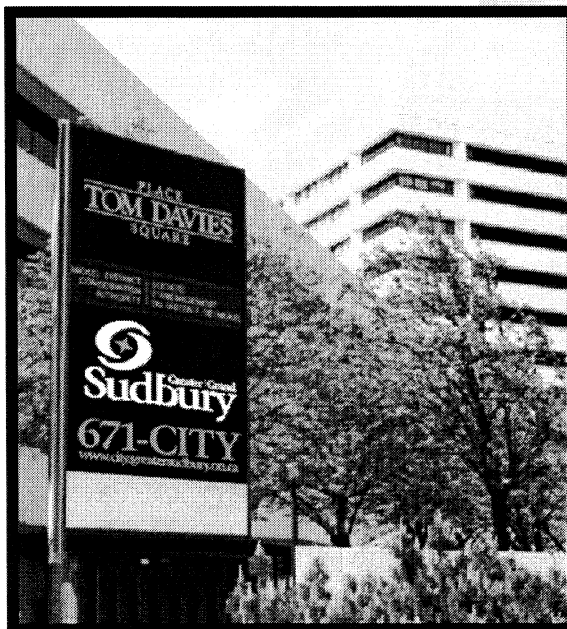


Vision: The City of Greater Sudbury is
a growing, world-class community
bringing talent, technology and a great
northern lifestyle together.

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

Agenda Ordre du jour



For the
City Council
Meeting
to be held

Pour la réunion
du Conseil
municipal qui
aura lieu

Thursday, October 14, 2004

jeudi 14 octobre 2004

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, OCTOBER 14, 2004

COUNCIL CHAMBER

TOM DAVIES SQUARE

7:00 P.M.

Agenda
ordre du jour



(19TH)

City Council AGENDA

*FOR THE **REGULAR MEETING OF CITY COUNCIL**
TO BE HELD ON **THURSDAY, OCTOBER 14, 2004 AT 7:00 P.M.**
IN THE **COUNCIL CHAMBER, TOM DAVIES SQUARE***

MAYOR DAVID COURTEMANCHE, CHAIR

COMMITTEE OF THE WHOLE - "IN CAMERA" **NO ITEMS TO BE DEALT WITH**

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

(PLEASE ENSURE CELL PHONES AND PAGERS ARE TURNED OFF)

The Council Chamber of Tom Davies Square is wheelchair accessible. Please speak to the City Clerk prior to the meeting if you require a hearing amplification device. Persons requiring assistance are requested to contact the City Clerk's Office at least 24 hours in advance of the meeting if special arrangements are required. Please call (705) 671-2489, extension 2475. Telecommunications Device for the Deaf (TTY) (705) 688-3919. Copies of Agendas can be viewed on the City's web site at www.greatersudbury.ca.

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

PUBLIC HEARINGS

{NONE}

PRESENTATIONS/DELEGATIONS

{NONE}

MATTERS ARISING FROM THE “IN CAMERA” SESSION

There are no In-Camera Items to be dealt with.

MATTERS ARISING FROM THE PLANNING COMMITTEE: 2004-10-05

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

MATTERS ARISING FROM THE PRIORITIES COMMITTEE: 2004-10-13

At this point in the meeting, the Chair of the Priorities Committee, Councillor Kett, will bring forward any matter requiring Council approval.

MATTERS ARISING FROM THE INTERVIEW COMMITTEE (CONTRACT CA004-04): 2004-10-14

At this point in the meeting, the Chair of the Interview Committee (Contract CA004-04), Councillor Kett, will bring forward the recommendation prepared for Council approval.

RECOMMENDATION:

THAT Contract CA004-04, Request for Proposal for a Review of the Organizational Structure and Practices of the City of Greater Sudbury be awarded to _____,
at an estimated fee of \$_____, including GST;

AND THAT the cost be charged to the _____.

AND FURTHER THAT the Chief Administrative Officer be authorized to enter into an Agreement with [name of consultant] satisfactory to the Director of Legal Services.

PART I - CONSENT AGENDA

(RESOLUTION PREPARED adopting resolutions for Items C-1 to C-15 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.)

<u>MINUTES</u>	<u>PAGE NO.</u>
C-1 Report No. 18, City Council, Minutes of 2004-09-30. (RESOLUTION PREPARED - MINUTES ADOPTED)	M1 - M14
C-2 Report No. 17, Planning Committee, Minutes of 2004-10-05. (RESOLUTION PREPARED - MINUTES ADOPTED)	M15 - M26
C-3 Report No. 1, Committee of the Whole, Minutes of 2004-10-05. (RESOLUTION PREPARED - MINUTES ADOPTED)	M27 - M28
C-4 Report No. 5, Ad Hoc Committee - Council Auditor, Minutes of 2004-10-05. (RESOLUTION PREPARED - MINUTES ADOPTED)	M29
C-5 Report No. 5, Special Meeting of Council, Minutes of 2004-09-29. (RESOLUTION PREPARED - MINUTES ADOPTED)	M30
C-6 Report No. 13, Priorities Committee, Minutes of 2004-10-13. (RESOLUTION PREPARED - MINUTES ADOPTED)(MINUTES TABLED)	
C-7 Report of the Tender Opening Committee, Minutes of 2004-09-27. (RESOLUTION PREPARED - MINUTES RECEIVED)	M31 - M32
C-8 Report of the Tender Opening Committee, Minutes of 2004-09-28. (RESOLUTION PREPARED - MINUTES RECEIVED)	M33
C-9 Report of the Tender Opening Committee, Minutes of 2004-10-05. (RESOLUTION PREPARED - MINUTES RECEIVED)	M34
C-10 Report of the Nickel District Conservation Authority, Minutes of 2004-09-22. (RESOLUTION PREPARED - MINUTES RECEIVED)	M35 - M41

PART I - CONSENT AGENDA (continued)

MINUTES (continued)

PAGE NO.

- C-11 Report No. 7, Sudbury & District Board of Health, Minutes of 2004-09-16.
(RESOLUTION PREPARED - MINUTES RECEIVED) **M42 - M48**
- C-12 Report No. 5, City of Greater Sudbury Public Library Board, Minutes of 2004-06-17.
(RESOLUTION PREPARED - MINUTES RECEIVED) **M49 - M51**
- C-13 Report of the Greater Sudbury Housing Corporation, Minutes of 2004-08-31.
(RESOLUTION PREPARED - MINUTES RECEIVED) **M52 - M60**

TENDERS

- C-14 Report dated 2004-10-06 from the General Manager of Public Works regarding Tender Award Options - Traffic Signal Installations: 1) MR 35 at Pilon Street; 2) MR 55 at Hillcrest Dr.
(RESOLUTION PREPARED) **1 - 2**

(Staff recommends Option 1: Award the contract for only one signal location in 2004 and re-tender for the other location in 2005 when funds become available. Staff would recommend awarding Part 'B', Municipal Road 55 and Hillcrest Drive in 2004, since these signals are warranted based on traffic volumes and were considered as part of the original 2004 Capital Budget. The maximum cost for the signal installation would be \$160,000.)

- C-15 Report dated 2004-10-14 from the General Manager of Emergency Services regarding Request for Proposal - Uniform and Safety Shoes Fire Services Division/ Emergency Services Department.
(RESOLUTION PREPARED) **3 - 4**

(That the proposal for the Uniform and Safety Shoes Contract for the Fire Services Division be awarded to Soucie Salo for a four-year term.)

ROUTINE MANAGEMENT REPORTS

{NONE}

TELEPHONE POLLS

{NONE}

PART I - CONSENT AGENDA (continued)

BY-LAWS

PAGE NO.

THE FOLLOWING BY-LAW APPEARS FOR A THIRD AND FINAL READING:

- 2004-260 3RD A BY-LAW OF THE CITY OF GREATER SUDBURY TO PROVIDE FOR THE TRILLIUM BRANCH "D" MUNICIPAL DRAINAGE WORKS IN THE CITY OF GREATER SUDBURY

(Received 1st and 2nd Reading at the 2004-09-16 Council Meeting.)

THE FOLLOWING BY-LAWS APPEAR FOR THREE READINGS:

- 2004-279A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING OF OCTOBER 14TH, 2004

- 2004-280F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE FUNDING FROM NATIONAL HOMELESSNESS INITIATIVE (NHI) PROGRAM FUNDING TO VARIOUS SOCIAL AGENCIES TO ASSIST IN DELIVERING COMMUNITY PROGRAMS DESIGNED TO REDUCE AND PREVENT HOMELESSNESS

Report dated 2004-10-06 from the General Manager of Health & Social Services Revised Allocation of Funding for Homelessness Projects/Programmes.

5 - 7

(The report will provide details of revised allocations of funds from the National Homelessness Initiative (SCPI) funding and the Community Placement Target Fund. The revised allocation of funds is necessary due to an unforeseen delay in the approval of the City's contract with the National Secretariate on Homelessness.)

- 2004-281F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE FUNDING FROM COMMUNITY PLACEMENT TARGET FUNDING TO VARIOUS SOCIAL SERVICE AGENCIES TO ASSIST IN DELIVERING COMMUNITY PROGRAMS DESIGNED TO REDUCE AND PREVENT HOMELESSNESS

Report dated 2004-10-06 from the General Manager of Health & Social Services Revised Allocation of Funding for Homelessness Projects/Programmes.

5 - 7

(The report will provide details of revised allocations of funds from the National Homelessness Initiative (SCPI) funding and the Community Placement Target Fund. The revised allocation of funds is necessary due to an unforeseen delay in the approval of the City's contract with the National Secretariate on Homelessness.)

PART I - CONSENT AGENDA (continued)

BY-LAWS (continued)

PAGE NO.

- 2004-282 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT
THE 2004-2005 GREATER SUDBURY TRANSIT ACCESSIBILITY
PLAN

Council Resolution 2004-505

- 2004-283 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT
THE 2004-2005 GREATER SUDBURY ACCESSIBILITY PLAN

Council Resolution 2004-505

- 2004-284Z 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND
BY-LAW 83-300, THE COMPREHENSIVE ZONING BY-LAW FOR
THE FORMER TOWN OF ONAPING FALLS AND THE FORMER
CITY OF VALLEY EAST

Planning Committee Recommendation 2004-218

(This By-law rezones the subject property to Single Residential to permit
the subdivision of the site into 89 lots for single residential. - C. Paquette
(Dalron Construction Ltd.), 1439 Dominion Drive, Hanmer.)

- 2004-285 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO
AUTHORIZE AN AGREEMENT WITH HER MAJESTY THE
QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING FOR
RECEIPT OF FUNDING UNDER THE RENT BANK PROGRAM

Report dated 2004-10-05 from the General Manager of Health &
Social Services regarding Provincial Rent Bank Program and
Emergency Energy Fund.

8 - 10

(The report will provide details of the Provincial government's Rent Bank
Program and Emergency Energy Fund with a recommendation that the
Canadian Red Cross - Sudbury Branch, administers the funds as part of
the existing Housing Registry and Rent Bank Program.)

PART I - CONSENT AGENDA (continued)

BY-LAWS (continued)

PAGE NO.

- 2004-286 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE AN AGREEMENT WITH THE CANADIAN RED CROSS SOCIETY FOR THE ADMINISTRATION OF FUNDING UNDER THE RENT BANK PROGRAM

Report dated 2004-10-05 from the General Manager of Health & Social Services regarding Provincial Rent Bank Program and Emergency Energy Fund.

8 - 10

(The report will provide details of the Provincial government's Rent Bank Program and Emergency Energy Fund with a recommendation that the Canadian Red Cross - Sudbury Branch, administers the funds as part of the existing Housing Registry and Rent Bank Program.)

- 2004-287 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE AN AGREEMENT WITH THE CANADIAN RED CROSS SOCIETY FOR THE ADMINISTRATION OF FUNDING UNDER THE PROVINCIAL EMERGENCY ENERGY FUND

Report dated 2004-10-05 from the General Manager of Health & Social Services regarding Provincial Rent Bank Program and Emergency Energy Fund.

8 - 10

(The report will provide details of the Provincial government's Rent Bank Program and Emergency Energy Fund with a recommendation that the Canadian Red Cross - Sudbury Branch, administers the funds as part of the existing Housing Registry and Rent Bank Program.)

THE FOLLOWING BY-LAW APPEARS FOR FIRST AND SECOND READING:

- 2004-288 2 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2002-202, THE PROCEDURE BY-LAW FOR THE CITY OF GREATER SUDBURY

Council Resolution 2004-505

(This By-law amends the Procedure By-law to include the terms of reference for the Accessibility Advisory Committee as adopted by Council at its meeting of September 30, 2004.)

CORRESPONDENCE FOR INFORMATION ONLY

{NONE}

PART II - REGULAR AGENDA

REFERRED AND DEFERRED MATTERS

PAGE NO.

{NONE}

MANAGERS' REPORTS

- R-1 Report dated 2004-10-06, with attachments, from the General Manager of Public Works regarding Levack Water Supply - Groundwater Assessment - Phase II. **11 - 23**
(RESOLUTION PREPARED)

(Council to provide the authority to proceed with the necessary groundwater pump test and monitoring to confirm the adequacy of a proposed well field as a future water supply for Levack.)

- R-2 Report dated 2004-10-06, with attachments, from the General Manager of Public Works regarding New Traffic Signals: 1) Kingsway (MR 55) at Moonlight Avenue; 2) Falconbridge Hwy (MR 86) at Auger Avenue; 3) Regent Street at Armstrong Road/Remington Avenue. **24 - 29**
(RESOLUTION PREPARED)

(The City's Transportation Engineering Services Section has received requests from Ward Councillors to review various locations for new traffic signals.)

- R-3 Report dated 2004-10-06, with attachments, from the General Manager of Public Works regarding Proposed Discontinuance of Deaf Child Area Sign Program. **30 - 44**
(RESOLUTION PREPARED)

(In 1986 this program was initiated at the request of the Canadian Hearing Society.)

- R-4 Report dated 2004-10-06 from the General Manager of Public Works regarding Explanation of Shaughnessy Street (Theatre Centre) Parking Lot Reconstruction Cost Overrun and Allocation from Parking Reserve Fund. **45 - 47**
(RESOLUTION PREPARED)

(This report outlines the reasons for the over expenditure: drainage problems, buried foundation walls & footings, buried house construction materials, engineered granular fill material.)

- R-5 Report dated 2004-10-08 from the General Manager of Citizen & Leisure Services regarding Renaming of Lily Creek Sports Complex to Honourable James Jerome Sports Complex. **48 - 64**
(RESOLUTION PREPARED)

(The Sudbury Historical Preservation Association has requested that the City of Greater Sudbury re-name the Lily Creek Sports Complex the Honourable James Jerome Sports Complex.)

PART II - REGULAR AGENDA (continued)

MANAGERS' REPORTS (continued)

PAGE NO.

- R-6 Report dated 2004-09-23 from the General Manager of Corporate Services regarding Appointment to Street Naming Committee. **65 - 66**
(RESOLUTION PREPARED)

(At its meeting of September 16, 2004, Council directed that it wished members of the public to serve in conjunction with Councillor Rivest on the Street Naming Committee.)

- R-7 Report dated 2004-10-08 from the General Manager of Corporate Services regarding Municipal Act Reform. **67 - 112**
(RESOLUTION PREPARED)

(This report supports the AMO paper on Municipal Reform and ads some additional items of interest for the City.)

MOTIONS

- R-8 **Presented by Councillor Reynolds:**

WHEREAS the Provincial government is moving one hundred twenty-two (122) net jobs to Sudbury from their Shared Services Bureau Operation from sixteen (16) municipalities across the Province;

AND WHEREAS these are excellent civil service positions;

AND WHEREAS since April 1, 2004, an **additional** fifty-five (55) Ontario Public Service ads have been posted for Sudbury;

AND WHEREAS these positions will have a positive economic impact on our community;

AND WHEREAS it is one of the priorities of this City to attract jobs to our community.

THEREFORE BE IT RESOLVED THAT this Council does formally acknowledge the benefits to our community by communicating its appreciation to the Member of Provincial Parliament for the riding of Sudbury, the Honourable Rick Bartolucci.

PART II - REGULAR AGENDA (continued)

ADDENDUM

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.}

2004-10-08

**THOM M. MOWRY
CITY CLERK**

**CORRIE-JO CAPORALE
COUNCIL SECRETARY**

Conseil municipal ORDRE DU JOUR

*DE LA RÉUNION ORDINAIRE DU CONSEIL MUNICIPAL
QUI DOIT AVOIR LIEU LE JEUDI 14 OCTOBRE 2004 À 19 H
DANS LA SALLE DU CONSEIL, PLACE TOM DAVIES*

LE MAIRE DAVID COURTEMANCHE, PRÉSIDENT

**COMITÉ PLÉNIER - À HUIS CLOS
AUCUNE QUESTION À TRAITER**

**19 H RÉUNION ORDINAIRE DU CONSEIL MUNICIPAL
SALLE DU CONSEIL, PLACE TOM DAVIES**

***(VEUILLEZ ÉTEINDRE LES TÉLÉPHONES CELLULAIRES ET LES
TÉLÉAVERTISSEURS)***

La salle du Conseil de la Place Tom Davies est accessible en fauteuil roulant. Si vous désirez obtenir un appareil auditif, veuillez communiquer avec le greffier municipal, avant la réunion. Les personnes qui prévoient avoir besoin d'aide doivent s'adresser au bureau du greffier municipal, au moins 24 heures avant la réunion, aux fins de dispositions spéciales. Veuillez composer le (705) 671-2489, poste 2475; appareils de télécommunications pour les malentendants (ATS) (705) 688-3919. Vous pouvez consulter l'ordre du jour au site Web de la Ville à l'adresse www.grandsudbury.ca.

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

AUDIENCES PUBLIQUES

{AUCUNE}

EXPOSÉS / DÉLÉGATIONS

{AUCUN}

QUESTIONS DÉCOULANT DE LA SÉANCE À HUIS CLOS

QUESTIONS DÉCOULANT DE LA RÉUNION DU COMITÉ DE PLANIFICATION tenue le 5 octobre 2004

Il n'y a pas de points à traiter à huis clos.

QUESTIONS DÉCOULANT DE LA RÉUNION DU COMITÉ DES PRIORITÉS tenue le 13 octobre 2004

À cette étape de la réunion, le conseiller Kett, président du Comité des priorités, rapportera toute question nécessitant l'approbation du Conseil municipal.

QUESTIONS DÉCOULANT DE LA SÉANCE DU COMITÉ D'ENTREVUE (CONTRAT CA004-04) tenue le 14 octobre 2004

À cette étape de la réunion, le conseiller Kett, président du Comité d'entrevue, rapportera la recommandation préparée aux fins d'approbation du Conseil municipal.

RECOMMANDATION:

QUE le contrat CA004-04, demande de propositions au sujet d'un examen de la structure organisationnelles et des pratiques de la Ville du Grand Sudbury, soit attribué à _____,

au coût estimatif de _____ \$, incluant la TPS;

ET QUE ce coût soit imputé au _____.

ET DE PLUS QUE l'administrateur en chef soit autorisé à conclure une entente avec [nom du consultant] qui satisfasse le directeur des Services juridiques.

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS

(RÉSOLUTION PRÉPARÉE adoptant des résolutions pour les articles C-1 à C-15 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 un débat ou par un vote séparé. Dans le cas d'un vote séparé, la question d'affaires isolée est retirée de l'ordre du jour des résolutions et 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-VERBAUX

PAGE N°

C-1	Rapport n° 18, Conseil municipal, procès-verbal de la réunion tenue le 30 septembre 2004 (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)	M1 - M14
C-2	Rapport n° 17, Comité de planification, procès-verbal de la réunion tenue le 5 octobre 2004 (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)	M15 - M26
C-3	Rapport n° 1, Comité plénier, procès-verbal de la réunion tenue le 5 octobre 2004 (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)	M27 - M28
C-4	Rapport n° 5, Comité ad hoc - vérificateur du Conseil, procès-verbal de la réunion tenue le 5 octobre 2004 (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)	M29
C-5	Rapport n° 5, Conseil municipal, procès-verbal de la réunion extraordinaire tenue le 29 septembre 2004 (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)	M30
C-6	Rapport n° 13, Comité des priorités, procès-verbal de la réunion tenue le 13 octobre 2004 (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL ADOPTÉ)(PROCÈS-VERBAL DÉPOSÉ)	
C-7	Rapport du Comité de dépouillement des soumissions, procès-verbal de la réunion tenue le 27 septembre 2004 (RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL REÇU)	M31 - M32

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

PROCÈS-VERBAUX (suite)

PAGE N°

- C-8 Rapport du Comité de dépouillement des soumissions, procès-verbal de la réunion tenue le 28 septembre 2004
(RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL REÇU) **M33**
- C-9 Rapport du Comité de dépouillement des soumissions, procès-verbal de la réunion tenue le 5 octobre 2004
(RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL REÇU) **M34**
- C-10 Rapport de l'Office de conservation de la nature du district du Nickel, procès-verbal de la réunion tenue le 22 septembre 2004
(RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL REÇU) **M35 - M41**
- C-11 Rapport n° 7, Service de santé publique de Sudbury et du district, procès-verbal de la réunion tenue le 16 septembre 2004
(RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL REÇU) **M42 - M48**
- C-12 Rapport n° 5, Conseil de la Bibliothèque publique du Grand Sudbury, procès-verbal de la réunion tenue le 17 juin 2004
(RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL REÇU) **M49 - M51**
- C-13 Rapport de la Société de logement du Grand Sudbury, procès-verbal de la réunion tenue le 31 août 2004
(RÉSOLUTION PRÉPARÉE - PROCÈS-VERBAL REÇU) **M52 - M60**

SOUMISSIONS

- C-14 Rapport daté du 6 octobre 2004 du directeur général des Travaux publics au sujet des options d'attribution de contrat - installations de feux de circulation : 1) R. M. 35 à la hauteur de la rue Pilon et 2) R. M. 55 à la hauteur de la promenade Hillcrest
(RÉSOLUTION PRÉPARÉE) **1 - 2**
- (Le personnel recommande l'Option 1 : Attribuer le contrat pour un seul endroit où mettre des feux de circulation en 2004 et faire une nouvelle demande de propositions au sujet de l'autre endroit en 2005 lorsque des fonds seront disponibles. Le personnel recommande d'attribuer la partie « B », à l'intersection de la route municipale 55 et de la promenade Hillcrest en 2004, puisque ces feux sont justifiés en se fondant sur les volumes de circulation et étaient à l'étude dans le cadre du budget original d'immobilisation 2004. Le coût maximum de l'installation de ces feux de circulation serait de 160 000 \$.)
- C-15 Rapport daté du 14 octobre 2004 du directeur général des Services d'urgence au sujet de la demande de soumissions - uniformes et chaussures de sécurité - Services d'incendie / Services d'urgence
(RÉSOLUTION PRÉPARÉE) **3 - 4**
- (Que le contrat au sujet des uniformes et des chaussures de sécurité pour les Services d'incendie soit attribué à la firme Soucie Salo pour un mandat de quatre ans.)

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

RAPPORTS DE GESTION COURANTS

PAGE N°

{AUCUN}

SONDAGES TÉLÉPHONIQUES

{AUCUN}

RÈGLEMENTS

LE RÈGLEMENT SUIVANT PARAÎT POUR LA 3^E ET DERNIÈRE LECTURE :

2004-260 3^E RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR FOURNIR À LA SUCCURSALE TRILLIUM « D » DES TRAVAUX DE DRAINAGE MUNICIPAUX DANS LA VILLE DU GRAND SUDBURY

(A passé en 1^{re} et en 2^e lecture lors de la réunion du Conseil tenue le 16 septembre 2204.)

LES RÈGLEMENTS SUIVANTS PARAISSENT POUR TROIS LECTURES :

2004-279A 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR CONFIRMER LES DÉLIBÉRATIONS DU CONSEIL MUNICIPAL LORS DE SA RÉUNION TENUE LE 14 OCTOBRE 2004

2004-280F 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR AUTORISER UNE SUBVENTION PROVENANT DU FINANCEMENT DE L'INITIATIVE NATIONALE POUR LES SANS-ABRI (INSA) À DIVERS ORGANISMES SOCIAUX POUR AIDER LA PRESTATION DE PROGRAMMES COMMUNAUTAIRES CONÇUS POUR RÉDUIRE ET PRÉVENIR LE PHÉNOMÈNE DES SANS-ABRI

Rapport daté du 6 octobre 2004 de la directrice générale de la Santé et des Services sociaux au sujet de la l'allocation révisée de financement pour les projets et les programmes destinés aux sans-abri

5 - 7

(Ce rapport fournira des détails des allocations révisées de financement provenant de l'Initiative nationale pour les sans-abri (INSA) et du Fonds ciblé de placement communautaire. L'allocation révisée de fonds est nécessaire en raison d'un retard imprévu de l'approbation du contrat de la Ville avec le Secrétariat national pour les sans-abri.)

PARTIE I - ORDRE DU JOUR DES RÉOLUTIONS (suite)

RÈGLEMENTS (suite)

PAGE N°

- 2004-281F 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR AUTORISER UNE SUBVENTION PROVENANT DU FINANCEMENT CIBLÉ DE PLACEMENT COMMUNAUTAIRE À DIVERS ORGANISMES SOCIAUX POUR AIDER LA PRESTATION DE PROGRAMMES COMMUNAUTAIRES CONÇUS POUR RÉDUIRE ET PRÉVENIR LE PHÉNOMÈNE DES SANS-ABRI

Rapport daté du 6 octobre 2004 de la directrice générale de la Santé et des Services sociaux au sujet de la l'allocation révisée de financement pour les projets et les programmes destinés aux sans-abri

5 - 7

(Ce rapport fournira des détails des allocations révisées de financement provenant de l'Initiative nationale pour les sans-abri (INSA) et du Fonds ciblé de placement communautaire. L'allocation révisée de fonds est nécessaire en raison d'un retard imprévu de l'approbation du contrat de la Ville avec le Secrétariat national pour les sans-abri.)

- 2004-282 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR ADOPTER LE PLAN D'ACCESSIBILITÉ 2004-2005 DU TRANSIT DU GRAND SUDBURY

Résolution du Conseil 2004-505

- 2004-283 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR ADOPTER LE PLAN D'ACCESSIBILITÉ 2004-2005 DE LA VILLE DU GRAND SUDBURY

Résolution du Conseil 2004-505

- 2004-284Z 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR MODIFIER LE RÈGLEMENT 83-300, RÈGLEMENT GÉNÉRAL DE ZONAGE DE L'ANCIENNE VILLE D'ONAPING FALLS ET DE L'ANCIENNE VILLE DE VALLEY EAST

Recommandation du Comité de planification 2004-218

(Ce règlement redéfinit le zonage de la propriété en question à Unifamiliale résidentielle pour permettre le lotissement du terrain en 89 lots à des fins résidentielles unifamiliales. - C. Paquette (Dalron Construction Ltd.), 1439, promenade Dominion, Hanmer.)

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

RÈGLEMENTS (suite)

PAGE N°

- 2004-285 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR
AUTORISER UNE CONVENTION AVEC SA MAJESTÉ LA REINE
AUX DROITS DE L'ONTARIO REPRÉSENTÉE PAR LE
MINISTRE DES AFFAIRES MUNICIPALES ET DU LOGEMENT
POUR LA RÉCEPTION DE FINANCEMENT EN VERTU DU
PROGRAMME DE BANQUES D'AIDE AU LOYER

Rapport daté du 5 octobre 2004 de la directrice générale de la
Santé et des Services sociaux au sujet du Programme provincial
de banques d'aide au loyer et du Fonds d'énergie d'urgence

8 - 10

(Ce rapport fournira des détails du Programme provincial de banques
d'aide au loyer et du Fonds d'énergie d'urgence du gouvernement
provincial avec une recommandation que la Croix-Rouge canadienne -
filiale de Sudbury administre ces fonds dans le cadre du programme
actuel de registre des logements et de banques d'aide au loyer.)

- 2004-286 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR
AUTORISER UNE CONVENTION AVEC LA SOCIÉTÉ
CANADIENNE DE LA CROIX-ROUGE POUR
L'ADMINISTRATION DU FINANCEMENT EN VERTU DU
PROGRAMME DE BANQUE D'AIDE AU LOYER

Rapport daté du 5 octobre 2004 de la directrice générale de la
Santé et des Services sociaux au sujet du Programme provincial
de banques d'aide au loyer et du Fonds d'énergie d'urgence

8 - 10

(Ce rapport fournira des détails du Programme provincial de banques
d'aide au loyer et du Fonds d'énergie d'urgence du gouvernement
provincial avec une recommandation que la Croix-Rouge canadienne -
filiale de Sudbury administre ces fonds dans le cadre du programme
actuel de registre des logements et de banques d'aide au loyer.)

- 2004-287 3 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR
AUTORISER UNE CONVENTION AVEC LA SOCIÉTÉ
CANADIENNE DE LA CROIX-ROUGE POUR
L'ADMINISTRATION DU FINANCEMENT EN VERTU DU FONDS
PROVINCIAL D'ÉNERGIE D'URGENCE

Rapport daté du 5 octobre 2004 de la directrice générale de la
Santé et des Services sociaux au sujet du Programme provincial
de banques d'aide au loyer et du Fonds d'énergie d'urgence

8 - 10

(Ce rapport fournira des détails du Programme provincial de banques
d'aide au loyer et du Fonds d'énergie d'urgence du gouvernement
provincial avec une recommandation que la Croix-Rouge canadienne -
filiale de Sudbury administre ces fonds dans le cadre du programme
actuel de registre des logements et de banques d'aide au loyer.)

PARTIE I - ORDRE DU JOUR DES RÉSOLUTIONS (suite)

RÈGLEMENTS (suite)

PAGE N°

LE RÈGLEMENT SUIVANT PARAÎT POUR LES 1^{RE} ET 2^E LECTURES :

- 2004-288 2 RÈGLEMENT DE LA VILLE DU GRAND SUDBURY POUR
MODIFIER LE RÈGLEMENT 2002-202, RÈGLEMENT DE
PROCÉDURE POUR LA VILLE DU GRAND SUDBURY

Résolution du Conseil 2004-505

(Ce règlement modifie le règlement de procédure en incluant le mandat du Comité consultatif de l'accessibilité adopté par le Conseil lors de sa réunion tenue le 30 septembre 2004.)

CORRESPONDANCE À TITRE DE RENSEIGNEMENTS SEULEMENT

{AUCUNE}

PARTIE II - ORDRE DU JOUR RÉGULIER

QUESTIONS REPORTÉES ET QUESTIONS RENVOYÉES

{AUCUNE}

RAPPORTS DE GESTIONNAIRES

- R-1 Rapport daté du 6 octobre 2004, accompagné de pièces jointes, du directeur général des Travaux publics au sujet de l'approvisionnement en eau de Levack - évaluation de l'eau souterraine - phase II. **11 - 23**
(RÉSOLUTION PRÉPARÉE)

(Le Conseil doit fournir l'autorité afin de procéder au test nécessaire de pompe d'eau souterraine et à la surveillance afin de confirmer le caractère adéquat d'un champ de puits proposé comme approvisionnement à venir en eau pour Levack.)

- R-2 Rapport daté du 6 octobre 2004, accompagné de pièces jointes, du directeur général des Travaux publics au sujet de nouveaux feux de circulation : 1) sur le Kingsway (R. M. 55) à la hauteur de l'avenue Moonlight, 2) sur la route Falconbridge (R. M. 86) à la hauteur de l'avenue Auger et 3) dans la rue Regent à la hauteur du chemin Armstrong / de l'avenue Remington **24 - 29**
(RÉSOLUTION PRÉPARÉE)

(Les Services du génie des transports de la Ville ont reçu des demandes de la part de conseillers municipaux d'examiner divers endroits en vue de nouveaux feux de circulation.)

PARTIE II - ORDRE DU JOUR RÉGULIER (suite)

RAPPORTS DE GESTIONNAIRES (suite)

PAGE N°

- R-3 Rapport daté du 6 octobre 2004, accompagné de pièces jointes, du directeur général des Travaux publics au sujet de la cessation proposée du programme de panneaux indiquant une zone pour enfants sourds
(RÉSOLUTION PRÉPARÉE) **30 - 44**

(En 1986, ce programme a été créé à la demande de la Société canadienne de l'ouïe.)

- R-4 Rapport daté du 6 octobre 2004 du directeur général des Travaux publics au sujet de l'explication des dépassements des coûts de la réfection du parc de stationnement de la rue Shaughnessy (Theatre Centre) et de l'allocation du Fonds de réserve pour le stationnement
(RÉSOLUTION PRÉPARÉE) **45 - 47**

(Ce rapport décrit les raisons du dépassement des dépenses : problèmes de drainage, murs et semelles de fondation enfouis, matériaux de construction domiciliaire enfouis, matériau de remblayage granuleux façonné.)

- R-5 Rapport daté du 8 octobre 2004 de la directrice générale des Services aux citoyens et des Loisirs au sujet de donner au Complexe sportif Lily Creek le nouveau nom de Complexe sportif Honorable James Jerome
(RÉSOLUTION PRÉPARÉE) **48 - 64**

(La Sudbury Historical Preservation Association, a demandé que la Ville du Grand Sudbury donne au Complexe sportif Lily Creek le nouveau nom de Complexe sportif Honorable James Jerome.)

- R-6 Rapport daté du 23 septembre 2004 du directeur général des Services corporatifs au sujet d'une nomination au Comité des noms de rue
(RÉSOLUTION PRÉPARÉE) **65 - 66**

(Lors de sa réunion tenue le 16 septembre 2004, le Conseil a demandé que des membres du public siègent avec le conseiller Rivest au Comité des noms de rue.)

- R-7 Rapport daté du 8 octobre 2004 du directeur général des Services corporatifs au sujet de la réforme de la Loi sur les municipalités
(RÉSOLUTION PRÉPARÉE) **67 - 112**

(Ce rapport appuie le mémoire de l'AMO sur la réforme municipale et ajoute certains points d'intérêt pour la Ville.)

PARTIE II - ORDRE DU JOUR RÉGULIER (suite)

MOTIONS

R-8 Présentée par le conseiller Reynolds :

ATTENDU QUE le gouvernement provincial déplace cent vingt-deux (122) emplois nets à Sudbury depuis son Bureau des services communs de seize (16) municipalités d'un peu partout dans la province;

ET QUE ce sont d'excellents postes de fonctionnaires;

ET QUE, depuis le 1^{er} avril 2004, on a annoncé cinquante-cinq (55) offres d'emploi **additionnelles** de la Fonction publique de l'Ontario pour Sudbury;

ET QUE ces postes auront un impact économique positif sur notre collectivité;

ET QUE c'est l'une des priorités de notre Ville d'attirer des emplois dans notre collectivité,

IL EST RÉSOLU QUE le présent Conseil municipal reconnaisse officiellement les avantages pour notre collectivité en communiquant sa reconnaissance au député de la circonscription de Sudbury, l'honorable Rick Bartolucci.

ADDENDA

PÉTITIONS CIVIQUES

PÉRIODE DE QUESTIONS

AVIS DE MOTION

HUIS CLOS (questions inachevées)

LEVÉE DE LA SÉANCE À 22 h (RÉSOLUTION PRÉPARÉE)

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

LE 8 OCTOBRE 2004

**THOM M. MOWRY,
GREFFIER MUNICIPAL**

**CORRIE-JO CAPORALE,
SECRÉTAIRE DU CONSEIL**

Request for Decision City Council



Type of Decision

Meeting Date	October 14 th , 2004				Report Date	October 6 th , 2004			
Decision Requested	☒	Yes	☐	No	Priority	☒	High	☐	Low
	Direction Only				Type of Meeting	☒	Open	☐	Closed

Report Title

Tender Award Options - Traffic Signal Installations
 1. Municipal Road 35 at Pilon Street
 2. Municipal Road 55 at Hillcrest Drive

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 only part 'B', Municipal Road 55 at Hillcrest Drive, of Contract 2004-21, be awarded as traffic signals are currently warranted at this intersection, and,

THAT the installation of traffic signals at the intersection of Municipal Road 35 at Pilon Street be re-tendered in 2005.

Recommendation Continued

Recommended by the General Manager

Don Belisle

General Manager of Public Works

Recommended by the C.A.O.

Mark Mieto
Chief Administrative Officer

Date: October 6th, 2004**Report Prepared By**

Nathalie Mihelchic, P. Eng.
Manager of Transportation Engineering Services

Division Review

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

Background:

A Tender for the installation of traffic signals at Municipal Road 35 and Pilon Street and Municipal Road 55 and Hillcrest Drive, closed on September 14th, 2004.

Only one bid was received from R.M. Belanger, in the sum of Two Hundred, Seventy Four Thousand, Three Hundred Sixty Six Dollars (\$274,366). This bid did not include material such as traffic controller cabinets and signal heads which were purchased directly by the City staff earlier this summer to allow for sufficient delivery time. The additional cost of Fifty Two Thousand Dollars (\$52,000) for these materials brings the total installation cost for both locations to Three Hundred Twenty Six Thousand Dollars (\$326,000). The approved budget for the signal installations is One Hundred Ninety Eight Thousand Dollars (\$198,000).

Items such as curbs and asphalt boulevard replacements can be deleted from the contract without impacting the signal installations. As well, two options were given for installing the cross-road ducts. Deleting these items would reduce the contract by a minimum of Forty Eight Thousand Dollars (\$48,000). Therefore, the total installation price for both locations would become Two Hundred Seventy Eight Thousand Dollars (\$278,000).

The following options are being presented for Council's consideration in light of the elevated bid results:

- 1) Award the contract for only one signal location in 2004 and re-tender for the other location in 2005 when funds become available. Staff would recommend awarding Part 'B', Municipal Road 55 and Hillcrest Drive in 2004, since these signals are warranted based on traffic volumes and were considered as part of the original 2004 Capital Budget. The maximum cost for the signal installation would be One Hundred Sixty Thousand Dollars (\$160,000).
- 2) Cancel the entire contract and re-tender in the Spring of 2005. More bids may be received at a more competitive price when contractors have less work.
- 3) Award the contract and approve additional funds available from unused Capital Roads Budgets.

Staff recommends Option 1.

Request for Decision City Council



Type of Decision

Meeting Date	October 14th, 2004				Report Date	October 14th, 2004			
Decision Requested	☒	Yes	☐	No	Priority	☒	High	☐	Low
	Direction Only				Type of Meeting	☒	Open	☐	Closed

Report Title

**Request for Proposal - Uniform & Safety Shoes
Fire Services Division / Emergency Services Department**

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

Funding for this contract is available from the Uniforms Line Account from the Materials and Operating Expenses.

Background Attached

Recommendation

THAT the Request for Proposal for a Contract to purchase Uniforms and Safety Shoes be awarded to Soucie Salo Safety Inc. in the amount of \$31,174.79 for uniforms and \$9,197.72 for safety shoes, annually, for a 4-year term.

Recommendation Continued

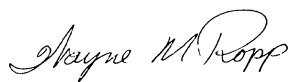
Recommended by the General Manager

ALAN STEPHEN
GENERAL MANAGER OF EMERGENCY SERVICES

Recommended by the C.A.O.

MARK NIETO
CHIEF ADMINISTRATIVE OFFICER

Date: October 14th, 2004

Report Prepared By


WAYNE ROPP
DISTRICT CHIEF

Division Review


DONALD M. DONALDSON
FIRE CHIEF

Requests for Proposals were opened at the Tender Opening Committee Meeting of September 21st, 2004, for the purchase of uniforms and safety shoes for Fire Services Employees. There were 5 bids submitted:

- R. Nicholls Distributors Inc;
- Uniform Uniform;
- Soucie Salo Safety Inc.;
- LaSalle Uniform Shop; and
- Carleton Uniforms.

However, Carleton Uniforms withdrew their bid and the LaSalle Uniform Shop's bid was rejected due to bid irregularities.

Soucie Salo Safety Inc. was the only bid that included all the items without substitutions. Uniform Uniform did not bid on the footwear and had substitutions for many of the items, and R. Nicholls Distributors Inc., did not bid on the footwear.

Part of the process was to rate the bids on the following criteria:

60% price
20% quality
20% local service and warehousing

From the remaining 3 bids submitted the following are the evaluations using the above criteria weighting system:

Company	Total Annual Price	Price	Quality	Local	Total
R. Nicholls Distributors Inc.	\$34,749.08	50	20	5	75
Uniform Uniform	\$28,760.29	60	10	5	75
Soucie Salo Safety Inc. **	\$31,174.79	55	20	20	95

** Soucie Salo Safety Inc.'s total bid was \$40,372.51, including the footwear. To keep the comparisons equal the cost of the footwear in the sum of \$9,197.72 was removed, because they were the only bid to include these.

After evaluating and applying the Grid Criteria Weighting system, an award is recommended to Soucie Salo Safety Inc. for the Uniforms and Safety Shoes in the amount of \$31,174.79 for uniforms and \$9,197.72 for safety shoes, annually, for a 4-year term.

Request for Decision City Council

Type of Decision

Meeting Date	October 13, 2004				Report Date	October 6, 2004			
Recommendation	☒	Yes	☐	No	Priority	☒	High	☐	Low
	Direction Only		☐		Type of Meeting	☒	Open	☐	Closed

Report Title

Revised Allocation of Funding for Homelessness Projects / Programs

Policy Implications + Budget Impact

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

No budget impact. This report identifies the revised allocation of funding from both the National Homelessness Initiative Funding (SCPI – Supporting Communities Partnership Initiative) and the Community Placement Target Fund (CPTF) to homelessness projects and programs that was necessary due to the delay in the approval of the City's contract by the National Secretariat on Homelessness.

☒ Background attached

Recommendation

Whereas Council approved the allocation of \$693,810 from the National Homelessness Initiative to specific projects / programs through By-law 2004-154; and

Whereas there was an unexpected delay in the approval of these funds by the National Secretariat on Homelessness; and

Whereas Council approved the allocation of \$222,048 from Community Placement Target Fund to specific projects and programs through By-law 2004-152;

Therefore, be it resolved that the Council of the City of Greater Sudbury authorize the reallocation of both these funds; and

☒ Recommendation attached

Recommended by the General Manager



Catherine Matheson
General Manager, Health & Social Services

Recommended by the C.A.O.


Mark Meito
Chief Administrative Officer

Date: October 6, 2004

Report Authored By


Mary Murdoch
Co-ordinator, Emergency Shelters & Homelessness Initiatives

Division Review

Harold Duff
Director, Social Services

Further, be it resolved that By-law 2004-152 be repealed and replaced with a new by-law to reflect the revised spending allocation as noted in this report for the 2004 and 2005 calendar year; and

Further, that By-law 2004-154 be repealed and replaced with a new by-law to reflect the spending allocation as noted in this report for the 2004 and 2005 calendar year.

Background

The City of Greater Sudbury was awarded \$693,810 from the National Homelessness Initiative (SCPI). Council approved the allocation of the funding to various projects and programs in May 2004. (By-law 2004-154).

In May 2004, Council also approved the allocation of \$222,048 to specific projects and programs from the Community Placement Target Fund Reserve (By-law 2004-152).

The funding from the National Homelessness Initiative was to be effective April 1, 2004. Due to an unforeseen delay in the approval of the City's contract with the National Secretariat on Homelessness, the funding became available August 2, 2004. Since both sources of funding are required to ensure that homelessness programs continue in 2004 and 2005, the allocations to service providers must be revised. The total allocation from the National Homelessness Initiative and the Community Placement Target Fund remains unchanged.

The total revised allocation of funds to service providers for 2004 and 2005 combined are recommended as follows:

Project/Program	NHI	CPTF	Total
Catholic Charities Soup Kitchen		\$30,706	\$30,706
Corner Clinic	\$46,750	\$19,250	\$66,000
Elgin Street Mission	\$104,115	\$47,304	\$151,419
Elizabeth Fry Transition House	\$43,721	\$11,335	\$55,056
Extreme Cold Weather Alert		\$37,000	\$37,000
Inner Sight Educational Homes	\$77,728	\$20,152	\$97,880

Date: October 6, 2004

Project/Program	NHI	CPTF	Total
First Steps	\$130,718	\$32,458	\$163,176
John Howard Society	\$27,778	\$11,438	\$39,216
New Hope Outreach Services	\$200,000		\$200,000
Overcomers of Sudbury		\$12,405	\$12,405
Research	\$45,000		\$45,000
Other (Administrative Expenses)	\$18,000		\$18,000
Total Costs	\$693,810	\$222,048	\$915,858

Request for Decision City Council



Type of Decision

Meeting Date	October 13, 2004				Report Date	October 5, 2004			
Recommendation	☒	Yes	☐	No	Priority	☒	High	☐	Low
	Direction Only		☐		Type of Meeting	☒	Open	☐	Closed

Report Title

Provincial Rent Bank Program and Emergency Energy Fund

Policy Implications + Budget Impact

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

Policy Implications: The expenditure of these funds is consistent with the scope of the City's Homelessness Initiatives and enhances the City's capacity to support low-income families and individuals.

Budget Impact: This is a one-time enhancement to the 2004 and 2005 budgets which is funded 100% by the Provincial government.

☒ Background attached

Recommendation

Whereas the Provincial government has provided 100% one-time funding to municipalities for a Rent Bank Program and Emergency Energy Fund; and

Whereas the City of Greater Sudbury has received an allocation of \$136,080 for the Rent Bank Program and \$34,620 for the Energy Emergency Fund; and

Whereas the Canadian Red Cross – Sudbury Branch currently administers the Housing Registry and Rent Bank Program on behalf of the City;

☒ Recommendation attached

Recommended by the General Manager

Catherine Matheson
General Manager, Health & Social Services

Recommended by the C.A.O.

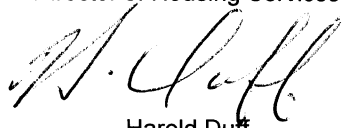
Nick Miletto
Chief Administrative Officer

Date: October 5, 2004

Report Authored By


Mary Murdoch
Coordinator of Emergency Shelters and
Homelessness Initiatives

Division Review


Denis Desmeules
Director of Housing Services

Harold Duff
Director of Social Services

Recommendation (continued)

Therefore be it resolved that the City of Greater Sudbury be authorized to enter into a contract with the Ministry of Municipal Affairs and Housing for the Rent Bank Program and the Ministry of Community and Social Services for the Emergency Energy Fund; and

Further that the City of Greater Sudbury enter into an agreement with the Canadian Red Cross – Sudbury Branch to administer the Rent Bank Program and Emergency Energy Fund effective November 1, 2004; and

THAT the necessary bylaws be passed.

Background

The Provincial government announced on March 29, 2004 the establishment of the Rent Bank Program and the Energy Emergency Fund. These programs will help low-income tenants, including social assistance recipients, with short-term rental and energy utility arrears, security deposits and reconnection fees. Funding has been allocated to municipalities based on a population model with the City of Greater Sudbury receiving \$136,080 for the Rent Bank Program and \$34,620 for the Energy Emergency Fund. This is a one-time funding commitment to municipalities to ensure housing stability for low income households and to prevent homelessness.

The Rent Bank Program allows for a maximum of two months rental arrears paid directly to the landlord. The Emergency Energy Fund may cover a maximum of two months payment arrears, security deposits and reconnection fees for electricity, natural gas, oil and other forms of energy, paid directly to the energy provider. Individual eligibility for each program is based on the assessment of need and long-term ability to manage rent and/or utility costs. Assistance may be provided to a family once. A maximum of ten percent (10%) of the funds allocated to the City for each program may be used for administration of the funds.

It is recommended that the Canadian Red Cross – Sudbury Branch, administer the Rent Bank Program and the Energy Emergency Fund on behalf of the City of Greater Sudbury. This agency has been funded since 2000 to operate a Housing Registry and Rent Bank Program as a component of the City's homelessness initiatives. The United Way and private fund raising by the Canadian Red Cross

Date: October 5, 2004

supplement the City's funding for this Program.

The Housing Registry and Rent Bank Program helps clients maintain their housing or secure new accommodations and has been successfully averting evictions or disconnections of vital services. Clients who benefit from this program have accessed all other financial resources and supports including family, service clubs, churches, etc. and receive these emergency funds as a last resort. During 2003, 73 of the 122 cases assisted (60%) were rent-related with \$19,271 being paid directly to landlords; 48 of the cases assisted (39%) were utility-related with \$13,023 being paid directly to utility companies; one individual (1%) received assistance to move due to other reasons.

The additional, one-time, 100% funding provided by the Province will enable the Red Cross to increase the current one-time maximum of \$300 per case for rent and \$300 per case for utilities to a one-time maximum of \$1,000 for rent and \$500 for utilities. These increases will have a beneficial impact on families in the community and would consider arrears.

The Canadian Red Cross advocates on behalf of clients by negotiating reduced deposits and payment plans with landlords and utility companies. The Canadian Red Cross seeks assistance from other programs and agencies that are able to help meet the immediate financial need; most frequently from the Ontario Works Program, Ontario Disability Support Program and the Community Emergency Fund administered by the Social Planning Council. Payment is approved and paid directly to the service provider once the problem has been successfully resolved. The Canadian Red Cross also provides clients with referrals to food banks, furniture and clothing depots and to agencies that provide services such as credit counselling and parental support programs.

Request for Decision City Council



Type of Decision									
Meeting Date	October 14, 2004				Report Date	October 6, 2004			
Decision Requested	☒	Yes		No	Priority	☒	High		Low
	Direction Only				Type of Meeting	☒	Open		Closed

Report Title
Levack Water Supply Supply Groundwater Assessment - Phase II

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

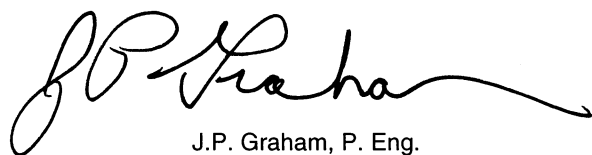
Recommendation
That Council authorize the Phase II Groundwater Assessment work for the proposed new Levack Water Supply as outlined in the letter proposal from Dennis Consultants dated October 1st, 2004, at an estimated cost of \$400,000 and, That Dennis Consultants be authorized to carry out this work as an extension of the City's Contract Number PWD04-29SP for the development of a New Water Supply Strategy for the Community of Levack.
Recommendation Continued

Recommended by the General Manager
 Don Belisle General Manager of Public Works

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

Date: October 6, 2004

Report Prepared By



J.P. Graham, P. Eng.
Manager of Environmental Innovation & Energy Initiatives

Division Review



Don Belisle
General Manager of Public Works

Background:

In November 2003, Inco gave notice to the City of its intention to terminate the provisions of an agreement to supply potable water to the Community of Levack as of January 1st, 2005.

During the meeting of January 15th, 2004, Council passed the following resolution:

"That Dennis Consultants be retained to develop a New Water Supply Strategy for the Community of Levack and that this assignment be carried out in accordance with the requirement of our Standard Engineering Service Agreements."

As background information we attach a copy of the Report that was provided during the January 15th meeting.

Since that time an Environmental Assessment Review has identified a potential groundwater supply northwest of the community as the preferred option for Levack's new water supply. As outlined in the attached letter from Dennis Consultants, "Desktop" Hydrological Studies indicate that this aquifer theoretically has the potential to supply the Community.

In order to confirm the viability of the aquifer, the next phase is to conduct additional borehole exploration and to develop a pilot test well for a 72-hour pump test to confirm that the groundwater aquifer has sufficient quantity of water available.

Following a successful 72-hour pump test, the next phase would be to develop a production well and carry out a three month pump test in order to confirm that there is adequate insitu filtration provided by the aquifer. This information is critical to confirm the treatment requirements at this location and to finalize the Environment Study Report.

The estimated cost to carry out this work is \$400,000. The work will be funded from the 2004 Capital Water Budget under an item for the Levack Water Supply.

Dennis Consultants have been involved with this project since its infancy and we recommend that the existing contract with Dennis Consultants to develop a new water supply for Levack be expanded to include this work. Council should be aware that this recommendation does not follow the provisions of its Purchasing By-Law, in that proposals were not requested from other consulting firms.

Request for Decision City Council



Type of Decision

Meeting Date	January 15, 2004				Report Date	January 7, 2004			
Decision Requested	☒	Yes	☐	No	Priority	☒	High	☐	Low
	Direction Only				Type of Meeting	☒	Open	☐	Closed

Report Title

New Water Supply - Community of Levack

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 Dennis Consultants be retained to develop a New Water Supply Strategy for the Community of Levack and that this assignment be carried out in accordance with the requirement of our Standard Engineering Service Agreements.

Recommendation Continued

Recommended by the General Manager

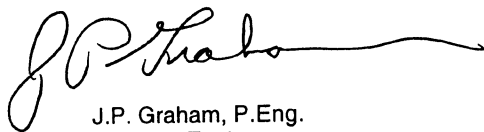
Don Belisle
General Manager of Public Works

Recommended by the C.A.O.

Mark Mieto
Chief Administrative Officer

Date: January 7, 2004

Report Prepared By



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

Division Review



Don Belisle
General Manager of Public Works

Background:

Based on an Agreement dated May 19th, 1976, Inco has supplied water to the City for the Community of Levack. Through their letter dated November 27th, 2003, Inco has given notice in accordance with the Agreement of its intention to terminate the provisions of potable water to the City as of January 1st, 2005, on which date the Agreement shall terminate and become null and void.

Inco is taking this action at the present time because of new regulations related to the supply of potable water. Essentially, Inco has made a business decision to minimize their involvement in the operations and maintenance of potable water systems where possible.

While Inco has given notice of termination of our Agreement, as outlined in their attached letter, they intend to work closely with the City and participate in finding a reasonable long term plan for the supply of water to Levack in order to ensure an orderly transfer of this service.

This transfer of service will require the preparation of an Environmental Study Report examining the alternatives and recommending a final solution. We recommend that Dennis Consultants be retained to prepare the Environmental Study Report necessary to develop a new supply strategy. Council should be aware that this recommendation does not follow the provisions of the City's Purchasing By-Law, in that proposals were not requested from various consulting firms. Dennis Consultants has worked with both Inco and the City around the issues regarding the supply of water to the Community of Levack for the past two and a half years. In fact, while working with Inco and evaluating their options regarding potable water supply in the Levack area, Dennis Consultants has already identified and costed most of the new supply options. Obviously their substantial knowledge of the situation positions Dennis Consultants to be able to complete this work, including the preparation of a final Environmental Study Report, in the most cost effective way.

The cost of preparing this Environmental Study Report will approach \$75,000.00 and will be financed through funds in the 2002 Capital Water Envelope set up to carry out works associated with the implementation of new drinking water regulations.



RECEIVED
NOV 28 2003

CITY OF GREATER SUDBURY ENGINEERING

J.S. (Scott) McDonald
General Manager
Ontario Operations

November 27, 2003

DELIVERED

Mr. Paul Graham, P.Eng.
Plants Engineer
The City of Greater Sudbury
Tom Davies Square
200 Brady Street
SUDBURY, Ontario
P3A 5P3

Dear Mr. Graham:

**RE: INCO LIMITED
Supply of Water to
THE CITY OF GREATER SUDBURY
LEVACK**

I am writing to you as a result of our ongoing discussions relating to the Levack Water Treatment Plant and the supply by Inco Limited ("Inco") to The City of Greater Sudbury (the "City") of potable water from the Plant.

The relationship between Inco and the City is based on an Agreement dated May 19, 1976, between Inco and The Regional Municipality of Sudbury, now the City, (the "Agreement"). Section 6 of the Agreement provides as follows:

6. This Agreement shall run for a term of one year from the 1st day of January, 1976, and if not terminated as hereinbefore set out, shall be renewable automatically on a yearly basis. Should either of the parties to this Agreement desire to terminate the Agreement, such parties shall be required to give to the other party, one year's notice of cancellation, said notice to be given in writing to the other party at least thirty days prior to the anniversary date.

Please be advised that pursuant to the provisions of the aforesaid Section 6 Inco hereby gives to the City notice of its intention to terminate the provisions of potable water to the City as of January 1st, 2005, on which date the Agreement shall terminate and become null and void.

The matter of Inco's participation in the City's project or Falconbridge's Seal Lake project has been discussed. You have advised us that it is the intention of the City to apply for funding under available provincial and federal infrastructure programs. Once all of the costs and all of the funding sources have been identified, Inco is prepared to discuss with the City what our role and participation could entail.

We look forward to assisting and working with the City to ensure an orderly transfer of this service takes place.

Yours very truly,



Scott McDoanld

COPY TAKEN

cc Don Belisle
Ron Swickble
Nick Benkovich



DENNIS CONSULTANTS

CIVIL ENGINEERS

a division of R.V. Anderson Associates Limited

436 Westmount Avenue Unit #6
Sudbury Ontario P3A 5Z8
Tel (705) 560 5555
Fax (705) 560 5822
Web www.rvanderson.com

DC FILE NO. 6186.16

October 6, 2004

City of Greater Sudbury
Box 5000, Station A
Sudbury, ON. P3A 5P3

Attention: Mr. P. Graham, P.Eng.
Manager of Environmental Innovation and Energy Initiatives

Dear Sirs:

**Re: City of Greater Sudbury
Environmental Assessment
Levack Water Supply Alternatives-Preferred Alternative
Ground Water Assessment Phase II
Contract No. PWD-04-29SP**

Please accept the following letter outlining the additional ground water development work, and estimated engineering fees.

At the onset of this Environmental Assessment (EA), the option of an alternative ground water supply was not considered to be viable for various reasons. Consequently, a review of ground water alternatives in the Community of Levack, was not included in the scope of work for the EA.

Information, obtained from INCO during the EA process revealed that the potential for a ground water supply northwest of the community, along the Onaping River might be viable. This supply may be of sufficient quality to supply the community with potable water with "only" enhanced disinfection/treatment, or may be used as a more secure and seasonally stable supply for the water treatment plant option.

Follow-up work consisting of establishing monitoring wells in the vicinity of a possible municipal well site and conducting a preliminary "desktop" hydrogeological study were completed to determine, in a preliminary fashion, whether sufficient potable groundwater of suitable quality is available. This work was completed as part of the investigative phase of the EA reviewing possible supply alternatives.

The results of the preliminary "desktop" hydrogeological study indicated that the ground water appears to be generally good quality and that a well yield of 200 gpm is theoretically possible from the aquifer. The favorable results suggested that a new ground water supply for the community may be a viable alternative.

Accordingly, this alternative was then evaluated as part of the EA process. Environmental impacts, socio-economic impacts, capital cost, etc. were reviewed and compared with those of the other alternatives. The ground supply alternative was found to have the least overall negative impact and the most economical to construct. The result of the evaluation was presented at the Second Public Information Meeting held on September 9th.

The ground supply alternative was presented as the preferred alternative, pending the completion of further hydrogeological investigation required to confirm the aquifer capacity, assess the quality of the water and potential influence of surface water.

The hydrogeological investigation or Phase II ground water assessment is necessary to finalize the locations of the well site, quantify the volume of water available and determine the degree of naturally occurring filtration and quality of the water. These studies are summarized as follows:

<i>Golder Associates</i>	<i>Estimated Budget</i>
1. Exploration Holes for Levack Only	\$8,000
2. Additional Exploration Holes for the Onaping and the Levack Supply	\$15,000
3. 200mm diameter pilot/test/production well	\$30,000
4. 72 hour pump test and report	\$30,000
5. 3-month pump test, monitoring and analysis	\$30,000
6. Long term test, analysis and GUDI Study	\$25,000
7. Review of Environmental impacts, field studies, analysis and reporting for the proposed well site.	\$4,500
8. Analysis and Reporting	<u>\$5,500</u>
<i>Sub-Total Golder Associates</i>	<i>\$148,000</i>

<i>Dennis Consultants</i>	<i>Estimated Budget</i>
1. Project management, engineering field surveys, field monitoring etc.	\$25,000
2. Preparation of Conceptual Design Report assuming well system is GUDI with effective insitu filtration.	\$30,000
3. 3 rd Public Meeting	\$5,000
4. Finalize EA Documentation, complete Notice of Completion	\$12,000
5. Coordination, engineering design and preparation of tender/quotation documents for the pilot well structure, electrical supply, and monitoring equipment.	<u>\$15,000</u>
<i>Sub-Total Dennis Consultants</i>	<i>\$ 87,000</i>
Allowance for electrical hook up for the pilot well and future well building, temporary, shelter and monitoring equipment for the 3 month well test.	\$125,000
<i>Sub-Total</i>	<i>\$ 360,000</i>
Contingency Allowance	<u>\$ 40,000</u>
Total Estimated Budget	\$400,000

We have attached copies of Golder's quotations for the above work for your information and suggest the City consider a phased approach to reviewing the potential ground water supply.

Phase one would be to initiate the exploration holes, develop the pilot/test well and conduct the 72-hour pump test to confirm a sufficient quantity of water is available.

Conceptual design would then begin to size the pump and electrical supply with an emphasis on sizing and installing the systems for the 3-month test and new well facility. We have assumed that the production well as a minimum would supply a new water treatment plant, should we not be able to prove effective insitu filtration.

We have established an allowance to cover the capital cost of a permanent electrical supply including poles and transformers, as well as the rental of a temporary shelter and monitoring equipment necessary to complete the 3-month test.

We trust this meets with your needs at this time. Should you require any additional information please feel free to call our office.

Yours truly,

DENNIS CONSULTANTS



Shawn Scott, P.Eng.
Project Manager
/ww

J:\6000 series\6186\Admin\GenCorr\6186-040610-sns- Levack revised scope.doc

FACSIMILE TRANSMISSION

Golder Associates Ltd.

662 Falconbridge Road
Sudbury, ON, Canada P3A 4S4



Telephone: 705-524-6861
Fax Access: 705-524-1984

DATE:	September 20, 2004	JOB NO:	04-1192-019
TO:	Shawn Scott	FAX NO:	560-5822
	Dennis Consultants	TOTAL PAGES:	3
COPY:		cc: FAX NO:	
FROM:	Brian Grant	EMAIL:	
RE:	REVISED ADDITIONAL GROUNDWATER DEVELOPMENT LEVACK AND ONAPING		

Mr. Scott:

As discussed, the following comments relate to the potential for groundwater development north of the current water supply system in Levack, Ontario, as part of the EA project. In addition, comments have been made regarding the potential for further developing a groundwater resource in the general area for the community of Onaping.

LEVACK WATER SUPPLY

Our previous study, in support of the EA, was conducted to determine if overburden soil adjacent to the Onaping River and north of the current supply wells, could support a groundwater taking of approximately 200 gallons per minute. Based on some previous testing conducted by International Water Supply and the overburden stratigraphy encountered during our drilling program, the aquifer appears to have potential for development. However, the aquifer stratigraphy appeared to be variable, depending on location, and it was concluded that additional borehole exploration will be beneficial in the identification of optimum test well drilling locations. We suggest that 3 additional exploration boreholes be drilled; a single 8-inch test well be drilled; and a preliminary 72-hour pumping test be conducted to confirm that this pumping rate is available, to support our conclusions for the EA. Estimated costs for an expanded exploration program are as follows:



Please advise immediately if any pages are not received

The document(s) included in this transmission are intended only for the recipient(s) named above and contain privileged and confidential information. Any unauthorized disclosure, dissemination or copying of this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify our receptionist by telephone and destroy the transmission. Thank you.

- Additional exploration boreholes \$ 8,000
- 8-inch diameter test well to 20 m depth \$30,000
- 72-hour pumping test and report \$30,000

If the testing indicates that the groundwater supply is available, the EA can move forward and future well field designs and a long-term pumping test can be completed.

The purpose of the long-term pumping test would be to determine if the encountered aquifer provides adequate in situ filtration, and to verify the stability of the supply as a long-term source. It is assumed that the City of Greater Sudbury would provide power to the test well site, a temporary control building and particle counter equipment to monitor the water quality during various seasonal and precipitation events, over a period of several months.

Costs for this phase of work are estimated as follows:

- 3-month pumping test monitoring analysis \$30,000
- Long-term test analysis and GUDI study \$25,000

To complete the biological work for the Levack EA, field studies will be required. The following costs are:

- Field Study for Alternative 3 \$ 4,500
- Analysis and Reporting \$ 5,500

The additional borehole drilling can be conducted during the week of September 27th. A water well drilling rig (Davidson Environmental) will be available to install the test well on the week of October 12th. The pumping test work would subsequently be conducted during the week of October 18th. All analysis and reporting should be complete by the end of November 2004.

ONAPING WATER SUPPLY

It is our understanding that the City of Greater Sudbury wishes to determine the potential for further expansion of groundwater takings from this general area, beyond the original 200-gallon per minute rate. This is not likely available from the previously studied area, but may be available in the river valley extending northward, provided that deep coarse sand soil is continuous along the river. Due to the variability in soil conditions observed in our drilling study, we suggest that exploratory borehole drilling be extended northward, in order to evaluate the potential for additional groundwater development. This field program can be added to the additional drilling program that was suggested in the Levack well study. Assuming borehole

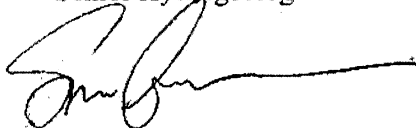
depths in the range of 18 m to 20 m, and half of the boreholes instrumented with monitoring wells, 7 exploration boreholes would require a budget on the order of \$15,000. Some difficult drilling conditions may be encountered at some locations. Only a limited effort would be made to overcome difficult drilling, to minimize drilling budget overruns. This work can be completed concurrent with the borehole drilling for the Levack water supply (week of September 27, 2004).

We trust that this information is sufficient for your present purposes. If you have any questions, or require further clarification, please do not hesitate to contact the undersigned.

GOLDER ASSOCIATES LTD.



Brian Grant, P.Eng.
Senior Hydrogeologist



Sam Gauvreau, P.Eng.
Managing Associate

BG/RSG/lb

Original hard copy to follow by mail ☐ Yes, ☒ No
cc's hard copy to follow by mail ☐ Yes, ☐ No

Request for Decision City Council



Type of Decision

Meeting Date	October 14 th , 2004				Report Date	October 6 th , 2004			
Decision Requested	☒	Yes		No	Priority	☒	High		Low
	Direction Only				Type of Meeting	☒	Open		Closed

Report Title

New Traffic Signals: 1. Kingsway (M.R. 55) at Moonlight Avenue
2. Falconbridge Hwy. (M.R. 86) at Auger Avenue
3. Regent Street at Armstrong Street / Remington Avenue

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 new traffic signal locations be placed on a priority list, and,

THAT the locations which do not currently meet the warrants be monitored on an annual basis, and

THAT when the warrants are satisfied, and,

THAT when funds become available, the locations be identified in the following order:

1. Kingsway (M.R. 55) at Moonlight Avenue
2. Falconbridge Hwy (M.R. 86) at Auger Avenue
3. Regent Street at Armstrong Street / Remington Avenue

Recommendation Continued

Recommended by the General Manager

Don Belisle
General Manager of Public Works

Recommended by the C.A.O.

Mark Mieto
Chief Administrative Officer

Date: October 6th, 2004

Report Prepared By



for
Nathalie Mihelchic, P. Eng.
Manager of Transportation Engineering Services

Division Review



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

Background:

The City's Transportation Engineering Services Section has received requests from Ward Councillors to review various locations for new traffic signals. Three intersections have been identified for study. These locations are: Kingsway (M.R. 55) at Moonlight Avenue; Falconbridge Highway (M.R. 86) at Auger Avenue; Regent Street at Armstrong Street / Remington Avenue. (See attached Exhibits 'A' and 'B').

The three locations are described as follows:

Kingsway (M.R. 55) at Moonlight Avenue

At the Council meeting of June 24th, 2004, Councillor Reynolds submitted a petition from residents in the Minnow Lake area requesting that traffic signals be installed at the intersection of the Kingsway (M.R. 55) and Moonlight Avenue. (See Exhibit 'A'). Staff conducted a turning movement count at the above intersection on August 6th, 2004.

The Kingsway (M.R. 55) at Moonlight Avenue, is a primary arterial roadway with an annual average daily traffic (AADT) volume of 15,000. It is constructed to rural standards with a four lane cross-section including two through lanes, one eastbound right-turn lane and opposing left-turn lanes. The posted speed limit on the Kingsway at this location is 80 km/h. The intersection of the Kingsway and Moonlight Avenue is a cross-intersection with the entrance to the Sudbury Landfill Site directly across from Moonlight Avenue on the north side. Traffic is controlled at the intersection with a stop sign facing Moonlight Avenue and one facing the entrance to the landfill site. Moonlight Avenue is designated as a collector roadway.

The data was applied to the Provincial warrants for the installation of traffic signals. These warrants are based on traffic volumes including pedestrian volumes and collision experience. The results indicate that the minimum vehicle volume and delay to cross-traffic warrants are 84 percent and 97 percent respectively. As both warrants are above 80 percent, the installation of traffic signals are currently warranted.

The collision history from 2001-2003 inclusive, indicates that there have been five reported collisions at this intersection. The collision rate for the three year period is 0.3 collisions per million vehicle entries. Although not ideal, this collision rate is considered low.

Recommendation::

Our analysis indicates that traffic signals are currently warranted at this intersection. It is recommended that One Hundred Twenty Five Thousand Dollars (\$125,000) be included in the 2005 Capital Roads Budget to install the signals at this intersection.

Date: October 6th, 2004

Falconbridge Hwy. (M.R. 86) and Auger Avenue

Staff was also requested to conduct a warrant review for new traffic signals at the intersection of Falconbridge Highway (M.R. 86) and Auger Avenue. (See Exhibit 'A')

Falconbridge Highway is a primary arterial road with an AADT volume of 22,000 at Auger Avenue. In the study area, it has a five-lane rural cross-section with two through lanes in each direction and a centre two-way left-turn lane. There are no sidewalks on Falconbridge Highway. The posted speed limit is 60 km/h.

Auger Avenue is a collector road with an AADT volume of 5,000 at Falconbridge Highway. It is built to collector standards with a pavement width of 12 metres and a sidewalk on the east side. The posted speed limit is 50 km/h. Auger Avenue intersects with Falconbridge Highway at approximately 90 degrees forming a "T" intersection.

A manual turning movement count was performed by staff on August 15th, 2000 and the data was applied to the Provincial warrants for the installation of traffic signals. The results indicate that the warrants for signals approached 62 percent of being satisfied on one criteria and based on the combination warrant, the signals fell short of the required warrants of 80 percent.

Another volume count was performed on June 22nd, 2004 and the results indicate that traffic volumes have increased, bringing them closer to meeting the warrants. The new results indicate that the minimum vehicle volume warrant is 73 percent of being satisfied and delay to cross-traffic is 80 percent of the requirement. Based on the combination warrant, volumes now fall only 7 percent short of meeting the criteria for traffic signals.

The collision history from 2001-2003 inclusive, indicates that there have been four reported collisions at this intersection. The collision rate for the three year period is 0.2 collisions per million vehicle entries. Although not ideal, this collision rate is considered low.

Recommendation:

Although traffic signals are not currently warranted, it is anticipated that with normal growth combined with the expansion of the RioCan Centre, traffic signals will be required in the near future.

Staff will continue to monitor traffic volumes at this intersection.

Regent Street and Armstrong Street / Remington Avenue

As a result of concerns from area residents forwarded by Ward Councillors, staff have been conducting manual turning movement counts on an annual basis at the intersection of Regent Street and Armstrong Street. (See Exhibit 'B'). Previous counts revealed that this intersection is approaching the need for traffic signals.

Date: October 6th, 2004

Regent Street is a primary arterial roadway with an annual average daily traffic (AADT) volume of 13,500. It is constructed to rural standards with a five lane cross-section including two through lanes in each direction and a centre left-turn lane. The posted speed limit on Regent Street at this location is 60 km/h. The intersection of Regent Street and Armstrong Street / Remington Avenue, is a cross-intersection. Traffic is controlled at the intersection with stop signs facing traffic on Remington Avenue and Armstrong Street.

The most recent manual turning movement count was performed on July 23rd, 2004 and the data was applied to the Provincial warrants for the installation of traffic signals. The results indicate that the minimum vehicle volume approached 90 percent of warrants. Based on the combination warrants, the traffic volumes fell short of the warrants by only 11 percent.

The collision history from 2001-2003 inclusive, indicates that there has been one reported collision at this intersection. The collision rate for the three year period is 0.1 collisions per million vehicle entries. Although not ideal, this collision rate is considered low.

Recommendation:

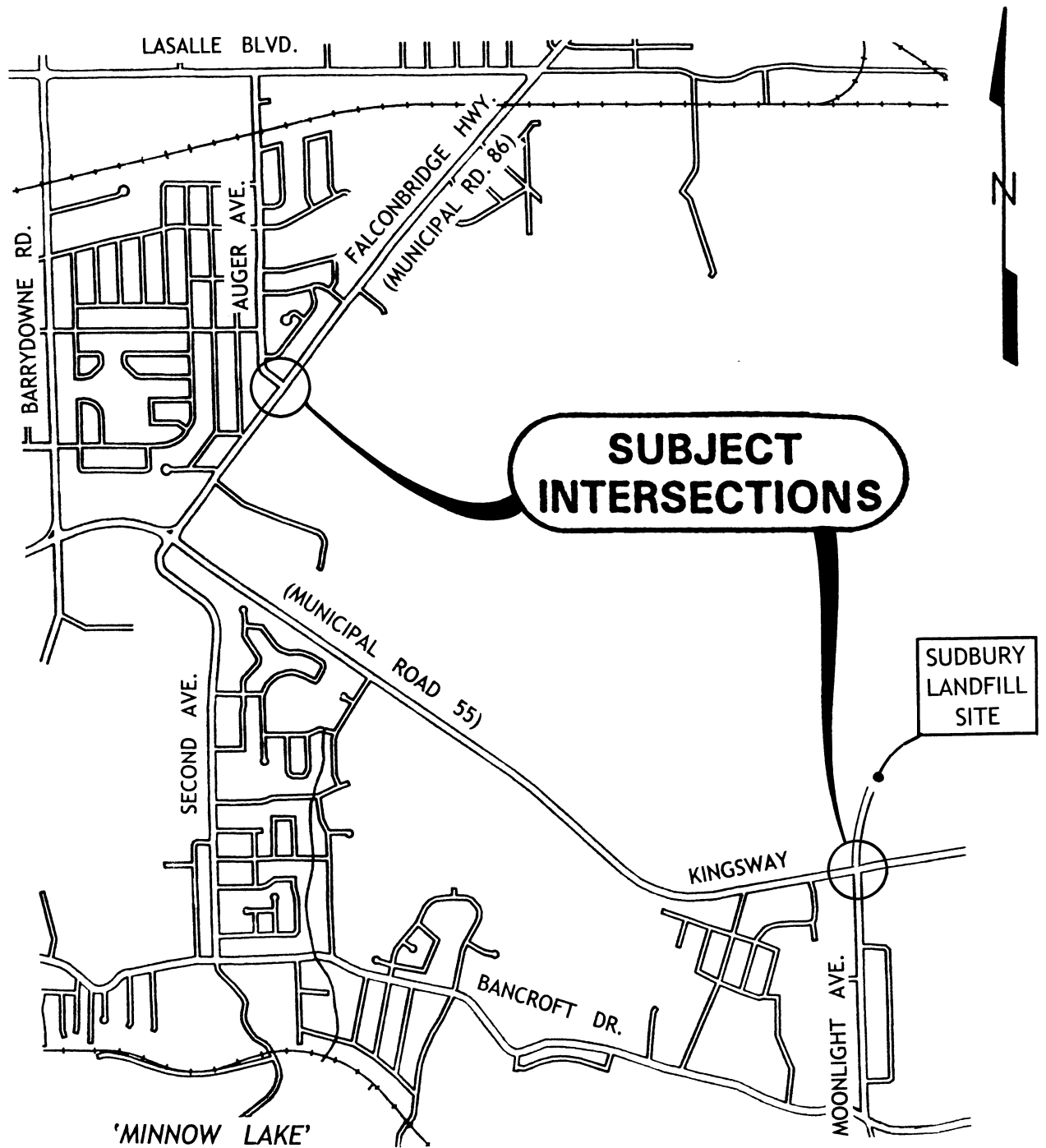
Although not currently warranted, traffic signals will be required at this location as part of a pending retail development on Regent Street at Remington Avenue. In the mean time, traffic volumes will be monitored on an annual basis to determine when signals are required. If the traffic volumes warrant signals prior to the development proceeding, the City will schedule traffic signals.

It is proposed that these new traffic signal locations be placed on a priority list and that those not currently meeting the warrants be monitored on an annual basis. It is also recommended that when funds become available through the capital roads budget, the locations be identified in the following order:

1. The Kingsway (M.R. 55) and Moonlight Avenue - Warranted
2. Falconbridge Highway (M.R. 86) and Auger Avenue
3. Regent Street and Armstrong Street / Remington Avenue

The estimated average cost for traffic signals is One Hundred Twenty Five Thousand Dollars (\$125,000) per intersection. The cost estimate would be refined as part of the preparation of tenders.

EXHIBIT: A

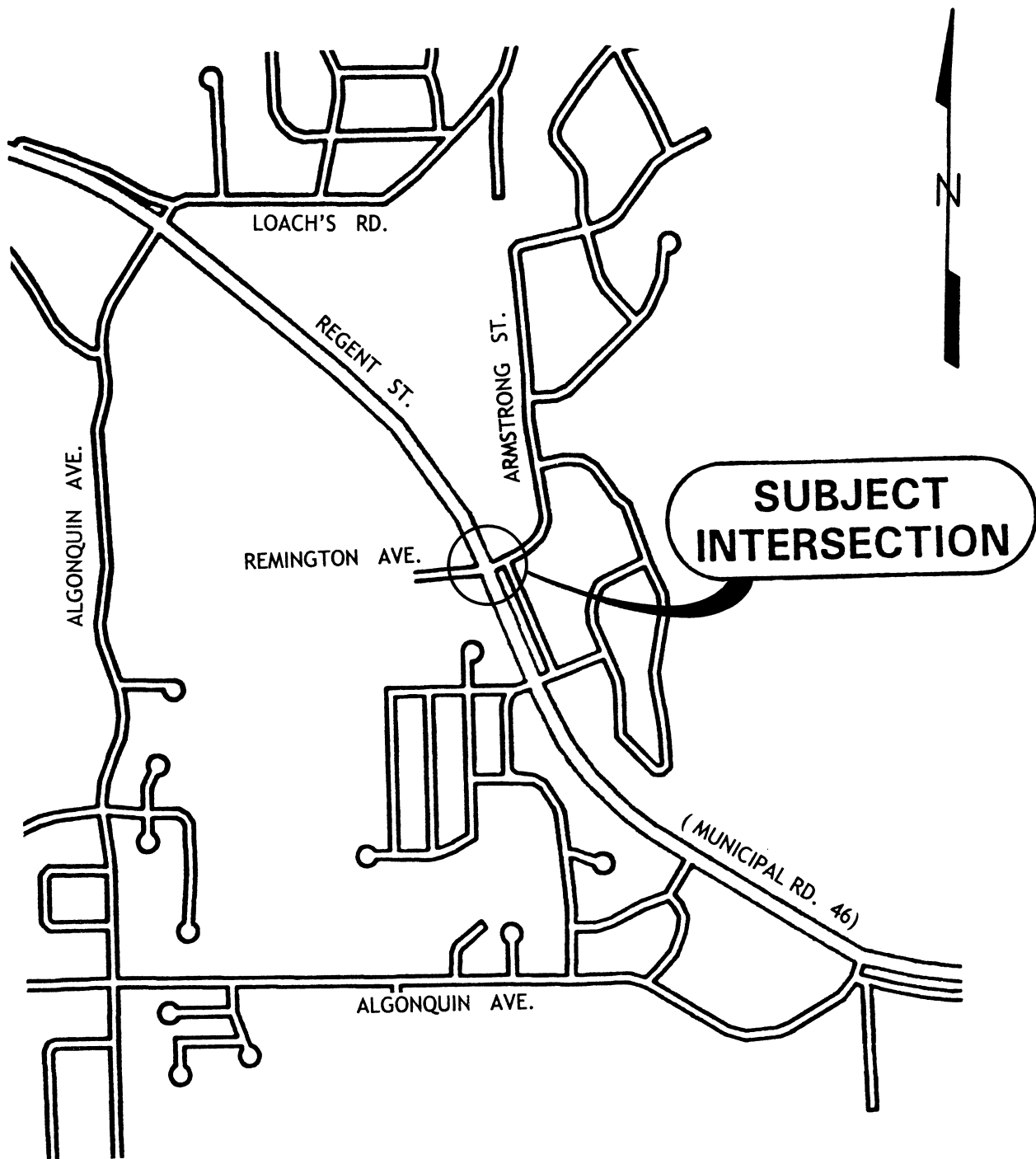


KINGSWAY (M.R.55) at MOONLIGHT AVE.
FALCONBRIDGE HWY. (M.R. 86) AT AUGER AVE.

NEW TRAFFIC SIGNALS

2004/10/05

N.T.S.



	REGENT ST. (M.R. 46) at ARMSTRONG ST./REMINGTON AVE.		
	NEW TRAFFIC SIGNALS		
	2004/10/05		N.T.S.

Request for Decision City Council



Type of Decision

Meeting Date	October 14 th , 2004				Report Date	October 6 th , 2004			
Decision Requested	☒	Yes		No	Priority	☒	High		Low
	Direction Only				Type of Meeting	☒	Open		Closed

Report Title

Proposed Discontinuance of Deaf Child Area Sign Program

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

In view of the fact that this program was initiated at the request of the Canadian Hearing Society and based on input from our legal and insurance staff, it is recommended that this program be discontinued for all new sign installations.

Further, it is recommended that the City maintain the existing signs until such time as they are no longer required (ie. when either the child moves outside of the City or reaches the age of 15 years).

Recommendation Continued

Recommended by the General Manager

Don Belisle
General Manager of Public Works

Recommended by the C.A.O.

Mark Mieto
Chief Administrative Officer

Date: October 6th, 2004

Report Prepared By



for
Nathalie Mihelchic, P. Eng.
Manager of Transportation Engineering Services

Division Review



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

Background:

In 1986, the former City of Sudbury entered into a Deaf Child Area Sign Program. In brief, the applicant through the Canadian Hearing Society, would apply to the City for installation of signs. Both the applicant and Canadian Hearing Society would have to indemnify the City from all liability relating to the program. The City would fabricate, install and maintain the signs.

In 1994, the former Regional Municipality of Sudbury entered into a similar program for signs requested on Regional Roads.

Copies of both former City of Sudbury's and Regional Municipality of Sudbury's Policy and Programs are attached in Exhibit 'A' and 'B', respectively.

Since amalgamation, similar deaf child signs have been identified in approximately 12 locations, including the former City of Sudbury, City of Valley East, Towns of Walden and Rayside Balfour. No documentation has been found to verify that the former area Towns entered into a similar policy and program.

Our files have no record of any requests for sign maintenance, relocation and / or removal of unnecessary signs.

In May 2003, the Canadian Hearing Society, (Exhibit 'C' attached), advised the City that they would no longer indemnify the City of all liability. Further, in March of 2004, (Exhibit 'D' attached), the Canadian Hearing Society advised that they would no longer participate / support the program.

Subsequent to receipt of the letter from the Canadian Hearing Society, a survey of other municipalities similar to the one by the former City of Sudbury in 1986, was carried-out this summer. The survey indicates that only the City of Windsor and Greater Sudbury have a formal "deaf child area signage" program and policy approved by Council.

The vast majority of other municipalities do not participate in similar advisory sign programs. They rely entirely on the Ontario Manual for Uniform Traffic Devices (MUTCD), as to what signs are permissible within their municipalities.

During the survey and research of the current program, and based on discussions with our Legal and Insurance Sections, the following information became available:

- 1) There are no studies or reports available that show the value / effectiveness of this or similar signage programs in improving child safety.
- 2) There are no records of any requests for maintenance, relocation or removal of signs from local participants.

Date: October 6th, 2004

- 3) There are numerous studies that indicate that local drivers soon become oblivious to signs and fail to heed their message, and,
- 4) Children and parents develop a false sense of security because of these types of warning signs.

In view of the fact that this program was initiated at the request of the Canadian Hearing Society and based on input from our legal and insurance staff, it is recommended that this program be discontinued for all new sign installations.

Further, it is recommended that the City maintain the existing signs until such time as they are no longer required (ie. when either the child moves outside of the City or reaches the age of 15 years).

On 1986-08-13 the Council of The Corporation of the City of Sudbury passed the following resolution:

86-502: That a Policy be established whereby 'Deaf Child Area' signs be fabricated, erected and maintained by the City in accordance with the conditions set out in the report from the Commissioner of Physical Services, dated 1986-07-16;

And further that the written form to be utilized for requesting 'Deaf Child Area' signs be revised to include appropriate wording, whereby the Applicant and the Canadian Hearing Society would each indemnify the City from all liability relating to the supply, erection or maintenance of the signs.

For your information.

DEAF CHILD AREA SIGNS

INTRODUCTION

A request to install signs on roadways near the homes of children with a hearing impairment has been directed to the Municipality through the Sudbury and District Regional Office of the Canadian Hearing Society.

CONSIDERATIONS

The Society is concerned that motorists are not aware that one of a number of children is unable to react normally to an approaching vehicle because of the "invisible" handicap. They request that as in some communities, signs be erected on the approaches to the home of a deaf child.

Some research has been carried out and a meeting was held with Society representatives and some concerned parents. It was generally agreed that if signs are to be installed, their use would have to be carefully controlled. The following guide lines have been developed and agreed upon:

1. A request on the prescribed form is submitted to the Commissioner of Physical Services by the parent or guardian through the Sudbury and District Regional Office of the Canadian Hearing Society.
2. The application will include certification by a physician or audiologist as to the level of impairment.
3. The child is three years of age but has not reached the fifteenth year of age.
4. That the parent or guardian through the Society advise the Municipality of any change in address or the time the child reaches the age of fifteen years so that the signs can be relocated or removed as required.

DEAF CHILD AREA SIGNS

Page 3

The signs are not included as a recognized traffic control device in the Ontario Manual. They are therefore not eligible for subsidy.

A survey of several major municipalities indicates that the City of Windsor is the only large municipality installing the signs. They have been in use for approximately three years and are now installed at about forty (40) locations. No major problems have been experienced and no attempt has been made to evaluate their effectiveness. All costs for the installation and ongoing maintenance of the signs have been borne by the City of Windsor.

Because of the potential for civil litigation, the application form includes an indemnification clause. It is expected that the applicant, parent or guardian will notify the Municipality through the Hearing Society if maintenance of the sign is required.

The necessary maintenance of signs on public roads will be carried out by Municipal forces at Municipal expense.

In order to ensure sign uniformity, all signs would be fabricated and installed by the Municipality on public roads. In the case that a sign or signs are requested on private roads, the Municipality would "gift" the sign and post to the Hearing Society.

Arrangements for the installation of the sign would be made with the property owner by the parent and/or the Society. They would also arrange for the actual installation at their cost.

DEAF CHILD AREA SIGNS

Page 4

The estimated cost of fabricating and installing a sign is \$125.00. Based on Windsor's experience, a total of forty signs (twenty locations) would cost the City approximately \$5,000.00. The annual ongoing maintenance is estimated to be approximately \$600.00. No provision has been included in the current budget to cover the cost of this signing.

RECOMMENDATIONS

If it is Council's wish to provide the requested signing, the following resolution should be passed:

- That "deaf child area" signs be installed subject to the conditions set out in the report from the Commissioner of Physical Services dated 1986-07-16 and, that \$5,000.00 be included in the 1987 Budget to cover the cost of these signs.

JAR:sl

1986-07-16

R E Q U E S T F O R

To: The Canadian Hearing Society
176 Larch Street, 1st Floor
Sudbury, Ontario
P3E 1C5

We the undersigned, the parent(s)/guardian(s) of _____,
(name)

a hearing impaired child, request the placement of one DEAF CHILD
SIGN on _____ and another on _____
(street name) (street name)

Should we no longer require the above-mentioned sign and/or move to a new location, we will notify The Canadian Hearing Society. The Canadian Hearing Society will ensure this information is forwarded to the Manager of Traffic and Parking Services at the City of Sudbury, so that the sign(s) may be removed and/or relocated near our new address.

An Audiologist's statement on the child's degree of hearing loss and his/her recommendation is attached.

Dated at Sudbury, Ontario this _____ day of _____ 19____.

Signature _____

Witness

A U T H O R I Z A T I O N

TO: *The Canadian Hearing Society*
176 Larch Street
Sudbury, Ontario
P3E 1C5

*We the undersigned, the owners of property located on
Tulip Terrace, Copper Cliff, Ontario, hereby authorize the installation
of two deaf child area signs to be erected on my property.*

*The Canadian Hearing Society will not be held liable for
any damages incurred with the placement or removal of any deaf child
area signs.*

DATED at Sudbury, Ontario this _____ day of
_____, 198__.

W I T N E S S :



City of Sudbury
Ville de Sudbury

REQUEST FOR DEAF CHILD AREA SIGN

TO: The Canadian Hearing Society,
176 Larch Street, 1st Floor,
Sudbury, Ontario P3E 1C5

We, _____,
(hereinafter referred to as the "applicant"), the parent(s) /
guardian(s) of _____, a hearing impaired
child, request the placement of DEAF CHILD AREA SIGN(S) on
_____. We reside at _____.

Should we no longer require the above-mentioned sign(s)
and/or move to a new location, we will notify The Canadian
Hearing Society. The Canadian Hearing Society will ensure this
information is forwarded to the Manager of Traffic and Parking
Services at the City of Sudbury, so that the sign(s) may be
removed and/or relocated near our new address. An Audiologist's
statement on the child's degree of hearing loss and his/her
recommendation is attached.

The applicant shall indemnify the City, its respective
officers, employees and agents against all actions, causes of
action, suits, claims, demands and costs whatsoever arising by
reason of the installation and maintenance of the Deaf Child
Area Sign(s), its agents or employees doing, failing to do, or
doing incorrectly or negligently anything it is required to do
herein.

Dated at Sudbury, Ontario this ____ day of _____ 19 ____.

witness

The Canadian Hearing Society supports the request of
the applicant and hereby requests The Corporation of the City of
Sudbury to install the Deaf Child Area Sign(s).

The Canadian Hearing Society hereby agrees to indemnify
the City, its respective officers, employees and agents against
all actions, causes of action, suits, claims, demands and costs
whatsoever arising by reason of the installation and maintenance
of the Deaf Child Area Sign(s), its agents or employees doing,
failing to do, or doing incorrectly or negligently anything it
is required to do herein.

Dated at Sudbury, Ontario this ____ day of _____ 19 ____.

The Canadian Hearing Society

**SUBJECT: DEAF CHILD AREA SIGNING -
REGIONAL ROADS**

14 June 1994

To allow for the control of the installation of signs on Regional roads and to ascertain continued usefulness of the "Deaf Child Area" signs, it is recommended that the following Sign Installation Policy be implemented.

SIGNING POLICY

INSTALLATION OF DEAF CHILD AREA SIGNS

1. The request for the installation of "Deaf Child Area" signs on Regional roads near a private residence, be submitted by the parent or guardian of a child to the Regional Engineer through the Canadian Hearing Society on a prescribed form as per Exhibit "A".
2. The application for such a sign include certification by a physician or an audiologist as to the level of impairment.
3. The child is three years of age but has not reached the fifteenth year of age.
4. That the parent or guardian, through the Society, advise the Regional Engineer of changes in address or when the child reaches fifteen years of age so that the sign can be removed or relocated as required.
5. That requests for the installation of "Deaf Child Area" signs for locations on Regional roads adjacent to facilities where special functions for deaf or hearing impaired children are regularly offered be submitted to the Regional Engineer, through the Canadian Hearing Society.
6. Since the potential for civil litigation exists, the applicant and the Canadian Hearing Society must each indemnify the Regional Municipality of Sudbury from all liability relating to the supply, erection or maintenance of the sign(s). It is expected that the applicant will notify the Region through the Hearing Society if maintenance of the sign is required, as per Exhibit "B".
7. The manufacture, installation and maintenance of the signs approved under this Policy will be carried out by Regional forces at Municipal expense.

REQUEST FOR DEAF CHILD AREA SIGN

TO: The Canadian Hearing Society,
176 Larch Street, 1st Floor,
Sudbury, Ontario P3E 1C5

We, _____,
(hereinafter referred to as the "applicant"), the parent(s) /
guardian(s) of _____, a hearing impaired
child, request the placement of DEAF CHILD AREA SIGN(S) on
_____. We reside at _____.

Should we no longer require the above-mentioned sign(s)
and/or move to a new location, we will notify The Canadian
Hearing Society. The Canadian Hearing Society will ensure this
information is forwarded to the Manager of Traffic and Parking
Services at the City of Sudbury, so that the sign(s) may be
removed and/or relocated near our new address. An Audiologist's
statement on the child's degree of hearing loss and his/her
recommendation is attached.

The applicant shall indemnify the City, its respective
officers, employees and agents against all actions, causes of
action, suits, claims, demands and costs whatsoever arising by
reason of the installation and maintenance of the Deaf Child
Area Sign(s), its agents or employees doing, failing to do, or
doing incorrectly or negligently anything it is required to do
herein.

Dated at Sudbury, Ontario this ____ day of _____ 19 ____.

witness

The Canadian Hearing Society supports the request of
the applicant and hereby requests The Corporation of the City of
Sudbury to install the Deaf Child Area Sign(s).

The Canadian Hearing Society hereby agrees to indemnify
the City, its respective officers, employees and agents against
all actions, causes of action, suits, claims, demands and costs
whatsoever arising by reason of the installation and maintenance
of the Deaf Child Area Sign(s), its agents or employees doing,
failing to do, or doing incorrectly or negligently anything it
is required to do herein.

Dated at Sudbury, Ontario this ____ day of _____ 19 ____.

The Canadian Hearing Society

THE CANADIAN HEARING SOCIETY LA SOCIÉTÉ CANADIENNE DE L'OUÏE



Services to deaf, deafened and hard of hearing people.

Services aux sourds, devenus sourds et malentendants.

May 1st, 2003

Department of Traffic and Transportation
City of Greater Sudbury
Tom Davies Square
200 Brady Street
Sudbury, ON
P3A 5P3

Attention: David Kivi

RE: Deaf Child Area Signage Program

Dear Mr. Kivi:

As we are both aware of the recent requests for "Deaf Child Area" signs in the City of Greater Sudbury it should be acknowledged that The Canadian Hearing Society is relinquishing responsibility for this program.

I have been in discussion with our Regional Director and regional offices to obtain feedback related to this increasing request. At this time, CHS cannot continue with the program due to liability issues. Your request this morning regarding a letter of assessment to identify a child and the need for signage has been brought to our Regional Director's attention. We are able to provide a referral letter to support requests made by parents. However, note this letter is not a letter to deem CHS responsible nor liable should a sign be posted but is a letter to identify the need.

I hope that this letter is satisfactory to your recent request. Should you require further assistance please do not hesitate to contact myself.

Yours truly,

Jean-Roger Brisebois, B.S.W.
G.S.S. Counsellor

RECEIVED
MAY 3 2003

CITY OF GREATER SUDBURY ENGINEERING

Cc: Regional Director

1233 rue Paris/Street Sudbury, Ontario P3E 3B6
(705) 522-1020 Voice/Voix 1-800-479-4562 (705) 522-1090 TTY/ATS (705) 522-1060 FAX
Charitable Registration No./Numéro d'enregistrement de charité 10684 6926 RR0001

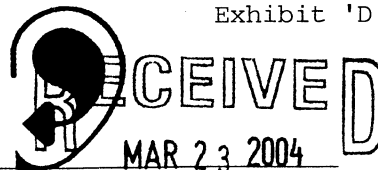
www.chs.ca

office@sudbury.chs.ca

United Way Member Agency/ Organisme Membre de Centraide



THE CANADIAN HEARING SOCIETY
LA SOCIÉTÉ CANADIENNE DE L'OUÏE



Services to deaf, deafened and hard of hearing people.

Services aux sourds, devenus sourds et malentendants.

CITY OF GREATER SUDBURY ENGINEERING

March 18, 2004

Ms. Natalie Mihelchic
 Coordinator
 Traffic and Transportation Department
 City of Greater Sudbury
 220 Brady Street
 P.O. Box 5000, Station A
 Sudbury, Ontario
 P3A 5P3

Dear Natalie:

Further to your request and our conversation, I am sending you this letter to confirm that The Canadian Hearing Society, Sudbury Region, can no longer participate in the program "Deaf Child Area" signage. The Canadian Hearing Society is unable to support this program due to liability issues.

I realize there are signs presently posted in the Greater City of Sudbury that you indicated the City might possibly remove. I would encourage you to do what you deem to be in the best interests of the citizens of the community.

I hope this clarifies that CHS will no longer be involved in this signage program for Deaf children.

Yours truly,

Victoria Baby
 Regional Director

1233 rue Paris/Street Sudbury, Ontario P3E 3B6
 (705) 522-1020 Voice/Voix 1-800-479-4562 (705) 522-1090 TTY/ATS (705) 522-1060 FAX
 Charitable Registration No./Numéro d'enregistrement de charité 10684 6926 RR0001
www.chs.ca
office@sudbury.chs.ca

United Way Member Agency/ Organisme Membre de Centraide



Request for Decision City Council



Type of Decision									
Meeting Date	October 14 th , 2004				Report Date	October 6 th , 2004			
Decision Requested	☒	Yes	☐	No	Priority	☒	High	☐	Low
	Direction Only				Type of Meeting	☒	Open	☐	Closed

Report Title
Explanation of Shaughnessy Street (Theatre Centre) Parking Lot Reconstruction Cost Overrun and Allocation from Parking Reserve Fund

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 an additional allocation of One Hundred Thousand Dollars (\$100,000) from the Parking Reserve Fund to cover over-expenditures on the project and the costs for enhanced landscaping of the parking lot, as discussed in this report.
Recommendation Continued

Recommended by the General Manager
 Don Belisle General Manager of Public Works

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

Cost Overrun and Allocation from Parking Reserve Fund

Date: October 6th, 2004

Report Prepared By



Nathalie Mihelchic, P. Eng.
Manager of Transportation Engineering Services

Division Review



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

Background:

In 2003, the Community and Leisure Department received Council's permission to spend One Hundred Ten Thousand Dollars (\$110,000) from the Parking Reserve Fund to surface the gravel portion of the east side of the Shaughnessy Street Parking Lot. This portion of the lot was the former Board of Education Staff Parking Lot which was taken over by the City prior to amalgamation.

During the detailed design of this section of the parking lot, significant drainage problems were discovered. To correct the drainage problems, including constructing a storm sewer system, an additional One Hundred Ten Thousand Dollars (\$110,000), from the Parking Reserve Fund, was approved in 2004. As part of repairing the drainage problems, it was decided to resurface the existing paved portion of the Parking Lot.

During the construction program this summer, numerous buried foundation walls and footings, as well as other house construction materials were uncovered at shallow depths within the areas of construction. The foundation walls and footings were remnants from former houses that had been located on both Paris Street and Shaughnessy Street. When these houses were removed to construct the initial parking lot, they were removed to just below ground surface.

It was necessary to excavate and remove all these foundations and fill materials, and backfill the excavations with proper engineered granular fill material.

The over expenditure for additional excavation and removal of buried foundations and associated granular backfilling, was approximately Forty Two Thousand Dollars (\$42,000).

Also, during the construction program, additional lighting was found to be necessary to meet current City and Canadian Parking Associated standards for municipal parking lot lighting. The costs for additional lighting was Seventeen Thousand Dollars (\$17,000).

As this parking lot is an entrance to our downtown for the public entering from the Paris Street bridge, it is recommended that the landscaping in this lot be increased to the same high standard as the landscaping that was recently completed along the Elgin Street corridor from Brady Street to Cedar Street, and the Market Square property.

Landscape Architect, Bill Fryer, who co-ordinated both the Elgin Street and Market Square projects, and Val Houdek, our resident horticulturalist, are currently preparing an enhanced design program for this parking lot. It is recommended that Forty One Thousand Dollars (41,000), including contingencies, be approved for enhanced landscaping on the lot. The proposed enhanced landscaping will be completed in 2005, subject to Council's approval.

Cost Overrun and Allocation from Parking Reserve Fund

Date: October 6th, 2004

This will bring the total cost for reconstruction of the Shaughnessy Street East parking lot to Three Hundred Twenty Thousand Dollars (\$320,000). The current uncommitted balance in the Parking Reserve Fund is approximately One Million Three Hundred Thousand Dollars (\$1,300,000), as of October 4th, 2004.

Therefore, it is recommended that Council approve an additional allocation of One Hundred Thousand Dollars (\$100,000) from the Parking Reserve Fund to cover over-expenditures on the project and to cover the costs for enhanced landscaping of the parking lot, as discussed earlier in this report.

Request for Decision City Council



Type of Decision

Meeting Date	October 8, 2004				Report Date	October 14, 2004			
Decision Requested	☒	Yes		No	Priority	☒	High		Low
	Direction Only				Type of	☒	Open		Closed

Report Title

Re-naming of Lily Creek Sports Complex

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

WHEREAS the Sudbury Historical Preservation Association has requested that the City of Greater Sudbury re-name the Lily Creek Sports Complex the Honourable James Jerome Sports Complex; and

WHEREAS the Honourable James Jerome served the community as the Member of Parliament for Sudbury for a period of eleven years, during which time he also served as Speaker of the House of Commons between 1974 - 1979; and

WHEREAS the Honourable James Jerome served as the Associate Chief Justice in the Federal Court of Canada between 1980 - 1998; and

☒ Recommendation Continued

Recommended by the General Manager

Caroline Hallsworth
General Manager, Citizen and Leisure Services

Recommended by the C.A.O.

Mark Mieto
Chief Administrative Officer

Report Prepared By	Division Review
 Caroline Hallsworth General Manager, Citizen and Leisure Services	

RECOMMENDATION CONTINUED

WHEREAS the Honourable James Jerome is an individual of extraordinary prominence who has made lasting and significant contributions to public life in general, and to the City of Greater Sudbury; and

WHEREAS the Honourable James Jerome was instrumental in securing the Taxation Data Centre for Sudbury; and

WHEREAS the funds paid to the City of Sudbury by the Federal Government for the land on which the Sudbury Taxation Data Centre is situated were used to purchase and develop parks and playfields, including the Lily Creek property;

NOW THEREFORE BE IT RESOLVED THAT the Lily Creek Sports Complex be renamed the Honourable James Jerome Sports Complex.

EXECUTIVE SUMMARY

Mr. Sirio Bacciaglia, through the Sudbury Historical Preservation Association, has requested that the City of Greater Sudbury re-name the Lily Creek Sports Complex the Honourable James Jerome Sports Complex. A copy of the City's "Building, Property and Parks Naming Policy" is attached to this report for the information of Council.

BACKGROUND

It is a matter of policy that all requests for naming and re-naming of municipal buildings, properties and parks and for naming of parts of buildings and parks requires Council approval and that such naming will be governed by the considerations described in the "Building, Property and Parks Naming Policy".

The "Building, Property and Parks Naming Policy" states that in naming buildings, properties and parks, consideration will be given to the names that reflect the history, heritage and culture of the community and that when the name of an individual is being considered, that name must reflect "an individual's significant contributions to public life in general and to the City of Greater Sudbury in particular" and that "wherever possible, naming of an interior space or portion of a building, property or park will be preferred to naming an entire building after an individual". In considering a naming request in honour of an individual, the policy states that "every care will be taken to ensure that the name selected reflects an individual of such extraordinary prominence and lasting distinction that no other individuals, families or organizations can come forward and suggest alternative names." The policy states that "The City of Greater Sudbury

believes that existing names have an historical significance and are an important component of place recognition within the community and as such should not be changed except in exceptional circumstances”.

James Jerome first entered politics in 1965 as the Alderman for Ward 6 in the former City of Sudbury. Following a first unsuccessful bid for federal office, Mr. Jerome was elected as the MP for Sudbury in 1968, serving for a period of eleven years before retiring from Parliament and accepting an appointment as the Associate Chief Justice in the Federal Court of Canada. While in Parliament, Mr. Jerome served as Speaker of the House of Commons from 1974 - 1979, including serving as speaker in the challenging environment of a minority government. According to the Speakers of the House of Commons website:

The election of James Jerome to a second term as Speaker after the 1979 election marked the first time a member of an opposition party was chosen to preside over the House.

In the mid-to-late 1970's the Federal Government embarked on a program of decentralization of Federal Government services. According to newspaper reports, Mr Jerome worked “for a very long time to secure a substantial project for the riding”. That project was the Sudbury Taxation Data Centre, which at the time of its construction was the largest office building north of Toronto and provided new employment opportunities at a time when employment in the local mining sector was in decline.

The Federal Government identified the Sudbury Stadium lands on the corner of Notre Dame and Lasalle as a preferred site for the new Taxation Data Centre and in the spring of 1978, the City of Sudbury approved of the sale of the Sudbury Stadium lands to the Federal Government in the amount of \$2.9M. It was a condition of the deal that new playing fields be constructed “to replace those which would be lost though construction of the Data Centre.” Later that year, the Council proceeded to purchase the Lily Creek Lands for \$200,000 with the funds for that acquisition coming from the sale of the Sudbury Stadium property. Other funds from the Sudbury Stadium property sale were used to develop fields and field houses at the Madison, Lily Creek and Lasalle sites. It is because the Lily Creek property was purchased to replace the Sudbury Stadium Property that Mr. Bacciaglia is requesting that the Lily Creek Sports Complex be re-named in honour of Mr. Jerome.

Many elements of this naming request are in accordance with the “Building, Property and Parks Naming Policy”. All naming requests must be submitted by a community group. In this case, the Sudbury Historical Preservation Association was formed by Mr. Sirio Bacciaglia for the express purpose of presenting this naming request to Council.

There is evidence of community support. Mr. Bacciaglia attended at the Lily Creek Field in August, at which time he circulated a petition, which bears a total of sixty-three names. Mr. Bacciaglia also contacted seven of the eight associations who are primary users of the Lily Creek Sports Complex and none of those groups expressed concerns with the naming request. Mr. Bacciaglia submitted thirty-eight letters of support for the proposed name change as part of the package of materials submitted with this naming request. Two of these letters of support which are representative of those letters received are attached for the information of Council.

The naming request has been circulated to Emergency Medical Services and Greater Sudbury Police and no objections to the proposed name were received from the emergency responders.

A letter has been received from Mr. Jerome's wife, Barry, indicating that "The Jerome Family would be very pleased and honoured to have Lily Creek Sports Complex renamed the James Jerome Sports Complex."

The Council Naming Policy states that "All costs associated with the naming or renaming of the building, property or park will be paid by the originators of the naming request. In exceptional circumstances, this requirement may be waived by the Council of the City of Greater Sudbury." No resources have been budgeted for new plaques or signage at the Lily Creek Sports Complex. In the case of the newly named Korpela Park, the signage was donated by the originators of the naming request.

Attachments

BY-LAW 2003-126

**A BY-LAW OF THE CITY OF GREATER SUDBURY TO
ADOPT A BUILDING, PROPERTY AND PARK NAME POLICY**

WHEREAS the Council of the City of Greater Sudbury deems it advisable to
adopt a building, property and park name policy;

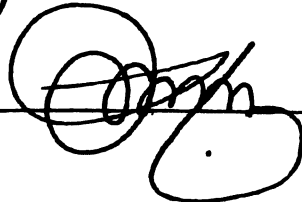
**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

- 1. The Building, Property and Park Name Policy, attached hereto as Schedule "A" and forming part of this By-law, is hereby adopted.**
- 2. This By-law shall come into force and take effect immediately upon the final passing of same.**

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 29th day of May,
2003.



Mayor



Clerk

SCHEDULE "A"

to By-law 2003-126 of the City of Greater Sudbury

Page 1 of 5

POLICY: BUILDING NAMING POLICY

The City of Greater Sudbury is located in a unique geographic setting and has a rich community history which has, over the past 120 years, been a source for many of the names used for community landmarks. Junction Creek derives its name from Sudbury Junction, the original name of the railroad camp that evolved into the City of Greater Sudbury. Azilda was named in 1891 by Joseph Belanger in honour of his wife. Bell Park was named after lumber magnate William J. Bell who donated 110 acres of land to the City of Sudbury for use as "a public park and recreation ground" while Centennial Park in Whitefish was named in honour of Canada's centennial. Many of our names reflect the aboriginal heritage of our community including Onaping which derives from a Cree word meaning "red paint" or "Vermillion Place".

The City of Greater Sudbury wishes to retain our traditions of celebrating our unique heritage, history and geography in the naming of municipal buildings, property and parks while at the same time allowing for the introduction of new names that reflect and respect the community as a whole. The City of Greater Sudbury believes that existing names have an historical significance and are an important component of place recognition within the community and as such should not be changed except in exceptional circumstances when it can be proven that the majority of the community is in support of the name change. Examples of exceptional circumstances could include re-naming of a recreational facility as a requirement to attract an event of national or international significance.

SCHEDULE "A"

to By-law 2003-126 of the City of Greater Sudbury

Page 2 of 5

It is a matter of policy that all naming and re-naming of municipal buildings, properties and parks and of elements of buildings and parks will require Council approval and that such naming will be governed by the considerations set out below. The only exception to this practice shall be for new neighborhood parks created as part of the subdivision development process, which if named based on geographical location would not require Council approval.

1. NAMING PRINCIPLES:

- ▶ Names shall be unique and distinctive. Names shall assist in emergency response situations by avoiding duplication and by avoiding the use of similar sounding names and by ensuring consistency between building and geographical naming conventions.
- ▶ Names should convey a sense of place and community and should celebrate the distinguishing characteristics of the City of Greater Sudbury.
- ▶ Names should be understandable, recognizable and explainable to the citizens of the community and should respect the values of all members of our community.
- ▶ Naming requests must come from community groups or organizations, rather than from individuals. Individual request for naming may be more appropriately addressed in commemorative programs or through founder or donor recognition programs.

SCHEDULE "A"

to By-law 2003-126 of the City of Greater Sudbury

Page 3 of 5

2. NAMING PRIORITIES:

In naming buildings, properties and parks, consideration will be given to the following elements in order of priority:

- ▶ Names that place the building, property or park in its geographic context, so as to assist the community in locating the named facility. Names of this type include names that reflect significant ecological or natural resources features of the area.
- ▶ Names that reflect the purpose or use of the building, property or park.
- ▶ Names that reflect and respect the history, heritage and culture of the community.
- ▶ Names that reflect the particular contributions of community groups or organizations.
- ▶ Names that reflect an individual's significant contributions to public life in general and to the City of Greater Sudbury in particular and that are appropriate to the specific building, property or park so named.

SCHEDULE "A"

to By-law 2003-126 of the City of Greater Sudbury

Page 4 of 5

When naming a building, property or park after an organization or individual, every care will be taken to ensure that the name selected reflects an individual of such extraordinary prominence and lasting distinction that no other individuals, families or organizations can come forward and suggest alternative names. Furthermore, the community will be consulted to ensure that there is community support for the proposed name. In the event that a naming request is proposed as a result of a significant financial donation towards the acquisition, construction or redevelopment of a property, consideration will be given to the value of the donation relative to the overall value of the project, the construction costs and operating costs. Consideration will be given to using a donor's name in conjunction with a community name as well as to having a specific sunset clause on a donor name which is associated with support that is finite in time or amount. Wherever possible, naming of an interior space or portion of a building, property or park will be preferred to naming of an entire building after an individual or organization. Where an individual or organization name is used, permission must be obtained from the individual, his or her family or the organization to be named, prior to selection of the name.

3. NAMING PROCESS

- ▶ *All requests shall be submitted in writing and shall include the rationale for the proposed name. In the case of a proposal to honor an organization or individual, documentation of the individual or group's record of achievements, is required. Letters of support from appropriate organizations and individuals which provide evidence of substantial community support for the proposed name are required.*

SCHEDULE "A"

to By-law 2003-126 of the City of Greater Sudbury

Page 5 of 5

- ▶ All requests will be forwarded to the appropriate department for review within the framework of this policy. As part of the review, staff will ensure that the contributions of an organization or individual are well-documented and broadly acknowledged within the community.
- ▶ All requests for naming will be circulated to stakeholder groups, including all emergency responders, for their comments.
- ▶ Where the naming request is substantiated and has been documented to be supported by the community, it will be brought forward in an option package for City Council's consideration. Such an options package may include alternatives to the original request which could include naming an interior space or portion of a building, property or park rather than the entire facility.
- ▶ Where a request for naming or renaming has been initiated by a community group or organization and approved by Council, all costs associated with the naming or renaming of the building, property or park will be paid by the originators of the naming request. In exceptional circumstances, this requirement may be waived by the Council of the City of Greater Sudbury.

AUG. 23/04

CAROLINE HALLSWORTH
GENERAL MANAGER
CITIZEN AND LEISURE SERVICES.

DEAR CAROLINE:

THIS LETTER IS A REQUEST BY THE SUDBURY
HISTORICAL PRESERVATION ASSOCIATION TO HAVE
THE LILLY CREEK SPORTS COMPLEX NAMED AFTER
THE HON. JAMES JEROME.

MR. JEROME SERVED ONE YEAR ON CITY COUNCIL.
MR. JEROME WAS ELECTED THE FEDERAL
MEMBER OF PARLIAMENT FOR THE SUDBURY RIDING
IN 1968 TO 1980.

MR. JEROME WAS ASKED BY PRIME MINISTER
TRUDEAU TO BECOME THE SPEAKER OF THE
HOUSE OF COMMONS IN 1974.

MR. JEROME ACCEPTED AND BECAME
THE 29TH SPEAKER FOR THE 30TH AND 31ST
PARLIAMENT.

IT IS ONE OF THE GREATEST HONOURS
TO HAVE YOUR MEMBER OF THE FEDERAL PARLIAMENT
OF CANADA BECOME THE SPEAKER OF THE HOUSE
OF COMMONS.

MR. JEROME TURNED OUT TO BE ONE OF THE
BEST SPEAKERS.

MR. JEROME AND SUDBURY WAS VERY
RESPECTED BY ALL MEMBERS OF THE 30TH AND 31ST
PARLIAMENTS, AND SUDBURY WAS VERY PROUD
OF MR. SPEAKER "THE HON. JAMES JEROME."
WHILE MR. JEROME WAS SPEAKING HE
OBTAINED FOR SUDBURY THE 2ND LARGEST
TAXATION CENTRE IN CANADA, WHICH BROUGHT
WITH IT THOUSANDS OF GOOD JOBS.

WHEN INCO AND FALCONBRIDGE WERE LAYING OFF.
THE PROPERTY THE TAXATION CENTRE IS ON
WAS BOUGHT FROM THE CITY OF SUDBURY
FOR 2,925,000.00. THAT SITE WAS KNOWN
AS THE SUDBURY STADIUM.

THE MONIES RECEIVED FROM THE SALE
OF THIS PROPERTY DEVELOPED THE LILY CREEK
SPORTS COMPLEX AND OTHER PARK PROPERTIES.

ALSO AS A RESULT OF THE TAXATION CENTRE
BEING IN THE CORNER OF NOTRE DAME AND HASSELLE
THE C.P.R. HAD AN OLD ABANDONED RAILWAY
RIGHT AWAY ALONG NOTRE DAME ON THE EAST SIDE.

THE CITY OF SUDBURY MADE MANY, MANY ATTEMPTS
TO HAVE THE C.P.R. RIGHT AWAY REMOVED
WITH NO SUCCESS. THE PROVINCIAL GOVT.

ALSO TRIED MANY TIMES TO HAVE THIS OLD
RIGHT AWAY REMOVED ALSO WITH NO SUCCESS.

THEN CAME ALONG THE FEDERAL GOVT. AND

BOUGHT THE SITE FOR THE TAXATION CENTRE AND

THE C.P.R. REMOVED THE OLD RAILWAY RIGHT

AWAY. CAROLINE JUST ASK FOR SWIDOLE ABOUT

THE GREAT BENEFIT THIS WAS TO THE CITY OF SUDBURY.

MR. JEROME WHILE BEING SPEAKER ASKED

THE CITY OF SUDBURY IF IT WAS INTERESTED

IN HAVING THE ELDON ROAD NUCLEAR
REFINERY LOCATED IN SUDBURY, BUT CITY COUNCIL
WAS SORT OF WORRIED ABOUT THIS AND REFUSED.

AND OFFER AGAIN THE MANY THINGS A SPEAKER
CAN DO FOR ITS COUNTRY. THE REFINERY LANDED
UP ON THE NORTH SHORE.

MR. JEROME DID SO MANY THINGS FOR SUDBURY.

THE CITY OF SUDBURY OWES IT TO MR. JEROME
TO HAVE THE LILY CREEK NAMED AFTER HIM.

MR. JEROME WENT ON TO BECOME THE ASSOCIATE
CHIEF JUSTICE OF THE FEDERAL COURT OF CANADA.

ANOTHER GREAT HANDOUT FOR SUDBURY.

THE LIST GOES ON.

NO OTHER FEDERAL MEMBER OF PARLIAMENT HAS
EVER DONE AS MUCH AS MR. JEROME FOR SUDBURY.

WE THE CITIZENS OF SUDBURY ARE VERY PROUD
OF MR. JEROME. LETS DO A LITTLE TO RECOGNIZE
THIS MAN'S EFFORTS FOR THE CITY OF SUDBURY.

LETS NOT WAIT TILL THE GUY UPSTAIRS CALLS
HIM TO HIS FINAL REWARD.

MR. JENOME HAS RETIRED FROM THE BEACH
DUE TO HUNTINGTON'S DISEASE. MR. JENOME IS
NOW VERY ILL AND DESERVES THE RESPECT
OF THE CITY OF SEABURY NOW.

ATTACHED IS MR. JENOME'S BIOGRAPHY

MR. JENOME'S PERIOD OF TIME
AS ASSOCIATE CHIEF JUSTICE OF
THE FEDERAL COURT OF CANADA.

A NOTE OF THE AMOUNT OF MONEY
PAID TO THE CITY OF SEABURY FOR
THE TAXATION SITE IN MAY 2/77
2,925.000.00

MANY LETTERS OF SUPPORT FROM
MANY CITIZENS OF SEABURY.

A LETTER FROM MRS. JENOME
ACCEPTING THE HONOUR OF THE
NAMING THE LILLY CREEK AFTER
MR. JENOME.

A PETITION WITH MANY NAMES IN
SUPPORT.

A LIST OF NAMES OF THE SEABURY
HISTORICAL PRESERVATION ASSOC.

CAROLINE I HAVE SPOKEN TO ALL THE PEOPLE.

YOU HAVE UNDERLINED IN RED IN THE ATTACHED
LIST OF YOUR LETTER OF JULY 9/04
NO ONE HAS REFUSED. I HAVE THE DATES AND THE
TIMES AND THE PERSONS I SPOKE TO.
THANKS YOU Lino Beaulieu



HOUSE OF COMMONS
CHAMBRES DES COMMUNES
OTTAWA CANADA
K1A 0A6

HON. DIANE MARLEAU, P.C., M.P.
Sudbury

L'HON. DIANE MARLEAU, C.P., député
Sudbury

September 7, 2004

His Worship Mayor David Courtemanche
City of Greater Sudbury
P.O. Box 5000, Station A
Sudbury, Ontario
P3A 5P3

**COPY
COPIE**

Dear Mayor Courtemanche:

I am writing in support of the request which will be made by Sirio Bacciaglia before Council to have the Lily Creek Sports Complex re-named to recognize and honour the Honourable James Jerome, one of my predecessors.

While he was the sitting Member, Mr. Jerome was extremely instrumental in having the federal government establish the Sudbury Taxation Centre (now the Sudbury Tax Services Office) in our community, which led to the creation of over one thousand jobs - a tremendous accomplishment. It was also through the purchase of that property by the federal government that the city was able to establish several sports complexes. These jobs and recreational facilities were warmly welcomed and led to the enhancement of the quality of life in our city.

As a Member of Parliament, Speaker of the House of Commons and Associate Chief Justice of the Federal Court of Canada, James Jerome was a distinguished representative and I believe he has a place in the history of our community.

I sincerely hope that Mr. Bacciaglia's request will be granted.

Yours sincerely

Diane Marleau, P.C., M.P.
Sudbury

OTTAWA

Room 525/Bureau 525
Confederation Bldg./édifice Confédération
(613) 996-8962



SUDBURY

36, rue Elgin Street
Sudbury (Ontario) P3C 5B4
(705) 673-7107

Sudbury

Sept 19 '03

Dear Sirs,

I can support the
re-naming of City Creek
Sports Complex to the Honorable
James G. Thompson Sports Complex.

~~M Buchanan~~

MARGARET ANNE BUCHANAN

Request for Decision City Council



Type of Decision

Meeting Date	October 14, 2004				Report Date	September 23, 2004			
Decision Requested	☒	Yes	☐	No	Priority	☒	High	☐	Low
	Direction Only				Type of Meeting	☒	Open	☐	Closed

Report Title

Appointment to Street Naming Committee

Policy Implication + Budget Impact

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

There is no policy or budget impact.

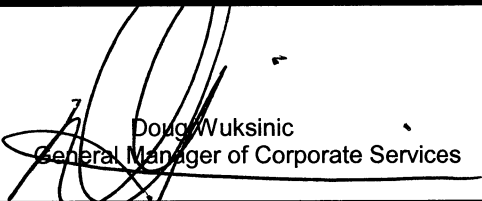
Background Attached

Recommendation

THAT the Clerk be directed to advertise for three members of the public to be appointed as non-voting members to the Street Naming Committee for the term ending November 30, 2006.

Recommendation Continued

Recommended by the General Manager


Doug Wuksinic
General Manager of Corporate Services

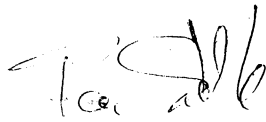
Recommended by the C.A.O.


Mark Mieto
Chief Administrative Officer

65

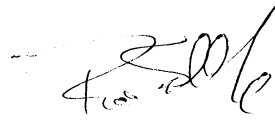
Date: September 23, 2004

Report Prepared By



Ron Swiddle
Director of Legal Services/City Solicitor

Division Review



Ron Swiddle
Director of Legal Services/City Solicitor

BACKGROUND:

At its meeting of September 16th, Council directed that it wished members of the public to serve in conjunction with Councillor Rivest on the Street Naming Committee.

Some discussion was held at that time as to whether this should be an Advisory Panel or other body.

Given that Council has already established a Street Naming Committee, it would not be appropriate to have a second body, an Advisory Panel, meet and perform this same work. The public representation sought by Council can be obtained by having members of the public sit as non-voting members on the Street Naming Committee. It would not be appropriate for the public members to vote. Council is prohibited by law from delegating its decision making powers to others.

At this time, Council has one Councillor appointed to the Street Naming Committee, but could at any time appoint a second.

Accordingly, it is recommended that the Clerk advertise for candidates for Council appointment to this body. It is recommended that those with some familiarity with the topic or with Emergency Services be encouraged to apply.

Request for Decision City Council

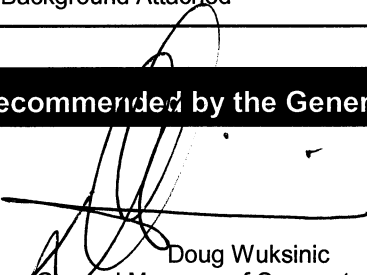


Type of Decision									
Meeting Date	October 14, 2004				Report Date	October 8, 2004			
Decision Requested	☒	Yes		No	Priority	☒	High		Low
	Direction Only				Type of Meeting	☒	Open		Closed

Report Title
MUNICIPAL ACT REFORM

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 a Resolution be passed endorsing the AMO paper on Municipal Act Reform and requesting the Minister of Municipal Affairs and Housing to consider the requests for amending legislation set out in this report.
Recommendation Continued

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

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

Date: October 8, 2004

Report Prepared ByRon Swiddle
Director of Legal Services/City Solicitor**Division Review**Ron Swiddle
Director of Legal Services/City Solicitor**BACKGROUND:**

As reported to Council earlier, the Ministry of Municipal Affairs and Housing has been undertaking a review of the *Municipal Act, 2001*. Staff has been working with the Ministry in recommending various proposals and considerations as part of this review.

ITEM 1: AMO REPORT

Much work has been accomplished through the Association of Municipalities of Ontario. Heather Salter from the Legal Services Division and other members of staff have been working with AMO in this regard. The recommendations arising from AMO and its draft report are attached as part of this report and Council should adopt these recommendations as its own for submission to the Province. The AMO report includes a number of items that have been previously requested by Council, including such things as electronic meetings, bonusing amendments, and open meetings.

The final date for submissions is the end of this week.

In addition to the AMO submissions, there are a number of specific requests that Council has made over the years, either in a formal or in an informal manner, and these should be reiterated to the Province at this time as part of its review of the relationship between the Province and its municipalities.

ITEM 2: MUNICIPAL ELECTIONS ACT AMENDMENTS

Earlier this year the City Clerk provided for Council's consideration the Final Election Review. This contained a number of Recommendations that were received by Council, including Recommendations for amendment to the *Municipal Elections Act, 1996*. The following Recommendations for amendment are repeated from that Review.

1. It is recommended that Elections Ontario (in particular, the Chief Electoral Officer), rather than the Ministry of Municipal Affairs and Housing, have responsibility for municipal elections in Ontario. And further that, the role of the Chief Electoral Officer include responsibility for certifying election voting equipment used in municipal elections as well as putting in place standardized procedures for their use.
2. It is recommended that Ontario Regulation 412/00 (as amended by Ont. Reg. 45/03) made under the *Education Act* be amended to require that District School Boards, when making their trustee determination and distribution for the 2006 Municipal Election, not include areas outside the geographic boundaries of major population centres such as the City of Greater Sudbury.

Date: October 8, 2004

3. It is recommended that the minimum age to vote in Ontario Municipal Elections be "16 years of age or older" but that the minimum age to hold office remain at 18 years of age.
4. It is recommended that the *Municipal Elections Act, 1996* be amended to allow municipal councils to adopt, by by-law, the Provincial Voters' List for municipal elections.
5. It is recommended that the revision of the Voters' List for municipal elections start on January 1st of an election year.
6. It is recommended that should the Province continue the use of a voters' list produced by the Municipal Property Assessment Corporation, then the *Assessment Act* be amended to require landlords to provide updated tenants' lists prior to July 1st of an election year and that the Municipal Property Assessment Corporation be given the appropriate level of authority to enforce this requirement.
7. It is recommended that should the Province continue the use of a voters' list produced by the Municipal Property Assessment Corporation, then the Municipal Property Assessment Corporation should be held to the same level of data quality for electors on the voters' list at the correct address (80% to 85%) as the Federal Register of Electors.
8. It is recommended that the Province make provision for silent enrollment on the voters' list for those citizens who may be deterred from having their names and addresses added to the list because their whereabouts may become known to a person who may cause them some harm.
9. It is recommended that Sections 43(6) and 27(1) the *Municipal Elections Act, 1996* be amended to provide that it shall be the candidate's responsibility to notify the Clerk upon receipt of the Preliminary Voters' List that they require a copy of either or both the List of Advance Voters and the list of revisions.

ITEM 3: DELEGATION OF ADMINISTRATIVE APPEALS

As reported to Council earlier this year, the City appealed the property assessments respecting certain lands owned by Inco Ltd. for the years 2002 and 2003. A challenge to the authority of the City's Property Negotiator/Appraiser to initiate the appeals on behalf of the City had been raised by Inco before the Assessment Review Board (ARB). Before proceeding with the merits of the City's appeal, the ARB sought the direction of the Divisional Court of Ontario, by way of a stated case, on this threshold issue.

The proceeding came before the Divisional Court on April 5, 2004, which ruled that although the action of the City staff in filing the complaint forms was purely administrative in nature, at some point in time the decision to pursue the appeal must be that of Council. The court further ruled that a Council resolution subsequently confirming the Property Negotiator/Appraiser's authority was not sufficient to ratify the action taken by her. As a result, the court held that the complaints before the ARB were invalid and the assessment appeal process could not proceed.

Council subsequently directed staff to seek leave to appeal this Divisional Court decision to the Ontario Court of Appeal. The City of Ottawa felt this item was important, and sought leave to intervene in the matter. We have now received word that leave to appeal has been refused by the Court.

Date: October 8, 2004

A more detailed report on this topic is being prepared for Council and should be on the Council Agenda soon. In the meantime, it is appropriate to bring this item to the attention of the Ministry requesting legislative change.

The main structure and philosophical underpinning of the *Municipal Act, 2001* was to allow Councils to delegate administrative functions to staff, allowing the Councils more time to deal with larger issues. However, if Councils are required to deal with every single low-level administrative item, it can be expected that the meeting times for Council will double, and items will be delayed.

It is hard to think of an item that could be more administrative than the subject matter of this Assessment Review Board matter. Indeed, some legal articles have been written based on the Divisional Court decision, expressing considerable concern and surprise. This decision could have substantial repercussions on municipalities' powers to delegate administrative matters.

Accordingly, it is recommended that the Province take this opportunity to clarify the provisions of the *Municipal Act, 2001* in order to make it clear for future court decisions that administrative items of this nature can be delegated to staff.

1. **It is requested that the Province provide additional direction to the Court by way of amendments to the *Municipal Act, 2001* to clarify the ability of Councils to delegate purely administrative functions to staff, including such items as assessment appeals.**

ITEM 4: HOMES FOR THE AGED COMMITTEES OF MANAGEMENT

In July of 2002 Council directed that a Brief be submitted to the Ministry of Health calling for amendments to the *Homes for the Aged and Rest Homes Act* and accompanying Regulations regarding Committees of Management. These are mandatory Committees with certain statutory duties that do not accord with other legislation and create various problems for municipalities.

No response has been received since the submission of the Brief. It is recommended that this request be repeated at this time through the Minister of Municipal Affairs and Housing's review of municipal legislation.

1. **It is recommended that *the Homes for the Aged and Rest Homes Act* and accompanying Regulations be amended to delete references to Committees of Management.**

ITEM 5: HOLIDAY PROCLAMATION

As discussed by Council earlier this year, the Mayor has a unique power under the *Municipal Act, 2001*. This is the ability to declare public holidays, and is traditionally used for days such as the August Civic holiday or Boxing Day. This section is unique in the Act, as all other powers must be exercised by the Council as a whole. It was Council's feeling that this section should be amended to provide for this power to be exercised by Council.

1. **It is recommended that section 148 of the *Municipal Act, 2001* be amended to allow Councils, not Mayors, to proclaim public holidays.**

Date: October 8, 2004

ITEM 6: TOPSOIL BY-LAW

The former Regional Municipality of Sudbury requested changes to the *Topsoil Preservation Act* that were made in large measure when that Act was repealed and became part of the *Municipal Act, 2001*. Staff is currently working on a By-law for Council's consideration but a major flaw with the section has become apparent and should be addressed by the Province.

Under section 142, a person may apply to the City for a permit under the By-law, and if refused, may appeal the matter to the Ontario Municipal Board. This appeal method is fairly standard in such matters. For example, someone ordered to perform work under a Property Standards By-law by an Officer has an appeal to Council. Someone ordered to perform work under the *Building Code Act* has an appeal to Court. However, anyone ordered to perform work under a Topsoil By-law has no route of appeal whatsoever.

Accordingly, it is recommended that the Act be amended to provide this protection for the public.

1. **That Sections 142 to 144 of the *Municipal Act, 2001* be amended to provide members of the public with a process to appeal Orders issued under those Sections.**

ITEM 7: TERM OF COUNCIL

This is not an item that has previously been addressed by Council, but is included here as it is the writer's understanding that some Members of Council wish to raise the issue.

Briefly speaking, municipal Councils in Ontario were elected for one-year periods until 1956. Starting in that year they were elected for two-year periods until 1982, when the *Municipal Act* was amended to provide for three-year terms.

There are several arguments to be made for and against the idea of extending terms of Council to four-year periods.

The cost of municipal elections is substantial. Municipalities could save up to one-third of this cost if elections were on a four-year cycle. However, the public would not have the opportunity to voice their concerns in the ballot box as frequently.

The Province has indicated its intention to pass legislation to provide for Provincial elections on a regular, four-year schedule. It would be appropriate to have municipal elections on a similar schedule, but off-set from the Provincial scheduled year. In this way, there would be no conflicts between the two, as occurred in 2003 with two elections in a very short time.

It is recommended that the Ministry hold public hearings on this topic, and, after hearing from municipalities and the public, consider changing the term of Council to a four-year term.

1. **That the Minister of Municipal Affairs and Housing be requested to hold public hearings around the Province relating to the term of Municipal Councils, and consider changing the term to a four-year term.**

Date: October 8, 2004

MUNICIPAL ACT REFORM

PAPER

Prepared by Mary Ellen Bench, City Solicitor,
City of Mississauga, on behalf of the Municipal Law Departments Association of Ontario
("MLDAO") to the AMO Steering Committee
September 30, 2004

INTRODUCTION

On June 29, 2004, Minister Gerretsen held a press conference to announce that the Province would be commencing its first review of the *Municipal Act, 2001* starting this Fall with the intent of introducing amendments to the Act into the Legislature in the Spring, 2005. The Minister specifically requested input from the Association of Municipalities of Ontario regarding what it felt needed to be changed. AMO established a steering committee consisting of its then president, Ann Mulvale, AMO staff (Pat Vanini and Brian Haley), AMCTO, MFAO, Ontario Good Roads Association, and MLDAO. AMO, with financial support from AMCTO and the Ontario Good Roads Association retained Fred Dean for the purpose of writing its report.

MLDAO has played a very important role in providing advice and information on significant matters that form the basis of the AMO report. Mary Ellen Bench represented MLDAO at the AMO Steering Committee meetings. Despite the fact that work had to be done consolidating issues concerning the *Municipal Act, 2001* over the summer months of July and August, a tremendous level of support and participation was received from MLDAO members across the Province. Thank you to the following members for their participation: Jim Anderson, City of Toronto; James Barber, City of London; Saskia de Moree, City of Kitchener; Rosalie Evans, City of Thunder Bay; Bob Gray, Regional Municipality of Halton; Elaine Holt, City of Toronto; Wendy Kwok, City of Mississauga; Hal Linscott, City of Kingston; Lesley MacDonald, City of Kitchener; Anne Peck, City of Ottawa; Heather Salter, City of Greater Sudbury; and Wira Vendrascio, City of Windsor. Conference calls

were held weekly at first and then bi-weekly and our members came through with significant feedback and input. Fred Dean participated in our conference calls and the input of our membership will be very apparent to all of those who participated when they see the AMO Paper.

At the outset of this review certain sectors at the Province believed that the exercise would in effect be minor tinkering, however, AMO has made some very progressive recommendations that extend well beyond tinkering and focus on bringing a sense of reality to the language contained in section 2 of the *Municipal Act, 2001* stating: "**municipalities are created by the Province of Ontario to be responsible and accountable governments ...:**

The AMO position is grounded in the following nine principles:

1. Municipalities are responsible and accountable governments.
2. New legislation shall enhance existing municipal powers.
3. The province shall stop micromanaging municipal governments.

Date: October 8, 2004

4. Where there is a compelling provincial interest the province shall when regulating municipal government define at the outset that interest.
5. Provincial legislation shall be drafted with the expectation of responsible municipal government behaviour and not as a remedial tool.
6. Accountability means mutual respect between municipal government, the province and other public agencies.
7. Resources for municipal governments shall be sustainable and commensurate with the level of responsibility.
8. *The Municipal Act* shall include principles that will protect *the Municipal Act* and municipal powers from all provincial legislation.
9. The province shall commit to increasing the understanding and awareness of municipal government within all ministries and provincial agencies.

MLDAO supports these principles.

In responding to the Minister's request for comments on *the Municipal Act, 2001*, this Paper is divided into two parts. Part I deals with comments on certain larger issues of general concern while Part II contains commentary on certain specific concerns with language in the Act as identified by our members. Given that municipalities have been operating under this new legislation for less than two years and key provisions have not been interpreted at all in the Courts, these comments cannot be taken as complete.

PART 1 – SPECIFIC ISSUES

NATURAL PERSON POWERS

Certain Underlying Premises

There is no clear definition of what types of powers or privileges are classified as natural person's power. "Natural Person" powers arise out of the essential nature of man, as distinguished from those created by statute. Since corporations have natural person status, often, natural person powers and corporate powers can be used/interpreted interchangeably to describe the same thing. Indeed, "Corporate Powers" is the title of section 15 in the *Ontario Business Corporations Act*, which gives corporations incorporated under that Act natural person powers.

Body Corporate

What about the meaning of a "body corporate"? Municipalities have always been a "body corporate" under the previous legislation and the current Act also uses this language in section 4. Does this add to or qualify the section 8 Natural Person's Powers? The term seems to suggest corporate powers for the municipality. But if corporate powers are the same as natural person's powers and municipalities never had such powers before, then a "body corporate" could not mean having corporate power. The concept is unclear.

It is recommended that Section 4 be removed and replaced with a general provision stating that "**a municipality is a corporation of the residents of its area**" as in subsection 6(1) of the BC Community Charter.

Date: October 8, 2004

The “Powers”

Some typical examples of Natural Person's Powers include the ability:

- o To own, sell, lease, rent, and otherwise acquire or dispose of assets
- o To incur a debt
- o To make investments
- o To enter into contracts
- o To sue and be sued
- o To incorporate or to conduct business in any form at will
- o To have a corporate seal (for corporations)
- o To make by-laws (in the context of a corporation)
- o To construct a given work
- o To hire employees

Natural person's power does not in itself create any substantive powers for municipalities; it does not add to municipalities' powers as another “sphere of jurisdiction”. Municipalities receive authority to act from the various spheres of jurisdiction, the specific powers listed in the *Municipal Act, 2001*, and other legislation. Rather, natural person powers speak to how a municipality can exercise its authority conferred by those legislation. For example, although a municipality has the power to enter into a contract as a result of having natural person's powers, the municipality may only enter into a contract to carry out a function that falls within the spheres of jurisdiction or other enumerated powers. Having natural person's powers is analogous to having the means to achieve the ends.

It would be rather interesting to see the interaction between the natural person's power concept and the common law doctrine of implied powers. “Implied powers” are necessary to make available and carry into effect those powers which are expressly granted or conferred, and which must therefore be presumed to have been given within the intention of the legislative intent. This doctrine should continue to exist to carry out the objectives of the Act, but questions arise regarding whether natural person's powers add anything more for municipalities that we did not already have before, particularly when many of such powers are restricted in the various sections of the Act, such as the financial powers? Or, in practice, is the Natural Person's Power simply a codification of the common law doctrine of implied powers?

Pursuant to Section 8 of the *Municipal Act, 2001* Natural Person's Powers can only be used for the purpose of exercising the municipality's authority under the Act or other legislation. In principle, this is not objectionable if one accepts that municipalities must be confined to their jurisdictions. However, to the degree that the areas of jurisdiction conferred are inadequate, Natural Person's Powers cannot fill any of the gaps.

For example, there are certain areas that are not identified in the jurisdiction conferred by the *Municipal Act* or other Acts. A clear example is the administration of the municipality itself. Many of the Natural Person's Powers traditionally exercised, e.g. hiring of employees, purchasing, entering into contracts, are to support the functions of Council or to provide general corporate services. Although some powers are granted in Parts VI and VII, not everything is. For example, if the municipality wishes to relocate its offices, where does it get the authority in the Act to enact a by-law for the purchase of that building? The logical answer is that the municipality is simply carrying out a power incidental to its corporate existence, or as a “natural person”. However, with section 8 being that a municipality has natural person's powers “for the purpose of exercising its authority under this or any other Act” – can the municipality truly rely on that power to carry out these types of objectives?

Date: October 8, 2004

While municipalities can contract out services under Section 8 so long as it falls within one of its spheres of jurisdiction or other specified powers, it cannot legally enter into agreements with other public authorities or municipal corporations to provide services to each other or on each other's behalf. For example, Greater Sudbury contracts out its streetlight maintenance and water billing functions to its municipal electrical utility (an OBCA corporation). These are services within the municipality's jurisdiction and the agreements are authorized under Section 8. But what if the utility wanted to purchase engineering design services from the municipality? Would that agreement similarly be authorized under Section 8? Again the problem is the qualifying language in Section 8. The engineering services would be in relation to the provision of the electrical utility, which is not within the authority of the municipality. Sections 19 and 20 do not appear to respond to this situation either. Agreements of this nature are intended to reduce costs and increase efficiencies all around for the benefit of the taxpayer and should be encouraged not impeded.

Natural Person's Powers are given only to municipalities – it is suggested that the status be given to local boards and municipal corporations as well. They require these powers to the same extent and for the same reasons as municipalities.

It is recommended that the qualifying words - “for the purpose of exercising its authority under this or any other Act” - be removed from section 8 and the power be extended to local boards and related corporations. Alternatively, section 8 should be expanded to include the use of natural person's powers for those matters related to the effective management and administration of the municipality and its local boards and related corporations.

Sections 20-23: agreement-making powers

If municipalities have natural person's powers, it would be assumed that they have powers to enter into agreements with other entities, including other municipalities and First Nations. Enumerating such powers would be suggestive that municipalities could only enter into agreements that fit within the stated categories.

The only necessary authorizing section is to clearly state that the agreements can be with respect to matters that are outside the territorial boundaries of the municipality entering into the agreement. That can be stated as an enumerated section under section 8 rather than having it repeated in sections 20-22.

Section 23: the wording is unclear as it is suggestive that municipalities may only enter into agreements with private parties to construct, maintain and operate a private road, water or sewage works. It is suggested that revisions be made to add a subsection in section 8 to clarify the powers of a natural person to contract as including – but not limited to – entering into agreements for private works.

The current sections enable municipalities to enter into agreements with different forms of governments. Clearly missing is the federal government. Though it makes no practical sense, an argument could be made to suggest that municipalities are therefore precluded from entering into agreements with the federal government.

The manner in which these sections are drafted create confusion regarding the scope of natural person powers in section 8. Entering into agreements is a natural person power and it would be clearer if these provisions were deleted and section 8 were amended to simply provide that the natural person powers may be exercised outside the boundaries of the municipality. Further, a new simplified section could be added to Part II providing that municipalities may provide a municipal service or system outside of its boundaries with the agreement of the government or other body having jurisdiction in that geographic area where that service or system is to be provided.

Date: October 8, 2004

Section 5(3) natural person powers to be exercised by bylaw:

This requirement can be a procedural obstacle to speed and efficiency. However it is also an important requirement to ensure that the powers of the municipality are in fact exercised by Council not staff (unless delegated by bylaw) and that decision making is accountable and transparent.

RESTRICTIONS ON CORPORATE POWERS**Section 17 – Restrictions relating to Corporate Powers**

Almost all types of financial powers associated with a natural person are excluded from the natural person's powers conferred to municipalities in section 8. A municipality is not a natural person - like a corporation incorporated under the OBCA, for example – when it comes to financial management:

Incorporation – the only possible exception is section 17(2) – if a municipality is exercising powers under a regulation under s. 203 that provides the powers to incorporate or to be a member of a corporation or hold securities in a corporation, it will be able to exercise natural person's powers for these purposes. Considering that no regulations relating to these powers have been enacted so far, it is unclear whether this exception will have any substantive meaning. An alternative way to create separate entities is to create municipal services boards under sections 194-202, as the boards are bodies corporate. However, the boards are not natural persons and their powers and mandates are restricted. One example is the original initiative of the Smartcard for GTA transit fare system. Municipalities cannot enter into a corporate arrangement with each other to procure and implement a joint initiative, or with GO Transit and the MTO. At best, we could enter into an unincorporated association, which would create other legal issues. Joint boards will not work as GO and the Province are not municipalities. Greater flexibility is needed to allow municipalities to engage with other parties to provide services.

Investments or ownership of shares of a corporation: municipalities do not have the power to own shares of a corporation, even if it is for a short period of time prior to selling them as a result of seizing assets from debt restructuring. For example, in Mississauga, we were unable to hold Air Canada shares although the issuance/allocation of shares was part of the court restructuring scheme for Air Canada to repay unsecured creditors.

The restrictions on financial management and powers to incorporate or hold shares significantly limit opportunities for municipalities to enter into public-private partnerships as a means to raise new revenues or reduce costs. Both of these objectives should be within the scope of the authority provided to municipalities.

The process mandated by section 203 and regulations to establish corporations is very detailed and goes beyond ensuring accountability. It is not workable as it will take years to meet all of the requirements necessary if the proposed Downtown Economic Development Corporation being pursued by the City of Brampton serves as an example.

It is recommended that rather than restricting natural person powers in this manner the Act should provide a procedural framework for their use only, which ensure openness and accountability.

Date: October 8, 2004

NOTICE

The notice requirements found in the *Municipal Act*, 2001 are prescriptive and extremely detailed. A quick glance at the Act tells us that it contains over two dozen different notice provisions. The scope of these notice provisions vary from the obligation of a municipality to give notice of a public meeting in which a restructuring proposal will be voted on, to the requirement for municipalities to give notice of a by-law intended to name a highway. After enumerating the various notice requirements, in section 251, the Act sets out that any notice required under the Act shall be given in the form and time frame considered adequate by the individual municipal Council.

The prescriptive notice provisions found throughout the Act run in philosophical opposition with section 2 of the Act, which recognizes that Municipal governments are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction. As recognized responsible and accountable levels of government, it would be prudent provide municipalities the discretion to choose when public notice is necessary and when public notice is unnecessary.

Many municipalities have already taken steps as responsible and accountable levels of government with respect to public notice that support the recognition given by section 2 of the Act. A specific example of such responsibility and accountability is the budget process. In section 291, the Act sets out that public notice shall be given of a municipality's intention to adopt a budget. However, practically, such public notice is inadequate to ensure that input received from stakeholders can be carefully considered, and incorporated into the municipal budget. Municipalities are aware of the inadequacies found in the notice provisions in the Act relating to budgets, and as a result, have generally implemented more strict notice obligations than are found in the Act. This allows the input received from the public to be obtained in a useful and timely fashion.

In addition to the general prescriptive and detailed nature of the notice requirements found in the Act, it should be noted that many of these requirements are minor in nature. As is noted above, there are also notice requirements that are major in nature. In allowing municipalities to determine the necessity of public notice in each individual circumstance, a municipal structure that is responsive to local issues and concerns should be adopted with respect to public notice.

In conclusion, the Act currently provides municipalities with the discretion to determine, when public notice is necessary, the length of public notice and how such notice will be given. **To build on this discretion, and in accordance with recognizing municipalities as responsible and accountable governments, it would be prudent to delete the specific notice requirements found throughout the Act, and amend section 251 to give municipalities the full discretion to determine the who, when and how of their particular public notice policies.**

OPEN/CLOSED MEETINGS

Section 239 and 244 of the *Municipal Act*, 2001 address the nature of the deliberations that can occur in relation to reports and documents presented in closed sessions by providing for a vote only in certain limited circumstances. The intent of these provisions are to ensure transparent municipal government however they are very restrictive and in part conflict with the requirements of the *Municipal Freedom of Information and Protection of Privacy Act*. The current provisions are unrealistic as they prevent councillors from asking the necessary questions to do the proper due diligence on matters that come before them. Councillors, like provincial or federal cabinet ministers or directors of a private sector corporation, need to be able to "ask dumb questions" without being worried about being quoted in the evening news. This need was aptly set out by Mr. Justice Lacourciere in the dissenting opinion in the case of *Southam Inc. v. Hamilton/Wenworth (Regional Municipality) Economic Development Committee* before the Court of Appeal:

Date: October 8, 2004

"The present issue, however, concerns gatherings of commissioners where no business is transacted; when, rather, they confer together and with each other; and when they collaborate in doing what may be called their "homework". It is important that they do so freely and without restraint. Like all who have the responsibility of making important decisions, they need an opportunity to express, exchange and test ideas, to deliberate freely, off the record, and without the restraint of outside influence. Freedom of discussion and the exchange of ideas is essential to an understanding of a problem. It cannot be satisfactorily accomplished under a spotlight or before a microphone."

Taken to the absurd, the current provisions in the Act could prohibit councillors gathering for lunch, chatting over coffee, attending a social function together or otherwise assembling for fear that it be considered a "meeting" under the Act.

Duty to Maintain Confidentiality

Another issue that has arisen with respect to closed meetings is the extent to which matters discussed in closed meetings are to be kept in confidence. There is no legislative requirement to keep in confidence matters that are discussed in private at a council or committee meeting until they are discussed at a meeting held in public and often this information is inappropriately made public. In fact, lobbyists often say that the only difference between public and in-camera discussions is three minutes. In the *RSJ Holdings Inc. and The Corporation of the City of London* case, Justice Kennedy concluded that:

"I have not been referred to any authority by council who have presumably conducted exhaustive research which has persuaded me that the definition of a "in-camera" proceeding or meeting excludes public discussion after the fact about the deliberations which took place during the meeting.... Such a meeting is not cloaked with confidentiality and there is no restriction on publication that follows. Such a meeting is not cloaked with the like protection of s. 649 of the *Criminal Code* which refers to jury deliberations which take place outside public view nor is it similar."

Confidentiality of matters discussed behind closed doors has been held to be part of the fiduciary duties directors of private corporations at common law. While common law in Ontario has developed certain fiduciary duties owed by municipal councillors to the municipal corporation there continues to be debate as to what matters attract these fiduciary duties and what the scope of those fiduciary duties is. Legislative activities by councillors have generally not attracted fiduciary duties whereas activities by individual councillors concerning the property, contracts and litigation of the municipalities have been held in some cases to be subject to fiduciary duties.

LIABILITY CONCERNS

The provisions respecting municipal liability in PART XVI of the *Municipal Act, 2001* are a disappointment, particularly because they fail to provide any protection to municipalities against joint and several liability. Consideration of joint and several liability has been reviewed several times, including in submissions made by the Ontario Building Officials Association when commenting on Bill 124 where they recommended that provisions apportioning liability be included rather than relying on joint and several liability. Joint and several liability is extremely costly and unfair to municipalities. Municipalities are often inappropriately added as defendant and are perceived by the courts as having "deep pockets" often in circumstances where other defendants do not have an ability to pay. As a result, settlements are expensive and so is insurance protection against municipal liability. Several municipalities are considering eliminating joint and several liability including a number of American jurisdictions and most significantly to us, the new Winnipeg *Charter* adopted in 2002 eliminates the application of joint and several liability to the City of Winnipeg and also provides Crown immunity for City Council and its Council members.

Date: October 8, 2004

ONE SIZE DOES NOT FIT ALL

Legislation must be drafted to address the most pressing concerns for the greatest number of people. However, given the great differences within the Province, especially Northern and Southern Ontario, it is important to recognize that the legislative solution for one area may not be appropriate, or helpful for another area and can actually be detrimental.

This is especially so for economic development, where the issue is not development pressure, but rather what can be done to encourage development. A related issue is the ability to attract medical practitioners to northern areas and the constraints the Act places on municipalities providing incentives for doctors and other medical practitioners to locate in the North. As a result it is recommended that cities in Northern Ontario be allowed by regulation to declare that certain provisions in the *Municipal Act* regarding economic development and bonusing shall not apply so long as any such actions otherwise meet the standards of procedure and transparency under the *Municipal Act*. The ability to meet road standards under Ontario Regulation is another issue that needs to be addressed differently in the North.

This issue, however, is not restricted to the North. Specific tools are also required to address the needs of large urban centres, and the needs of rural municipalities as well.

CASE LAW COMMENT**Shell Canada Products Ltd. v. Vancouver, (City) [1994], 1 S.C.R. 231**

The *Shell Canada* case signified a shift in the way the courts look at the role of municipal institutions. The City of Vancouver had determined by [resolution/by-law] not to do business with Shell Canada to protest what the City Council saw as exploitive activities by Shell in dealing with its holdings in Africa. While the court determined that Council's action were beyond its jurisdiction and usurped federal jurisdiction over international affairs, the case remains important for a number of principles set out in the dissent, written by now Chief Justice McLachlin of the Supreme Court of Canada. That case stands for the proposition that rules of construction should not be applied to usurp the legitimate role of municipal bodies as community representatives and consequently, unless a municipal decision is clearly beyond a council's powers, the courts generally will uphold the decision. Unlike the narrow approach taken by Justice Iacobucci in the *Greenbaum* case, Chief Justice McLachlin endorsed the position that the courts are willing to imply jurisdiction where powers are not expressly conferred.

Nanaimo (City) v. Rascal Trucking Ltd. [2000] 1 S.C.R. 342

This case involved interpretation of the powers granted to municipalities in British Columbia to deal with nuisances and in this case order the removal of a pile of soil from property owned by Rascal Trucking. The issue was whether the phrase "or other matter or thing" was intended to expand the scope of section 936 to allow municipalities to determine what is a nuisance. The case is important in that the Supreme Court of Canada states that the standard of review to be used by the courts in determining whether or not a municipal decision is within its jurisdiction is one of patent unreasonableness. The court recognizes that municipal councils are elected representatives of their community and are accountable to their constituents. It states that municipalities are often required to balance complex and divergent interests in arriving at decisions in the public interest and that such decisions must be reviewed using a deferential standard. In this case, the court determined that the city's decision to declare the company's pile of soil a nuisance was not patently unreasonable and upheld the city position.

Date: October 8, 2004

This case has signified a new understanding of municipal government by the Supreme Court of Canada. Previously, the test applied by the Supreme Court set out in the case of *Greenbaum* [1993] 1 S.C.R. 674 and *R. v. Sharma* [1993] 1 S.C.R. 650 required municipalities to find an express authority in provincial legislation before it had jurisdiction to regulate. In *Greenbaum*, the court notes that "municipalities are entirely the creatures of provincial statutes. Accordingly, they can exercise only those powers which are explicitly conferred upon them by a provincial statute. The court then determines that it follows that the exercise of a municipality statutory powers then is reviewable to the extent of determining whether the actions are within their jurisdiction. This is a very narrow approach. Similarly in *Sharma* the court states that "...as statutory bodies, municipalities "may exercise only those powers expressly conferred by statute, those powers necessarily or fairly implied by the expressed power in the statute, and those indispensable powers essential and not merely convenient to the effectuation of the purposes of the corporation".

114957 Canada Ltee (Spraytech, Societe d'arrosage) v. Hudson (Town)[2001] 2 S.C.R. 241

Spraytech challenged the authority of the Town of Hudson, Quebec to enact a by-law controlling pesticide application arguing that the municipality lacked jurisdiction because of existing provincial and federal regulation in the field. The Town of Hudson argued that the by-law was a proper exercise of its authority to regulate in the interests of public health. The Supreme Court of Canada held that the municipal by-law was valid because it was not inconsistent with either federal or provincial regulation in the field, i.e., compliance with the municipal by-law did not lead to contravention of federal or provincial regulation. *Spraytech* gave meaning to broad authority to the clauses in most municipal acts allowing municipalities to pass by-laws relating to matters of health and safety, even where higher levels of government held concurrent authority to regulate.

United Taxi Drivers' Fellowship of Southern Alberta v. Calgary (City) [2004] S.C.J. No. 19

This decision of the Supreme Court of Canada builds upon the principles of *Spraytech*, finding that the provinces do not need to legislate municipalities prescriptively, except in relation to civil or common law rights. In this case, the court found that the proper approach to the interpretation of municipal powers had shifted away from a strict construction approach to an interpretive approach. The court also noted that "several provinces have moved away from the practice of granting municipalities specific powers in particular subject areas, choosing instead to confer them broad authority over generally defined matters... This shift in legislative drafting reflects the true nature of modern municipalities which require greater flexibility in fulfilling their statutory purposes."

MUNICIPAL ACTS ACROSS THE COUNTRY

In 1994 the Province of Alberta enacted its new *Municipal Government Act*, SA 1994, Ch. M-26.1. Alberta's *Municipal Government Act* defines the purpose of municipalities as:

- a) to provide good government,
- b) to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality, and
- c) to develop and maintain safe and viable communities.

Date: October 8, 2004

The *Alberta Act* was the first Canadian statute to give broad powers to municipalities to regulate, known as spheres of jurisdiction. It provided municipalities with limited natural person powers, including the corporate powers of a natural person, which have allowed Alberta municipalities greater flexibility and access to new financial tools. These changes have generated a recognition across the country that municipalities are accountable and responsible levels of government, and in so doing, have reduced the regulatory role of the provincial government.

A flaw with the *Alberta Municipal Government Act* is that it does not provide for general consultation with local government before Alberta amends legislation that impacts on municipalities. Alberta has, however, recently entered into a Memorandum of Understanding with the cities of Edmonton and Calgary providing a process for consultation on amendments that affect them.

In 1996 Manitoba enacted a new municipal act that followed the general approach of the Alberta legislation in providing municipalities with interpretation powers and broad spheres of jurisdiction in which they have authority. The Manitoba legislation is somewhat more restrictive than Alberta's in that it does not give municipal governments natural person powers and the range of matters over which municipalities have general authority is somewhat narrower.

The Manitoba *Municipal Act* has no express mechanism for consulting with municipalities before the province amends legislation that impacts them. In addition to the general *Municipal Act*, the City of Winnipeg has operated under its own municipal charter since 1959. On January 1, 2003 a new City of Winnipeg *Charter Act* came into force that granted Winnipeg authority under fourteen spheres of jurisdiction, that are very similar to those found in Alberta's *Municipal Government Act*, and gave Winnipeg natural person powers. Further legislative change respecting the City of Winnipeg, i.e., a phase 2 to the Winnipeg *Charter*, is anticipated shortly.

In 1996, the Government of British Columbia enacted the *Local Government Act* which again recognized local government as independent, responsible and accountable orders of government and provided them with broader powers to provide good government and the services, facilities and things considered necessary or desirable in their communities. The Act allowed municipalities to encourage economic development by granting them greater corporate powers and greater flexibility to enter into joint ventures, provide incentives and otherwise encourage development. A new and important feature of the British Columbia legislation is a statutorily recognized requirement for notice and consultation before the provincial government can change legislation that directly affects local government interests. While the *Municipal Act* amendments did not come into force until September, 1998, this recognition was first set out in a "Recognition Protocol" in 1996 between that province and the Union of British Columbia Municipalities (UBCM).

In May, 2003 the British Columbia legislature enacted the *Community Charter* governing all municipalities in British Columbia except for Vancouver, which retains its own *Charter*. The *Community Charter* came into force on January 1, 2004 and is the most empowering legislation to date, granting broad authority to provide any municipal service and to regulate in relation to eleven autonomous and five "provincial/municipal concurrent areas" of regulatory authority. The *Community Charter* was amended in the Fall of 2003 to provide for a number of additional revenue sources...

Date: October 8, 2004

In December, 1998, The Yukon Territory enacted a new *Municipal Act* providing municipalities with the rights, powers and privileges of a natural person except that municipalities were limited in that they could not establish or hold shares or memberships in another corporation that does anything the municipality does not have the power itself to do. The Yukon legislation contains a purpose section defining the purpose of the legislation as “to provide local governments with the powers, duties and functions necessary for fulfilling their purposes and to represent and respond with flexibility to the various interests, needs, and changing circumstances of their communities.”

In 1998 Nova Scotia enacted its *Municipal Government Act* which, while carrying forward the old laundry list approach to municipal powers, also provided a requirement for mandatory consultation with affected municipalities on planning and development matters and with the Union of Nova Scotia Municipalities (UNSM) respecting amendments to the *Municipal Government Act*. The Nova Scotia legislation also contains a discretionary provision whereby the Minister may consult with, assist or advise municipalities in the conduct and administration of municipal affairs.

One other clear distinction is that across the country there appears to be recognition that a model based on “one size fits all” does not work to the advantage of all municipalities. This recognition does not exist in the Province of Ontario outside of special legislation directed at an individual municipality and obtained through private members’ bills. In fact, the enactment of the *Municipal Act, 2001* and the repeal of various other pieces of legislation, including regional acts, took away from a recognition of distinctiveness between areas. It is beyond question that the needs of Canada’s largest city, the City of Toronto, and other cities with significant populations such as Ottawa or Mississauga, are and always will be different from the needs of small towns and villages in the Province. One way to recognize these differences is to create a separate *Cities Act* to deal with these large urban centres and their differences. Another approach is to provide municipalities with broad general powers based on the nine principles adopted by the Association of Municipalities of Ontario in August, 2004. In this way, municipalities that have the ability and are required to work in a more complex urban environment, can meet the needs placed upon them; those operating in the north where municipalities are often faced with greater demands to meet needs that might otherwise be provided by the private sector; and those municipalities that have a greater comfort level with maintaining a higher level of connectivity with the Province, can all meet their respective needs.

Newfoundland and Labrador enacted a new *Municipalities Act, 1999* however in doing so it did not adopt the Alberta model of providing broad spheres of jurisdiction. The Cities of Corner Brook, Mount Pearl and St. John’s all have legislation specific to them in addition to the *Municipalities Act* and again, this legislation follows the older model of drafting and does not provide for spheres of jurisdiction or broad general authority for these municipalities.

Legislation similar to the Alberta model and closely resembling the Yukon legislation was enacted in Nunavut Territory in March, 2003. This legislation includes a purpose section and a section setting out the responsibilities of council. Under this Act, council is responsible for developing and evaluating plans, policies and programs of the municipal corporation, administering the affairs of the corporation and carrying out the powers, duties and functions given to it under legislation. The responsibilities of council members are set out in section 32.1 as follows:

Date: October 8, 2004

- a) to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;
- b) to participate generally in developing and evaluating the policies and programs of the municipal corporation;
- c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;
- d) to keep in confidence matters discussed in private at a council or council committee meeting until they are discussed at a meeting held in public; and
- e) to perform any duty or function imposed on council members by this or any other enactment or by the council.

These responsibilities clearly recognize the important policy making role council plays and the fact that council is best able to assess the needs of the public. Under this Act, certain powers, such as those relating to the acquisition and disposal of property are defined. Other powers, such as authority respecting economic development are broadly defined. In this respect, in section 53.9(2) states:

"(2) subject to limitations on its powers in this or any other enactment or by a by-law, a council may encourage local economic development in any matter it considers appropriate..."

Municipalities are also authorized to act within eight broad spheres of jurisdiction.

The Nunavut legislation recognizes municipalities as corporations with all of the rights and the liabilities or corporations within their spheres of jurisdiction and accordingly, municipalities would then have full natural person powers within their jurisdiction.

Saskatchewan enacted its new *Cities Act* in 2003. Section 3 of the Act recognizes cities as a responsible and accountable level of government within their jurisdiction and states as one of the purposes of the Act is

- (c) to provide cities with the flexibility to respond to the existing and future needs of their residents in creative and innovative ways;
- (d) to ensure that, in achieving these objectives, cities are accountable to the people who elect them and are responsible for encouraging and enabling public participation in the governance process."

Cities are given the rights, powers and privileges of a natural person in carrying out these duties and responsibilities. In the Saskatchewan legislation the purposes of cities are defined broadly including to develop and maintain a safe and viable community, to foster economic, social and environmental well-being and to provide wise stewardship of public assets. In carrying out these purposes and authority under the Act, cities have the rights, powers and privileges of a natural person. Section 6 states:

- "6. The power of a city to pass by-laws is to be interpreted broadly for the purposes of :
 - (a) providing a broad authority to its council and respecting the council's right to govern the city in whatever manner the council considers appropriate, within the jurisdiction provided to the council by-law; and
 - (b) enhancing the council's ability to respond to present and future issues in the city."

Section 8 sets out eleven spheres of jurisdiction where council has authority to pass by-laws that are similar to those found in the Alberta legislation. Following the Alberta model, matters such as tax and assessment are defined much more specifically.

Date: October 8, 2004

The *Municipalities Act* of Prince Edward Island predates the Alberta legislation and contains 26 defined areas in which municipalities can provide service. Despite this, section 64 contains several specific areas of regulatory authority. Section 57 contains a broad authority to make laws for the peace order and good government of the municipality. Specific notice provisions are required to elicit public opinion on matters affecting residential property.

The *Municipalities Act* of New Brunswick does not follow the Alberta model but instead continues the old listing of prescribed powers and authority. The Act was proclaimed in force in July, 1975 and does not appear to be significantly amended since 1985.

CONCLUSIONS

One of the key conclusions to be reached from comparing the municipal legislation across this country is the growing trend to recognizing municipalities as a level of government and in so doing, a movement away from micro-managing while maintaining the need for accountability. More and more provinces are incorporating provisions in their legislation providing this recognition and requiring a process for consultation with municipalities before the primary municipal legislation is amended. This protection needs to be amended so that municipalities are consulted, not only on amendment of their municipal acts, but also on amendments to other legislation, by other provincial ministries, that impact on the operations of municipalities as a level of government. For example, amendments to the *Electricity Act* that impact on the way a municipality can hold an interest in a public utility commission or corporation.

Date: October 8, 2004

PART II

Section	Proposed Change	<u>Rationale for Proposed Change</u>
8 - Natural Person Powers	delete sections 17, 20-23, ... delete sections 276-282	· restrictions on natural person powers not justified ie. no provincial policy interest demonstrated · redundant as they are all natural person powers. At a minimum, should be redrafted to only state any restrictions required to meet a provincial interest · see comments under Part I
11 – Spheres of Jurisdiction	Delete assignment of sphere in Section 11 and delete and replace Section 13 with a conflict provision that provides priority to the by-law of a lower-tier municipality where the lower-tier municipality regulated within the sphere on December 31, 2002 delete section 59 delete section 103	· the assignments do not accurately reflect where regulatory authority lies within two-tiered jurisdictions in many cases · the effect of Section 11 and Section 13 is to transfer municipal power from area municipalities to upper tier municipalities · when read with subsection 11(2)5. suggests lower tier municipalities are restricted from regulating signs within 400 metres of an upper tier highway · covered by sphere of jurisdiction respecting animals
17 – Restrictions on Corporate and Financial Matters	delete	· restriction on natural person powers is not justified · restrictions limit municipal ability to participate in innovative financing, public private partnerships and use of business model for capital projects as well as interfere with ability to collect on debts owing · see detailed comments in Part I

Date: October 8, 2004

34(1) – Highway Closing Procedures	Require lower-tier municipality to specifically notify upper-tier municipality when lower-tier municipality intends to close a highway.	- the upper-tier municipality may have infrastructure in the road unbeknownst to the lower-tier municipality. - the upper-tier municipality may need part of the road as a widening of its own road; - the closing might infringe the upper-tier municipality's Official Plan (e.g., re road access to shorelines).
44-Minimum standards for highway maintenance	Amend to allow municipalities to set the minimum standards	- in northern Ontario weather conditions, large geographic areas, and a small assessment base make it impossible to meet current minimum standards at a reasonable cost - prescription is not consistent with recognition of municipalities as responsible and accountable governments - in a "one size fits all" system there must be recognition of differences in ability to pay
106-Bonusing		- seriously impedes our ability to compete with American cities who can offer numerous incentives to business - restricts ability of under-served municipalities to attract doctors and other health and social services professionals - restricts ability to deal with Brownfields
108-Small business programs	Delete section 108(2)(a)	- this is a matter of local interest and requirement for approval - contrary to treating municipalities as responsible and accountable governments

Date: October 8, 2004

109-Community development corporations	Clarification respecting bonusing	· need clear authority that CDC's can bonus · in the alternative, if bonusing is not authorized then need clear authority to allow municipalities to enter into agreements with provincial agencies and/or initiatives, such as the Northern Ontario Heritage Fund Corporation, where the terms of these agreement potentially place municipalities in violation of the <i>Municipal Act</i>, 2001
122 – Snow and Ice	add authority to require owners to remove snow and ice from sidewalks	· previously existed in section 210(60), <i>Municipal Act</i> R.S.O. 1990. If falls within highways sphere of jurisdiction, what happens along upper tier roads?
147- Energy Conservation Programs	Delete	· falls within natural person powers
238- Procedure By-law	Add a provision allowing for electronic meetings	· authorized under the Business Corporations Act and authorized for school boards under section of the <i>Education Act</i>

Date: October 8, 2004

239-Open Meetings	Add as Section 239(2)(h) "any thing which a municipality is permitted or required to maintain in confidence pursuant to MFIPPA" Amend Section 1 to add a definition of "meeting"	· must be consistent with the <i>Municipal Freedom of Information and Protection of Privacy Act</i> · like private sector businesses, the provinces and federal government, municipalities need the ability to hold non-business meetings to be briefed- they must be able to "ask dumb questions" without fear of being misquoted or humiliated to prepare to deal with the complex issues facing them. Decisions would still be made in public
251- Notice	· Amend section 251 · Require municipalities to pass a By-law setting out the things Council will provide notice about, as well as the form and manner of such notice · Delete notice provisions in section 34(1), 34(2), 36(3), 37(1), 44(10-12), 47, 48, 57(2), 81(3), 91(6), 99(1), 110(5)(7)(14), 132(2), 135(6), 144(5)(13-14), 149(2), 150(3), 157(3), 173(3), 174(9-10)(12-13), 187(2), 206, 210, 211, 212, 216(4), 217(2), 219(1), 222(2-3), 238(4), 252(8), 291, 295(1), 300(1-2), 348(2-3), 350(1), 356(5), 357(6), 358(8), 359(4), 365(2), 365.2(6), 367(5-7)(13), 368(1)(3), 368(5-9), 368.3(2), 374(1), 379(1), 380(3), 381, 402(1), 431, 432(8), 433(3)(6)(12),	· section 2 recognizes municipalities as responsible and accountable governments and such prescription is not required as a result · most municipalities exceed notice requirements in any event i.e. budgets · see detailed comments in Part I
268 – Sale of Land	amend subsection (6)	· subsections (6) and (7) are inconsistent; if a certificate must be included in a deed or transfer then the clerk must issue a certificate

Date: October 8, 2004

284 – Treasurer's Statement	clarification	clearly captures what is paid directly to a member of council, but not what is paid on their behalf
150 – Business Licensing	delete subsection (3) delete subsections (9) and (10)	- benefit unclear. Unclear as to level of detail required - not consistent with treating municipalities as responsible and accountable governments - rationale for licensing can already be determined through council minutes and staff reports without exposure to potential challenge due to detail included to meet this requirement - not consistent with treating municipalities as responsible and accountable governments - in any event most municipalities do not impose fees that come close to full cost recovery - restriction to direct costs creates an inequity between two-tier municipalities and single-tier municipalities where police, health and other inspection and enforcement costs are incurred at the upper-tier level while licensing is a lower-tier municipal function - amend subsection 8(k) to including indirect costs See comments above re costs of police and health services. - municipalities should be authorized to establish fees to achieve policy objectives, such as conservation, and not be strictly limited to costs recovery

Date: October 8, 2004

151 – Adult Entertainment Establishments	amend subsection 151(3) to provide right of entry to “Peace Officers”	· licensing municipalities rely on police to enforce the by-law, and in two-tier jurisdiction is again a problem
154 – Licensing Tow Trucks	amend to provide clear authority to regulate storage rates at a garage add clarification respecting licensing	· inconsistent if municipalities can regulate the towing rate but not the storage rate – can’t achieve the intended public benefit · clarification is required that when licensing kennels as a business the entire dog-animal by-law is not subject to the licensing restrictions and sunset provisions (Section 163)
195-197 – Municipal Service Boards	amend delete requirement for council approval in Section 196(2) (a) (b) and (c)iii clarification required between subsections 197(1) and (2)	· clear authority for municipalities to determine the extent to which they wish to delegate powers to a municipal service board should be provided · if there is a mandatory requirement for council to pass a resolution under section 397, then this is not real delegation · clarify whether municipal services boards are in fact supposed to be self-funding and self-running · need to clarify municipalities’ exposure to liability of MSB’s, while abiding corporate, are their agent, particularly given restrictions on delegation · unclear what natural person powers municipal services boards have as a body corporate

Date: October 8, 2004

390 – Fees and Charges	Expand definition of “local board”	· definition merely “includes” prescribed bodies; · definition ought to be clear and exhaustive – e.g., does this definition of “local board” differ from the definition of “local board” in section 1(1)?
448 – Liability and Immunity	· amend subsection 448(1) to provide immunity to municipal corporations · amend Section 448 to eliminate joint and several liability for municipal corporations	· even where municipalities are only minimally at fault, joint and several liability results in substantial awards against municipalities who are seen as the “deep pockets” by litigants and the courts. The end result is that insurance costs are beyond affordability for most municipalities. · what is the public interest in making municipalities in effect responsible for paying substantial costs to persons who are often substantially responsible for their own misfortune. These costs are really social welfare costs that should be picked up by the province and/or private insurance companies acting for these individuals. · See comments under Part I

Date: October 8, 2004

312 – Local Municipal Tax Levies	· amend to provide authority to levy a destination marketing fee · amend provisions related to caps on commercial/industrial tax rates to allow implementation of a heritage tax rebate programme and clarify not bonusing · a local heritage preservation initiative · restore authority to charge “rent” to utility companies ie. telephone, cable, gas and hydro for the use of municipal property through a gross receipt tax or franchise fee	· this is a matter of local interest and is consistent with treating municipalities as responsible and accountable governments. In fact, in the GTA the hotel industry has already started paying a voluntary fee to be used to promote tourism · Previously authorized under the old <i>Municipal Act</i> and a matter of local interest – reimbursement for use of municipal property.
430 – Entry to Dwellings	amend Act to establish a single common uniform right of entry	· rights of entry into buildings and dwellings and entry into land are scattered throughout the Act and should be uniform for all regulatory offences, similar to that in place under the <i>Planning Act</i> and the <i>Building Code Act</i>
None	Re-enact section 147 of the <i>Regional Municipalities Act</i>	· upper-tier municipalities no longer have authority to appoint fire co-ordinators.

Achieving a Mature Relationship Review of the Municipal Act, 2001

Recommendations Adopted By AMO

*“Municipalities are...
responsible and accountable
governments ...”*



Section 2, Municipal Act 2001

Setting the Context:

- *“Our review is intended to identify the legislative amendments that can provide local governments with more tools and greater flexibility to creatively serve their residents.”*
- *, “It is my view, and the vision of the McGuinty government, that we no longer want to micro-manage municipal governments. They are a level of government, duly elected just like the provincial and federal levels.”*

- Hon. J. Gerretsen, June 22, 2004

Proposed Principles for Achieving a Mature Relationship

1. Municipalities are responsible and accountable governments.
2. New legislation shall enhance existing municipal powers.
3. The province shall stop micromanaging municipal governments.
4. Where there is a compelling provincial interest the province shall when regulating municipal government define at the outset that interest.
5. Provincial legislation shall be drafted with the expectation of responsible municipal government behavior and not as a remedial tool.

...continued

3

6. Accountability means mutual respect between municipal government, the province and other public agencies.
7. Resources for municipal governments shall be sustainable and commensurate with the level of responsibility.
8. The Municipal Act shall include principles that will protect the Municipal Act and municipal powers from all provincial legislation.
9. The province shall commit to increasing the understanding and awareness of municipal government within all ministries and provincial agencies.

The above principles ensure that all legislation empowers the evolution of municipal government.

4

Application of The Principles

- Will result in considerably different legislation affecting municipalities.
- Will result in recommendations that will make the rest of the Act consistent with current section 2, the Purpose Section...

"Municipalities are... responsible and accountable governments ..."

5

Micro-Management

Province must remove itself from micro-managing municipalities and NOT legislate detailed business practices for municipalities.

Benefits:

- Municipalities can be more timely and responsive when they are not micro-managed.
- Province sees legislative and cabinet time freed up for truly provincial needs.
- Specific legislative solutions to unanticipated situations will be reduced.

6

Recommendations

- Eliminate Provincial micro-management

Some examples will see removal of:

- Prescriptive requirements for public meetings
- Lists
- Content and form of tax bill
- Appointment of deputy clerks and treasurers
- And more...

7

Specifically:

It is recommended that the Municipal Act and Regulations be amended by deleting all requirements for “notice” and replace with a general provision allowing municipal councils to determine by by-law under what circumstances notice is required and the form, manner and timing of the notice.

8

Specifically:

It is recommended that the limitations on incorporating be repealed and replaced with a broad power permitting municipalities to incorporate corporations under either the Business Corporations Act or under Part III of the Corporations Act for any municipal purpose.

9

Specifically:

It is recommended that the restriction on the receiving and holding of shares of a corporation be removed.

10

Spheres of Jurisdiction

- Two new Spheres are being suggested by the Province:
 - health
 - environment.
- The areas of truly provincial interest need to be identified first so there is no confusion or conflict
- Tourism is an area that municipal government has taken a role yet is not identified in spheres

11

Specifically:

It is recommended that health and the environment be added as two new Spheres of Jurisdiction in section 11 and that the Principles be applied to all legislation affecting new spheres. This will require further discussion with the various Ministries to clarify the municipal responsibility from a provincial responsibility, among other matters contained in the Principles.

12

Specifically:

It is recommended that Sphere of Jurisdiction 10 be amended to read “Economic Development and Tourism” and that it apply to all municipalities.

13

Natural Person Powers

- Provides municipalities with the capacity, rights, powers and privileges of a natural person for exercising its authority under any statute
- To be exercised by by-law
- Presently structured, Section 8 does not create any substantive powers for municipalities.

...continued

14

Natural Person Powers

- To be used once authority to act is found elsewhere in the Municipal Act, other statute or regulation
- To be interpreted broadly and confer broad authority to govern municipal affairs
- To enhance ability to respond to municipal issues
- Effect is reduced by the imposition of restrictions and limitations in section 17, among other sections.

15

Specifically:

It is recommended that Natural Person Powers be enhanced:

- *to include the use of those powers for matters related to effective management and administration of the municipality and local boards, and*
- *by the reduction or elimination of the restrictions and limitations currently in the act.*

16

Minimum Maintenance Standards

- A new defence to municipalities that meet the minimum maintenance standard as set out in a provincial regulation
- To date no cases have been decided
- Development of regulation was a collaborative effort between the provincial and municipal representatives

...continued

17

- A number of issues require attention, e.g.
 - out of season issues
 - seasonal roads
 - sidewalks
 - winter and night patrols.
- An example of micro-management by the province
- Municipalities are best able to determine the appropriate minimum standards.

18

Specifically:

It is recommended that municipal councils establish by by-law Minimum Maintenance Standards for municipal roads.

19

Evolution of Municipal Government

- Act needs to embrace and allow for a continuing evolution of municipal government
- The mandatory five year review requirement contemplates this evolution
- Municipal government has demonstrated its ability to act responsibly, not perfectly but responsibly

20

TO ACHIEVE A MATURE RELATIONSHIP
REQUIRES:

- that the rest of the Municipal Act reflect the importance of section 2
- an examination of the impact of other legislation on the general powers
- that not only the Municipal Act conform to Principles but all provincial legislation affecting municipal government must conform to the Principles.

21

TO ACHIEVE A MATURE RELATIONSHIP
REQUIRES:

- evolution in approach
- a change in attitude by both provincial and municipal officials –
 - long history of learned dependency
 - along with prescriptive legislative
- an examination of the relationship of the Municipal Act and other legislation, including regulations

22

Specifically:

It is recommended that all provincial legislation affecting municipal government shall define the provincial interest in the legislation.

23

Accountability

- Section 2 both recognizes and requires municipal government be accountable government
- Accountability has been measured by municipal compliance to provincial rules
 - notice requirements, including budget notice
 - the need for lists
 - the form of the tax bill
 - the establishment of objectives and standards in section 299
 - the notice of the efficiency and effectiveness of service delivery in section 300
 - the development of policies on hiring and procurement in sections 270 and 271

24

Recommendation

- Legislation should be enacted recognizing that municipalities are governments capable of administering their own affairs
- Private Members Bill 99 not proceed
- Municipal governments will perform responsibly and should be allowed to govern based on broad authority within their areas of jurisdiction

25

Closed Meetings

- Closed meetings are restrictive and often unworkable
- Contrast the provincial situation with that of local government
- No forum or opportunity for municipal councils or their committees to
 - meet to develop a strategic planning process for the community
 - undertake an educational program or
 - just have an opportunity to ask “dumb” questions of staff or other members of council

26

Mr. Justice Lacourciere of the Ontario Court of Appeal in a dissenting opinion in the case of *Southam Inc. v. Hamilton-Wentworth (Regional Municipality) Economic Development Committee* recognized the importance of council being able to meet in a closed meeting.

“The present issue, however, concerns gatherings of commissioners when no business is transacted; when, rather, they confer together and with each other; and when they collaborate in doing what may be called their “homework”. It is important that they do so freely and without restraint. Like all who have the responsibility of making important decisions, they need an opportunity to express, exchange and test ideas, to deliberate freely, off the record, and without the restraint of outside influence. Freedom of discussion and the exchange of ideas is essential to an understanding of a problem. It cannot be satisfactorily accomplished under a spotlight or before a microphone.”

27

Specifically:

It is recommended that municipal council be granted the discretion to determine when and for what purpose council or a committee may hold a closed meeting.

28

Closed Meetings and MFIPPA

- Conflict exists between the *Municipal Act* and the *Municipal Freedom of Information and Protection of Privacy Act*
- Under MFIPPA municipalities are required to keep certain information confidential
 - it is enforceable by prosecution or penalties for failing to do so.
- How can council deal with a matter which it is required to keep confidential under MFIPPA if it cannot discuss the same matter at a closed meeting because it is not a permitted reason to conduct a closed meeting ?

...continued

29

Specifically:

It is recommended that the conflict between section 239 of the Municipal Act, 2001 and the Municipal Freedom of Information and Protection of Privacy Act be resolved by legislative amendment.

30

Head of Council

- Head of Council “...to act as chief executive officer of the municipality” (undefined)
- Chief administrative officer “...exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality” and is permissive authority
- Issue: Is the Head of Council responsible for overseeing the administrative operations of the municipality?

31

Specifically:

It is recommended that the province define the phrase “acting as the chief executive officer” in section 225.

32

Integrity Commissioner Recommendations

Specifically:

It is recommended that

- the Municipal Act, 2001 be amended to permit municipalities to appoint an independent Integrity Commissioner*
- the legislation should include broadly worded authority permitting a municipal council to appoint an integrity commissioner on the terms and conditions it deems appropriate.*
- the authorizing legislation should include adequate powers to undertake a full and complete investigation.*

33

Lobby Registry Recommendation

Specifically:

It is recommended that:

- Individual municipalities should have the discretion whether to create a lobby registry.*
- The legislation should include a broadly worded authority.*
- Any lobby registry should should not impose a higher standard on municipalities than the province imposes on itself.*

34

Codes of Conduct

- currently, no requirement for municipalities to enact a code of conduct
- many councils have put a code of conduct in place.
- goes to the issue of accountability but also bring clarity to members of council and staff as to what is appropriate behaviour
- should be enacted under a broad authority
- municipal councils could enforce conduct in extreme cases by prosecution
- code of conduct details repercussions on a member of council or staff who breach the confidentiality

35

Codes of Conduct

Specifically:

It is recommended that municipal councils be authorized to enact codes of conduct, the details of which would be solely left up to the municipal council as to what and how the code would be prepared.

36

Joint and Several Liability

- While not an issue directly related to the review of the Municipal Act it has a huge impact:
 - Municipalities added as defendant
 - Perception that municipalities have deep pockets
 - Insurance premiums rise
 - Those responsible do not pay

37

Joint and Several

Specifically:

It is recommended that the principle of joint and several liability be abandoned and that section 1 of the Negligence Act be repealed.

38

Conclusion

- Responsible behavior flows out of responsibility.
- Legislative changes consistent with the Principles will result in municipal governments that are equipped to act responsibly and with the tools to face the challenges faced by our communities.

39

Minutes

City Council	2004-09-30
Planning Committee	2004-10-05
Committee of the Whole	2004-10-05
Ad Hoc Committee - Council Auditor	2004-10-05
Special Meeting of Council	2004-09-29
Priorities Committee {TO BE TABLED}	2004-10-13
Tender Opening Committee	2004-09-27
Tender Opening Committee	2004-09-28
Tender Opening Committee	2004-10-05
Nickel District Conservation Authority	2004-09-22
Sudbury & District Health Unit	2004-09-16
City of Greater Sudbury Public Library Board	2004-06-17
Greater Sudbury Housing Corporation	2004-08-31

**THE EIGHTEENTH MEETING OF THE COUNCIL
OF THE CITY OF GREATER SUDBURY**

**C-11
Tom Davies Square**

**Thursday, September 30, 2004
Commencement: 6:00 p.m.**

DEPUTY MAYOR CRAIG, IN THE CHAIR

Present

Councillors Berthiaume; Bradley; Caldarelli; Callaghan (A 6:07 p.m.); Dupuis; Gainer (A 6:06 p.m.); Gasparini; Kett; Reynolds; Rivest; Thompson; Mayor Courtemanche

City Officials

M. Mieto, Chief Administrative Officer; D. Belisle, General Manager of Public Works; C. Hallsworth, General Manager of Citizen & Leisure Services; C. Matheson, General Manager of Health & Social Services; D. Nadorozny, General Manager of Economic Development & Planning Services; D. Wuksinic, General Manager of Corporate Services; S. Jonasson, Director of Finance/City Treasurer; R. Swiddle, City Solicitor/Director of Legal Services; S. Vrbanac, Assistant City Solicitor; P. Demers, Community Relations and Policy Advisor; T. Mowry, City Clerk; CJ Caporale, Council Secretary

**Declarations of
Pecuniary Interest**

None declared.

"In Camera"

2004-493 Reynolds-Callaghan: That we move "In Camera" to deal with Litigation Matters and Freedom of Information and Protection of Privacy Matters in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

CARRIED

Recess

At 6:59 p.m., Council recessed.

Reconvene

At 7:10 p.m., Council moved to the Council Chamber to continue the regular meeting.

Chair

HIS WORSHIP MAYOR DAVID COURTEMANCHE, IN THE CHAIR

Present

Councillors Berthiaume; Bradley; Caldarelli; Callaghan; Craig; Dupuis (A 8:05 p.m.); Gainer; Gasparini; Kett; Reynolds; Rivest; Thompson

City Officials

M. Mieto, Chief Administrative Officer; D. Belisle, General Manager of Public Works; C. Hallsworth, General Manager of Citizen & Leisure Services; C. Matheson, General Manager of Health & Social Services; D. Nadorozny, General Manager of Economic Development & Planning Services; D. Donaldson, Acting General Manager of Emergency Services; D. Wuksinic, General Manager of Corporate Services; S. Jonasson, Director of Finance/City Treasurer; R. Swiddle, City Solicitor/Director of Legal Services; I. Davidson, Chief of Police, Greater Sudbury Police Service; P. McCauley, Acting Manager of Corporate Communications and French-language Services; P. Demers, Community Relations and Policy Advisor; J. McKechnie, Executive Assistant to the Mayor; T. Mowry, City Clerk; F. Bortolussi, Planning Committee Secretary; CJ Caporale, Council Secretary

C.U.P.E.

W. MacKinnon, President; F. Posadowski, Recording Secretary

News Media

Sudbury Star; MCTV; CIGM; Channel 10 News; Le Voyageur, Northern Life; CBC Radio; CBC Radio-Canada; CBON

Declarations of
Pecuniary Interest

None declared.

Motion to Withdraw

With the consent of the majority of Members present, Council agreed to withdraw Councillor Berthiaume's motion, Item R-3 (Greater Sudbury Hydro Plus Inc. Labour Disruption).

MATTERS ARISING FROM THE "IN CAMERA" SESSION

Rise and Report

Deputy Mayor Craig, as Chair of the Committee of the Whole, reported Council met to deal with Litigation Matters and Freedom of Information and Protection of Privacy 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 one resolution emanated therefrom.

Tender - Supply and
Delivery of Granular
Crushed Materials &
Winter Sand
2004-2007

The following resolution was presented:

2004-494 Callaghan-Gainer: THAT OCL Trucking & Excavating Ltd. be allowed to withdraw its bid for the Winter Sand component of the Supply of Granular, Crushed Materials & Winter Sand tender as a result of an error on the face of its bid;

AND THAT the contract for the Winter Sand component be awarded to the next lowest compliant bidder "Denis Gratton Transport Ltd."

CARRIED

MATTERS ARISING FROM THE PRIORITIES COMMITTEE

Rise and Report

Councillor Kett, Chair of the Priorities Committee, reported that the Priorities Committee met on 2004-09-29 and there were no items requiring Council approval.

MATTERS ARISING FROM THE PLANNING COMMITTEE

Rise and Report

Councillor Thompson, Chair of the Planning Committee, reported that the Planning Committee met on 2004-09-21 and there were no items requiring Council approval.

PART I CONSENT AGENDA

Consent Agenda

The following resolution was presented to adopt the items contained in Part I, Consent Agenda:

2004-495 Reynolds-Callaghan: THAT Items C-1 to C-6 inclusive, contained in Part I, Consent Agenda, be adopted, with the exception of Priorities recommendation 2004-62 (CGS Final Master Fire Plan), as otherwise dealt with.

CARRIED

MINUTES

Item C-1 Report No. 17 City Council 2004-09-16

Councillor Berthiaume noted that the City Council minutes of 2004-09-16 omitted Item R-3 (Greater Sudbury Hydro Plus Inc. Labour Disruption). The City Clerk advised that the minutes would be corrected.

2004-496 Callaghan-Reynolds: THAT Report No. 17, City Council Minutes of 2004-09-16 be adopted, as corrected.

CARRIED

Item C-2 Report No. 16 Planning Committee 2004-09-21

2004-497 Reynolds-Callaghan: THAT Report No. 16, Planning Committee Minutes of 2004-09-21 be adopted.

CARRIED

Item C-3 Report No. 4 Special Meeting of Council 2004-09-24

2004-498 Bradley-Callaghan: THAT Report No. 4, Special Meeting of Council (Special Priorities Session) Minutes of 2004-09-24 be adopted.

CARRIED

C.C. 2004-09-30 (18TH)

(3)

Item C-5
T.O.C.
2004-09-14

2004-499 Callaghan-Reynolds: THAT the Report of the Tender Opening Committee Minutes of 2004-09-14 be received.

CARRIED

Item C-6
T.O.C.
2004-09-21

2004-500 Callaghan-Bradley: THAT the Report of the Tender Opening Committee Minutes of 2004-09-21 be received.

CARRIED

Item C-4
Report No. 13
Priorities Committee
2004-09-29

2004-501 Callaghan-Reynolds: THAT Report No. 13, Priorities Committee Minutes of 2004-09-29 be adopted, with the exception of Priorities recommendation 2004-62 (CGS Final Master Fire Plan), as otherwise dealt with.

CARRIED

Priorities
Recommendation
2004-62 (CGS Final
Master Fire Plan)

2004-502 Caldarelli-Bradley: It is recommended that:

1. Council approve, in principle, the initiatives identified in the Master Fire Plan OPTION 4 and subsequently forward a copy to the OFM;
2. Council authorize the Emergency Services Department to carry on with the fire services system enhancements and investigations as described as OPTION 4, which they have commenced. All new initiatives will require Council approval as part of the 2005/2006 budget.
3. The General Manager of Emergency Services be directed to prepare detailed funding estimates to implement the final MASTER FIRE PLAN, dated September, 2004 as part of the 2005/2006 budget process.

RECORDED VOTE:

YEAS

Berthiaume
Bradley
Callaghan
Craig
Gainer
Gasparini
Reynolds
Rivest
Thompson
Mayor Courtemanche

NAYS

Caldarelli
Kett

CARRIED

BY-LAWS

2004-267A 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO
CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS MEETING
OF SEPTEMBER 30TH, 2004

2004-268F 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND
BY-LAW 2004-108F TO ESTABLISH AND CONTINUE
RESERVES, RESERVE FUNDS AND TRUST FUNDS

Council Resolution 2004-456

(Presentation at the 2004-09-16 Council meeting from the Nickel Centre
Community Association requesting the support of Council in the operation
of a fitness/wellness centre at the Falconbridge Community Centre. The
fitness centre equipment and much of the capital conversion work was
donated by community partners.)

2004-269 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 enforcement officers.)

2004-270T 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND
BY-LAW 2001-1, A BY-LAW TO REGULATE TRAFFIC AND
PARKING ON ROADS IN THE CITY OF GREATER SUDBURY

Report dated 2004-09-22, with attachments, from the General
Manager of Public Works regarding Traffic Control - Cedargreen
Subdivision.

(This By-law provides for a stop sign at the intersection of Cedargreen
Drive and Ashgrove Street.)

2004-271Z 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

Planning Committee Recommendation 2004-208

(This By-law rezones lands which were dedicated to the City of Sudbury
for park purposes to "P", Park Zone. Eden Point Drive, Sudbury.)

BY-LAWS (continued)

- 2004-272 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AUTHORIZE THE SALE OF LOT 19, PLAN M-1049, O'NEILL DRIVE, GARSON TO MARY ELIZABETH LARONDE

Planning Committee meeting of 2004-09-21

- 2004-273Z 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2004-256Z, A BY-LAW TO AMEND BY-LAW 2004-20Z, A BY-LAW TO AMEND BY-LAW 83-300, THE COMPREHENSIVE ZONING BY-LAW FOR THE FORMER TOWN OF ONAPING FALLS AND THE FORMER CITY OF VALLEY EAST

Planning Committee Recommendation 2004-214

(This By-law corrects By-law 2004-256Z by deleting therefrom the appeal period. By-law 2004-256Z removed the "H", Holding Symbol from the subject lands so that they are zoned "C2-16", Special General Commercial. - Broder Sudbury Developments, Municipal Road # 80, Val Caron)

- 2004-274 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2001-86 TO REGULATE THE LICENSING OF LOTTERIES

(This amendment to the Lottery Licencing By-law clarifies the right of the City Clerk, in his capacity as Lottery Licensing Officer, to delegate his authority to issue lottery licences to designated persons, to impose conditions on such delegation, and to revoke such delegated authority.)

- 2004-275 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT A SCHOOL ZONE SPEED POLICY

Priorities Committee Recommendation 2004-59

(At the Priorities Committee meeting of 2004-09-15 the General Manager of Public Works submitted a report regarding the School Zone Speed Policy.)

- 2004-277 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND BY-LAW 2002-331G, A BY-LAW OF THE CITY OF GREATER SUDBURY 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 implement the new residential garbage bag tag system in accordance with recommendation 7 of the Technical Steering Committee as adopted by Council under resolution 2004-219 and to make a minor housekeeping adjustment, to remove the necessity of the General Manager of Public Works consenting in writing to depositing approved fill in low lying lots.)

1ST & 2ND Reading

2004-503 Reynolds-Bradley: THAT By-law 2004-267A to and including By-law 2004-275 and By-law 2004-277 be read a first and second time.

CARRIED

3RD Reading

2004-504 Bradley-Berthiaume: THAT By-law 2004-267A to and including By-law 2004-275 and By-law 2004-277 be read third time and passed.

CARRIED

CORRESPONDENCE FOR INFORMATION ONLY

Item C-7
New Directly Operated
Licensed School Age
Programs

Report dated 2004-09-20 from the General Manager of Health & Social Services regarding New Directly Operated Licensed School Age Programs was received for information only.

Item C-8
"Walking - The
Ultimate Medicine"

Report dated 2004-09-22 from the General Manager of Health & Social Services regarding "*Walking - The Ultimate Medicine*" was received for information only.

PART II
REGULAR AGENDA

MANAGERS' REPORTS

Item R-1
Accessibility Planning

Report dated 2004-09-21, with attachments, from the General Manager of Citizen & Leisure Services regarding Accessibility Planning was received.

The following resolution was presented:

2004-505 Callaghan-Bradley: WHEREAS the Ontarians with Disabilities Act mandates municipalities and public transportation systems to prepare annual accessibility plans;

AND WHEREAS all annual accessibility plans report on the measures the organization has taken to identify, remove and prevent barriers to persons with disabilities and describe the measures in place to ensure that facilities, programs and services are reviewed for accessibility;

AND WHEREAS the municipality is required to have an Accessibility Advisory Committee whose duty it shall be to advise the Council in each year about the presentation, implementation and effectiveness of the accessibility plan;

Item R-1
Accessibility Planning
(continued)

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury approve the 2004-2005 City of Greater Sudbury Accessibility Plan and the 2004-2005 Greater Sudbury Transit Accessibility Plan;

AND FURTHER THAT Council endorses the Terms of Reference for the Accessibility Advisory Committee as presented.

CARRIED

Item R-2
Insurance Claims
Adjusting Services

Report dated 2004-09-23 from the General Manager of Corporate Services regarding Insurance Claims Adjusting Services was received.

The following resolution was presented:

Callaghan-Bradley: THAT the Treasurer be authorized to negotiate with SCS Insurance Adjusters Ltd. for the Claims Adjustment Agreement to be extended for a one year period ending December 31st, 2005.

Report Requested

A request by Councillor Rivest that staff submit a report within the next three months outlining the self-insurance advantages and disadvantages of the City becoming self-insured did not receive the concurrence of Council.

Item R-2
Insurance Claims
Adjusting Services
(continued)

The following resolution was presented:

2004-506 Callaghan-Bradley: THAT the Treasurer be authorized to negotiate with SCS Insurance Adjusters Ltd. for the Claims Adjustment Agreement to be extended for a one year period ending December 31st, 2005.

SIMULTANEOUS WRITTEN RECORDED VOTE:

YEAS

Callaghan
Craig
Kett
Reynolds
Rivest

NAYS

Berthiaume
Bradley
Caldarelli
Gainer
Gasparini
Thompson
Mayor Courtemanche

MOTION LOST

MOTIONS

Item R-3
Greater Sudbury
Hydro Plus Inc. Labour
Dispute

The following motion was previously withdrawn:

Berthiaume-Rivest: WHEREAS the City of Greater Sudbury is the sole Shareholder and owner of Greater Sudbury Utilities and the subsidiary companies of Greater Sudbury Utilities;

AND WHEREAS Greater Sudbury Hydro Plus Inc. is a wholly subsidiary of Greater Sudbury Utilities;

AND WHEREAS the strike at Greater Sudbury Hydro Plus Inc. is now into a third month with no end in sight;

AND WHEREAS the main issue in dispute is the request of the Board of Directors of Greater Sudbury Hydro Plus Inc. to put in place a two-tier benefit program whereby employees hired after March 31, 2004 will not be entitled to retiree benefits after age 65;

AND WHEREAS two-tier benefit programs are known to lead to a divisive workplace that creates future labour relations problems for both an Employer and a Trade Union;

AND WHEREAS the position advanced in negotiations by the Board of Directors of Greater Sudbury Hydro Plus Inc. will not provide any cost savings to Greater Sudbury Hydro Plus Inc. for a minimum of fifteen years and most likely not for a period of forty years;

AND WHEREAS the position advanced in negotiations by the Board of Directors of Greater Sudbury Hydro Plus Inc. is a direct attack on future senior citizens in our community;

AND WHEREAS this attack on future senior citizens in our community is contrary to the good work performed by the "Mayor and Council's Committee on Senior's Issues";

AND WHEREAS the Council of the City of Greater Sudbury appoints the Board of Directors to Greater Sudbury Utilities and the subsidiary companies of Greater Sudbury Utilities;

THEREFORE BE IT RESOLVED that the Council of the City of Greater Sudbury hereby immediately requests the resignation of the Board of Directors to Greater Sudbury Utilities and the subsidiary companies of Greater Sudbury Utilities;

AND BE IT FURTHER RESOLVED that the Management Negotiating Team for Greater Sudbury Hydro Plus Inc. is directed to remove from the collective bargaining table the request to put in place a two-tier benefit program whereby employees hired after March 31, 2004 will not be entitled to retiree benefits after age 65.

Item R-4
Long Term Care
Facilities - Quality
Care Needs

The following resolution was presented:

Berthiaume-Bradley: WHEREAS the City of Greater Sudbury wants to ensure that our frail elderly and vulnerable adults with physical disabilities are provided with a minimum level of care in long-term care facilities;

AND WHEREAS residents receive less than two (2) hours a day of direct care, clearly less time than it takes to take care of the full personal needs of such residents;

AND WHEREAS research shows that 3.5 hours of care each day is the minimum that nursing home residents need to receive quality care;

THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury hereby request the Provincial government of Ontario legislate a staffing minimum standard of 3.5 hours minimum of care per day to ensure that our seniors get the care they need in the long term care facilities in Ontario;

AND FURTHER THAT copies of this resolution be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, the Honourable George Smitherman, Minister of Health and Long Term Care, the Honourable Rick Bartolucci, Minister of Northern Development and Mines, Ms. Shelley Martel, MPP(Nickel Belt), the Association Of Municipalities of Ontario, L' association française des Municipalités de L' Ontario and the Federation of Northern Ontario Municipalities.

Change of Chair

At 7:55 p.m., His Worship Mayor David Courtemanche vacated the chair.

DEPUTY MAYOR CRAIG, IN THE CHAIR

Item R-4
Long Term Care
Facilities - Quality
Care Needs
(continued)

With the concurrence of the mover, Councillor Gainer requested that the foregoing motion be amended as follows:

by deleting "than two (2) hours a day of" and "clearly less time" in the second paragraph;

Friendly Amendment

inserting "an increased level of" after the words "Provincial government of Ontario legislate" in the fourth paragraph;

deleting "minimum standard of 3.5 hours minimum of" in the fourth paragraph.

Item R-4
Long Term Care
Facilities - Quality
Care Needs
(continued)

Main Motion
(as amended)

2004-507 Berthiaume-Bradley: WHEREAS the City of Greater Sudbury wants to ensure that our frail elderly and vulnerable adults with physical disabilities are provided with a minimum level of care in long-term care facilities;

AND WHEREAS residents receive less direct care than it takes to take care of the full personal needs of such residents;

AND WHEREAS research shows that 3.5 hours of care each day is the minimum that nursing home residents need to receive quality care;

THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury hereby request the Provincial government of Ontario legislate an increase level of staffing care per day to ensure that our seniors get the care they need in the long term care facilities in Ontario;

AND FURTHER THAT copies of this resolution be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, the Honourable George Smitherman, Minister of Health and Long Term Care, the Honourable Rick Bartolucci, Minister of Northern Development and Mines, Ms. Shelley Martel, MPP(Nickel Belt), the Association Of Municipalities of Ontario, L' association française des Municipalities de L' Ontario and the Federation of Northern Ontario Municipalities.

CARRIED

ADDENDUM

Addendum Resolution

The following resolution was presented:

2004-508 Callaghan-Bradley: THAT the Addendum to the Agenda be dealt with at this time.

CARRIED

Declarations of
Pecuniary Interest

None declared.

Item AD-1
Noise By-law
Exemption - CPR -
Harry Crescent

Report dated 2004-09-22 from the General Manager of Public Works regarding Noise By-Law Exemption - Harry Crescent at Canadian Pacific Railway Crossing, Sudbury was received.

The following resolution was presented:

2004-509 Bradley-Thompson: THAT 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 Canadian Pacific Railway (CPR) from Sunday, October 3, 2004 to Monday, October 4, 2004, between the hours of 7:00 p.m. to 7:00 a.m.;

C.C. 2004-09-30 (18TH)

(11)

Item AD-1
Noise By-law
Exemption - CPR -
Harry Crescent
(continued)

AND THAT an exemption be granted to CPR for the proposed railway crossing upgrading at Harry Crescent in the City of Greater Sudbury;

AND FURTHER THAT approval of this exemption be further subject to CPR and/or its contractors providing public notice of this construction activity prior to its commencement.

CARRIED

BY-LAWS

2004-278 3 A BY-LAW OF THE CITY OF GREATER SUDBURY TO
AUTHORIZE THE SALE OF PART 7 ON PLAN 53R-14476 TO
996465 ONTARIO LIMITED O/A DOMINION PARC
DEVELOPMENTS

Planning Committee Recommendation 2004-201

(This By-law authorizes the transfer of a strip of land adjacent to Highway 69 North in Valley East to the abutting land owner.)

1ST & 2ND Reading

2004-510 Bradley-Thompson: THAT By-law 2004-278 be read a first and second time.

CARRIED

3RD Reading

2004-511 Bradley-Thompson: THAT By-law 2004-278 be read a third time and passed.

CARRIED

Change of Chair

At 8:10 p.m., Deputy Mayor Craig vacated the Chair.

HIS WORSHIP MAYOR DAVID COURTEMANCHE, IN THE CHAIR

QUESTION PERIOD

Lasalle Boulevard /
Notre Dame Avenue
Intersection

Councillor Dupuis asked the General Manager of Public Works what could be done to alleviate the congestion of traffic at the intersection of Lasalle Boulevard and Notre Dame Avenue, Sudbury.

Mr. Belisle advised Council that several previous reports have been examined and solutions for this intersection are included in a comprehensive traffic study. He advised that the reports stated solution to this problem would be to extend Maley Drive or construct a grade separation (overpass).

C.C. 2004-09-30 (18TH)

(12)

Traffic Lights
Elizabeth Street,
Ward 2

Councillor Bradley asked the General Manager of Public Works what the status was regarding the tender to install traffic lights at Elizabeth Street in Ward 2.

Mr. Belisle advised that this item has been tendered and will be brought forward to Council seeking approval on whether to proceed with an over-expenditure or to re-tender.

Street Lights
MR 35, Ward 2

Councillor Bradley asked the General Manager of Public Works what the status was regarding the installation of street lights on MR 35.

Mr. Belisle advised Council that the concrete bases for the street lights have been constructed and will be completed this fall.

By-law 2004-276
Strong Communities
Rent Supplement
Program

Councillor Rivest asked why By-law 2004-276 was pulled from the Agenda.

The City Clerk advised that this By-law had been dealt with at a previous meeting of Council.

By-law 2004-277
Waste Management
By-law amendment

Councillor Rivest asked the General Manager of Public Works what the "minor housekeeping adjustment" was regarding the Waste Management By-law.

Mr. Belisle advised Council that it was no longer necessary for residents to acquire written consent from the General Manager of Public Works in order to deposit fill in low lying areas.

Centre de santé
communautaire de
Sudbury (CSCS)
Satellites

Councillor Berthiaume stated that in March 2004, he brought forward a motion regarding Centre de santé communautaire de Sudbury (CSCS) Satellites and that no response had been received from the Minister of Health and Long-Term Care. He asked that a letter be sent by the Mayor's office following up on the motion.

The Chair advised that he will contact the Minister's office by telephone and report back to Council.

Construction -
Various Intersections -
Kingsway

Councillor Craig asked the General Manager of Public Works for a timeline regarding construction at the various intersections on the Kingsway.

Mr. Belisle advised Council that a public meeting was held last week for the Kingsway/Second Avenue construction and that a public outline was distributed. He advised that the Kingsway/Barrydowne Road construction is slated to start this fall and the Kingsway/Falconbridge Highway construction next year.

Construction -
Kingsway/South East
By-pass

Councillor Craig asked the General Manager of Public Works what the long-range plan was for the Kingsway/South East By-Pass extension.

Mr. Belisle advised Council that this would be part of the 2005 Budget process.

AMO Information
Binder

Councillor Craig advised that he attended an AMO meeting and that an information binder, with background material included, has been made available to Council in the Councillors' Lounge.

Adjournment

2004-512 Callaghan-Berthiaume: THAT this meeting does now adjourn. Time: 8:40 p.m.

CARRIED

Mayor

City Clerk

**THE SEVENTEENTH MEETING OF THE PLANNING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

**Council Chamber
Tom Davies Square**

**Tuesday, October 5th, 2004
Commencement: 5:40 p.m.
Adjournment: 8:55 p.m.**

COUNCILLOR RUSS THOMPSON PRESIDING

Present Councillors Bradley, Caldarelli, Dupuis, Reynolds

Councillor Berthiaume

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services; G. Clausen, Director of Engineering Services; D. Nadorozny, General Manager of Economic Development and Planning Services; A. Haché, Deputy City Clerk; F. Bortolussi, Planning Committee Secretary; M. Burtch, Licensing & Assessment Clerk

News Media Sudbury Star; MCTV

Declarations of
Pecuniary Interest None declared

PUBLIC HEARINGS

**APPLICATION FOR REZONING TO PERMIT THE ENLARGEMENT OF AN
EXISTING LOT AND THE CREATION OF ONE NEW LOT, 1366 & 1380 KEAST
DRIVE, SUDBURY - HENRY & AMY CROCCO**

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated September 24th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application for rezoning to permit the enlargement of an existing lot and the creation of one new lot, 1366 & 1380 Keast Drive, Sudbury - Henry & Amy Crocco.

Henry Crocco, 1380 Keast Drive, Sudbury, one of the applicants, was present.

The Manager of Development Services outlined the application to the Committee.

**APPLICATION FOR REZONING TO PERMIT THE ENLARGEMENT OF AN
EXISTING LOT AND THE CREATION OF ONE NEW LOT, 1366 & 1380 KEAST
DRIVE, SUDBURY - HENRY & AMY CROCCO (Cont'd)**

Henry Crocco stated he was satisfied with the recommendation.

The Chair asked whether anyone in the audience wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

Recommendation #2004-229:

Caldarelli-Dupuis: THAT the application by Henry and Amy Crocco to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by changing the zoning classification of Parcel 50423 SES and Part of Parcel 23065 "A" SES in Lot 1, Concession 2, McKim Township from "FD", Future Development to "R1.D2.5", Single Residential be approved subject to the following:

- a) that the applicants provide the Development Services Section with a registered survey plan outlining the parts of Parcel 23065 "A" being rezoned in order to enable the preparation of an amending by-law.

**CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis,
Reynolds, Thompson**

CARRIED

**APPLICATION FOR REZONING TO MAINTAIN A SECOND DWELLING UNIT AS A
TEMPORARY USE, 75 ARLINGTON DRIVE, DOWLING - YVAN GUINARD**

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated September 27th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application for rezoning to maintain a second dwelling unit as a temporary use, 75 Arlington Drive, Dowling - Yvan Guinard.

Yvan Guinard, 75 Arlington Drive, Dowling, the applicant, was present.

The Manager of Development Services outlined the application to the Committee.

**APPLICATION FOR REZONING TO MAINTAIN A SECOND DWELLING UNIT AS A
TEMPORARY USE, 75 ARLINGTON DRIVE, DOWLING - YVAN GUINARD (Cont'd)**

Yvan Guinard stated he did not raise the elevation of the secondary dwelling unit above the regulatory flood line because he would have no windows in the kitchen and bathroom of the main dwelling unit. He further stated that the footings on the secondary dwelling unit are the same level as the main unit providing a 3-foot crawl space for the secondary unit. He indicated he had flood proofed the door but the flood proofing had to be removed as required by Building Services. He has lived in the area for over 50 years and has never had water in his basement. His elderly mother resides in the secondary unit and this is the third time they have applied for the temporary use.

Councillor Bradley, Ward Councillor, asked the cost of this application and was advised that the total application fee was \$897.00 being \$260.00 for the public notice and advertising costs and \$637.00 for the rezoning application fee.

The Chair asked whether anyone in the audience wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendations were presented:

Recommendation #2004-230:

Bradley-Dupuis: THAT the application by Yvan Guinard, the owner of Parcel 20023 S.W.S. being Lot 25, Plan M-587 in Lot 3, Concession 4, Township of Dowling, City of Greater Sudbury, to permit a second dwelling unit on the subject property for a maximum temporary period of three years, pursuant to Section 39 of The Planning Act be approved.

**CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis,
Reynolds, Thompson**

CARRIED

Recommendation #2004-231:

Bradley-Dupuis: THAT the City of Greater Sudbury refund \$637.00 of the application fee to the applicant.

**CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis,
Reynolds, Thompson**

CARRIED

**APPLICATION FOR REZONING IN ORDER TO PERMIT THE CONVERSION OF
A FORMER NON-PROFIT ADMINISTRATIVE OFFICE (YWCA) TO A "BUSINESS
OFFICE", 348 - 350 ELM STREET, SUDBURY - KIMBERLEY DUQUETTE, LEO
DUQUETTE, DANIEL PHILOPOW & JO-ANNE PHILOPOW**

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated September 28th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application for rezoning in order to permit the conversion of a former non-profit administrative office (YWCA) to a "business office", 348 - 350 Elm Street, Sudbury - Kimberley Duquette, Leo Duquette, Daniel Philipow & Jo-Anne Philipow

Jo-Anne Philipow, 1763 Madison Avenue, Sudbury, and Leo Duquette, 1457 Agincourt Avenue, Sudbury, two of the applicants, were present.

The Manager of Development Services outlined the application to the Committee.

Jo-Ann Philipow stated that the shed on the property has now been removed. She further stated that they are in contact with the owner of the lands at the rear of the subject property with a view to possibly leasing or purchasing for additional parking. They are presently leasing the property for parking during their renovations. She further stated that the previous owners had 14 staff and they will only have 3 as most of their business is done through the internet or by telephone.

Ms. Philipow also indicated that the renovations they are making to the building and landscaping will be an improvement to the neighbourhood. When asked if the building was of historical value, she stated that she did not know as they could not find any records as to when the building was erected. Also, she stated that the changes are to up-grade; maintaining not changing the look of the building.

The Chair asked whether anyone in the audience wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

**APPLICATION FOR REZONING IN ORDER TO PERMIT THE CONVERSION OF
A FORMER NON-PROFIT ADMINISTRATIVE OFFICE (YWCA) TO A "BUSINESS
OFFICE", 348 - 350 ELM STREET, SUDBURY - KIMBERLEY DUQUETTE, LEO
DUQUETTE, DANIEL PHILOPOW & JO-ANNE PHILOPOW (Cont'd)**

Recommendation #2004-232:

Dupuis-Caldarelli: THAT the application by Kimberly Duquette, Leo Duquette, Daniel Philipow, Jo-Ann Philipow to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "R6", Established Residential to "R6-Special", Special Established Residential with respect to those lands described as Parcel 149 S.E.S. being PIN 02134-0303, being Part of Lot 6, Plan M-26 in Lot 7, Concession 4, Township of McKim be recommended for approval subject to the following conditions:

1. The following uses shall be permitted in the "R6-Special" zone, *either*;

all the uses permitted in the "R6", Established Residential zone or,

a "business office" not exceeding a net floor area of 230m². A "business office" shall not be permitted in conjunction with any other "R6" use.
2. Four parking spaces shall be provided when the existing building is occupied by a business office.
3. Prior to the passage of an amending zoning by-law a Site Plan Control Agreement with the City of Greater Sudbury respecting the subject lands shall be established to the satisfaction of the Director of Planning Services.
4. That zoning by-law variances required as the result of the Site Plan Control agreement process be recognized in the amending zoning by-law.
5. The amending zoning by-law specify that not more than 1 unlit business identification wall *or* projecting sign, not exceeding 1m² in sign area, accessory to a permitted main non-residential use shall be permitted.

**CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis,
Reynolds, Thompson**

CARRIED

**APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF A
CLUBHOUSE IN CONNECTION WITH A PROPOSED GOLF COURSE, MARTIN
ROAD AT DOMINION DRIVE, HANMER - PETER CHURAN**

**The Planning Committee meeting was adjourned and the Public Hearing
was opened to deal with the following application.**

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF A CLUBHOUSE IN CONNECTION WITH A PROPOSED GOLF COURSE, MARTIN ROAD AT DOMINION DRIVE, HANMER - PETER CHURAN (Cont'd)

Report dated September 23rd, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application for rezoning to permit the development of a clubhouse in connection with a proposed golf course, Martin Road at Dominion Drive, Hanmer - Peter Churan.

Peter Churan, 3179 Highway 69 North, Val Caron, the applicant, was present.

The Manager of Development Services outlined the applications to the Committee.

Peter Churan advised that he did meet with the area residents. The area residents feel the proposal will improve the neighbourhood, increase property values and create employment. He indicated the land is not prime agricultural land; it is very wet. It is too wet to grow potatoes however, it might be suitable for growing grass crops. He pointed out that the property requires a considerable amount of drainage work and he has already done fair amount.

Councillor Ron Dupuis, Ward Councillor, indicated that drainage issues are one of the biggest concerns and he would like to ensure they are addressed. There is a tremendous amount of water in the area that has no where to go.

The Director of Engineering Services advised that an engineering report is required dealing with municipal drains that traverse property as well as storm water run off. This report is being requested to ensure there are no problems downstream from the property.

Councillor Ron Dupuis, Ward Councillor, indicated that he has received telephone calls from residents of Dominion Drive who are concerned with increased traffic in front of their homes. He further indicated that the area residents are aware that a golf course is currently permitted on the subject property, but any building or structure would require rezoning.

The Manager of Development Services advised that it is anticipated that 50 vehicle trips will be generated during peak hours.

The Chair asked whether anyone in the audience wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF A CLUBHOUSE IN CONNECTION WITH A PROPOSED GOLF COURSE, MARTIN ROAD AT DOMINION DRIVE, HANMER - PETER CHURAN (Cont'd)

The following recommendation was presented:

Recommendation #2004-233:

Dupuis-Caldarelli: THAT the application by Peter Churan to amend By-law 83-300 being the Zoning By-law for the former Town of Valley East by changing the zoning classification of Parcel 37982 SES, being Part of Part 1, Plan 53R-4813 in Lot 10, Concession 1, Hanmer Township from "A", Agricultural Reserve to "A-Special", Agricultural Reserve Special be approved subject to the following:

- a) That a golf course and related accessory uses be permitted in addition to normal agricultural uses;
- b) That prior to the passing of an amending by-law the applicant shall engage the services of a professional engineer and prepare a hydrogeological study indicating that the site can provide a potable water supply for the clubhouse to the satisfaction of the General Manager of Public Works and indicating that the site can accommodate private sewage disposal facilities to the satisfaction of the Sudbury and District Health Unit.
- c) That the amending by-law define the subject property as an area of site plan control pursuant to Section 41 of the Planning Act.
- d) That prior to the issuance of a building permit the applicant shall be required to enter into a Site Plan Control Agreement to deal with such matters as building location, entrance design, parking layout and treatment, drainage and stormwater management, the provision of a street light on Martin Road at the entrance, and waste disposal.

CONCURRING MEMBERS: Councillors Dupuis, Reynolds, Thompson

NON-CONCURRING MEMBERS: Councillors Bradley, Caldarelli

CARRIED

Recess At 7:10 p.m., the Planning Committee recessed.

Reconvene At 7:17 p.m., the Planning Committee reconvened.

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE DEVELOPMENT OF SINGLE RESIDENTIAL AND MULTIPLE RESIDENTIAL DWELLINGS, ST. AGNES STREET AND BRABANT STREET, AZILDA - 1232259 ONTARIO LIMITED (OWNER: MICHAEL R. CASTONGUAY)

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated September 27th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding applications for Official Plan Amendment and rezoning to permit the development of single residential and multiple residential dwellings, St. Agnes Street and Brabant Street, Azilda - 1232259 Ontario Limited (Owner: Michael R. Castonguay).

Letter dated October 4th, 2004 from Clarence Rousselle, 55 Paul Street, Azilda and Robert Rousselle, 65 Paul Street, Azilda, was circulated to Committee Members at the meeting.

Michel Robert Castonguay, 650 Lakepoint Court, Sudbury, the applicant, was present.

The Manager of Development Services outlined the applications to the Committee.

Michel Castonguay stated that he has been working on this proposal for several years. He further stated he will be constructing a 51-unit seniors residence which entails a total of eight buildings over an area of seven acres which is why he calls it a village. He pointed out that he is not applying for the subdivision component this evening. He indicated there are minor issues regarding the flood plain and he is having discussions with City staff and Nickel District Conservation Authority in this regard. He feels this project will have a strong emphasis on community involvement. He has contacted local community colleges with a view to apprenticeship programs for youth and he also expects other community partners as the project develops. He indicated that he, for the most part, has had positive feedback.

Jason Spadafore, 283 St. Agnes Street, Azilda, resides on the property which will abut the entrance to the subject lands. He stated that, if there was a public meeting, he would have attended but he did not hear of any meeting nor did his neighbours. He further stated that, when he purchased his property, he understood he would be in a residential area and not have a road beside his house. The proposed road would make his property a corner lot with higher taxes, lower value and no privacy. It will also affect the safety of the neighbourhood. He is in a low lying area and if, fill were placed on the subject lands, he would have water problems.

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE DEVELOPMENT OF SINGLE RESIDENTIAL AND MULTIPLE RESIDENTIAL DWELLINGS, ST. AGNES STREET AND BRABANT STREET, AZILDA - 1232259 ONTARIO LIMITED (OWNER: MICHAEL R. CASTONGUAY) (Cont'd)

Louise Desjardins, 284 St. Agnes Street, Azilda, resides in front of the proposed road. She feels with this road she will have to deal with street lights, car lights and vehicles entering and existing the road all night. She stated that there is much traffic on the street. She pointed out that two years ago there was a petition regarding speeding on St. Agnes Street. There are many children in the area and they play on the subject lands. She also stated that she would have appreciated being told of the project. She spoke with area residents and no one was aware of any meeting. She is not against the seniors residence, only the road in front of her house.

Councillor Bradley, Ward Councillor, stated he suggested to Mr. Castonguay that he hold a public meeting with the area residents. He attended the public meeting at the Lionel Lalonde Centre and no one was present. He also stated that he has never received complaints about the traffic on St. Agnes Street and that traffic was heavy only when there were events at the lake which events are now barred. He indicated there is great need for a seniors residence in the area.

Mr. Castonguay stated that, although the property is 44 acres, access is very limited and he has reviewed this matter extensively. If he were to move the road, it would split the village which would not be practical. He also stated that he contacted the area residents directly or by telephone to advise them of the meeting.

Councillor Berthiaume, Ward Councillor, stated he has not received any telephone calls of complaint or objection to this project and the first time he hears any is this evening. He further stated that the area is in great need of a seniors residence. He also advised he was impressed with the project. Also, he spoke with Mr. Castonguay and advised him to hold a public meeting with the area residents. He indicated he fully supports this project and asked for approval from the Planning Committee.

Councillor Bradley asked if anything could be done about the location of the street.

The Manager of Development Services stated that the road will be a driveway until the subdivision proceeds. He indicated that issues like this can be revisited with during the site plan process as any approval given tonight does not finalize the plans.

Councillor Bradley asked staff to review the site plan to see if something could be done suitable to everyone.

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE DEVELOPMENT OF SINGLE RESIDENTIAL AND MULTIPLE RESIDENTIAL DWELLINGS, ST. AGNES STREET AND BRABANT STREET, AZILDA - 1232259 ONTARIO LIMITED (OWNER: MICHAEL R. CASTONGUAY) (Cont'd)

The Chair asked whether there was anyone else in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendations were presented:

Recommendation #2004-234:

Bradley-Dupuis: THAT the application by 1232259 Ontario Limited (Owner: Michel R. Castonguay) to amend the Rayside-Balfour Secondary Plan, by changing the land use from "Low Density Residential" and "Neighbourhood and Community Parks and Trail System" to "Medium Density Residential" with respect to those lands described as being Part of PIN 73347-0896 and Part of PIN 73347-0891 being Parts 1 to 4 inclusive, Plan 53R-17545 in Lot 6, Concession 1, Township of Rayside be recommended for approval subject to the following conditions:

1. That prior to passage of the above noted Secondary Plan Amendment the owner shall provide a report and preliminary infrastructure design, from a consulting civil engineer with a valid certificate of authorization, which demonstrates the feasibility of the proposed development with regard to sanitary sewer and watermain service, stormwater management and lot grading for the subject site and for the concept plan area to the satisfaction of the General Manager of Public Works.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

Recommendation #2004-235:

Bradley-Dupuis: That the application by 1232259 Ontario Limited (Owner: Michel R. Castonguay) to amend By-law 83-302 being the Comprehensive Zoning By-law for the (former) Town of Rayside-Balfour from "RU", Rural to "R1", Single Residential and "R3-Special", Special Medium Density Residential, as the case may be, with respect to those lands described as being Part of PIN 73347-0896 and Part of PIN 73347-0891 being Parts 1 to 4 inclusive, Plan 53R-17545 in Lot 6, Concession 1, Township of Rayside be recommended for approval subject to the following conditions:

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE DEVELOPMENT OF SINGLE RESIDENTIAL AND MULTIPLE RESIDENTIAL DWELLINGS, ST. AGNES STREET AND BRABANT STREET, AZILDA - 1232259 ONTARIO LIMITED (OWNER: MICHAEL R. CASTONGUAY) (Cont'd)

Recommendation #2004-235 (cont'd):

1. The lands described as being Parts 1, 2 and 4, Plan 53R-17545 shall be zoned "R3-D12.3-Special", Special Medium Density Residential.
2. That in addition to the uses permitted in an "R3", Medium Density Residential zone a residential building containing a maximum of 20 guest rooms designed for seniors or residents thereof who require nursing and/or homecare, as well as common kitchen and eating facilities shall be permitted.
3. The amending zoning by-law create a minimum parking requirement of one (1) parking space per four (4) guest rooms.
4. Only one single residential lot comprising those lands described as being Part 3, Plan 53R-17545 shall be permitted, and accordingly zoned "R1.D4.9", Single Residential.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

PART I - CONSENT AGENDA

The following recommendation was presented to adopt Items C-1 to C-2 contained in Part 1 of the Consent Agenda:

Recommendation #2004-236:

Caldarelli-Dupuis: THAT Items C-1 to C-2 contained in Part 1, Consent Agenda, be adopted.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-1
Surplus School
Properties, Ecole
Monseigneur Cote
& Ecole Jacques
Cartier, Chelmsford

Report dated September 24th, 2004, was received from the General Manager of Corporate Services regarding Surplus School Board Properties, 96 Gaudette Street - Ecole Monseigneur Cote, Chelmsford & 14 Ontario Street - Ecole Jacques Cartier, Chelmsford.

Recommendation #2004-237:

Bradley-Dupuis: THAT Le Conseil Scolaire Catholique du Nouvel-Ontario be advised that the City of Greater Sudbury is not interested in acquiring the following properties:

1. 96 Gaudette Street - École Monseigneur Côté, Chelmsford;
and
2. 14 Ontario Street - École Jacques Cartier, Chelmsford.

CARRIED

Item C-2
Declaration of
Surplus Lands
Various Lots,
Lofty Pine
Subdivision,
Capreol

Report dated September 24th, 2004, was received from the General Manager of Corporate Services regarding Declaration of Surplus Lands - Various Lots on Oak Street and Cedar Street, Capreol - Lofty Pine Subdivision.

Recommendation #2004-238:

Bradley-Dupuis: THAT the properties owned by the City and legally described as Lots 9, 12, 13, 14, 15, 16, 17, 18, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 43, 48 and 50, Plan M-1211, be declared surplus and sold in accordance to the procedures governing the disposal of surplus property.

CARRIED

Adjournment

Recommendation #2004-239:

Bradley-Dupuis: That we do now adjourn.
Time: 8:55 p.m.

CARRIED

DEPUTY CITY CLERK

COUNCILLOR RUSS THOMPSON PRESIDING

**THE FIRST MEETING OF THE COMMITTEE OF THE WHOLE
OF THE COUNCIL OF THE CITY OF GREATER SUDBURY**

C-10
Tom Davies Square

Tuesday, October 5, 2004
Commencement: 3:15 p.m.

Chair

COUNCILLOR TERRY KETT, IN THE CHAIR

Present

Councillors Berthiaume; Caldarelli; Gasparini; Reynolds; Rivest; Thompson (A 4:53 p.m.); Mayor Courtemanche

City Officials

M. Mieto, Chief Administrative Officer; K. Khan, Business Analyst; D. Mathe, Manager of Supplies & Services; T. Mowry, City Clerk; CJ Caporale, Council Secretary

Declarations of
Pecuniary Interest

None declared.

Purpose of Meeting

The Chief Administrative Officer advised that the purpose of this meeting was to present and review the draft ranking of the thirteen (13) proposals received for Contract CA004-04, Request for Proposal for a Review of the Organizational Structure and Practices of the City of Greater Sudbury.

"In Camera"

2004-01 Rivest-Berthiaume: That we move "In Camera" to deal with the Consideration of Third Party Proprietary Information resulting from a Tender (Municipal Freedom of Information and Protection of Privacy Act) in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

CARRIED

MATTERS ARISING FROM THE "IN CAMERA" SESSION

Rise and Report

Councillor Kett, as Chairman of the Committee of the Whole, reported the Committee met to deal with the Consideration of Third Party Proprietary Information resulting from a Tender (Municipal Freedom of Information and Protection of Privacy Act) falling within Article 15.5 of the City of Greater Sudbury Procedural By-law 2001-03 and the Municipal Act, R.S.O. 1990, c.M.45, s.55(5) and one resolution emanated therefrom.

Committee Appointed

The following resolution was presented:

2004-02 Kett-Berthiaume: THAT the following Members of Council be appointed to a Committee in order to conduct the final interviews of the three (3) short-listed firms for Contract CA004-04, Request for Proposal for a Review of the Organizational Structure and Practices of the City of Greater Sudbury, and to make a final recommendation to the October 14, 2004 regular meeting of Council:

Councillor Kett (Chair)
Councillor Berthiaume
Councillor Caldarelli
Councillor Reynolds
Councillor Rivest

CARRIED

Bid Submissions

Councillor Kett announced that the three (3) firms selected for interviews are:

Mercer Delta Consulting Group
Berkley Consulting Group
Grant Thornton

Direction

Councillor Kett advised that the following direction was given to staff:

1. That the CAO's Office contact the three (3) firms and advise they will be interviewed by a Committee of Council;
2. That the CAO's Office will prepare a package for the Members of the Committee consisting of draft interview questions and ranking sheet. This information will be provided to the Members of the Committee in advance of the meeting;
3. That the Manager of Supplies & Services will contact each of the three (3) short-listed firms and ask them for a "last and final offer" based on a fixed price for services, subject to negotiation of the final terms of reference. This information will be provided to the Committee.

Adjournment

2004-03 Rivest-Berthiaume: That this meeting does now adjourn.
Time: 4:15 p.m.

CARRIED

Councillor Terry Kett, Chair

City Clerk

**THE FIFTH MEETING OF THE AD-HOC COMMITTEE
COUNCIL AUDITOR OF THE CITY OF GREATER SUDBURY**

Tom Davies Square
Committee Room C-10

Tuesday, October 5, 2004
Commencement: 4:30 p.m.
Adjournment: 5:00 p.m.

COUNCILLOR CLAUDE BERTHIAUME, PRESIDING

<u>Present</u>	Councillors Caldarelli; Kett; Reynolds; Rivest Councillors Bradley, Dupuis, Thompson
<u>Staff</u>	M. Mieto, Chief Administrative Office; D. Mathe, Manager of Supplies & Services; A. Haché, Deputy City Clerk; F. Bortolussi, Planning Committee Secretary
<u>Declarations of Pecuniary Interest</u>	None declared.
<u>Purpose of Meeting</u>	The Chief Administrative Officer advised that the purpose of this meeting was to present the proposal received for Contract CA004-05, Request for Proposal for a Council Auditor.
<u>"In Camera"</u>	2004-8 Caldarelli-Rivest: THAT we move "In Camera" to deal with the Consideration of Third Party Proprietary Information resulting from a Tender (Municipal Freedom of Information and Protection of Privacy) in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

CARRIED

MATTERS ARISING FROM THE "IN CAMERA" SESSION

<u>Rise and Report</u>	Councillor Berthiaume, as Chair of the Ad Hoc Committee - Council Auditor, reported that the Committee met in closed session to deal with the Consideration of Third Party Proprietary Information.
<u>Bid Submission</u>	Councillor Berthiaume announced that one firm would be interviewed. The City Clerk's Office was directed to arrange a meeting date between October 18 th , 2004 and October 29 th , 2004.
<u>Adjournment</u>	2004-9 Rivest-Caldarelli: THAT we do now adjourn. TIME: 5:00 p.m.

CARRIED

DEPUTY CITY CLERK

COUNCILLOR CLAUDE BERTHIAUME, CHAIR

**THE FIFTH SPECIAL MEETING
OF THE COUNCIL OF THE CITY OF GREATER SUDBURY**

**C-11
Tom Davies Square**

**Wednesday, September 29, 2004
Commencement: 6:00 p.m.**

Chair

DEPUTY MAYOR DOUG CRAIG, CHAIR

Present

Councillors Berthiaume; Bradley; Caldarelli (A 6:03 p.m.); Callaghan; Dupuis; Gainer (A 6:25 p.m.); Gasparini; Reynolds; Rivest; Thompson

City Officials

M. Mieto, Chief Administrative Officer; C. Ouellette, Acting General Manager of Health & Social Services; A. Stephen, General Manager of Emergency Services; D. Wuksinic, General Manager of Corporate Services; R. Swiddle, City Solicitor/Director of Legal Services; C. Mahaffy, Manager of Financial Planning & Policy; D. Donaldson, Fire Chief; B. Battison, Deputy Fire Chief; M. Leduc, Deputy Fire Chief; P. Demers, Community Relations and Policy Advisor; T. Mowry, City Clerk; CJ Caporale, Council Secretary

Declarations of
Pecuniary Interest

None declared.

Purpose of Meeting

Deputy Mayor Craig addressed Council advising the purpose of the meeting was to deal with the Security of the Property of the Municipality and would be conducted "In Camera".

"In Camera"

2004-08 Reynolds-Rivest: That we move "In Camera" to deal with the Security of the Property of the Municipality in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

CARRIED

MATTERS ARISING FROM THE "IN CAMERA" SESSION

Rise and Report

Deputy Mayor Craig, as Chairman of the Committee of the Whole, reported Council met to deal with the Security of the Property of the Municipality falling within Article 15.5 of the City of Greater Sudbury Procedural By-law 2001-03 and the Municipal Act, R.S.O. 1990, c.M.45, s.55(5) and no resolutions emanated therefrom.

Adjournment

2004-09 Reynolds-Rivest: THAT this meeting does now adjourn.
Time: 6:58 p.m.

CARRIED

Deputy Mayor Doug Craig, Chair

City Clerk

MINUTES OF THE TENDER OPENING COMMITTEE MEETING

Committee Room C-14
Tom Davies Square
2004-09-27

Commencement: 2:30 p.m.
Adjournment: 2:37 p.m.

D. MATHÉ, MANAGER OF SUPPLIES & SERVICES, IN THE CHAIR

Present : D. Wuksinic, General Manager of Corporate Services; R. Swiddle, City Solicitor; S. Jonasson, City Treasurer; E. Stankiewicz, Co-Ordinator of Current Budget; D. Dumontelle, Budget Technician T. Derro, Chief Tax Collector; D. Braney, Property Administrator; L. Valle, Senior Accountant, Tax; A. Roy, Law Clerk; J. Van de Rydt, Co-Ordinator of Capital Budget and Risk Management; L. Lesar, Secretary to the Manager of Supplies & Services; S. Cundari, Clerk/Receptionist, Supplies & Services.

The Chairman advised the City Treasurer had withdrawn the following properties from the Sale of Land by Public Tender - Municipal Tax Sale:

File No. 02-173, 0 Long Lake Road (Roll #090.014.07400)
File No. 03-01, 2800 Kingsway (Roll #010.018.00100)
File No. 03-02, 0 Kingsway (Roll #010.018.00500)
File No. 03-08, 433 Lorne Street (Roll #050.008.05900)
File No. 03-09, 797 Lorne Street (Roll #050.012.06100)

Any tenders received for the above-noted properties would be returned unopened to the bidders.

Properties Receiving No Bids:

The Chairman advised no tenders were received for the following properties:

File No. 02-152, Dryden Township (Roll #240.003.02300)
File No. 03-154, 191 Ray Street (Roll #240.003.07330)
File No. 02-155, 201 Ray Street (Roll #240.003.07331)
File No. 02-157, 25 Laren Street (Roll #240.003.29000)
File No. 02-163, 0 Hwy 537 (Roll #250.003.04900)
File No. 02-165, Cleland Township (Roll #250.003.07500)
File No. 02-172, Scadding Township (Roll #250.004.02900)
File No. 03-05, 234 Bessie Ave. (Roll #040.018.05500)
File No. 03-06, 227 Lorne Street (Roll #050.001.00100)
File No. 03-07, 185 Lorne Street (Roll #050.001.00200)
File No. 03-13, 259 Fielding Road (Roll #110.002.30900)
File No. 03-14, 235 Fielding Road (Roll #110.002.31000)
File No. 03-15, 235 Fielding Road (Roll #110.002.31100)
File No. 03-16, 675 Regional Road 55 (Roll #110.004.16300)
File No. 03-17, 47 B Levack Drive (Roll #150.003.21600)
File No. 03-18, 3555 Highway 144 (Roll #160.002.10000)

Tenders for the Municipal Tax Sale were received from the following bidders:

**File No. 02-166, 115 Labre Road, Cleland Twp.
Minimum Tendered Amount: \$9,177.20**

BIDDER	TOTAL AMOUNT	BID DEPOSIT
Charles Robineau	\$ 9,500.00	\$2,000.00
Jean-Marc Labre, Aurora Caciotti-Labre	\$27,777.00	\$5,555.40
Valeriy Pokholchendo	\$31,100.00	\$6,300.00
Larry & Laurie Aubertin	\$11,300.00	\$2,000.00
Alvin Lindhorst	\$10,529.00	\$2,105.00
Caroline Bayroft & Anne Hofland	\$13,002.00	\$2,650.00
Victor Steve Bene	\$12,222.00	\$3,000.00
Fernando Cardoso	\$10,001.00	\$2,001.00

The foregoing tenders would be turned over to the Law Clerk for award and preparation of Legal Documents for the Sale of these properties.

**File No. 02-170 - Scadding Township, Parcel 5194
Minimum tendered amount: 5,978.27**

BIDDER	TOTAL AMOUNT	BID DEPOSIT
Fernando Cardoso	\$7,501.00	\$1,501.00

The foregoing tenders would be turned over to the Law Clerk for award and preparation of Legal Documents for the Sale of these properties

**File No. 02-171, Scadding Township, Parcel 5192
Minimum Tendered Amount: \$5,978.27**

BIDDER	TOTAL AMOUNT	BID DEPOSIT
Fernando Cardoso	\$8,001.00	\$1,601.00

The foregoing tenders would be turned over to the Law Clerk for award and preparation of Legal Documents for the Sale of these properties

The meeting adjourned at 3:37 p.m.

Chairman

Secretary

MINUTES OF THE TENDER OPENING COMMITTEE MEETING

Committee Room C-14
Tom Davies Square
2004-09-28

Commencement: 2:30 p.m.
Adjournment: 2:33 p.m.

M. JAKUBO, ACTING MANAGER OF SUPPLIES & SERVICES, IN THE CHAIR

Present

D. Dumontelle, Budget Technician; K. Lessard, Law Clerk; R. Rocca, Engineering Technician; L. Lesar, Secretary to the Manager of Supplies & Services

Contract 2004-25 Intersection Improvements

Tenders for Contract 2004-25, Barrydowne / Kingsway Intersection Improvements {estimated at a total contract cost of \$770,000.00} were received from the following bidders:

BIDDER	TOTAL AMOUNT
Teranorth Construction & Engineering Limited	\$1,036,037.59
Pioneer Construction In.	\$1,025,137.68
Belanger Construction (1981) Inc.	\$1,093,149.45
Interpaving Limited	\$ 998,846.27

A bid deposit in the form of a certified cheque, letter of credit or bid bond with an agreement to bond accompanied each tender.

The foregoing tenders were turned over to the Engineering Technician for review and recommendation. A report outlining the recommendations would be prepared and forwarded to the General Manager of Public Works for approval. A copy of this report would be provided to the Manager of Supplies & Services.

Adjournment

The meeting adjourned at 2:33 p.m.

Chairman

Secretary

T.O.C 2004-09-28 (1)

MINUTES OF THE TENDER OPENING COMMITTEE MEETING

Committee Room C-14
Tom Davies Square
2004-10-05

Commencement: 2:30 p.m.
Adjournment: 2:38 p.m.

M. JAKUBO, CO-ORDINATOR OF SUPPLIES & SERVICES, IN THE CHAIR

Present

R. Martin, Manager of Fleet; M. Hauta, Accountant; K. Lessard, Law Clerk; L. Lesar, Secretary to the Manager of Supplies & Services

Contract PWD04-61 Operated Two Cu. Yd. Loader

Tenders for contract PWD04-61, Rental of One (1) Operated Two Cubic Yard Loader {estimated at a cost of \$70,000.00 per unit/per year} were received from the following bidders:

BIDDER	HOURLY RATE
D. Lafond Contracting	\$35.00
Savoy Holdings	\$64.99
Nova Contracting	\$58.00
Denis Gratton Transport Ltd.	\$43.85
Bruce Tait Construction Ltd.	\$63.50
Pat Taylor Contracting Inc.	\$58.00

A bid deposit in the amount of \$1,000.00 in the form of a certified cheque, money order or irrevocable letter of credit accompanied each tender.

The foregoing tenders were turned over to the Manager of Fleet for review and recommendation. A report outlining the recommendations would be prepared and forwarded to the General Manager of Public Works for approval. A copy of this report would be provided to the Manager of Supplies & Services.

Adjournment

The meeting adjourned at 2:38 p.m.

Chairman

Secretary

T.O.C. 2004-10-05 (1)

NICKEL DISTRICT CONSERVATION AUTHORITY

Minutes of General Board Meeting

Wednesday, September 22, 2004

Room C-11
Tom Davies Square

Commenced: 7:00 p.m.
Adjourned: 8:41 p.m.

PRESENT: Ron Bradley, Chairman
Aaron Beaudry
Ron Dupuis
Bob Rogers, Vice-Chairman

ALSO PRESENT: P. Sajatovic
Alain Couillard
Media

COMMUNICATIONS: Russ Thompson
Gerard Dalcourt

1. Chair Bradley opened the meeting.
2. No declarations of conflict were declared.
3. Adoption of Minutes

a) June 16, 2004

Resolution 2004-44

Rogers - Beaudry

That the minutes of the June 16, 2004 General Board meeting, as duplicated and circulated, be approved.

Carried.

4. Delegations

a) Todd Gerling, 158 St. Onge Street, Chelmsford

Mr. Gerling was not present, however, the additional information requested by members was discussed. The staff report addressed the issues of:

- 1) where the retaining wall is likely located on the property
- 2) when and whom may have built the retaining wall, and
- 3) what types of easements are registered against the property.

Members still had concerns, and asked for further clarification, before making a formal decision. Staff are to report back at the October, 2004 General Board meeting relating to:

- 1) tributary realignment options, and
- 2) legal liability/safety issues from the potential failure of the wall on private property.

5. Presentation

a) Overview of N.D.C.A. Website Development

The N.D.C.A. agreed to move ahead to prepare a corporate website. An experienced youth website developer, Mr. Alain Couillard, was retained through the Job Connect Program, to undertake the work. The site was unveiled to members and comments were received. Refinements will be made and the site will be launched to the public by mid-October, 2004.

6. General Business

a) Funding Request to Nickel District Conservation Foundation

Resolution 2004-45

Rogers - Beaudry

That the Nickel District Conservation Foundation be requested to provide \$20,000 in funding support for activities associated with the Lake Laurentian Environmental-Education Program.

Carried.

b) Confirmation of E-Mail Polls

During July and August, 2004, because regularly scheduled Board meetings were not held, two e-mail/telephone polls had to be conducted. Resolutions were brought forward at this Board meeting to confirm the decisions.

Resolution 2004-46

Beaudry - Rogers

WHEREAS the Conservation Authorities Act is recognized as a provincial and municipal partnership since 1946:

AND WHEREAS the Conservation Authorities have provincially delegated responsibilities for the implementation of flood and erosion control programs for the protection of life and property in Ontario;

AND WHEREAS the Province has previously committed to paying 50% of flood

and erosion control programs and other related eligible programs as defined in the 1997 Policy and Procedures Manual, but has not met that funding commitment;

AND WHEREAS the Province of Ontario, when establishing new policies and procedures in 1997 to define the level of funding to support its partnership with Conservation Authorities, omitted: (1) Municipal Plan Review, (2) the implementation of the Conservation Authority Act Section 28 Regulation, and (3) Shoreline Management as eligible activities for funding assistance by the Province;

AND WHEREAS predictable, stable funding (adjusted for inflation) is critical to successful program delivery;

THEREFORE BE IT RESOLVED THAT the Nickel District Conservation Authority General Board hereby endorses the report entitled, "Submission to the Minister of Natural Resources: Re-Investment in Ontario's Conservation Authorities - Now and in the Future" which requests: (1) a re-investment in the Conservation Authorities by the Province of Ontario based on definitions within the 1997 Policy and Procedures Manual for Conservation Authorities; (2) a re-investment of funds for items deemed of provincial interest currently excluded from transfer payment funding; and (3) implementation of annual Consumer Price Index adjustments retroactive to 2002;

AND FURTHER that the Nickel District Conservation Authority General Board will forward this report to its member municipality, the City of Greater Sudbury, for endorsement. That we do now adjourn.

Carried.

Resolution 2004-47

Rogers -Beaudry

That the Consultant Engineer's report prepared in relation to 1027 Arthur Street be received,

AND FURTHER that the report be forwarded to the property owner for their information and follow-up.

Carried.

c) Application to H.R.D.C.

Members discussed an application to Human Resources Development Canada for a youth program to support activities at the Lake Laurentian Conservation Area.

Members strongly endorsed the application and hoped it will be approved quickly.

Resolution 2004-48

Beaudry - Dupuis

That the N.D.C.A. hereby submits an application to the H.R.D.C. Skills Link Work Experience Youth Program for one position for fifty-two weeks to work as an Environmental Education Technician at the Lake Laurentian Conservation Area ,

AND FURTHER that the N.D.C.A. share of the funding for this project will come from donations through the Nickel District Conservation Foundation.

Carried.

d) Retail Sales Tax Audit (2000 to 2003)

The Nickel District Conservation Authority has to pay provincial sales tax (R.S.T.) on almost all purchases. In 2000, the N.D.C.A. submitted and received an R.S.T. rebate from the Ontario Ministry of Finance. It is now being recommended that the N.D.C.A. proceed with an audit for the years 2000 to 2003. After discussing a number of issues related to the audit process, a resolution was presented.

Resolution 2004-49

Dupuis - Beaudry

That the N.D.C.A. proceed with a Retail Sales Tax audit for the years 2000 to 2003,

AND FURTHER that a number of tax consulting firms be contacted to determine their interest and availability to conduct such an audit,

AND FURTHER that a report be brought back to the October, 2004 General Board meeting, indicating whether or not the N.D.C.A. should enter into an agreement with a consulting firm to conduct the audit.

Carried.

e) 2005/2006 Municipal Budget

The City of Greater Sudbury is working towards finalizing a 2005 budget by mid-December, 2004. Further, they are requesting budget estimates for 2006. The N.D.C.A. has been requested to submit a draft 2005 budget by the third week of October, 2004. Members discussed a number of issues which will go into developing the 2005 and 2006 budgets and provided direction. It was further directed by members that an attempt will be made to schedule a special Board

meeting in mid-October to deal with the budget submission to the City in order to meet the time line.

f) Biennial Tour Report

Chairman Bradley and Vice-Chairman Rogers had attended the 2004 Biennial Tour in Thunder Bay from September 12th to 15th. They both expressed satisfaction with the quality of the event. The members kit was distributed to members. Member Rogers is going to present photographs from the tour at the next General Board meeting. Further, the status of future tour locations was discussed. It was suggested that the N.D.C.A. submit a letter of Interest to host the 2008 tour. After a brief discussion, the following resolution was passed.

Resolution 2004-50

Rogers - Beaudry

That the Nickel District C.A. hereby submits an expression of interest to host the 2008 Conservation Authorities Biennial Tour.

Carried.

Because member Dupuis was going to have to leave due to another important appointment, the regular agenda was suspended in order to deal with a matter in-camera.

Resolution 2004-51

Rogers - Bradley

That we go in-camera at 7:55 p.m.

Carried.

At 8:05 p.m., the Chairman reported that legal issues had been discussed and that no resolutions would be forthcoming at this time.

The meeting returned to dealing with the agenda items.

g) Conservation Ontario Updates

- i) August 30th Council Meeting - A copy of the Council meeting minutes had been distributed to members. Chairman Bradley gave a verbal report on some of the key issues discussed at the meeting. Issues included, the Provincial Transfer Payment Report initiative; Source Protection Planning; and the recent announcements by the Ministry of Agriculture and Food that grants for certain programs were to be capped or totally eliminated. Chair Bradley committed that reports like this will be made to the General Board after every Conservation Ontario Council Meeting.

- ii) Source Protection Planning - An update report on the current status of Watershed-Based Source Protection Planning was provided. The implications for the N.D.C.A., up to March, 2005 and beyond, were discussed. It was further noted that Chair Bradley and Vice-Chairman Rogers had met on September 20th with Northern Development and Mines Minister Rick Bartolucci. Source Protection Planning was a key issue discussed with the Minister.

h) United Way Leadership Development Program

A letter received from the United Way Centraide Sudbury in response to the N.D.C.A.'s application to this program, was distributed to members. It appears that a youth may soon be matched to the N.D.C.A. to serve as an intern Board Director for one year. The N.D.C.A. looks forward to this initiative.

i) Garbage Removal - Lake Laurentian C.A.

Members were updated on an issue which was well publicized during the summer dealing with garbage dumped in the Conservation Area adjacent to the Lake Ramsey shoreline. The actions taken to clean up the debris were discussed. Members agreed that it was very discouraging to see the kind of debris found and asked if any evidence had been found at the site to identify who may have put some of the material there. It was noted that leads have been received. Members agreed that a letter should be sent to the individual in question. The Conservation Authority will await a response from the individual to be contacted.

j) Phase II Capital Infrastructure Projects

The Nickel District Conservation Authority had done four projects during the first phase of this program in 2003-2004. Funding is now available for projects in Phase II, 2004-2005. Following up on certain recommendations from the Phase I projects, it was determined that the N.D.C.A. should submit specific projects. A summary report was provided to members outlining the scope of work and cost estimates. Following a number of questions, a resolution was presented.

Resolution 2004-52

Rogers - Beaudry

That the N.D.C.A. proceed with Phase II Capital Infrastructure Projects at the Maley Dam and on the Junction Creek/Nolins Creek Box Culverts as outlined, AND FURTHER that the local share funding will be taken from N.D.C.A. reserves and from the 2004 Special Capital allocation from the City of Greater Sudbury.

Carried.

7. New Business

- a) The next regularly scheduled General Board meeting will be held on Wednesday, October 20, 2004, at 7:00 p.m. in Room C-11, Tom Davies Square.

No other business was transacted.

8. Adjournment

Resolution 2004-53

Rogers - Beaudry

That we do now adjourn.

Carried.

**MINUTES – SEVENTH MEETING
SUDBURY & DISTRICT BOARD OF HEALTH
BOARDROOM, SECOND FLOOR, SUDBURY & DISTRICT HEALTH UNIT
THURSDAY, SEPTEMBER 16, 2004 AT 1:30 P.M.**

BOARD MEMBERS PRESENT

R. Bradley
L. Gamble
R. Pilon

F. Caldarelli
J. Gasparini
A. Rivest

M. Dennis
K. Noland

BOARD MEMBERS REGRETS

C. Berthiaume
I. Edwards

F. Bidal
P. Kinoshameg

R. Dupuis

STAFF MEMBERS PRESENT

L. Bacon
L. Picard
M. Tessier (Acting Secretary)

B. Fortin
S. Siren

S. Lacle
Dr. P. Sutcliffe

J. GASPARINI PRESIDING

1.0 CALL TO ORDER

The meeting was called to order at 1:30 p.m.

2.0 ROLL CALL

Appointment to Board of Health

i) Appointment – Sudbury & District Health Unit Board

The Board Chair made note of the correspondence received from the City of Greater Sudbury regarding E. Gainer's resignation and appointment of R. Bradley. R. Bradley, former board of health member, was introduced and welcomed back.

3.0 DECLARATION OF CONFLICT OF INTEREST

None.

4.0 DELEGATION / PRESENTATION

i) E. Coli Outbreak Investigation

- Ed Gardner, Manager, Environmental Health

E. Gardner, Manager, Environmental Health was introduced and welcomed. The presentation provided members with an overview on the E. coli bacterium and critical

events that led to the E. coli outbreak. The exhaustive investigation, epidemiological work and collaboration of outside agencies involved during the process were highlighted.

Dr. Sutcliffe acknowledged all health unit staff who were integral to the investigation and shared that a celebratory event took place in recognition of staff's dedication.

Questions were entertained. Board members commended staff and management for their commitment and hard work related to this recent activity, and E. Gardner was thanked for his presentation.

5.0 MINUTES OF PREVIOUS MEETING

i) Sixth Meeting – June 17, 2004

72-04 APPROVAL OF MINUTES

Moved by Pilon - Gamble: THAT the minutes of the Board of Health meeting of June 17, 2004 be approved as distributed.

CARRIED

6.0 BUSINESS ARISING FROM MINUTES

i) Nutritious Food Basket Report

Dr. Sutcliffe informed board members that the 2004 nutritious food basket survey report would be presented at the November board meeting.

7.0 REPORT OF MEDICAL OFFICER OF HEALTH / CHIEF EXECUTIVE OFFICER

i) September 2004 – Medical Officer of Health / Chief Executive Officer Report

Dr. Sutcliffe extended a warm welcome to R. Bradley and introduced L. Bacon who began her position as Director of Corporate Services on July 5, 2004.

Dr. Basrur, Chief Medical Officer of Health, will be visiting Sudbury on September 29, 2004, as part of her tour of northwestern and northeastern Ontario health units. Board Executive Committee members are invited to join Dr. Basrur during the morning portion of her visit. The Board Secretary will contact Executive Committee members to confirm their attendance.

Confirmation has been received from the Ontario Council on Community Health Accreditation that the health unit's accreditation survey will occur January 12-14, 2005. As part of the process, board members will be randomly selected to participate in interviews with the surveyors. All board of health members are requested to keep their calendars vacant and be available during the survey period.

Comments and questions were entertained following an overview of the respective divisional highlights.

73-04 ACCEPTANCE OF REPORT

Moved by Gamble – Noland: THAT the Report of the Medical Officer of Health for the month of September 2004 be accepted as distributed.

CARRIED

8.0 NEW BUSINESS

i) Items for Discussion

a) Annual Board of Health Float

Dr. Sutcliffe explained that the following motion is presented annually to the board for their consideration and is a gesture of appreciation for the commitment of staff to their work. Upon questioning, it was clarified that the ONA and CUPE collective agreements provide provision for this float day only with board of health approval.

74-04 BOARD FLOAT

Moved by Noland – Dennis: THAT this Board of Health approves a Board Float Day for staff of the Sudbury & District Health Unit. With the exception of ONA and CUPE staff who have negotiated the float day to be taken any time during the year, the Board Float Day may be taken between the dates of December 20, 2004 to January 2, 2005. Essential services will be available and provided at all times during the holiday period except for statutory holidays when on call staff will be available.

CARRIED

b) January Board Meeting

In light of the accreditation survey dates, it was proposed that the January board of health meeting be rescheduled.

75-04 JANUARY BOARD MEETING

Moved by Pilon – Caldarelli: THAT the regular meeting of the Sudbury & District Board of Health scheduled for Thursday, January 20, 2005 be cancelled and that this meeting be rescheduled for Thursday, January 27, 2005 at 1:30 p.m.

CARRIED

ii) Correspondence

a) Sudbury & District Board of Health Motion #44-04 Re: Support for Smoking Cessation Within Long-Term Care Facilities and Rest and Retirement Homes

No discussion.

b) Healthy School Nutrition Environment

No discussion.

c) Sudbury & District Board of Health Motion #27-04 Re: Advocacy Against Privatization of the LCBO

No discussion.

d) Implementation of 100% Smoke Free Provincial Legislation

No discussion.

e) Sudbury & District Board of Health Motion #53-04 Advocacy for Northern Issues in Ontario Public Health Renewal

No discussion.

f) Sudbury & District Board of Health Motion #52-04 Inclusive Mandate for the Proposed New Ontario Health Protection and Promotion Agency

No discussion.

g) Sudbury & District Board of Health Motion #65-04 Support for City of Greater Sudbury Food Charter

No discussion.

h) Local Health Integration Networks

No discussion.

i) Ministry of Health & Long-Term Care Funding

No discussion.

j) OPHA Executive Director Appointment

No discussion.

k) Medical Officers of Health

No discussion.

l) Sudbury & District Board of Health Motion #06-04 GST and PST Exemptions

No discussion.

m) E. Coli Outbreak

No discussion.

n) Appointment of Medical Officers of Health/Associate Medical Officers of Health

No discussion.

o) Sudbury & District Board of Health Motion #64-04 Advocacy for Universal Child Dental Program

No discussion.

p) Sudbury & District Health Unit Accreditation Survey

No discussion.

Notation was made regarding the amount of correspondence received in response to and/or in support of motions passed by this Board and members were commended for their excellent work and leadership.

76-04 ACCEPTANCE OF NEW BUSINESS ITEMS

Moved by Dennis + Nolan: THAT this Board of Health receives New Business items 8 i) to ii).

CARRIED

9.0 ITEMS OF INFORMATION

- | | | |
|-------|---|------------------------------------|
| i) | Executive Committee Minutes | May 7, 2004
July 14, 2004 |
| ii) | Operation Health Protection | June 22, 2004 |
| iii) | alPHa E-Updates | July 13, 2004 |
| iv) | Muskoka-Parry Sound Board of Health | |
| | - MOHLTC - News Release Communiqué | July 15, 2004 |
| | - The Huntsville Forester News Articles | July 21, 2004 |
| v) | Inside Edition | May 2004
June 2004
July 2004 |
| vi) | Peers & Partners | July 2004 |
| vii) | Community Health Connections | Summer 2004 |
| viii) | Workplace Wellness | Summer 2004 |
| ix) | Sudbury & District Health Unit Media Releases | |

Tabled for information.

10.0 ADDENDUM

77-04 ADDENDUM

Moved by Gamble - Dennis: THAT this Board of Health deals with the items on the Addendum.

CARRIED

- i) **Re: Transforming Medicare – Ministry of Health and Long-Term Care
Minister Smitherman's Speech**

Date: September 9, 2004

Dr. Sutcliffe provided an overview of the speech delivered by Minister Smitherman regarding the transformation of the health care system. Much attention was given to the Ministry's plans to build Local Health Integration Networks (LHINs), a plan to improve the integration of the health care system. *Operation Health Protection* was not addressed in Minister Smitherman's speech. The role of public health units within LHINs is unclear, but it is understood that this is under active discussion within the Ministry of Health and Long-Term Care.

- ii) **Re: Public Health Pulse E-Updates**

Date: September 14, 2004

No discussion.

- iii) **First Ministers' Meeting: A 10-year plan to strengthen health care**

Date: News release - September 16, 2004

Dr. Sutcliffe provided a brief overview of the First Ministers' meeting and highlighted the federal government's comments regarding prevention, promotion and public health.

11.0 ANNOUNCEMENTS/ENQUIRIES

Dr. Sutcliffe announced that the board group picture is scheduled immediately following the orientation luncheon and preceding the regular board of health meeting on October 21, 2004.

Board members are encouraged to use the Sudbury Regional Hospital parking lot adjacent to the health unit property when the visitor parking area is full. The Board Secretary will provide tokens to board members, upon request.

12.0 IN CAMERA

78-04 IN CAMERA

Moved by Noland - Gamble: THAT this Board of Health goes in camera.

Time: 2:16 p.m.

- i) **Personnel**

13.0 RISE & REPORT

79-04 RISE & REPORT

***Moved by Dennis – Noland: THAT this Board of Health rises and reports.
Time: 2:52 p.m.***

CARRIED

It was reported that a personnel matter was discussed and the following motion emanated from the in-camera portion of the meeting:

80-04 COMPENSATION REVIEW FOR NON-UNION POSITIONS

Moved by Dennis – Calderelli: THAT the Sudbury & District Board of Health approves salary adjustments to specific non-union positions as based on the 2004 Hay Health Care Consulting Group compensation review.

CARRIED

14.0 ADJOURNMENT

81-04 ADJOURNMENT

Moved by Pilon - Dennis: THAT we do now adjourn. Time: 2:53 p.m.

CARRIED

(Chair)

(Secretary)

**MINUTES OF THE FIFTH MEETING OF THE
CITY OF GREATER SUDBURY PUBLIC LIBRARY BOARD**

June 17, 2004
Valley East Branch

Commencement: 12:00 p.m.
Adjournment: 12:45 p.m.

PRESENT

Councillor L. Reynolds; M. Holouka; V. Gutsch; S. Roy; V. Gilhula

REGRETS

Councillor T. Callaghan; F. Cormier; J. Rodrigues

CITY STAFF

C. Hallsworth, General Manager of Citizen and Leisure Services; R. Henderson, Director of Libraries & Citizen Services; C. Zuliani, Manager Library and Heritage Resources; R. Clouthier, Manager-North Citizen Service Centres and Neighbourhood Libraries

**DECLARATIONS OF
PECUNIARY INTEREST**

None

MARTE HOLOUKA IN THE CHAIR

The Chair welcomed everyone to the meeting.

MINUTES

The following motion was presented:

Roy/Gutsch 2004-11

That the minutes of the Fourth Meeting of the Greater Sudbury Public Library Board held on May 20, 2004, be adopted.

CARRIED

REPORTS

Book Express

Report dated June 9, 2004, from the General Manager of Citizen and Leisure Services regarding Book Express Service.

Gutsch/Gilhula 2004-12

That the Greater Sudbury Library Board adopted the "Book Express Service" as submitted in the report from the General Manager of Citizen and Leisure Services dated June 9, 2004.

CARRIED

The 2004 fines and fees are attached as Appendix A. The Fines and Fees Policy will be amended to reflect the Book Express Service rates.

Mayor Dave Book Club

Report dated June 8, 2004, from the General Manager of Citizen and Leisure Services regarding Mayor Dave's Book Club.

The Director advised that Mayor Dave Courtemanche had agreed to lend his support to promote literacy in the City of Greater Sudbury and beginning in October 2004, the Greater Sudbury Public Library

will launch "Mayor Dave's Book Club". Children and teens can register with the club at any of the thirteen library branches or online on the library's website.

Media Campaign

Reported dated June 8, 2004, from the General Manager of Citizen and Leisure Services regarding the Greater Sudbury Public Library Media Campaign.

The Director advised the board members that staff planned to launch a television media campaign this Fall with the object of showcasing and marketing to the public the many services offered by the Greater Sudbury Public Library. He reported that MCTV had proposed to give the library 100 thirty second spots starting in mid-September and ending in mid-October during Ontario Public Library Week and also, offered to sponsor two-thirds of the cost of the campaign with the proviso that MCTV is recognized during the advertisement as a sponsor of the campaign. The cost to the library would be \$10,000 (\$5,000 for MCTV, plus \$5,000 for advertising videos). The Board concurred.

CORRESPONDENCE

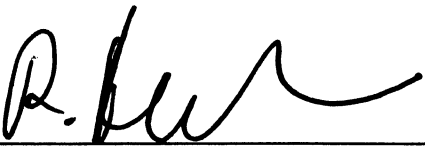
NEW BUSINESS

ADJOURNMENT

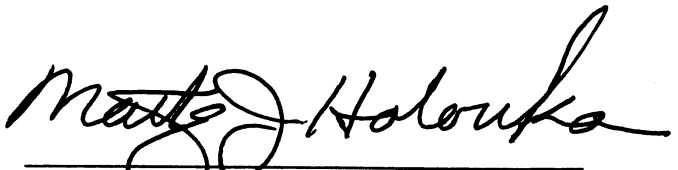
Gutsch/Roy Resolution #2004-13

That this meeting does now adjourn. Time 12:45 p.m.

CARRIED



Secretary



Chair

Appendix A

<u>Material</u>	<u>2004 Fines/Fees</u>	
Reserved Title (3 week loan period)	\$0.30/day	\$10.00 limit
Book Express (1 week loan period)	\$1.00/day	\$10.00 limit
Adult Books	\$0.30/day	\$10.00 limit
Children's Books	\$0.10/day	\$ 5.00 limit
Cassettes & CD's	\$0.30/day	\$10.00 limit
Videos & DVD's	\$1.00/day	\$10.00 limit
E-Book Readers	\$5.00/day	\$50.00 limit
Magazines	\$0.30/day	\$10.00 limit
Audio Books	\$0.30/day	\$10.00 limit
Replacement Cards	\$1.00 (first replacement is free)	
Photocopy/Printing	\$0.25/page	
Facsimile Service	\$1.00/page	
Image Reproduction	\$2.00/image	
Microfilm ILLO	\$2.00/request	

**MINUTES OF THE REGULAR BOARD MEETING
OF THE GREATER SUDBURY HOUSING CORPORATION
HELD ON TUESDAY, AUGUST 31, 2004
IN THE BOARDROOM AT THE OFFICES OF THE
GREATER SUDBURY HOUSING CORPORATION
AT 5:00 P.M.**

RECEIVED

SEP 30 2004

In Attendance:

Mr. Alex Fex	-	Board Member
Mr. Ronald Bradley	-	Board Member
Ms. Frances Caldarelli	-	Board Member
Ms. Rita Clifford	-	Board Member
Mr. Mart Kivistik	-	Board Member
Ms. Karen McCauley	-	Board Member
Ms. Madeleine Rochon	-	Board Member

Regrets:

Attending in a Staff Capacity:

Mr. Robert Sutherland	-	General Manager
Mr. Mark Scarfone	-	Manager of Operations
Mr. Richard Munn	-	Manager of Technical Services
Ms. Debbie Cleaver	-	Executive Assistant (Recording Secretary)

(I) **CALL TO ORDER**

The Chair called the Regular Board Meeting to order.

(II) **DECLARATION OF CONFLICT OF INTEREST**

There were no conflicts of interest declared at this time.

(III) **APPROVAL OF AGENDA**

Motion #-04-105

Moved by Mr. R. Bradley and seconded by Mr. M. Kivistik:

"RESOLVED THAT the agenda be accepted as distributed."

CARRIED

(IV) **APPROVAL OF MINUTES – Regular GSHC Board Meeting -
JUNE 22, 2004**

Motion #04-106

Moved by Ms. M. Rochon and seconded by Mr. R. Bradley:

"RESOLVED THAT The Minutes of the Regular Board Meeting of June 22, 2004 be adopted as circulated."

CARRIED

(V) **BUSINESS ARISING FROM THE LAST REGULAR MEETING**

There was no Business Arising From the Last Regular Meeting to discuss at this time.

(VI) ACTION ITEMS

1) GSHC INSURANCE FOR SEPT. 1/04 TO AUG. 31/05:

The submitted report was reviewed and noted with R. Sutherland providing a more detail verbal explanation to the report.

Motion #04-107

Moved by Mr. M. Kivistik and seconded by Mr. R. Bradley:

"BE IT RESOLVED THAT the Board of Directors of the Greater Sudbury Housing Corporation approve the payment of \$149,111 plus applicable fees and taxes to the Social Housing Services Corporation for Aon Reed Stenhouse Inc.'s quote on the Social Housing Group \$10,000 Deductible Basic (Core) Insurance Program;

And be it further resolved that \$11,875 for an additional \$15,000,000 in excess Umbrella Commercial General Liability Insurance coverage (Grand Total = \$160,986).

CARRIED

2) GSHC PURCHASING BY-LAW:

The submitted report was reviewed and noted with R. Sutherland providing a verbal explanation to the report.

Motion #04-108

Moved by Mr. M. Kivistik and seconded by Mr. R. Bradley:

"BE IT RESOLVED THAT the Board of Directors of the Greater Sudbury Housing Corporation receive for information and review the GSHC Draft Purchasing Bylaw Governing Procurement Policies and Procedures."

CARRIED

(VI) **ACTION ITEMS** (Continued)

3) **GSHC INTERNAL TRANSFER POLICY
– PORTFOLIO MANAGEMENT**

The submitted report was reviewed by the Members of the Board with the General Manager providing a verbal explanation.

Motion #04-109

Moved by Mr. R. Bradley and seconded by Ms. K. McCauley:

“BE IT RESOLVED THAT the Board of Directors of the Greater Sudbury Housing Corporation receives for information the overview of the Internal Transfer Policy’s Portfolio Management criteria.”

CARRIED

Motion #04-110

Moved by Mr. M. Kivistik and seconded by Ms. F. Caldarelli:

“BE IT RESOLVED THAT the Board of Directors of the Greater Sudbury Housing Corporation request the CGS Housing Services review and meet with GSHC Management for direction on a Medical Urgent Transfer Criteria.”

CARRIED

(VII) REPORTS

1) Chair's Report

The Chair welcomed all the Board Members back after the summer break.

The Chair reminded the Board members that if they receive any enquiries from the media they are to refer them to the Chair or GSHC Senior Management staff.

Motion #04-111

Moved by Ms. K. McCauley and seconded by Ms. M. Rochon:

"BE IT RESOLVED THAT the G.S.H.C. Board of Directors receive for information the Chair's verbal report for August, 2004"

CARRIED

2) General Manager's Report

The submitted report was reviewed and noted with the General Manager providing a verbal explanation to the report.

Motion #04-112

Moved by Mr. M. Kivistik and seconded by Mr. R. Bradley:

"BE IT RESOLVED THAT the G.S.H.C. Board of Directors receive for information the General Manager's submitted report for July and August 2004"

CARRIED

(VII) **REPORTS (Continued)**

3) **Financial Report**

The Manager of Finance & Administration provided a verbal summary on the submitted financial report.

Motion #04-113

Moved by Ms. M. Rochon and seconded by Mr. R. Bradley:

"BE IT RESOLVED THAT the GSHC Board of Directors receive for information purposes the submitted Executive Summary of Revenues and Expenses and the Budget Variance Commentary for the period of January 1, 2004 to July 31, 2004."

CARRIED

4) **Technical Services Manager's Report**

The Technical Services Manager provided a verbal summary to the submitted reports.

Motion #04-114

Moved by Mr. M. Kivistik and seconded by Ms. F. Caldarelli

"BE IT RESOLVED THAT the GSHC Board of Directors receive the Technical Services Manager's report for information purposes.

AND BE IT FURTHER RESOLVED THAT the GSHC Board of Directors approve the changes to the capital works plan, including the addition or cancellation of jobs listed herein and transfers of approved capital funding between jobs as shown on the attached capital budget report."

CARRIED

5) **Tender Committees**

It was indicated that there were no Tender Committee reports to present at this time.

(VII) REPORTS (Continued)

6) Tenant Placement Activity Report

The submitted report was reviewed and noted with the Manager of Operations providing a verbal summary to the report.

Motion #04-115

Moved by Ms. M. Rochon and seconded by Mr. M. Kivistik:

"RESOLVED THAT the GSHC Board of Directors receive for information purposes the submitted Tenant Placement reports for July 2004:

"Move-Outs Annual Comparison"

"Reasons for Move-Outs"

CARRIED

7) Operational Arrears Report

The Manager of Operations provided a verbal summary to the submitted report.

Motion #04-116

Moved by Mr. R. Bradley and seconded by Ms. K. McCauley:

"RESOLVED THAT the GSHC Board of Directors receive the Operational Arrears Summary as of July 31, 2004 for information purposes."

CARRIED

(VIII) ITEMS FOR INFORMATION

The following items were distributed for information purposes to the Board

- 1) Strong Communities Rent Supplement Program
- 2) Letter to from D. Desmeules, Housing Services to A. Fex RE: Subsidy Reconciliation
- 3) Letter from Natural Resources Canada RE: Energy Innovators Initiative
- 4) CGS Fire Company Inspection Checklist for 1960 B Paris
- 5) Sudbury Star News Article RE: Louis Street Fire
- 6) Satisfaction Survey Quarterly Report – as of July 6, 2004
- 7) Summary of Minutes of Internal Review Committee Meetings of
– June 15th June 29th July 6th July 7th July 22nd August 5th August 19th

(IX) OTHER BUSINESS

It was indicated that there was no other business to discuss at this time.

(X) MOVE TO IN-CAMERA SESSION

Motion #04-117

Moved by Mr. R. Bradley and seconded by Ms. K. McCauley:

“BE IT RESOLVED THAT the GSHC Board of Directors move in-camera.”

CARRIED

MOVE OUT OF CAMERA SESSION

Motion #04-118

Moved by Mr. M. Kivistik and seconded by Ms. M. Rochon:

“BE IT RESOLVED THAT the GSHC Board of Directors move out of camera.”

CARRIED

(XI) BUSINESS ARISING OUT OF THE IN-CAMERA SESSION

There were no motions resulting from the In-Camera Session of the Board meeting.

(XII) DATE OF NEXT MEETING

The next regularly scheduled Board Meeting is Tuesday, September 28th, 2004 at 5:00 p.m.

(XIII) ADJOURNMENT OF MEETING

Motion #04-119

Moved by Ms. R. Clifford and seconded by Mr. R. Bradley:

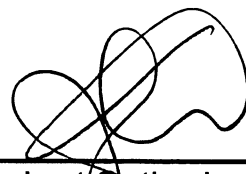
“RESOLVED THAT, there being no further business to bring before the Board, the meeting be adjourned.”

CARRIED

Meeting Adjourned: 6:50 p.m.



Alex Fex
Chair



Robert Sutherland
General Manager