set out, as extended from time to time, this Agreement is at an end, subject to any further agreement between the parties to extend the time period for the satisfaction of these conditions beyond (month /day/year).

6. TERM:

For all purposes of this Agreement except the supply of water, the right and obligations contemplated shall take effect on the first business day following receipt by the City of written notice referred to in the Conditions section being paragraph 5 of this Agreement.

For the purposes of the "supply of water" as contemplated by the Municipal Act, this Agreement shall be effective as of the day of substantial performance, as defined in the *Construction Lien Act*, of the last contract associated with the construction of the works contemplated in this Agreement and shall continue for a period of 20 years. The parties agree that at the completion of year 15 of the Agreement the parties shall meet as required over the remaining five years of the Agreement to determine whether the Agreement shall be renewed, revised or terminated. This five year period is intended to provide the parties with sufficient flexibility to resolve the long term interest of both parties regarding the supply of water to the First Nation provided that at the option of the First Nation, this Agreement may be extended from time to time for successive periods of ten (10) years each provided that the First Nation shall provide to the City no less than twelve (12) months notice of its intention to renew.

7. CITY RESERVOIR:

n/a

8. MAXIMUM QUANTITY:

The City is not obligated to supply more that 600m3 of water per day to the First Nation except under temporary unusual or emergency conditions where more water may be required.

8.1 Minimum Pressure:

The Region shall consistently supply potable water to the Whitefish Lake First Nation community at a minimum system pressure of 485 kPa (70 psi) as measured at the water metering station except under temporary unusual or emergency conditions such as watermain breaks, fires, etc.

8.2 Maximum Fire Flows and Duration:

The City is obligated to supply fire flows up to 6,500 L/min to the Whitefish Lake First Nation as measured at the water metering station and for a duration of 2 hours.

9. MINIMUM CHARGE:

Independent of how much water is actually supplied by the City to the First Nation Lands, the First Nation shall be invoiced and responsible to pay a minimum charge based on calculation of 5% of the maximum quantity (600m³/day), multiplied by the prevailing rate for each cubic metre of water. This minimum charge shall not be imposed by the City for a transition period of one year from the date of the first supply of water to permit the First Nation an opportunity to connect their consumers to the Community Water Works.

During the second year of the Agreement and all subsequent years the minimum charge shall be imposed by the City unless the amount of water consumed by the First Nation exceeds the minimum charge at which point the metered charge shall apply to the First Nation.

10. QUALITY OF WATER:

As concerns to the quality of the water to be supplied by the City to the First Nation; the City's obligations shall be limited to a supply of water in accordance with Ontario Drinking Water Standards established by the Ontario Ministry of Environment (MOE) and the MOE Certificate of Approval for the water facility. The assessment of water quality, including turbidity and chlorine residual levels shall be based on water samples collected by the City at the water metering station which shall be located at or near the boundary of the First Nation Lands. Chlorine residual levels and turbidity levels at the water metering station shall be maintained within the levels established in MOE Procedure B 13-3, Chlorination of Potable Water Supplies in Ontario and Regulation 459/00.

The City assumes no responsibility for the quality of water in the Community Water Works or the Transmission Water Main beyond the Water Metering Station. Any Transmission Water Main on the First Nation Lands over or above those delivered by the City, shall be solely the responsibility of the First Nation. The City reserves the right to modify, add or delete treatment processes in its treatment facilities, with notice to the First Nation, provided that the City obtains the appropriate approvals from the Ministry of Environment and Energy, or its successors.

The City will forward to the First Nation, 3 copies of all correspondence, notifications, warnings, postings, reports, etc. as required in Ontario Regulation 459/00 Sections 8 through 13 inclusive. Where notices are issued by the Ontario MOE and/or the Medical Officers of Health, these notices will also be forwarded to the Health Canada Medical Services Branch, Senior Environmental Health Officer, Indian and Northern Affairs Canada office in Sudbury and the designated person at the Whitefish Lake First Nation (refer to Schedule B) Analytical results from all samples collected at the water metering station shall also be forwarded to the First Nation in accordance with the procedure outlined in Schedule B.

11. CONNECTION TO CITY:

The First Nation shall have the right to connect the First Nation's Water Distribution System to the City's water distribution system at the intersection of Municipal Road 55 and Reserve Road.

12. CONSTRUCTION WITHIN CITY:

In addition to making a connection with the City's Water Distribution System, the parties contemplate that there will be other construction within the City's boundaries to facilitate the purposes of the Agreement. These will include installation of a new water main from Municipal Road 55 to Junction Creek, a water metering station, and a creek crossing (Junction Creek) which may be required to permit the implementation of the terms of this agreement to transport and deliver water to the First Nation Lands.

The First Nation agrees to assume all responsibility for the expense of designing and construction of the Water Distribution System within the City Boundaries. The First Nation also agrees that such construction shall be in accordance with the City's standards and requirements, as well as

all applicable provincial standards. These works shall be designed and supervised by a professional consulting engineering firm retained by the First Nation, which firm is licensed to practice in the Province of Ontario.

The design and contract documents for works within the City Boundary shall be reviewed and approved by the City, acting reasonably, prior to the award of any contract for these works.

The First Nation agrees that the construction works shall include a form of back check valve, at or near the City's Boundary, to prevent back flows of water supplied to the First Nation Lands.

13. OWNERSHIP AND MAINTENANCE:

All elements of the Water Distribution System located south of the water metering chamber shall be owned by, and, or be the responsibility of the First Nation. The First Nation shall be responsible for the proper operation, performance, maintenance and repair of such Water Distribution System.

Until such time as the City has received satisfactory evidence of compliance (based on both the City's own inspection and the inspection of others it may reasonably require) that the Water Distribution System within the City Boundary has been constructed in accordance with the construction contract documents, the elements of the Water Distribution System being constructed or installed by reason of this Agreement shall be owned and at the risk of the First Nation. The City shall act diligently in requesting and approving the evidence of compliance. Once the contemplated satisfactory evidence of compliance is received, the City shall notify the First Nation. Thereafter, the City shall own and be responsible for the proper operation, performance, maintenance and repair of the Water Distribution System within the City Boundaries up to and including the metering chamber.

It is contemplated that the City will be entitled to the benefit of all guarantees and warranties that might usually attach to the Water Distribution System installed within the City Boundaries. The First Nation agrees to do such things that may be required to allow the City to have the benefit of such guarantees or warranties.

After the City has assumed the Water Distribution System within the City Boundaries, the City will be responsible for the operation and maintenance of same, including the operation and maintenance of the water meter in the water metering station and any subsequent capital improvements required on those works.

14. FUTURE USES:

Nothing in this Agreement shall prevent the City from using that part of the Transmission Water Main located within the City's Boundary provide it does not impact, reduce or interrupt the water flow rate, capacity, pressure or water quality established at the date of this Agreement.

The First Nation agrees that it will not supply water originating in the Water Distribution System within City Boundaries to users other than those within the First Nation Lands without the specific written consent of the City.

15. METERING:

In the event that the City or the First Nation wishes to have the City's water meter(s) checked for accuracy, the City agrees to have the meter checked forthwith for accuracy by the meter manufacturer or by an independent testing firm as agreed to and approved by both the First Nation and the City.

The First Nation and the City shall be provided with a copy of the test results and if the test results reveal that the meter was registering correctly as determined by the parties with reference to the manufacturer's specifications on accuracy, the expense of removing and testing the meter shall be paid by the party requesting such a test.

If the meter when tested is found to register incorrectly, an adjustment will be made in an amount equal to the percentage of error to the water rates paid for the preceding three months prior to the testing of the meter. In such event, the expense of removing, testing, calibrating, reconditioning

and/or repairing the meter shall be born by the City. Upon the installation of the reconditioned or new totalizer water meter, the City shall notify the First Nation in writing and shall provide the First Nation with a copy of the meter accuracy test report as prepared by the manufacturer or by an independent testing firm.

16. RATE OF PAYMENTS:

The First Nation shall pay the City for water supplied in the 2004 calendar year at a rate of \$0.684 per cubic metre.

17. INVOICES:

The City shall supply the First Nation with invoices on a monthly basis. These invoices shall include such details about the water supplies as the First Nation may reasonably request, provided such details are reasonably available to the City. Payment shall be due on the date specified on the invoice, and not to be less than 30 days of the invoice mailing date, which shall not be earlier than 10 days following the month-end of the period covered by the invoice.

18. INTEREST:

Interest shall be paid to the City on any amount not paid by the due date at a rate equivalent to that charged to residential consumers in the City, as may be established by City by-law.

19. INDEMNITIES:

The First Nation hereby agrees to indemnify and save harmless the City from any and all manner of actions, claims and demands which are made against the City with respect to any losses or damages suffered by the City as a result of the First Nation's breach of the terms of this Agreement, provided that the First Nation's covenant to indemnify and save harmless the City as foreshall shall not include or extend to any action, claim or demand which is made against the City by reason of, or arising from, negligence on the part of the City or its workmen, employees and/or agents.

The City agrees to indemnify and save harmless the First Nation from any and all manner of actions, claims, demands, losses or damages suffered by the First Nation as a result of the breach by the City of the terms of this Agreement or as a result of the negligence in the performance of the terms and conditions thereof by the City or its workmen, employees and/or agents.

20. DISPUTE RESOLUTION:

In a general way, the parties hereby commit themselves to making reasonable efforts to resolve any disputes that may arise in connection with this Agreement in a timely and cost-effective manner, which may include a mediation process. Failing resolution by negotiations between the parties or mediation, disputes arising out of this Agreement except those arising from the Rate of Payments as contained in paragraph 16 of the Agreement shall be resolved by an arbitration process consistent with the provision of *The Arbitrations Act* (Ontario) or successor legislation.

Any arbitration shall be conducted by a single arbitrator agreed upon by the parties to the dispute. If the parties shall be unable or unwilling to agree on an arbitrator within a period of 40 days from the receipt of notice of the dispute, the arbitrator shall be appointed by a judge of the Ontario Court (General Division) on application to it. The award and determination which shall be made by the arbitrator shall be final and binding on the parties. The provision of this paragraph shall be deemed to be a submission to arbitration within the provision of *The Arbitrations Act* (Ontario) and any amendment to it provided that any limitation in the remuneration of the arbitrator imposed by the legislation shall not be applicable.

Disputes between the parties arising with respect to the Rate of Payments governed by paragraph 16 of the Agreement which can not be resolved shall be referred to the Ontario Municipal Board pursuant to section 54(k) of the *Ontario Municipal Board Act*, R.S.O. 1990 c. o.28.

21. GENERAL:

21.1 Severability:

If any term or provision of this Agreement or the application thereto any person shall to any extent to be held to be invalid or unenforceable, the balance of the Agreement shall not be affected thereby and each term and provision of this Agreement shall be separately valid and enforceable to the fullest extent permitted by law.

21.2 Governing Law:

This Agreement shall be read and construed in accordance with the laws of the Province of Ontario.

21.3 Notices:

All notices which may or are required to be given pursuant to any provision of this Agreement shall be given or made in writing and shall be delivered by prepaid courier to or mailed by prepaid registered mail, in the case of:

the City, to:

[need an address for delivery]

P.O. Box 5000 Station A
Sudbury, Ontario P3A 5P3

Attention: General Manager of Public Works

the First Nation, to:

[need an address for delivery]

P.O. Box 39
Naughton, Ontario POM 2MO

Attention: Executive Director

Or to such other address as either party hereto may from time to time advise the other party hereto by notice in writing. The date of receipt of any such notice shall be deemed in the case of delivery to be the date of delivery, or in the case of mailing to be the fifth day of business following the date of mailing.

21.4 Assignment:

This Agreement shall not be assigned by either party hereto without the prior written consent of the other party.

21.5 Further Assurances:

The parties hereto, and each of them, covenant and agree that each of them shall and will, upon reasonable request of the other party, make, do, execute or cause to be made, one or executed, all such further and other lawful acts, deeds, things, devices and assurances whatsoever for the better or more perfect and absolute performance of the terms and conditions of this Agreement.

21.6 Entire Agreement:

With the exception of such contracts as are contemplated relating to the construction of water works between the parties, this Agreement contains the entire Agreement between the parties, with reference to the subject matter hereof, and shall not be altered or amended except by an agreement in writing duly executed by these parties. This Agreement shall ensure to the benefit of and be binding upon these parties and their successors and assigns.

21.7 Schedules:

The Schedules noted below form part of this Agreement:

Schedule "A" - Definitions

Schedule "B" - First Nation designated persons

21.8 Continuation of Water Supply:

The City agrees to provide a continuous supply of water, where practicable, to the First Nation Lands for the term of this agreement and shall maintain the City's Distribution System within the City Boundaries in a first class condition. The City will not shut-off or discontinue the supply of water to the First Nation for any reason other than where there has been a default in payment for a period greater than six (6) months, and where after at least thirty (30) days prior written notice of such default to the First Nation, such default has not been remedied. Alternatively, the City, at its discretion, may reduce but not entirely shut-off the supply of water to the First Nation Lands.

22. SIGNING:

As evidence of their agreement, those proper signing officers of the parties, duly authorized, sign their names and affix their respective party's corporate seals:

WHITEFISH LAKE INDIAN RESERVE NO. 6
(as represented by the Whitefish Lake Band Council)

PER: _____

PER: _____

THE CITY OF GREATER SUDBURY

PER: _____

PER: _____

WATER SUPPLY AGREEMENT
CITY OF SUDBURY - WHITEFISH LAKE INDIAN RESERVE NO. 6

SCHEDULE "A"

DEFINITIONS

1. For the purposes of this Agreement, unless the context otherwise requires:
 - (a) "FIRST NATION" shall mean Whitefish Lake First Nation;
 - (b) "CITY" shall mean the City of Greater Sudbury;
 - (c) "PERSON" shall include an individual, corporation, partnership, business and/or firm;
 - (d) "WATER" shall mean potable water (water storage, fire flows, fire storage) supplied from and by the City's water distribution system;
 - (e) "SCHEDULE" shall mean an appendix document attached to and forming part of this Agreement;
 - (f) "COMMUNITY WATER WORKS" shall mean all of the water mains, services and appurtenances within the First Nation Lands;
 - (g) "CITY BOUNDARY" shall mean that area included within the City of Greater Sudbury and extending to point where the intersection of Junction Creek and Reserve Road meet the northerly boundary of the First Nation Lands;
 - (h) "FIRST NATION LANDS" shall mean the Whitefish Lake Indian Reserve No. 6.

WATER SUPPLY AGREEMENT
CITY OF SUDBURY - WHITEFISH LAKE INDIAN RESERVE NO. 6

SCHEDULE "B"

DESIGNATED PERSONS

1. Community Health Representative
2. Director of Community Infrastructure

WATER SUPPLY AGREEMENT

CITY OF SUDBURY - WHITEFISH LAKE INDIAN RESERVE NO. 6

Insert Band Council Resolution (BCR)

Request for Decision City Council




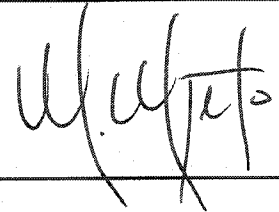
Type of Decision									
Meeting Date	May 29th, 2003				Report Date	May 21, 2003			
Decision Requested		Yes	<input checked="" type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting		Open		Closed

Report Title
Re: Municipal Corporations

Policy Implication + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
N/A	
<input checked="" type="checkbox"/>	Background Attached

Recommendation	
For information only.	
<input type="checkbox"/>	Recommendation Continued

Recommended by the General Manager
 Doug Wiksinić General Manager of Corporate Services

Recommended by the C.A.O.
 Mark Mieto C.A.O.

79

Date: May 21, 2003

Report Prepared By



Ron Swiddle
Director of Solicitor and Clerks, City Solicitor

Division Review



Ron Swiddle
Director of Solicitor and Clerks, City Solicitor

Introduction

Under the *Municipal Act, 2001*, C. 25 S.O. 2001, municipalities were allowed to establish corporations subject to Regulations that were to be passed. At the time that the Act was passed, it was not known what these Regulations would say, and what corporations would be allowed, if any.

A new Regulation, 168/03, has just been passed by the Province. This deals with municipal business corporations, and sets out the abilities and limitations of municipalities to establish corporations. This report outlines the contents of this Regulation for Council's information.

Business Corporations

A copy of the entire Regulation is attached. At this point the Regulation is only in English, but a French version is to be expected. Under the Regulation, a municipality may incorporate a corporation or business corporation for the following purposes only:

1. To operate and maintain a public transportation system.
2. To operate and maintain a waste management service for the collection, storage, disposal or recycling of residential waste.
3. To promote the municipality through the collection and dissemination of information and the preparation of economic development strategic plans.
4. To provide municipal administrative services to other bodies, excluding enforcement services.
5. To operate a municipal capital facility.
6. To construct, operate, maintain and own:
 - i) nursing home or an approved charitable home;
 - ii) recreational, tourism and cultural facilities except libraries;
 - iii) parking facilities;
 - iv) public transportation systems;
 - v) waste management facilities including recycling.

If a corporation is established for one of the above purposes, the lands related to the facility must still be owned by the municipality.

It is important to note that these purposes are limited to **new operations** only. Accordingly, the City could not move the operation of Pioneer Manor, for example, to a new corporation. The City could use a new corporation to deal with a new nursing home only.

Accordingly, these corporations are expected to be more useful in the establishment of municipal - private partnerships, not in establishing new ways of handling existing business.

These corporations may only operate within the municipal boundaries or within another municipality with the agreement of that municipality.

Date: May 21, 2003

Business Case

Under the Regulation, before a municipality incorporates a corporation, purchases shares in it, or amends it, the municipality must undertake a business case study. This study must address certain mandatory items including projected financial consequences for the next five years, advantages and disadvantages and risk for the municipalities, comparisons with other options, public accountability requirements, policies on access, financial auditing and reporting requirements, and financial risks.

Before incorporating a corporation municipalities shall hold at least one public meeting with 30 days notice. This would thus also require a municipality to amend its notice by-law to establish a notice provision.

(Even though no recommendation is coming forward at this time to incorporate a corporation, staff will be presenting an amendment to the notice by-law in order to streamline the process should Council ever wish to take such action in the future. This amendment is expected on the next Council meeting.)

At the public hearing copies of the proposed by-laws and the business case studies must be reviewed for comment, and the case study must be available to the public at least 30 days before the meeting.

Limitations

A corporation shall not incorporate another corporate body. A corporation cannot enter into a trust agreement except for financing purposes. A corporation may only invest in securities that a municipality could enter into.

A corporation would be governed by the *Municipal Conflict of Interest Act* and by the *Municipal Freedom of Information and Protection of Privacy Act*.

A municipality may incorporate only if the corporation's purpose is to provide a service, system or facility that could be provided directly by the municipality.

A municipality may appoint persons to establish the corporation on its behalf and may enter into contracts with the corporation.

A municipality may provide assistance to the corporation under certain circumstances and with certain limitations.

Before incorporating, a municipality shall notify the Minister of Municipal Affairs and Housing and any other related Ministry that has provided funding.

This regulation would have no effect on the community development corporations already in place as they would be established under the community development corporations sections of the *Municipal Act*.

Until the passage of this regulation, municipalities were not allowed to proceed with corporations. It is now clear that municipalities can do so, but under strict limitations and for very limited purposes. Municipalities cannot transfer existing operations to corporations, but may use them as a planning tool for new items in the future.

**Municipal Act, 2001
Loi de 2001 sur les municipalités**

ONTARIO REGULATION 168/03

No Amendments

MUNICIPAL BUSINESS CORPORATIONS

Notice of Currency:* This document is up to date.

*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the Table of Regulations (Legislative History).

This Regulation is made in English only.

Interpretation

1. (1) In this Regulation,

"corporation" means a corporation incorporated by a municipality under this Regulation;

"municipal capital facilities" includes only,

(a) facilities that are,

(i) used by the council,

(ii) for the general administration of the municipality,

(iii) related to the provision of transit and transportation systems, or

(iv) for the collection and management of residential waste and garbage,

(b) facilities that combine the facilities described in clause (a),

(c) municipal community centres and facilities used for cultural, recreational or tourist purposes,

(d) parking facilities ancillary to any of the facilities described in clauses (a), (b) and (c),

(e) municipal general parking facilities;

"private person" means a person who is not a municipality, the Province of Ontario, Canada or an agent of any of them;

"wholly-owned" in reference to a corporation owned by a municipality or municipalities,

includes a corporation incorporated under Part III of the *Corporations Act* if a municipality, by itself or together with other municipalities, has an entitlement to all of the voting rights allocated to the members of the corporation. O. Reg. 168/03, s. 1 (1).

(2) A corporation incorporated under this Regulation is a prescribed corporation under subsection 203 (1) of the Act. O. Reg. 168/03, s. 1 (2).

Creation of corporations

2. (1) A municipality may incorporate one or more corporations under the *Business Corporations Act* or under Part III of the *Corporations Act* for one or more of the following purposes:

1. To operate and maintain a public transportation system.
2. To operate and maintain a waste management service for the collection, transfer, storage, disposal or recycling of residential waste.
3. To promote the municipality for any purpose through the collection and dissemination of information and the preparation of economic development strategic plans to advance the municipality's economic goals and objectives.
4. To provide municipal administrative services to municipalities, local boards, public hospitals, universities, colleges and school boards, excluding enforcement of any Act, regulation or by-law.
5. To be a party to an agreement made under section 110 of the Act and under the agreement operate and maintain one or more municipal capital facilities of a municipality that is also party to the agreement.
6. To construct, operate, maintain and own, including ownership of the land related thereto, one or more of the following facilities:
 - i. A nursing home under the *Nursing Homes Act* or an approved charitable home for the aged under the *Charitable Institutions Act*.
 - ii. Recreation, tourism and cultural facilities, except public libraries.
 - iii. General parking facilities.
 - iv. Public transportation systems.
 - v. Waste management facilities for the collection, transfer, storage, disposal and recycling of residential waste. O. Reg. 168/03, s. 2 (1).

(2) Paragraphs 1 to 5 of subsection (1) do not permit the corporation incorporated for or carrying on a purpose described in those paragraphs to own the land related to the facility,

system or service described in those paragraphs. O. Reg. 168/03, s. 2 (2).

(3) The purposes described in paragraph 6 of subsection (1) are limited to the construction, operation, maintenance and ownership of facilities that are new when the corporation first carries on its business with respect to them. O. Reg. 168/03, s. 2 (3).

(4) A municipality may incorporate a corporation alone or together with one or more other municipalities. O. Reg. 168/03, s. 2 (4).

(5) A corporation may only operate,

(a) within the boundaries of the incorporating municipality or municipalities if it or they are single-tier municipalities;

(b) within the boundaries of a lower-tier municipality if the lower-tier municipality is an incorporating municipality or it agrees to allow the corporation to operate in the lower-tier municipality;

(c) within the boundaries of an upper-tier municipality if the upper-tier municipality is an incorporating municipality or it agrees to allow the corporation to operate in the upper-tier municipality; or

(d) within any municipality with its agreement. O. Reg. 168/03, s. 2 (5).

(6) The operations of a corporation under clause (5) (b) do not require the agreement of the upper-tier municipality and the operations of a corporation under clause (5) (c) do not require the agreement of any lower-tier municipality. O. Reg. 168/03, s. 2 (6).

(7) The articles of incorporation or letters patent, including any subsequent articles or supplementary letters patent, shall restrict the powers or limit the objects of a corporation to carrying on one or more of the purposes set out in subsection (1) and subsection 3 (1). O. Reg. 168/03, s. 2 (7).

(8) A municipality shall ensure that the articles of incorporation of a corporation, including any subsequent articles, or the letters patent of a corporation, including any supplementary letters patent, meet the requirements of this section and section 3. O. Reg. 168/03, s. 2 (8).

(9) Letters patent issued under Part III of the *Corporations Act* in respect of a corporation incorporated under paragraph 3 of subsection (1) shall restrict membership in the corporation to the incorporating municipality or to another municipality that has agreed to allow the corporation to carry on business in that municipality. O. Reg. 168/03, s. 2 (9).

(10) Despite subsection (1), a corporation incorporated under paragraph 3 of subsection (1) or carrying on business that includes the purpose identified by that paragraph shall only be incorporated under Part III of the *Corporations Act*. O. Reg. 168/03, s. 2 (10).

Regional Municipality of York

3. (1) A corporation incorporated by The Regional Municipality of York for any purpose described in paragraph 1 or 5 of subsection 2 (1) or subparagraph 6 iii or iv of subsection 2 (1) may be incorporated for one or more of the following additional purposes:

1. To develop one or more sites for an industrial, commercial or institutional use if the sites are part of, abut or are necessary for a system or facility of the corporation for public transportation.

2. To develop one or more sites for and construct, operate and maintain one or more housing projects used in whole or in part for residential accommodation on those sites, including facilities used for ancillary purposes, and located in one or more buildings used in whole or in part for residential accommodation if the sites are part of, abut or are necessary for a system or facility of the corporation for public transportation.

3. To sell, lease or otherwise dispose of or encumber all or any part of a site or project referred to in paragraph 1 or 2 to support or benefit a system or facility of the corporation for public transportation. O. Reg. 168/03, s. 3 (1).

(2) The purposes described in subsection (1) are limited to the construction, operation, maintenance and ownership of facilities or projects that are new when the corporation first carries on its business with respect to them. O. Reg. 168/03, s. 3 (2).

Holding corporations

4. (1) A municipality may incorporate a corporation under the *Business Corporations Act* with articles of incorporation that restrict the powers of the corporation to those necessary to acquire, hold, dispose of and otherwise deal with,

(a) shares of one or more corporations incorporated by the municipality;

(b) shares of one or more corporations incorporated by another municipality that the first municipality has agreed to allow to carry on business in the municipality;

(c) shares of a corporation incorporated by the municipality under section 142 of the *Electricity Act, 1998*; or

(d) any combination of shares described in clauses (a), (b) and (c). O. Reg. 168/03, s. 4 (1).

(2) The articles of incorporation of a corporation to which subsection (1) applies shall restrict the ownership of any and all voting and non-voting shares in the corporation to the incorporator. O. Reg. 168/03, s. 4 (2).

Result of non-compliance

5. Any of the following matters may be considered sufficient cause under section 240 of the *Business Corporations Act* or under section 317 of the *Corporations Act*, as applicable, to cancel the certificate of incorporation of a corporation or the letters patent or supplementary letters

patent of a corporation:

1. The corporation does not meet the requirements of this Regulation.
2. A certificate is issued under the *Business Corporations Act* that is inconsistent with this Regulation.
3. Letters patent or supplementary letters patent are granted under the *Corporations Act* that are inconsistent with this Regulation.
4. The corporation acts outside the purposes to which it is restricted by its articles or letters patent. O. Reg. 168/03, s. 5.

Business case study

6. (1) A municipality shall undertake a business case study before it,
 - (a) incorporates a corporation;
 - (b) purchases shares in a corporation that the municipality has agreed to allow to carry on business in the municipality;
 - (c) becomes a member of a corporation incorporated under Part III of the *Corporations Act*;
or
 - (d) submits articles of amendment or any other articles under the *Business Corporations Act* or supplementary letters patent under the *Corporations Act*. O. Reg. 168/03, s. 6 (1).
- (2) The business case study shall, at a minimum, address the following matters:
 1. The projected financial consequences for the next five years, including the advantages and disadvantages and risks for the municipality, and a comparison with other options considered for providing the same service or facility.
 2. The scope of the business to be carried on by the corporation and the permitted purposes or objects of the corporation.
 3. The governance structure to be set out in the articles of incorporation, by-laws, letter patents and other documents of the corporation, including the composition, role and term of office of the directors of the corporation.
 4. The accountability requirements of the corporation to the municipality and its taxpayers, including,
 - i. a policy on access by the public to the records and meetings of the corporation,
 - ii. a summary of any proposed or existing agreements between the municipality and the

corporation or between the corporation and its shareholders,

iii. a summary of all financial reporting or audit requirements,

iv. a statement of the financial risk to the municipality related to the corporation and its activities, and

v. a statement of any tax implications to the municipality, including the expected tax treatment of the corporation.

5. The original value, as estimated by the treasurer of the municipality, of any investment by the municipality in the corporation, including any assets to be transferred to the corporation and services or other benefits to be provided to it.

6. The value of any proposed investment in the corporation by a private person.

7. The original value, as estimated by the treasurer of the municipality, of any funds contributed by the Province of Ontario towards the purchase or improvement of any assets intended to be transferred to the corporation and evidence that section 21 has been complied with.

8. The winding-up provisions of the corporation, including provisions respecting voluntary dissolution, bankruptcy, involuntary wind-up and the disposition of assets.

9. The authority of the municipality to provide any facility or program that is to be provided by the corporation for the municipality.

10. The corporation's proposed or existing policy on setting fees and charges and an explanation of how the municipality will protect the interest of taxpayers and ensure that value for money is being obtained in delivering services.

11. How the municipality intends to address any labour and employment issues that arise as a result of the proposed action by the municipality.

12. An asset management plan for any corporation that will receive municipal assets.

13. How the municipality will ensure that both itself and the corporation adhere to applicable performance standards for the delivery of services and comply with any other duty or obligation required of the municipality or corporation under any Act, regulation or policy directive issued by the Province.

14. The public competition process used or to be used to select any investor in the corporation who is a private person.

15. Other matters that the municipality considers to be appropriate. O. Reg. 168/03, s. 6 (2).

Public participation

7. (1) Before incorporating a corporation, a municipality shall,
- (a) hold at least one public meeting;
 - (b) give at least 30 days notice of the public meeting or meetings; and
 - (c) ensure that copies of the proposed by-law authorizing the incorporation, with the business case study attached, are made available to the public at least 30 days before the meeting or, if there is more than one meeting, before the first meeting. O. Reg. 168/03, s. 7 (1).
- (2) Any person who attends a meeting under this section may make representations relating to the proposed by-law and the business case study. O. Reg. 168/03, s. 7 (2).
- (3) After the public meeting or meetings have been held, the municipality may adopt the business case study and pass the proposed by-law. O. Reg. 168/03, s. 7 (3).
- (4) If a proposed by-law or the business case study is changed following a meeting under this section, the municipality may elect to hold further meetings or may elect to not hold further meetings and the decision of the municipality is final. O. Reg. 168/03, s. 7 (4).
- (5) Nothing in this section restricts the ability of a municipality to hold other public meetings before the completion of the business case study. O. Reg. 168/03, s. 7 (5).
- (6) The proposed by-law may only be passed within the one-year period following the completion of the business case study. O. Reg. 168/03, s. 7 (6).

Limitations on actions of corporation

8. (1) A corporation shall not act as an incorporator of another corporate body that is incorporated under any Act. O. Reg. 168/03, s. 8 (1).
- (2) A corporation may not enter into a trust agreement, except a trust agreement or indenture for the purpose of obtaining financing for the corporation. O. Reg. 168/03, s. 8 (2).
- (3) A corporation may only invest in securities prescribed under section 418 of the Act and, for the purpose of this subsection, any regulation made under subsection 418 (6) of the Act applies to the corporation as if it were a municipality. O. Reg. 168/03, s. 8 (3).
- (4) To expand or otherwise carry on its purposes, a corporation, other than a corporation incorporated under section 4, may acquire all of the voting and non-voting shares of,
- (a) another corporation incorporated under this Regulation;
 - (b) a body corporate incorporated under any Act of Ontario if the articles of incorporation of the body corporate restrict the powers or limit the objects of the body corporate to carrying on one or more of the purposes set out in subsection 2 (1). O. Reg. 168/03, s. 8 (4).

(5) A body corporate, the shares of which have been acquired under subsection (4), must be dissolved and its remaining assets and liabilities transferred to the acquiring corporation within one year of the date of the acquisition of the shares. O. Reg. 168/03, s. 8 (5).

(6) A corporation may become a member of another corporation incorporated under Part III of the *Corporations Act* only if they both have the same objects and if the corporation is allocated a minimum of 51 per cent of the voting rights allocated to members of the other corporation, but nothing in this section prevents a corporation from joining an industry or professional association. O. Reg. 168/03, s. 8 (6).

Deemed members

9. The directors and officers of a corporation that is wholly-owned by a municipality or municipalities are deemed to be members for the purposes of the *Municipal Conflict of Interest Act*. O. Reg. 168/03, s. 9.

Deemed institutions

10. A corporation that is wholly-owned by a municipality or municipalities and a corporation incorporated under paragraph 4 of subsection 2 (1) are deemed to be institutions for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*. O. Reg. 168/03, s. 10.

Limitation

11. A municipality may incorporate a corporation only if,

(a) the corporation's purpose is to provide a service, system or facility that could be provided directly by the municipality; or

(b) the corporation is incorporated under section 4. O. Reg. 168/03, s. 11.

Appointments by municipality

12. A municipality may appoint one or more persons to sign articles of incorporation or subsequent articles or an application for letters patent or supplementary letters patent for the incorporation of a corporation on its behalf and the municipality may appoint or authorize the appointment of the directors, officers or members of the corporation or of a corporation incorporated by another municipality that is carrying on business in the municipality. O. Reg. 168/03, s. 12.

Goods and services

13. (1) A municipality may enter into a contract for goods or services with a corporation only as the result of a public competition process. O. Reg. 168/03, s. 13 (1).

(2) Despite subsection (1), a municipality may enter into a contract for goods or services with a corporation incorporated by the municipality or a corporation the shares of which the

municipality has purchased, without a public competition process, if the corporation is wholly-owned by the municipality or by the municipality together with other municipalities and the corporation is limited by its articles of incorporation or letters patent to providing services to that municipality or those municipalities. O. Reg. 168/03, s. 13 (2).

(3) Despite subsection (1), a municipality may enter into a contract for goods or services with a corporation incorporated by the municipality or a corporation the shares of which the municipality has purchased, that is not wholly-owned by the municipality or municipalities, without a public competition process, if any private person who invests in shares of the corporation has been selected through a public competition process described in paragraph 14 of subsection 6 (2) as part of the business case study for the corporation undertaken by the municipality. O. Reg. 168/03, s. 13 (3).

(4) Despite subsections (2) and (3), a municipality shall not enter into a contract for goods or services with a corporation authorized to carry on business with respect to a waste management service or facility without a public competition process. O. Reg. 168/03, s. 13 (4).

No assignment

14. A municipality shall not assign or transfer any right granted to it in any agreement between the municipality and the Province of Ontario to a corporation without first obtaining the consent of the Minister responsible for the agreement. O. Reg. 168/03, s. 14.

Inspection

15. A municipality may inspect the accounting or other financial records of a corporation of which it is a shareholder or member at any time upon reasonable notice to the corporation. O. Reg. 168/03, s. 15.

Financial statements

16. A municipality may require a corporation of which it is a shareholder or member to submit audited financial statements to the municipality at any time upon reasonable notice to the corporation. O. Reg. 168/03, s. 16.

Holding of shares and voting rights

17. (1) Subject to subsection (2), a municipality may acquire, hold, dispose of and otherwise deal with shares of a corporation incorporated by it or with shares of a corporation incorporated by another municipality that is carrying on business in the municipality. O. Reg. 168/03, s. 17 (1).

(2) A municipality, by itself or together with other municipalities that hold shares in a corporation, must at all times retain at least 51 per cent of the total voting rights attached to all voting shares issued by the corporation. O. Reg. 168/03, s. 17 (2).

(3) A municipality, by itself or together with other municipalities, must at all times maintain an

entitlement to at least 51 per cent of the total voting rights allocated to the members of a corporation incorporated under Part III of the *Corporations Act*. O. Reg. 168/03, s. 17 (3).

Debt instruments

18. (1) A municipality may acquire, hold, dispose of and otherwise deal with bonds, debentures, promissory notes, mortgages and other evidences of indebtedness of a corporation only if the debt would be incurred as the result of,

(a) the transfer of a municipal property asset to a corporation incorporated by the municipality or to a corporation incorporated by another municipality that the municipality has agreed to allow to carry on business in the municipality; or

(b) an action taken by the municipality under section 19. O. Reg. 168/03, s. 18 (1).

(2) In this section,

"municipal property asset" means an asset of a municipality that is land, equipment or other goods. O. Reg. 168/03, s. 18 (2).

Deemed commercial enterprise

19. (1) A corporation is deemed to be a commercial enterprise under section 106 of the Act. O. Reg. 168/03, s. 19 (1).

(2) Despite subsection (1), a municipality may provide assistance to a corporation,

(a) if the corporation is wholly-owned by the municipality or by the municipality and other municipalities and the corporation is limited by its articles or letters patent to providing services to that municipality or those municipalities;

(b) if the purpose of the assistance is to subsidize the cost of public transportation facilities or services or public access to recreational and cultural facilities; or

(c) if the municipality is party to an agreement with the corporation to operate and maintain municipal capital facilities under section 110 of the Act. O. Reg. 168/03, s. 19 (2).

(3) The types of assistance that may be provided under subsection (2) are,

(a) exemption from taxation or development charges or other assistance under an agreement or a by-law made under section 110 of the Act if the municipality is party to an agreement with the corporation to operate and maintain municipal capital facilities under that section;

(b) assistance provided by the council exercising its authority under subsection 28 (6) or (7) of the *Planning Act*;

(c) giving, lending or selling any property of the municipality, including money;

(d) guaranteeing borrowing;

(e) providing the services of employees of the municipality. O. Reg. 168/03, s. 19 (3).

(4) The assistance provided under clause (3) (c), (d) or (e) need not be at fair market value. O. Reg. 168/03, s. 19 (4).

(5) Nothing in subsection (2), (3) or (4) authorizes a municipality to provide assistance,

(a) inconsistent with a purpose of a corporation;

(b) as a transfer that would not be permitted under section 22;

(c) for or in respect of an investment or other transaction made by a corporation under section 8; or

(d) for or in respect of a share transaction under section 17. O. Reg. 168/03, s. 19 (5).

(6) The treasurer shall prepare a statement of the value of any grant or an estimate of the fair market value of any other assistance provided at less than fair market value under subsection (2). O. Reg. 168/03, s. 19 (6).

(7) The municipality shall attach the estimate or statement to the agreement or other documentation evidencing the grant or assistance. O. Reg. 168/03, s. 19 (7).

Status of corporation

20. (1) A corporation is not a local board for the purposes of any Act. O. Reg. 168/03, s. 20 (1).

(2) Despite subsection (1), a corporation is deemed to be a local board for purposes of the *Environmental Assessment Act*, the *Municipal Conflict of Interest Act*, and sections 270 and 271 of the *Municipal Act, 2001*. O. Reg. 168/03, s. 20 (2).

(3) Despite subsection (1), if a corporation is wholly-owned by the municipality alone or together with other municipalities, it is deemed to be a local board for the purposes of the *Development Charges Act, 1997*. O. Reg. 168/03, s. 20 (3).

Condition for incorporation

21. (1) Before incorporating a corporation, a municipality shall notify the Minister of Municipal Affairs and Housing and any other Minister whose Ministry has made a financial contribution to an asset that is intended to be transferred to the corporation of the value, as estimated by the treasurer of the municipality, of any funds contributed at any time by the Province of Ontario to the purchase or improvement of any assets intended to be transferred to the corporation. O. Reg. 168/03, s. 21 (1).

(2) A Minister who receives a notice under subsection (1) may accept the valuation of the treasurer of the municipality or may otherwise determine the value of the contribution and shall notify the municipality in writing within six months of the receipt of the notice as to the requirement for repayment or to indicate the release of the Province's interest in the asset being transferred or the proceeds of the transfer. O. Reg. 168/03, s. 21 (2).

(3) A municipality may not incorporate a corporation until one of the following conditions are met:

1. Six months have passed since notice was given under subsection (1) and no response has been received by the Province within that period.
2. The Province has notified the municipality of its acceptance of the valuation by the treasurer and of any requirement for repayment.
3. The Province has notified the municipality of its rejection of the valuation by the treasurer, of its own valuation and of any requirement for repayment.
4. The Province has notified the municipality that it releases its interest in the asset being transferred or in the proceeds of the transfer. O. Reg. 168/03, s. 21 (3).

(4) The fact that the incorporating municipality has not complied with this section may be considered sufficient cause under section 240 of the *Business Corporations Act* or under section 317 of the *Corporations Act*, as applicable, to cancel the certificate of incorporation of a corporation or the letters patent or supplementary letters patent of a corporation. O. Reg. 168/03, s. 21 (4).

Transfer of land

22. (1) A municipality may only sell land to a corporation if the sale is consistent with the purpose of the corporation and the land is vacant land. O. Reg. 168/03, s. 22 (1).

(2) A municipality may lease or otherwise dispose of any land to a corporation only if the lease or other disposition is consistent with the purpose of the corporation and is for a period, including any possible renewal of the lease or other option to extend the period of disposition, of not more than 40 years. O. Reg. 168/03, s. 22 (2).

(3) Despite subsections (1), (2) and (4), a municipality shall not sell, lease or otherwise dispose of land to a corporation if the land is used for parks or housing projects, as described in paragraph 2 of subsection 3 (1). O. Reg. 168/03, s. 22 (3).

(4) Despite subsection (1), a municipality may sell land that has existing buildings or structures on it to a corporation incorporated under subsection 3 (1) if the buildings or structures are being used exclusively for or are necessary for the maintenance and operation of a transportation system. O. Reg. 168/03, s. 22 (4).

(5) The following, if not being used, is vacant land for the purposes of this section:

1. Land that has no buildings or structures on it.
2. Land upon which a building or structure is being built.
3. Land upon which a building or structure has been built if no part of the building or structure has yet been used.
4. Land upon which a building or structure has been built if the building or structure is substantially unusable. O. Reg. 168/03, s. 22 (5).

(6) Any occupation of a building or structure is a use, for the purpose of paragraph 3 of subsection (5), and once a building or structure has been occupied, the land upon which the building or structure is located cannot be vacant land unless the building or structure becomes substantially unusable. O. Reg. 168/03, s. 22 (6).

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Request for Decision City Council




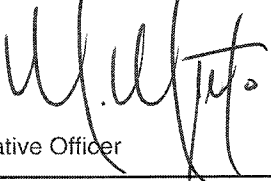
Type of Decision									
Meeting Date	Thursday, May 29 th , 2003			Report Date	May 13 th , 2003				
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
<i>Pilot Project - EMS Training Innovation</i>

Policy Implication + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<p>No current budget impact. Funding is provided within the existing budget, through a reallocation of funds from the training budget to the salary and fringe benefit budget. Full-time staff complement increases by two (2).</p>	
Background Attached	

Recommendation
<p>THAT Council approve the <i>Pilot Project - Training Innovation</i> of the Emergency Medical Services Division as a permanent program within the EMS Division.</p> <p>THAT two (2) Training Officer positions currently filled with seconded staff be made permanent full time positions.</p>
Recommendation Continued

Recommended by the General Manager
 Tim P. Beadman General Manager Emergency Services (Acting)

Recommended by the C.A.O.
 Mark Miato Chief Administrative Officer

95

Date: May 2, 2003

Report Prepared By



Joseph Nicholls
Acting Director, Emergency Medical Services Division

Division Review

Background:

The Greater Sudbury Emergency Medical Services Division's mission is to deliver the highest level of professional pre-hospital medicine. In recognition of our commitment to quality care and service delivery, the EMS Division undertook a review of our legislated training requirements and the methodology by which we were delivering this material. From this review, it was evident that the EMS Division needed to improve upon its ability to address its training needs internally.

Previously, in-house training had been provided in a "bulk" type delivery model, where ten (10) to fifteen (15) Paramedics were brought in on their scheduled days off to attend training sessions. These types of large training sessions done on duty are not operationally feasible as the Service is unable to contend with the demands for the backfilling of staff that are required. In addition, The Collective Agreement requires that the Employer pay premium rates for the scheduling of this type of "bulk" training making this mode of delivery not only problematic, but financially inefficient.

In order to satisfy the Greater Sudbury Emergency Medical Services' objective of providing an excellent standard of care to the community and the necessary training to provide such care, a new model for training delivery needed to be developed.

The on-going training of Paramedic staff is critical to the delivery of quality pre-hospital care for the Greater Sudbury community. In an attempt to maintain and enhance the skill level of our Paramedics, while having the ability to introduce new training programs and technological advances and to effectively utilize its own resources, the Division implemented a new system delivery model under a Pilot Project in 2002, entitled "*Pilot Project - EMS Training Innovation*". This pilot project was brought forth to Council as an information report on June 13, 2002.

The objective of the Pilot Project Training Program was to provide in-house Training and Education programs through our own EMS Division Training Officers. In accordance with Basic Life Support Patient Care Standards, this model of delivery ensures that legislative standards of care are met, minimizing the risk of inappropriate para-medical treatment while allowing each Paramedic employed with the Service to have the opportunity to obtain the continuing education necessary to maintain the competencies required to provide ambulance services.

The Training Officer's deliver "competency-based" adult learning programs in a supportive and non-threatening manner while the Paramedics are on duty primarily utilizing the non-peak call periods at the employees work stations.

Date: May 2, 2003

During the *Pilot Project - EMS Training Innovation* the Training Officers have developed and delivered to the employees numerous training initiatives such as:

- Comprehensive Orientation (for all new employees or those employees who are returning to work following extended absences)
- New Equipment Training such as the ZOLL M-Series Defibrillator and Bayer Elite Glucometer
- Documentation Standards
- Winter Driving Safety
- Four-Wheel Drive Orientation
- Driver Training

As well, the Training Officers have been very effective in resolving patient care deficiencies that have been identified through established Quality Service Review audit processes. In consultation with the Sudbury Base Hospital Program and its Medical Directors, they have developed a variety of methods to provide "competency based" adult learning opportunities to our employees. These remedial training sessions are carried out in a manner that addresses the employee's skill competencies in a supportive manner at the same time minimizing the operational impact on the EMS Division.

In addition to the core responsibilities of training and remediation, the Training Officers have been active in:

- Developing an annual employee competency review of Basic Life Support Standards
- Addressing Paramedic recruitment and retention through information and presentations at local Colleges
- Providing public and allied agency education
- Utilizing innovative technology such as computers by bringing the classroom to Paramedics in their various work stations
- Pursuing the use of Intranet as a delivery model for some educational material
- Identification and development of new Quality Service Review initiatives
- Promoting public education on accident prevention and the community's access to Emergency Services.

The training program's primary function is a Continuing Quality Improvement (QA) process that identifies employee and EMS Division training needs. It addresses those identified needs in a manner that best meets the training and operational needs of the Emergency Medical Services Division and the MOHLTC - Land Ambulance Certification Standards ultimately improving employee and Divisional performance.

This new delivery model has been well received by both the staff and the Sudbury Base Hospital Program. It reduces the need for Paramedics to attend training on their scheduled days off reducing the demand on our employees personal time. Training is completed while staff are on duty which is an efficient use of Paramedic down-time. The Division has seen improvements in Paramedic documentation and have not experienced reoccurring problems with those employees that have received remedial training. In addition, several new pieces of equipment have been placed into service once staff have demonstrated competency in their use enhancing the standard of pre-hospital medical care for the community.

Based on the success of the *Pilot Project - EMS Training Innovation*, the EMS Division recommends that the Pilot Project be converted to a permanent EMS program. There is no budget impact once approved; the EMS Division will permanently allocate \$170,000.00 (salaries & benefits) from the existing EMS Operations - Professional Development and Training account to the Field Supervisors and Training Officers salary account to support the two (2) permanent full-time Training Officers.

Request for Decision City Council



Type of Decision

Meeting Date	May 29, 2003				Report Date	May 22, 2003			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title

Transit Funding

Policy Implication + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

Background Attached

Recommendation

THAT Council approve \$800,000 in expenditures from the Equipment Replacement Reserve Fund for Greater Sudbury Transit fleet expansion, renewal and replacement and that this \$800,000 come from the \$1.7 million that was reallocated to the Equipment Replacement Reserve Fund by Council on April 23, 2003

and further that the Council of the City of Greater Sudbury request an allocation of \$225,000 from the Ontario Transit Renewal Program for the replacement and rebuilding of conventional transit vehicles during 2003.

Recommendation Continued

Recommended by the General Manager


Name Caroline Hallsworth
and Title General Manager of Citizen & Leisure Services

Recommended by the C.A.O.


Name Mark Mieto
and Title Chief Administrative Officer

98

Date: May 22, 2003

Report Prepared By

Name Caroline Hallsworth
and Title General Manager of Citizen & Leisure Services

Division Review

Name
and Title

Executive Summary:

On April 23 the Finance Committee approved a one time transfer of \$1.7 million to the Equipment Replacement Reserve Fund to address fleet needs in Public Works, Fire and Transit. This report describes the proposed Greater Sudbury Transit fleet management program which makes use of \$800,000 of these funds. Greater Sudbury Transit is eligible for Ontario Transit Renewal Program (OTRP) funding which provides funding for the replacement and rebuilding of the conventional transit fleet at a rate of 2/3 municipal contributions and 1/3 provincial funding. The purchase of vehicles which expands the size of the fleet is not eligible for this funding. A resolution of Council, dated no later than May 2003, is required to be submitted to the Ministry of Transportation in order to secure OTRP funding.

Background:

On April 23, 2003 the Finance Committee report entitled "Outstanding Long Term Financial Plan Issues" was approved by Council. Within that report it was noted that "funding gaps have been identified for all of the City's fleet requirements - Public Works, Fire and Transit" as a result of which a one time transfer of \$1.7 million was made to the Equipment Replacement Reserve Fund. In meetings between Public Works, Corporate Services, Emergency Services and Citizen and Leisure Services fleet needs were reviewed and the staff group recommended that \$800,000 of this funding be made available for Greater Sudbury Transit Fleet Renewal, particularly since a portion of the funds would be eligible for matching through the Ontario Transit Renewal Program.

The Ontario Transit Renewal Program was developed to assist municipalities in the replacement and refurbishment of aging transit vehicles as part of the provincial government's commitment, announced in September 2001, to invest in a provincial transportation system. Renewal funds may be used for one of two purposes:

- ▶ Funds may be used to replace transit vehicles on the basis of one transit vehicle purchased for each transit vehicle replaced
- ▶ Funds may be used for major refurbishments or rebuilds of buses that will extend the lifespan of the vehicle by at least six years. Only one refurbishment is allowed in the lifespan of a specific transit vehicle

As has been previously reported to Council, there are two challenges facing the Greater Sudbury transit fleet. The transit fleet is aging and no new vehicles have been purchased since 1998. Our oldest vehicle currently on the road is a 1976 vehicle with in excess of 1.5 million kilometres on the odometer. The second challenge facing Greater Sudbury Transit is that service has been

Date: May 22, 2003

expanded, particularly in the commuter areas and there are no longer sufficient numbers of vehicles in the fleet to continuously ensure services. It is imperative that we add two buses to the fleet in order to keep up to our increased service, double cohorts, our preventative maintenance and our rebuild programs. With this in mind, Greater Sudbury Transit staff, in consultation with the other departments, have developed a capital program for Greater Sudbury Transit that allows us to replace and refurbish older vehicles and thus take advantage of the Ontario Transit Renewal Funding while purchasing two used vehicles (which are not eligible for Ontario Transit Renewal Funding) to allow us to immediately expand the size of the fleet at the lowest cost to the municipality. It should be noted that due to the demands on the transit vehicle manufacturing industry, new vehicles ordered in 2003 will not be available for delivery until 2005.

In 2002 Council allocated \$1,456,128 to transit fleet renewal. These funds were allocated for the replacement of the following vehicles:

- ▶ Bus #861 1986 with 19 years of service
- ▶ Bus #862 1986 with 19 years of service
- ▶ Bus #871 1987 with 18 years of service
- ▶ Bus #872 1987 with 18 years of service
- ▶ Bus #873 1987 with 18 years of service

In developing the RFP for the purchase of these five new low floor vehicles, it was apparent that the costs for new transit vehicles have increased and that amount initially set aside would be just short of what is required to replace these five vehicles. Therefore, it is recommended that \$150,000 be added from the 2003 transit allocation towards the replacement cost of these buses so as to allow Greater Sudbury Transit to purchase 5 new low floor buses. This will bring the municipal funding for the 5 new buses to \$1.5 million which will be matched by the province in 2005 when the vehicles are delivered in the amount of \$750,000 which represents the 1/3 Ontario Transit Renewal Program funding.

Currently, the Greater Sudbury Transit Fleet is comprised of 48 buses. At peak periods there are 38 buses in regular service, 2 buses on scheduled miscellaneous services such as charters, 1 bus in the body shop and 2 buses in the maintenance shop which leaves 5 vehicles for miscellaneous daily use including breakdowns. Other Northern Ontario Transit properties have between 7 and 13 vehicles available for miscellaneous use and service breakdowns. In order to rebuild or refurbish the existing fleet, we would be required to take at least one additional vehicle out of service at a time. With the double cohort beginning school in September, we believe that we will be required to add doubles to a number of our runs serving the post-secondary institutions which could further reduce the number of buses available for miscellaneous and breakdown usage. Therefore, it is imperative that the Greater Sudbury Transit increase the size of its fleet to 50 vehicles immediately.

The Ontario Transit Renewal Program does not provide funding for increasing the size of the transit fleet. Furthermore, the delay for the acquisition of new vehicles is at least two years and Greater Sudbury Transit has an urgent and immediate need to increase the size of the fleet. The most economical and timely manner in which to increase the size of the fleet is to purchase used vehicles at an approximate cost of \$100,000 per vehicle. In 2003, \$200,000 has been allocated for the purchase of two used buses.

Date: May 22, 2003

The remainder of the 2003 transit fleet capital program is eligible for Ontario Transit Renewal Funding. In 2003 we will purchase two refurbished buses to replace our two oldest vehicles - bus #808 which is 27 years old and bus #904 which is 26 years old. Refurbished buses are in excellent condition and can be expected to provide between 8 and 10 years of service before they need to be rebuilt. The cost of each refurbished bus is approximately \$150,000. \$100,000 of the total cost of these two vehicles is eligible for Ontario Transit Renewal Program funding with the municipality's portion of the funding being \$200,000.

In 2003, we are also scheduled to rebuild five buses: #951; #952; #953; #954 and #955. Each of these buses is a 1995 vehicle and the rebuilding of the bus will extend the life of the vehicle by at least six years, making the costs of the rebuilds eligible for Ontario Transit Renewal Program funding. The cost of rebuilding these buses is approximately \$75,000 per vehicle for a total cost of \$375,000 of which \$250,000 would be funded by the municipality with the balance of \$125,000 funded by the province.

2003 Transit Fleet Capital Program	Total Cost	CGS 2003 Funding	OTRP Funding
Expand fleet with 2 used vehicles	\$200,000	\$200,000	Not Eligible
Additional funds for acquisition of 5 new low floor buses	\$225,000	\$150,000	\$75,000 (Payable 2005)
Purchase of 2 refurbished replacement buses	\$300,000	\$200,000	\$100,000
Rebuilding of 5 buses	\$375,000	\$250,000	\$125,000
TOTAL	\$1,100,000	\$800,000	\$300,000
Less OTRP Payable in 2005			\$75,000
TOTAL with 2003 OTRP grant	\$1,100,000	\$800,000	\$225,000

In summary, of the \$1.1 Million in Transit fleet renewal projects described in this report, all projects except the 2 used buses to be acquired to meet our immediate needs for fleet expansion are eligible for provincial funding under the Ontario Transit Renewal Program. The \$150,000 allocated towards the purchase of the 5 new vehicles will be eligible for \$75,000 in provincial funding when the vehicles are delivered in 2005. In 2003 the purchase of 2 refurbished replacement buses and the rebuilding of 5 buses is valued at \$675,000. Of this, \$450,000 will come from the City of Greater Sudbury and the balance, \$225,000 will be funded through the Ontario Transit Renewal Program. Therefore, Council is respectfully requested to pass a resolution applying for \$225,000 in Ontario Transit Renewal Program funding for 2003 and also to approve the allocation of \$800,000 from the Equipment Replacement Reserve Fund to the Greater Sudbury Transit fleet.

Request for Decision City Council




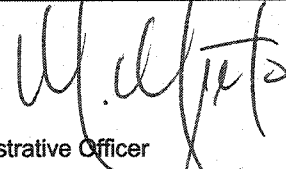
Type of Decision									
Meeting Date	May 29 th , 2003				Report Date	May 21, 2003			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority		High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title
Greater Sudbury Telecommunications Inc./360 Fibre Limited - Energy Court, City of Greater Sudbury Transfer of land

Policy Implication + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
N/A	
<input checked="" type="checkbox"/>	Background Attached

Recommendation
That part of Lot 6, Concession 3, Township of McKim, City of Greater Sudbury being Parts 1 and 4, Plan 53R-16857 together with an easement in nature of a right-of-way over Part 2 on 53R-16875 and Parts 2, 3 4 and 5 on Plan 53R-16657 be transferred to Greater Sudbury Telecommunications Inc.; and that an agreement be entered into between the City, Greater Sudbury Telecommunications Inc. and Laurentian University establishing the terms and conditions of such transfer to the satisfaction of the General Manager of Corporate Services and the City Solicitor; and that the General Manager of Corporate Services, Clerk and City Solicitor be authorized to execute all documents and Agreements necessary to complete this transaction.
Recommendation Continued

Recommended by the General Manager
 Doug Wukshnic General Manager of Corporate Services

Recommended by the C.A.O.
 Mark Mieta Chief Administrative Officer

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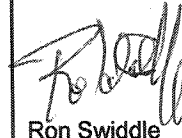
Date: May 21, 2003

Report Prepared By



Heather Salter
Deputy city Solicitor

Division Review



Ron Swiddle
City Solicitor

BACKGROUND:

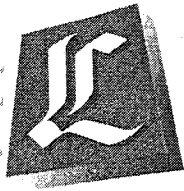
On October 24th, 2000 the Council of the former City of Sudbury authorized the Mayor and Clerk to execute an Offer to Purchase between the City of Sudbury and 360 Fibre Ltd. for certain lands located on Energy Court in the City of Greater Sudbury. The lands had previously been declared surplus by the former City in January 1999. The lands were originally part of a larger assembly of land which the City acquired from Canadian Pacific Railway for the purpose of providing additional parking to the Downtown.

In 2000, the City received an offer to purchase the 1.5 acres of surplus land from 360 Fibre Ltd. A purchase price of \$262,500 was negotiated and the transaction approved by City Council subject to the condition that the Sudbury Hydro Electric Commission or its successor enter into a satisfactory agreement with 360 Fibre Ltd. regarding certain telecommunications networks.

Subsequent to the execution of the offer to purchase, Greater Sudbury Telecommunications Inc. (GSTi) conducted negotiations with 360 Fibre Ltd.'s associated company, 360 Networks Inc. regarding the telecommunication networks. Throughout these negotiations the City of Greater Sudbury agreed to extensions in the closing dates of the transaction to allow those negotiations to proceed. In June 2001 the 360 group of companies were in financial trouble and obtained an Order from the Supreme Court of British Columbia under the *Companies Creditors Arrangement Act* which provided for their restructuring and appointed a Monitor. Notwithstanding the appointment of the Monitor, negotiations continued between Greater Sudbury Telecommunications Inc. and 360 Networks Inc., however, to date no final agreement has been reached.

Earlier this year, GSTi advised the City that there may be a revised proposal which could see the exchange of land proceed with an alternative to a cash payment but significant benefit to the community. As outlined in the attached letter received from Doctor Greg Baiden of Laurentian University, Laurentian University requires a dedicated fibre optic connection from Laurentian's Fraser Building on Ramsey Lake Road to Cambrian College's new E Dome facility in order to conduct advance remote mining research. At the present time, there is no other technical alternative than a dedicated fibre connection. GSTi has the necessary fibre infrastructure to supply a dedicated fibre optic connection, of approximately 20 kilometres, between Laurentian University and Cambrian College, to facilitate this leading edge research. Due to the nature of the connection required to conduct the research, only one customer can use that fibre optic service. The current commercial value of a dedicated fibre optic connection over 20 kilometres is \$80,000 per year.

GSTi has now proposed that in exchange for transferring the land to GSTi, the City receive in exchange the dedicated fibre optic connection between Laurentian University and Cambrian College for a minimum of 6 years at no charge. The City of Greater Sudbury could then provide access to the connection to Laurentian University in the form of a grant. The value of the consideration for the land to be transferred would be reflected as \$262,500 which the City's Appraiser confirms is still the current market value of the land. GSTi will pay the land transfer tax on the transaction and all other costs of the registration. The GSTi Board will be dealing with this proposal on Monday.



Laurentian
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Laurentienne

Ramsey Lake Road
Sudbury, Ontario
Canada P3E 2C6
www.laurentian.ca

Chemin du lac Ramsey
Sudbury (Ontario)
Canada P3E 2C6
www.laurentienne.ca

**CITY OF
GREATER SUDBURY**

MAY 16 2003

**GENERAL MANAGER
CORPORATE SERVICES**

City of Greater Sudbury
Office of the Mayor
City Hall
200 Brady Street
Sudbury, Ontario

May 6, 2003

Re: Request for Fibre Optics Support to connect our research Lab with Cambrian College

Dear : Mayor Jim Gordon

As part of ongoing research into Teleoperations of harsh environments research we require the ability to Teleoperate miniature mining equipment at a remote location. Cambrian College has agreed to work with us and provide the space required to test out our Telerobotics operations and further develop and improve the concepts of Teleoperations. Our long range research plans include doing research for developing underwater teleoperations systems and teleoperations systems to be able to control equipment in space.

The fibre link required between Laurentian and Cambrian is a vital link and can be supplied by the Greater Sudbury Telecommunications Inc., which is owned by the City. This will provide an opportunity to see the full potential of having a high speed high capacity system available to Research and Industry in a city like Sudbury. Without this link our current research plans would be severely hampered and cause us a major set back to find an alternative.

The economical and promotional benefits to Sudbury are numerous as outlined below. First of all we have been able to start an expansion program at the University to provide a more comprehensive Engineering program which has already started to attract bright young Engineers who want to further graduate and post graduate studies with us. This will bring more talent to the Sudbury area and these people will be looking for jobs and starting new business in Sudbury. In addition we are applying for and receiving grants to do further research into underwater and space activities, which is attracting a lot of attention for the Federal, Provincial and US funding agencies. This research will lead to the development of new products and services that will lead to further economical development of new startup companies who will take these products and services to customers around the world. These new startup companies are likely to stay in the area close to the University where they can continue to work with us to perfect their products and be able to acquire further newly developed products as we continue to expand our research capabilities and programs.

School of Engineering
École de génie

☎ (705) 675-1151
☎ (705) 675-4862

May 8, 2003

Mining is a core business of The Greater City of Sudbury and our research will continue to ensure that Sudbury can supply the talent and physical resources required to build the economy of our city.

Sudbury has all of the essential ingredients to building a strong economically supported city; leading state of the art research, strong information network backbone, talented resources and workforce, land and utilities to support new business.

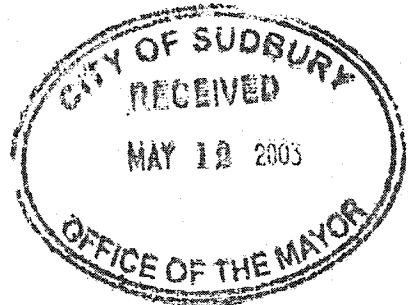
We are requesting that the City donate the use of the fibre to support the research being conducted at Laurentian in conjunction with the Canadian Research Chair in Robotics and Automation for a period of six years. This research project (including grants and in-kind contributions) has reached \$1.4 Million dollars and is expected to double in the next six to twelve months. This research is beginning to attract more graduate and post doctorate students to the area. In addition to what the students would spend in the community the research has a direct benefit to the community as a good portion of the dollars are spent on materials acquired locally.

Sincerely,



Dr. Greg R. Baiden, P.Eng.
Director, School of Engineering
Canadian Research Chair in Robotic and Automation

Cc: Dr. Judith Woodsworth
President, Laurentian University



May 13th, 2003

His Worship Mayor Gordon
and Members of Council

Your Worship and Members of Council:

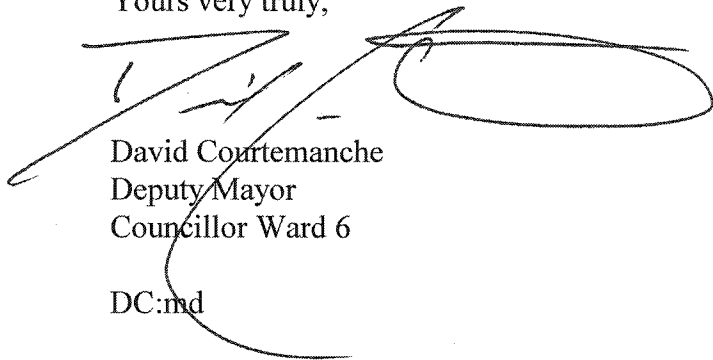
At the end of this month, the Federation of Canadian Municipalities (FCM) will hold their Annual General Meeting in Winnipeg. At that time, the National Board of Directors will be elected. I have decided not to seek re-election to the Ontario Caucus. I have appreciated the opportunity to represent our Council at FCM in the fine tradition that Doug Craig helped to establish during his 5 year term prior to my appointment.

Upon speaking to Members of Council, a few members expressed an interest in serving on FCM, however, it is my understanding that Councillor Ron Dupuis is the only person who has an expressed an interest and who will be in attendance at the FCM conference in Winnipeg.

Assuming that there are no other Councillors prepared to serve at this time, I would like to suggest that a resolution be brought forward formally supporting Councillor Dupuis' candidacy to seek election to the FCM Board of Directors on June 1st, 2003.

I am confident that Councillor Dupuis will represent Greater Sudbury well!

Yours very truly,

A handwritten signature in black ink, appearing to read 'David Courtemanche', is written over a large, stylized circular flourish.

David Courtemanche
Deputy Mayor
Councillor Ward 6

DC:md

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCCA
200 RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

www.
city.greatersudbury
.on.ca

Minutes

City Council Minutes	2003-05-15
Priorities Committee Minutes {TABLED}	2003-05-28
Planning Committee Minutes {TABLED}	2003-05-27
Tender Opening Committee	2003-05-20

THE FIFTY-FIRST MEETING OF THE COUNCIL
OF THE CITY OF GREATER SUDBURY

Committee Room C-11
Tom Davies Square

Thursday, May 15th, 2003
Commencement: 6:02 p.m.

COUNCILLOR DOUG CRAIG, IN THE CHAIR

Present

Councillors Bradley; Courtemanche; Dupuis; Gainer; Kilgour (A6:05 pm); Lalonde (A6:09 pm); McIntaggart; Portelance (D6:30 pm)

City Officials

M. Mieto, Chief Administrative Officer; T. Beadman, Acting General Manager, Emergency Services; D. Belisle, General Manager of Public Works; C. Hallsworth, General Manager of Citizen & Leisure Services; D. Nadorozny, General Manager of Economic Development & Planning Services; C. Sandblom, General Manager of Health & Social Services; D. Wuksinic, General Manager, Corporate Services; R. Swiddle, Director of Legal Services/City Solicitor; H. Salter, Deputy City Solicitor; B. Gutjahr, Manager of By-law Enforcement; T. Mowry, City Clerk; G. Ward, Council Secretary

Declarations of
Pecuniary Interest

None declared.

"In Camera"

2003-205 Kilgour/Dupuis: That we move "In Camera to deal with litigation matters in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, R.S.O. 1990, c.M.45, s.55(5).

CARRIED

Recess

At 7:00 p.m., Council recessed.

Reconvene

At 7:09 p.m., Council moved to the **Council Chamber** to continue the regular meeting.

Chair

DEPUTY MAYOR LOUISE PORTELANCE, IN THE CHAIR

Present

Councillors Bradley; Callaghan; Courtemanche; Craig; Dupuis; Gainer; Kilgour; Lalonde; McIntaggart

City Officials

M. Mieto, Chief Administrative Officer; T. Beadman, Acting General Manager, Emergency Services; D. Belisle, General Manager of Public Works; I. Davidson, Chief of Police, Greater Sudbury Police Service; C. Hallsworth, General Manager of Citizen & Leisure Services; D. Nadorozny, General Manager of Economic Development & Planning Services; C. Sandblom, General Manager of Health & Social Services; D. Wuksinic, General Manager, Corporate Services; R. Swiddle, Director of Legal Services/City Solicitor; C. Riutta, Administrative Assistant to the Mayor; T. Mowry, City Clerk; G. Ward, Council Secretary

News Media My Town; Sudbury Star; CIGM; MCTV; Northern Life; Le Voyageur

Declarations of Pecuniary Interest None declared.

DELEGATIONS

Item 4 Road Safety Awareness Month Letter from Ms. Cheryl McCaw, Sudbury Road Safety Committee regarding Presentation to Council: Road Safety Awareness Month was received for information.

Mr. McCaw, Sudbury Road Safety Committee/Public Health Nurse, Sudbury & District Health Unit, addressed Council regarding Road Safety Awareness Month that began on May 1st, 2003.

Rules of Procedure Council, by a two-thirds majority, agreed to dispense with the Rules of Procedure and deal with a delegation, not on the Agenda, at this time.

Sudbury Canadians Soccer Club Mr. S. Poland, Business Development Officer, Greater Sudbury Development Corporation, and Mr. Jeff Falcioni, Assistant Coach, United Soccer League, addressed Council with an overhead presentation including the Sudbury Canadians background and entry into the United Soccer League. Canadian entires now include Ottawa, Toronto, Vancouver and Sudbury.

MATTERS ARISING FROM THE "IN CAMERA" SESSION

Rise and Report Councillor Craig, as Chairman of the Committee of the Whole, reported Council met to deal with litigation matters falling within Article 15.5 of the City of Greater Sudbury Procedural By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f) and no resolutions emanated therefrom.

PART I CONSENT AGENDA

The following resolution was presented to adopt Items C-1 to C-18 inclusive, contained in Part I, Consent Agenda:

2003-206 Kilgour/Dupuis: That Items C-1 to C-18 inclusive, contained in Part I, Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1 Report No. 50 C.C. 2003-04-24 2003-207 Kilgour/Bradley: That Report No. 50, City Council Minutes of 2003-04-24 be adopted.

CARRIED

Item C-2 Report No. 17 Priorities Committee 2003-05-14 2003-208 Kilgour/Bradley: That Report No. 17, Priorities Committee Minutes of 2003-05-14 be adopted.

CARRIED

C.C. 2003-05-15 (51ST) (2)

<p>Item C-3 Report No. 17 Planning Committee <u>2003-05-13</u></p>	<p>2003-209 Kilgour/Dupuis: That Report No. 17, Planning Committee Minutes of 2003-05-13 be adopted.</p>	<p>CARRIED</p>
<p>Item C-4 G.S.H.C. <u>2003-03-25</u></p>	<p>2003-210 Bradley/Kilgour: That the Report of the Greater Sudbury Housing Corporation, Minutes of 2003-03-25 be received.</p>	<p>CARRIED</p>
<p>Item C-5 G.S.P.S.B. <u>2003-03-17</u></p>	<p>2003-211 Dupuis/Kilgour: That the Report of the Greater Sudbury Police Services Board, Minutes of 2003-03-17 be received.</p>	<p>CARRIED</p>
<p>Item C-6 N.D.C.A. <u>2002-11-20</u></p>	<p>2003-212 Bradley/Kilgour: That the Report of the Nickel District Conservation Authority, Minutes of 2002-11-20 be received.</p>	<p>CARRIED</p>
<p>Item C-7 N.D.C.A. <u>2003-04-16</u></p>	<p>2003-213 Bradley/Kilgour: That the Report of the Nickel District Conservation Authority, Minutes of 2003-04-16 be received.</p>	<p>CARRIED</p>
<p>Item C-8 T.O.C. <u>2003-04-29</u></p>	<p>2003-214 Bradley/Kilgour: That the Report of the Tender Opening Committee, Minutes of 2003-04-29 be received.</p>	<p>CARRIED</p>
<p>Item C-9 T.O.C. <u>2003-04-30</u></p>	<p>2003-215 Bradley/Kilgour: That the Report of the Tender Opening Committee, Minutes of 2003-04-30 be received.</p>	<p>CARRIED</p>
<p>Item C-10 Report No. 17 G.S.P.L.B. <u>2003-03-21</u></p>	<p>2003-216 Dupuis/Bradley: That Report No. 17, Greater Sudbury Public Library Board, Minutes of 2003-03-21 be received.</p>	<p>CARRIED</p>
<p>Item C-11 Report No. 4 S.D.B.H. <u>2003-04-17</u></p>	<p>2003-217 Dupuis/Bradley: That Report No. 4, Sudbury & District Board of Health, Minutes (Unapproved) of 2003-04-17 be received.</p>	<p>CARRIED</p>
<p>Item C-12 T.O.C. <u>2003-05-06</u></p>	<p>2003-218 Bradley/Dupuis: That the Report of the Tender Opening Committee, Minutes of 2003-05-06 be received.</p>	<p>CARRIED</p>

Item C-13
T.O.C.
2003-05-08

2003-219 Bradley/Courtemanche: That the Report of the Tender Opening Committee, Minutes of 2003-05-08 be received.

CARRIED

TENDERS

Item C-14
Tender Award:
Cemetery Grass
Cutting

Report dated 2003-05-07 from the General Manager of Citizen & Leisure Services regarding Tender Award - Cemetery Grass Cutting was received.

Councillor Kilgour advised the Grade 5 students from C.R. Judd Public School in Capreol spent an afternoon doing clean up and suggested other schools be encouraged to do the same. He requested a letter of appreciation be sent to the school.

The following resolution was presented:

2003-220 Bradley/Courtemanche: That the City of Greater Sudbury award the Tender for Cemetery Grass Cutting for the cemeteries listed in Groups A, C, D and E to Greenscape Lawn Care for the tendered price of fifty-four thousand, six hundred and fifty-eight dollars and fifteen cents (\$54,658.15) per year for a three year term;

And further that the City of Greater Sudbury award the Tender for Cemetery Grass Cutting for the cemeteries listed in Group B to grasshoppers for the tendered price of fifty-one thousand, eight hundred and eighty-nine dollars and sixty-five cents (\$51,889.65) per year for a three year term.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-15
Summer Special
Events & Special
Occasion Permits

Report dated 2003-04-30 from the General Manager of Citizen & Leisure Services regarding Summer Special Events and Special Occasion Permits was received.

The consensus of Council was obtained to add the following Event to the 2003 Summer Events:

Western Days (Chelmsford), Thursday, June 19 to
Sunday, June 22, 2003

The following resolution was presented:

2003-221 Dupuis/Bradley: That the report from the General Manager of Citizen & Leisure Services dated April 30th, 2003 regarding Summer Special Events and Special Occasion Permits (Events attached hereto as Schedule "A") be approved as presented

CARRIED

Item C-16
Liquor License &
Noise Exemption -
Royale & Falcon
Hotels, Garson

Report dated 2003-05-09, with attachments, from the General Manager of Economic Development & Planning Services regarding Liquor License Extension and Noise Exemption - Royale Hotel and Falcon Hotel, Garson was received.

The following resolution was presented:

2003-222 Bradley/Courtemanche: This Council has no objection to the issuance of a temporary extension to their liquor licence and no objection to the granting of an exemption to By-law 92-13 (former Town of Nickel Centre) Noise By-law to the Falcon Hotel, 3024 Falconbridge Road and Royale Hotel, 20 Birch Street, Garson, to operate a beer tent to celebrate one hundred and two (102) years of serving the local community. The event will take place as follows:

Thursday, June 5th and Friday, June 6th, 2003,: 7:00 p.m. - 1:00 a.m.

Friday, June 7th, 2003: 12:00 p.m. - 1:00 a.m.

Saturday, June 8th, 2003: 12:00 noon to 8:00 p.m.

with an anticipated attendance of approximately 350 persons.

And further that this approval be subject to the following conditions:

1. That the special event organizer shall ensure the provision of adequate clean-up of the site and those properties adjacent to the event area no later than 12:00 o'clock noon on Monday, June 9th, 2003;
2. That all Ontario Fire Code regulations must be adhered to, in particular, with respect to Section 2.8 that indicated a Fire Safety Plan is required for this event;
3. That no bonfires of any kind, barbecues or similar types of cooking devises shall be operated on the site without the consent of the Fire Chief, and that an approved fire extinguisher be provided for each of the foregoing;
4. That when outdoor amplified sound equipment is in use, all speakers and speaker stacks shall be positioned to tilt downward into the crowd versus projecting straight over the crowd or adjoining properties;
5. That the special event organizer, or his designate, must be present at the site during the entire duration of the event.
6. That the tents be erected in accordance with the provisions of the Ontario Building Code.
7. That the event representatives ensure emergency vehicles have access to the event area.

Item C-16
(Continued)

8. that the hotel be responsible for providing visible security during the course of the event.
9. That the event representatives shall ensure that the adjoining residential properties are notified of the event at least ten (10) days prior to the start of the event and that the notice must state that alcohol will be part of the event.

CARRIED

Item C-17
S.O.P. & Noise
Exemption - Knights
of Columbus

Report dated 2003-05-09, with attachments, from the General Manager of Economic Development & Planning Services regarding Special Occasion Permit and Noise Exemption - Knights of Columbus, 5005 Council was received.

The following resolution was presented:

2003-223 Dupuis/Bradley: This Council has no objection to the issuance of a Special Occasion Permit and the granting of an exemption to By-law 85-33 of the former City of Valley East (Noise By-law) to Michel Poulin, on behalf of the Knights of Columbus, Council 5005, which will be held at the Knights of Columbus Hall at 688 Emily Street, Hanmer, Ontario for their Annual Community Festival to be held on July 17th, 18th, 19th & 20th, 2003. The hours of operation are between the hours of 12:00 noon to 1:00 a.m.

And further that this approval be subject to the following conditions:

1. That the special event organizer shall ensure the provision of adequate clean-up of the site and those properties adjacent to the event area no later than 12:00 o'clock noon on Monday July 21st, 2003;
2. That all Ontario Fire Code regulations must be adhered to, in particular, with respect to Section 2.8 that indicated a Fire Safety Plan is required for this event;
3. That no bonfires of any kind, barbecues or similar types of cooking devises shall be operated on the site without the consent of the Fire Chief, and that an approved fire extinguisher be provided for each of the foregoing;
4. That when outdoor amplified sound equipment is in use, all speakers and speaker stacks shall be positioned to tilt downward into the crowd versus projecting straight over the crowd or adjoining properties;
5. That the special event organizer, or his designate, must be present on the site during the entire duration of the event.
6. That any tent be erected in accordance with the provisions of the Ontario Building Code.

CARRIED

TELEPHONE POLLS

Item C-18
Noise By-law
Exemption - CP
Railway -
Operational
Requirements

Report dated 2003-04-30, with attachment, from the General Manager of Corporate Services regarding Telephone Poll: Noise By-law Exemption, Canadian Pacific Railway - Operational Requirements was received.

The following resolution was presented:

2003-224 Bradley/Dupuis: This Council has no objection to the granting of an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) to the Canadian Pacific Railway for operational requirements to carry out construction activity on the Cartier Subdivision (Cartier to Rumford) during the hours of 0001 and 0800 (12:01 a.m. to 8:00 a.m.)

The schedule for activity within the City limits is as follows:

- May 2-3 - Second Avenue and Mildred Street
- May 4-5 - John and Sunday Street
- May 6-7 - Elgin and Paris Street Area
- May 13 - Frood and Elm Street Area
- May 14 - Elgin and Paris Street Area
- May 15 - Elgin and Elm Street Area
- May 15 - Beatty and McNeill Street Area

AND FURTHER THAT approval of this exemption be subject to the Canadian Pacific Railway providing public notice of this construction activity.

CARRIED

BY-LAWS

- | | | |
|-----------|---|---|
| 2003-109A | 3 | A BY-LAW OF THE CITY OF GREATER SUDBURY TO APPOINT BY-LAW ENFORCEMENT OFFICERS FOR THE SUDBURY AIRPORT

(This By-law updates the list of By-law Enforcement Officers at the Sudbury Airport.) |
| 2003-110F | 3 | A BY-LAW OF THE CITY OF GREATER SUDBURY TO ESTABLISH AND CONTINUE RESERVES, RESERVE FUNDS AND TRUST FUNDS

Finance Committee Resolution 2003-04

(This By-law replaces and consolidates By-law 2001-287F and all amendments, and incorporates changes authorized by the Finance Committee.) |

2003-111A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO APPOINT MUNICIPAL LAW ENFORCEMENT OFFICERS TO ENFORCE THE PRIVATE PROPERTY AND DISABLED PARKING SECTIONS OF BY-LAW 2001-1 AND FIRE ROUTE BY-LAW 2003-30T

(This By-law updates the list of Municipal By-law Enforcement Officers.)

2003-112F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE PAYMENT OF GRANTS TO THE ELIZABETH FRY SOCIETY, THE CANADIAN MENTAL HEALTH ASSOCIATION AND THE SUDBURY ACTION CENTRE FOR YOUTH

(This By-law authorizes the making of certain grants, authorized as budget enhancements under Finance Committee Resolution 2003-16)

2003-113F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ESTABLISH A WATER AND WASTEWATER POLICY AND WATER AND WASTEWATER RATES AND CHARGES.

(This By-law consolidates and replaces the existing water and wastewater rates By-law and amendments thereto in order to create a current form of the By-law. It also deals with the private or commercial use of municipal fire hydrants. In accordance with Priorities Recommendation 2003-32, the effective date of the implementation will be July 1st, 2003.)

2003-114 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2002-331G, DEALING WITH THE COLLECTION, REMOVAL AND DISPOSAL OF WASTE WITHIN THE CITY OF GREATER SUDBURY

(This By-law amends the waste management By-law to correct a clerical error).

2003-115A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO CONFIRM THE PROCEEDINGS OF COUNCIL OF MAY 15TH, 2003

1st & 2nd Reading

2003-225 Bradley/Courtemanche: That By-law 2003-109A to and including By-law 2003-115A be read a first and second time.

CARRIED

3rd Reading

2003-226 Bradley/Courtemanche: That By-law 2003-109A to and including By-law 2003-115A be read a third time and passed.

CARRIED

CORRESPONDENCE FOR INFORMATION ONLY

Item C-19
Physician
Recruitment &
Retention

Report dated 2003-04-30 from the General Manager of Health & Social Services regarding Physician Recruitment & Retention - Quarterly Report was received for information.

Item C-20
Change of Meeting
Dates - Council &
Priorities

Report dated 2003-05-02 from the General Manager of Corporate Services regarding Change of City of Greater Sudbury Council and Priorities Meeting Dates was received for information.

**PART II
REGULAR AGENDA**

MANAGERS' REPORTS

Item R-1
Disposition of Closed
City Facilities

Report dated 2003-04-15 from the General Manager of Corporate Services regarding Disposition of Closed City Facilities was received.

The following resolution was presented:

Courtemanche/Bradley: That Council direct staff to advertise for Expressions of Interest for the R.G. Dow Pool, the Adanac Ski Hill, the Barrydowne Arena and the Falconbridge Arena;

And that Council direct staff to review these Expressions of Interest and bring recommendations to Council at the Council meeting of June 26th, 2003.

Amendment to
Resolution

2003-227 Courtemanche/Kilgour: That paragraph 2 of the resolution be amended as follows:

By including the following after "that Council direct staff"

"and appropriate community groups (where a conflict of interest does not exist)"

RECORDED VOTE:

YEAS

Bradley
Courtemanche
Portelance

NAYS

Callaghan
Craig
Dupuis
Gainer
Kilgour
Lalonde
McIntaggart

MOTION LOST

Main Motion

2003-228 Courtemanche/Bradley: That Council direct staff to advertise for Expressions of Interest for the R.G. Dow Pool, the Adanac Ski Hill, the Barrydowne Arena and the Falconbridge Arena;

And that Council direct staff to review these Expressions of Interest and bring recommendations to Council at the Council meeting of June 26th, 2003.

CARRIED

MOTIONS

Item R-2
Painted White Lines -
Sidewalks - Rayside/
Balfour

2003-229 Bradley/Dupuis: WHEREAS the former Town of Rayside Balfour had previously regularly painted white lines on the sidewalks, to indicate upper and lower levels on the sidewalks for seniors and for the visually impaired;

AND WHEREAS over the last two winters, the sand and salt have damaged some of those lines to the point where they are no longer visible enough;

AND WHEREAS seniors and the visually impaired can no longer use the white lines as guides because of their erosion;

AND WHEREAS this is becoming a safety issue for the residents of the former Town of Rayside Balfour;

AND WHEREAS the former Town of Rayside Balfour painted the white lines on a regular basis and this formed part of its annual budget;

AND WHEREAS some of the residents of the former Town of Rayside Balfour made a presentation to Council in the past requesting that the white lines be repainted and their request was refused;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury authorizes and directs that the white indicator lines previously painted on the sidewalks in the former Town of Rayside Balfour be repainted as in the past, by May 31st, 2003.

Motion for Referral

The foregoing motion was **referred** to the Accessibility Advisory Committee for review and a report back to City Council.

Item R-3
New & Innovative
Financing Options &
Practices

Callaghan/Bradley: WHEREAS there is a growing consensus that Canadian Cities are "teetering on the brink of fiscal unsustainability, as their expenditure requirements increase and revenue sources are inadequate" and that this continued financial weakness calls for a new fiscal deal and a new fiscal tool kit to survive this challenge;

Item R-3
(Continued)

AND WHEREAS the "Enough Talk" document, produced by Toronto's City Summit Alliance, a 45 person group, consisting of a diverse, non-partisan collection of business, labour, politicians, volunteers and citizens, urged and put forth varied recommendations supporting future autonomy for provincial cities;

AND WHEREAS the "Enough Talk" document emphasizes the need for public investment in core service areas such as: community infrastructure, education, arts and culture, social services, immigration, transportation;

AND WHEREAS recently delivered Federal and Provincial budgets contained very little in the way of meaningful financial support for cash strapped cities;

AND WHEREAS Ontario's cities are being assigned increased municipal responsibilities, are assuming rising costs, have faced flat or declining assessment and revenue loss over the past ten years;

AND WHEREAS these conditions have placed northern communities, in particular, into untenable financial positions;

AND WHEREAS the "Enough Talk" document indicated clearly the need for new, secure and long-term revenue sources being required to cities in order to renew and revive core service areas;

AND WHEREAS senior levels of government, with their balanced budgets and growing surpluses, have a real ability to educate currently available and new revenue sources to cities;

AND WHEREAS the Chief Administrative Officer has established the Strategic Policy Development Group to be responsible for the research, analysis and presentation of Policy Reports on specific issues requested by the C.A.O. or Council;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury supports the recommendations contained within the document entitled: ***Enough Talk: An Action Plan for the Toronto Region*** relating to assigning new and innovative financing options and practices which, if implemented, could enable the City of Greater Sudbury to address the challenges associated with its physical infrastructure, tourism, research, education, immigration, social services, recreation and arts and culture;

AND FURTHER THAT the Chief Administrative Officer assign the strategic Policy Development Group the task of developing the "ways and means" for Council to improve the City's fiscal capacity along the lines set out in ***Enough Talk***.

Friendly Amendment

Council approved a friendly amendment presented by Councillor Gainer that clause 1 be amended by changing the word "recommendations" to "intent".

Main Motion

The main motion, with the amendment, was then presented:

2002-229 Callaghan/Bradley: WHEREAS there is a growing consensus that Canadian Cities are “teetering on the brink of fiscal unsustainability, as their expenditure requirements increase and revenue sources are inadequate” and that this continued financial weakness calls for a new fiscal deal and a new fiscal tool kit to survive this challenge;

AND WHEREAS the “Enough Talk” document, produced by Toronto’s City Summit Alliance, a 45 person group, consisting of a diverse, non-partisan collection of business, labour, politicians, volunteers and citizens, urged and put forth varied recommendations supporting future autonomy for provincial cities;

AND WHEREAS the “Enough Talk” document emphasizes the need for public investment in core service areas such as: community infrastructure, education, arts and culture, social services, immigration, transportation;

AND WHEREAS recently delivered Federal and Provincial budgets contained very little in the way of meaningful financial support for cash strapped cities;

AND WHEREAS Ontario’s cities are being assigned increased municipal responsibilities, are assuming rising costs, have faced flat or declining assessment and revenue loss over the past ten years;

AND WHEREAS these conditions have placed northern communities, in particular, into untenable financial positions;

AND WHEREAS the “Enough Talk” document indicated clearly the need for new, secure and long-term revenue sources being required to cities in order to renew and revive core service areas;

AND WHEREAS senior levels of government, with their balanced budgets and growing surpluses, have a real ability to educate currently available and new revenue sources to cities;

AND WHEREAS the Chief Administrative Officer has established the Strategic Policy Development Group to be responsible for the research, analysis and presentation of Policy Reports on specific issues requested by the C.A.O. or Council;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury supports the intent contained within the document entitled: ***Enough Talk: An Action Plan for the Toronto Region*** relating to assigning new and innovative financing options and practices which, if implemented, could enable the City of Greater Sudbury to address the challenges associated with its physical infrastructure, tourism, research, education, immigration, social services, recreation and arts and culture;

Item R-3
(Continued)

AND FURTHER THAT the Chief Administrative Officer assign the strategic Policy Development Group the task of developing the "ways and means" for Council to improve the City's fiscal capacity along the lines set out in *Enough Talk*.

CARRIED

Rules of Procedure

Council, by a two-thirds majority, agreed to dispense with the Rules of Procedure and deal with a Motion, not on the Agenda, at this time.

Canada Post

2003-230 Bradley/Courtemanche: WHEREAS the Canadian Government is failing to uphold the moratorium on the closure of rural post offices put in place by the Federal Government in 1994;

AND WHEREAS the Canadian Government is not honoring its commitment to ensure consistent and uninterrupted quality postal service for all rural Canadians. There are approximately 604 rural communities in Canada that have no postal service whatsoever as a result of the government post office being closed and/or Retail Postal Outlets closing as well, with no alternative arrangements in place to ensure quality postal service;

AND WHEREAS even where Canada Post has been able to maintain some postal services, lack of government funding has forced Canada Post to shift the burden of providing postal service to small rural businesses or communities themselves. These entities do not have the means or funds to provide the same level of service which can be found in all government post offices. As a result, rural Canadians suffer a loss of this basic public service;

AND WHEREAS it is a RIGHT for rural Canadians to receive stable and equitable postal service;

AND WHEREAS the erosion of postal service deals a direct economic blow to all citizens living in rural Canada and to the economic welfare of Canada as a whole;

THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury petition/urge the Federal Government to uphold the moratorium of 1994 and to commit to opening or reopening government post offices in rural communities when a Retail Postal Outlet in a rural community shuts down and no alternative can be found to provide for continued high quality postal service.

CARRIED

Addendum to Agenda

The following **Information Reports** were included on the Addendum to the Agenda under the heading "**TENDERS**":

Contract 2003-20
Bancroft Drive (MR
67) Reconstruction
Kingsway/Smith St.

Information Report dated 2003-05-07 from the General Manager of Public Works regarding Contract 2003-20: Bancroft Drive (MR 67) Reconstruction - Phase 2 - Kingsway to Smith Street was received for information.

C.C. 2003-05-15 (51ST)

(13)

Contract 2003-17
MR 35 Reconstruction
Notre Dame/Clarabelle

Information Report dated 2003-05-07 from the General Manager of Public Works regarding Contract 2003-17, MR 35 Reconstruction, Notre Dame Street (East Entrance) to Clarabelle Road was received for information.

Deputy Mayor Portelance advised Council the foregoing Tender would not be awarded at this time.

Contract 2003-19
Concrete Curb &
Sidewalk Replacement
Various Locations

Information Report dated 2003-05-07 from the General Manager of Public Works regarding Contract 2003-19, Concrete Curb & Sidewalk Replacement - Various Locations was received for information.

Addendum to Agenda

The following resolution was presented:

2003-231 Bradley/Dupuis: That the Addendum to the Agenda be dealt with at this time.

CARRIED

Declarations of
Pecuniary Interest

None declared.

TENDERS

Item AD.1
Contract 2003-19
Concrete Curb &
Sidewalk Replacement
Various Locations

Report dated 2003-05-13 from the General Manager of Public Works regarding Contract 2003-19: Concrete Curb & Sidewalk Replacement - Various Locations was received.

The following resolution was presented:

2003-232 Courtemanche/Bradley: That Contract 2003-19, Concrete Curb & Sidewalk Replacement - Various Locations, be awarded to Interpaving Limited in the revised tendered amount of \$1,480,869.30, this being the lowest tender meeting all contract specifications.

CARRIED

Item AD.2
Contract 2003-20
Bancroft Drive
Reconstruction -
Phase 2, Kingsway
to Smith Street

Report dated 2003-05-13, with attachment, from the General Manager of Public Works regarding Contract 2003-20: Bancroft Drive (MR 67) Reconstruction - Phase 2, Kingsway to Smith Street was received.

The following resolution was presented:

2003-233 Courtemanche/Bradley: That Contract 2003-20, Bancroft Drive (MR 67) Reconstruction - Phase 2, Kingsway to Smith Street, be awarded to TeraNorth Construction Limited in the tendered amount of \$3,942,036.55, this being the lowest tender meeting all contract specifications.

CARRIED

Item A.D.2
(Continued)

AND FURTHER THAT the additional funding required be provided from:

Capital Financing Reserve Fund -Wastewater:	\$457,901
Capital Financing Reserve Fund - Water:	\$184,438
Capital Financing Reserve Fund - Roads:	\$489,698

CARRIED

CIVIC PETITIONS

Councillor Gainer

Councillor Gainer submitted a Petition to the City Clerk, signed by approximately 75 residents of the Gatchell area of the City of Greater Sudbury regarding cancellation of the proposed construction of a walking trail which links Delki Dozzi Park in the West End to the new Dynamic Earth without local citizen input.

The foregoing petition was referred to the General Manager of Citizen & Leisure Services for review.

Councillor Courtemanche

Councillor Courtemanche submitted a Petition to the City Clerk, signed by approximately 105 residents of the St. Anne's Road area requesting safety features be installed at this cross walk.

The foregoing tender was turned over to the General Manager of Public Works for review.

QUESTION PERIOD

Welcome

Councillor McIntaggart welcomed Ms. Francesca Zanutto, an Italian exchange student attending Laurentian University, who was in the audience.

Licensing By-law

Councillor Lalonde expressed concern regarding the increase in a business license fee charged for public halls and asked if a freeze could be put on this type of establishment until the by-law is reviewed.

The City Solicitor advised in order to amend the existing by-law, documentation to justify the fees would have to be produced, advertisements would have to be placed in the newspaper and public hearings would have to be held.

Councillor Kilgour advised the Licensing Committee would be meeting in the near future to look at eliminating many of the licensing fees or implementing a business register.

Clean Up Sudbury

Councillor Dupuis suggested the elementary schools, retired people and citizens who pick up garbage on the streets, sidewalks and ditches throughout the City of Greater Sudbury be recognized. He further suggested certificates be presented to them before a Priorities Committee meeting to show their participation in the "Clean Up Sudbury" campaign is appreciated.

Clean Up Sudbury
(Continued)

The General Manager of Public Works advised that the Clean Up Sudbury campaign includes recognition of citizens as part of the program.

West Nile Virus

Councillor Dupuis questioned what steps were being taken regarding spraying of drainage ditches to offset the West Nile Virus.

The General Manager of Public Works advised no money has been allocated by the Province for drainage improvements, controlling or doing away with wet lands. This would be a budget driven idea and there is no money in the budget to undertake this at this time.

The Chief Administrative Officer advised a report would come forward indicating what we can do to mitigate mosquito breeding areas under the Property Standards By-law.

Garbage Drop Off
Depot Sites

Councillor Callaghan advised he had received a letter from the Kukagami Campers Association regarding garbage drop off depot locations and asked the status of this request.

The General Manager of Public Works advised he would be meeting with the Association in the near future and their request would be discussed at that time.

Sudbury Land Fill
Site

Councillor Callaghan requested an update of the delays to access the Sudbury Land Fill Site.

The General Manager of Public Works advised a new fee schedule was implemented on May 1st, 2003. A new drop off zone is being constructed near the main gate and will allow residents to leave their debris at the entrance and not have to go through the land fill site.

Fire Permits

Councillor Callaghan asked if a system could be developed that would enable outside locations, such as the Town of Skead, to issue fire permits.

The Acting General Manager of Emergency Services advised he would review this matter and report back to Councillor Callaghan.

Adjournment

2003-234 Courtemanche/Bradley: That this meeting does now adjourn. Time: 10:00 p.m.

CARRIED

Deputy Mayor

Clerk

MINUTES OF THE TENDER OPENING COMMITTEE MEETING

Committee Room C-13A
Tom Davies Square
2003-05-20

Commencement: 2:30 p.m.
Adjournment: 2:40 p.m.

D. MATHÉ, MANAGER OF SUPPLIES & SERVICES, IN THE CHAIR

Present

T. Chee Wu, Senior Planner; L. Valle, Technician; K. Lessard, Law Clerk; M. Hauta, Accountant; L. Lesar, Secretary to the Manager of Supplies & Services

Contract 2003-26 Surface Treatment

Tenders for Contract 2003-26, Surface Treatment, Various Locations {estimated at a total cost of \$290,000.00} were received from the following bidders:

BIDDERS	TOTAL AMOUNT
Miller Paving Limited	\$242,224.46
Bruell Contracting	\$233,308.15
Interpaving Limited	\$301,684.36

A bid deposit in the form of a certified cheque, letter of credit, bid bond with an agreement to bond accompanied each tender.

The foregoing tenders were turned over to the Engineering Technician for review and recommendation to the General Manager of Public Works who would report to City Council.

Contract 2003-48 Landfill Site Transfer Station

Tenders for Contract 2003-48, Sudbury Landfill Site Small Vehicle Transfer Station {estimated at a total cost of \$2,600,000.00} were received from the following bidders:

BIDDERS	TOTAL AMOUNT
Cecchetto & Sons Ltd.	\$2,722,613.93
Nor Eng Construction	\$2,846,200.00
William Day Construction	\$3,013,851.13
Interpaving Limited	\$2,634,402.06
Pioneer Construction Inc.	\$2,447,881.45
R.M. Belanger Limited	\$2,499,337.12

A bid deposit in the form of a certified cheque, letter of credit, bid bond with an agreement to bond accompanied each tender.

Contract 2003-48
(Continued)

The foregoing tenders were turned over to the Engineering Technician for review and recommendation to the General Manager of Public Works who would report to City Council.

RFP for a
Transportation Study

Proposals for a Transportation Study {estimated between \$175,000.00 and \$225,000.00} were received from the following bidders:

BIDDERS

IBI Group
Entra Consultants
Earth Tech Canada Inc.
iTrans Consulting Inc.
Totten Sims Hubicki Associates (1997) Limited
Marshall Macklin Monaghan Ltd.

The foregoing proposals were turned over to the Senior Planner for review and recommendation to the General Manager of Economic Development & Planning who would report to City Council.

Adjournment

The meeting adjourned at 2:40 p.m.

Chairman

Secretary

T.O.C. 2003-05-20