

Additions & Corrections to the Agenda

Additional items to this Agenda are shown under the Addendum header.

Declarations of Pecuniary Interest

Presentations & Recognitions

1. Ms. Mary-Frances Turner, President, York Region Rapid Transit to address the Committee with a PowerPoint presentation regarding VivaNext Project Update and Commissioning.
2. San Michael Developments and Mr. Harry Kohn of Kohn Partnership Architects Inc. to address the Committee regarding a potential development that includes the current Hollingsworth Arena site.
3. The Director of Financial Services/Treasurer to provide a PowerPoint presentation regarding the 2016 Budget.

Deputations

Consent Items (Items # 4 to 13, 15, 1a, 2a, 3a, 4a, 21, 22)

4. Corporate Services Report - Financial Services 2015-48 regarding the 2016 Preliminary Draft Budget. (Report to be distributed with addendum agenda on October 15, 2015)
5. Corporate Services Report - Financial Services 2015-44 dated October 19, 2015 regarding cancellation, reduction or refund of Property Taxes pursuant to the Municipal Act, 2001. p. 1

The Commissioner of Corporate Services and the Director of Financial Services/Treasurer recommend:

a) THAT Corporate Services Report - Financial Services 2015-44 dated October 19, 2015 regarding Property Tax Adjustments pursuant to the Municipal Act, 2001 be received and the property tax adjustments outlined in Appendix 1 (attached) be approved.

6. Joint Office of the CAO - Strategic Initiatives and Corporate Services Commission - Legislative Services Report 2015-10 dated September 3, 2015 regarding Corporate Policy Approval Authority Framework. (Deferred from the September 28, 2015 Committee of the Whole meeting) p. 5

The Chief Administrative Officer, the Commissioner of Corporate Services and the Director of Legislative Services recommend:

a) THAT Office of the CAO - Strategic Initiatives and Corporate Services Commission - Legislative Services Report 2015-10 dated September 3, 2015 regarding 'Corporate Policy Approval Framework' be received and the following recommendations be adopted:

i) THAT Council adopt Corporate Policy CAO.1-06 'Corporate Policy Approval Authority Framework' attached as Appendix 'A';

ii) AND THAT the delegation by-law be updated to reflect these items of delegated authority.

7. Community Services - Recreation and Culture Report 2015-28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow-Up. (Deferred from the September 28, 2015 Committee of the Whole meeting) p. 25

The Commissioner of Community Services and the Director of Recreation and Culture recommend:

a) THAT Community Services - Recreation and Culture Report 2015-28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow-Up be received and the following recommendations be adopted:

1. THAT staff work with Pickering College to:

i) Finalize an agreement subject to Council approval with respect to capital and operating costs regarding a replacement arena at Pickering College;

ii) Bring back a professionally prepared project estimate and recommended capital and operating agreement to Council for review within the next 45 days;

2. AND THAT in the event negotiations with Pickering College do not advance to the point of recommending an agreement that staff:

i) Commission a professionally prepared architects' project costing with respect to the construction of a third ice pad at the Ray Twinney Complex;

ii) Develop a capital and operating forecast regarding a new ice pad at the Ray Twinney Complex;

iii) Bring back 2i) and 2ii) to Council for review within the next 60 days;

3. AND THAT staff initiate a public process addressing a replacement arena and proposed disposition of land at Hollingsworth Arena.

8. Joint Chief Administrative Officer, Commissioner of Development and Infrastructure Services, Commissioner of Community Services and Commissioner of Corporate Services Report 2015-57 dated October 6, 2015 regarding Hollingsworth Arena Corridor Development and Community Benefit Opportunity. p. 30

The Chief Administrative Officer and the Commissioners of Development and Infrastructure Services, Community Services and Corporate Services recommend:

a) THAT Joint Chief Administrative Officer and Commissioners of Development and Infrastructure Services, Community Services and Corporate Services Report 2015-57 dated October 6, 2015 regarding Hollingsworth Arena Corridor Development and Community Benefit Opportunity be received and the following recommendations be adopted:

i) THAT Staff finalize negotiations with San Michael Homes Developments according to conditions set out by Council and execute a conditional Letter of Intent with the proponent to the satisfaction of Legal Services, with respect to the development of the Hollingsworth Arena site at 35 Patterson Street in conjunction with the properties at 693 Davis Drive and 713 Davis Drive on the basis of a sale of the Town property;

ii) AND THAT the sale of the Hollingsworth Arena site be subject to Council's satisfaction with the financial terms presented in Closed Session Report 2015-54 on this meeting's agenda;

iii) AND THAT the next steps associated with the replacement of Hollingsworth Arena be determined through consideration of Community Services – Recreation and Culture Report 2015-28;

iv) AND THAT the sale of the Hollingsworth Arena site be conditional on Council's declaration of the property as surplus to municipal needs and staff being directed to follow the Town's land disposition process as summarized in this report;

v) AND THAT Mr. Sandro Sementilli of San Michael Homes Developments and Pickering College be notified of this action.

9. Newmarket Public Library Board Minutes of June 17, 2015 and July 15, 2015. p. 46

The Newmarket Public Library Board recommends:

a) THAT the Newmarket Public Library Board Minutes of June 17, 2015 and July 15, 2015 be received.

10. Heritage Newmarket Advisory Committee Minutes of June 9, 2015.

The Heritage Newmarket Advisory Committee recommends:

a) THAT the Heritage Newmarket Advisory Committee Minutes of June 9, 2015 be received.

11. New Business Item b) of Heritage Newmarket Advisory Committee Minutes of June 9, 2015 regarding Community Mailbox Placement. p. 53

The Operational Leadership Team recommends:

a) THAT the Heritage Newmarket Advisory Committee recommendation related to consultation on community mailbox placement be referred to staff.

The Heritage Newmarket Advisory Committee recommends to Council:

a) THAT Heritage Newmarket be circulated for consultation on community mailbox placement, in particular within the Heritage Conservation District and where placement is recommended outside of designated homes or homes displaying a heritage plaque.

12. New Business Item c) of the Heritage Newmarket Advisory Committee Minutes of June 9, 2015. p. 54

The Operational Leadership Team recommends:

a) THAT the Heritage Newmarket Advisory Committee recommendation related to delegation of authority be referred to staff.

The Heritage Newmarket Advisory Committee recommends to Council:

a) THAT the Heritage Newmarket Advisory Committee be delegated the authority by Council to issue heritage permits under the Ontario Heritage Act.

13. List of Outstanding Matters.

p. 55

Recommendation:

a) THAT the list of Outstanding Matters List be received.

Action Items

14. Corporate Services Commission Report - Legislative Services 2015-11 dated September 3, 2015 regarding 'Housekeeping Matters: Regular Meeting Schedule, Procedure By-law and Municipal Flag Policy'. (Deferred from the September 28, 2015 Committee of the Whole meeting) p. 61

The Commissioner of Corporate Services and the Director of Legislative Services recommend:

a) THAT Corporate Services Commission Report - Legislative Services 2015-11 dated September 3, 2015 regarding the 'Housekeeping Matters: Regular Meeting Schedule, Procedure By-law and Municipal Flag Policy' be received and the following recommendations be adopted:

i) THAT Council determine whether regular Committee of the Whole and Council meetings will be scheduled on Tuesdays effective November, 2015;

ii) AND THAT Council adopt the recommended housekeeping amendments to the Procedure By-law (By-law 2013-46) outlined in Appendix A;

iii) AND THAT Council provide direction on the options related to deputations outlined in Appendix B;

iv) AND THAT Council adopt the recommended housekeeping amendments to the Municipal Flag Policy outlined in Appendix C in highlight.

Correspondence & Petitions

Reports by Regional Representatives

Notices of Motion

Motions

15. Memorandum dated October 8, 2015 from the Director of Planning and Building p. 86

Services regarding Feed-In Tariff (FIT) Program and Resolution:

WHEREAS capitalized terms not defined herein have the meanings ascribed to them in the FIT Contract, Version 3.1;

AND WHEREAS the Province's FIT Program encourages the construction and operation of rooftop solar PV generation projects (the "Projects");

AND WHEREAS one or more Projects may be subject to FIT Contracts and may be constructed and operated in the Town of Newmarket ("Local Municipality");

AND WHEREAS in accordance with the FIT Rules, Version 3.0, the Council of the Local Municipality ("Council") had previously indicated, by a resolution, its support for Projects in the Local Municipality (the "Prior Resolution");

AND WHEREAS Council now indicates, by a resolution dated no earlier than June 10, 2015, Council's continued support for the construction and operation of the Projects anywhere in the Local Municipality (the "New Resolution");

AND WHEREAS, pursuant to the FIT Contract, where a New Resolution is received in respect of the Projects in the Local Municipality, Suppliers will be recognized as fulfilling the requirements under Section 2.4(d)(vii) of the FIT Contract, which may result in Suppliers being offered Notice to Proceed in accordance with the terms of their respective FIT Contract(s);

NOW THEREFORE BE IT RESOLVED THAT:

Council of the Town of Newmarket supports the construction and operation of the Projects anywhere in the Town of Newmarket.

This resolution's sole purpose is to enable Suppliers to achieve Notice to Proceed under their FIT Contracts and may not be used for the purpose of any other form of municipal approval in relation to a FIT Contract or Project or for any other purpose.

This resolution shall expire twelve (12) months after its adoption by Council.

16. Motion - Regional Councillor & Deputy Mayor Taylor

p. 88

In keeping with recommendations in the Recreation Playbook, staff be directed to investigate the potential for an outdoor arena in the Town of Newmarket. The analysis should examine options for the rink, including amenities, costs, location criteria and potential funding sources. The report is to be brought back to Committee of the Whole within 120 days.

New Business

Closed Session (if required)

The Closed Session Agenda and Reports will be circulated under separate cover (Goldenrod).

17. Joint CAO/Commissioners of Community Services, Corporate Services and Development and Infrastructure Services (Closed Session) Report 2015-54 regarding a proposed or pending acquisition or disposition of land by the municipality or local board as per Section 239 (2) (c) of the Municipal Act, 2001. (Ward 3) (Deferred from the September 28, 2015 Committee of the Whole (Closed Session) meeting).
18. Human Resources Report 2015-14 dated October 7, 2015 regarding Labour Relations as per Section 239 (2) (d) of the Municipal Act, 2001.
19. Corporate Services (Legal Services) (Closed Session) Report 2015-08 dated October 8, 2015 regarding a proposed or pending disposition of land by the municipality or local board. (Ward 2)

Public Hearing Matter - 7:00 p.m.

20. Development and Infrastructure Services Report - Planning and Building Services Report 2015-37 and related Council Extract, Public Meeting Notice regarding a Proposed Technical Amendment to the Town's comprehensive Zoning By-law. p. 89

Addendum (Additions and Corrections)

- 1a. PowerPoint Presentation by Ms. Mary-Frances Turner, President, York Region Transit regarding the VivaNext Project Update. (To be distributed when available)
- 2a. Video Link - San Michael Developments

<http://www.newmarket.ca/TownGovernment/Documents/October20-San-Michael.m4v>
- 3a. PowerPoint Presentation by the Director of Financial Services/Treasurer regarding the 2016 Draft Budget. (To be distributed when available)

- 4a. Joint CAO, Commissioners and Financial Services Report 2015-48 dated p. 95
October 15, 2015 regarding Preliminary Draft Budgets for 2016.

The Chief Administrative Officer, the Commissioner of Corporate Services and the Director of Financial Services recommend:

a) THAT Joint CAO, Commissioners and Financial Services Report 2015-48 dated October 15, 2015 regarding Preliminary Draft Budgets for 2016 be received for information purposes.

21. Heritage Newmarket Advisory Committee Minutes of June 9, 2015. (Not p. 102
distributed with agenda on October 8, 2015)

The Heritage Newmarket Advisory Committee recommends:

a) THAT the Heritage Newmarket Advisory Committee Minutes of June 9, 2015 be received.

22. Corporate Services Report - Finance, Legal and Legislative Services Report p. 111
2015-17 dated October 15, 2015 regarding Municipal Legislation Review.

The Commissioner of Corporate Services and the Directors of Financial Services, Legal Services and Legislative Services recommend:

a) THAT Corporate Services Report - Finance, Legal and Legislative Services 2015-17 dated October 15, 2015 regarding Municipal Legislation Review be received and forwarded to the Province of Ontario as the Town of Newmarket's comments with respect to the municipal legislation review. (Municipal Act and Municipal Conflict of Interest Act)

Adjournment



**Mike Mayes, Director
Financial Services/Treasurer**

TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
mmayes@newmarket.ca
905.895.5193 ext. 2102

October 19, 2015

CORPORATE SERVICES REPORT - FINANCIAL SERVICES-2015-44

TO: Mayor Tony Van Bynen and Members of Council
Committee of the Whole

SUBJECT: Cancellation, Reduction or Refund of Property Taxes Pursuant to the *Municipal Act, 2001*

ORIGIN: Supervisor, Property Tax & Assessment

RECOMMENDATION

THAT Corporate Services Report - Financial Services – 2015-44 dated October 19, 2015 regarding Property Tax Adjustments Pursuant to the *Municipal Act, 2001* be received and the property tax adjustments outlined in Appendix 1 (attached) be approved.

COMMENTS

Purpose

The purpose of this report is to obtain the approval of Council to cancel, reduce and/or refund the balance of various property tax accounts set out on the attached schedule.

Budget Impact

There is no budget impact as a provision has been allowed for property tax adjustments. The total amount being adjusted is \$2,860.45. The Town's portion of this amount is \$953.18, the Region's portion is \$1,002.85 and the School Board's portion is \$904.42.

Summary

Sections 357 and 358 of the *Municipal Act, 2001* provides the authorities and reasons for the cancellation, reduction or refund of taxes.

Background

Analysis and Options

Sections 357 and 358 of the *Municipal Act, 2001* provide the authorities and reasons for the cancellation, reduction or refund of taxes. Some examples of eligible criteria are:

- Tax classification change
- Structure razed or damaged by fire or demolition
- Land has become exempt
- Gross or manifest error made by MPAC or the Municipality, that may be factual or clerical in nature

Applications were received by taxation staff and forwarded to the Municipal Property Assessment Corporation (MPAC) for review. Upon receiving value confirmations and/or comments from MPAC, staff calculates the amount for tax adjustments. Once Council approves the property tax adjustments, staff will notify the affected taxpayer(s).

All property tax amounts approved for cancellation, reduction or refund will be charged back in proportion to the amounts levied, to the Region and School Boards.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report links to Newmarket's key strategic directions in being Well Managed through fiscal responsibility.

CONSULTATION

The Municipal Property Assessment Corporation (MPAC) provides the revised classification and/or Current Value Assessment (CVA) amounts.

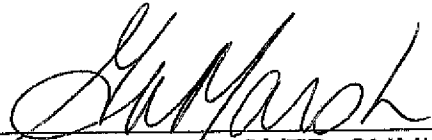
BUDGET IMPACT

There is no budget impact as a provision has been allowed for property tax adjustments. The total amount being adjusted is \$2,860.45. The Town's portion of this amount is \$953.18, the Region's portion is \$1,002.85 and the School Board's portion is \$904.42.

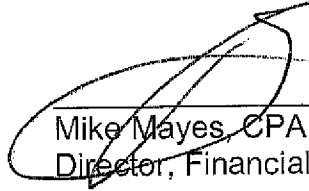
As part of the pro-active assessment management program, staff have reviewed these applications in detail and confirmed that the reduction in property taxes is warranted and accurate.

CONTACT

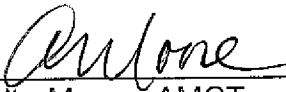
For more information on this report, contact: Grace Marsh at 905-953-5300, ext. 2143 or via e-mail at gmarsh@newmarket.ca



Grace L. Marsh, CMTP, CMMIII
Supervisor, Property Tax & Assessment



Mike Mayes, CPA, CGA
Director, Financial Services/Treasurer



Anita Moore, AMCT
Commissioner, Corporate Services

GM

Attachment:

- a) Appendix 1 – Cancellation, Reduction or Refund of Property Taxes – 2015 (1 pg.)

APPENDIX 1 - Cancellation, Reduction or Refund of Property Taxes (2015)									
ROLL NO	APPEAL #	LOCATION	REASON	YEAR	TAX CLASS	TOTAL	TOWN	REGION	SCHOOL BOARD
010-040-43500	2015-05	187 CARLSON DR	DEMOLITION	2015	RTES	279.46	110.09	114.45	54.92
030-130-04900	2015-07	299-300 DAVIS DR	BECAME EXEMPT	2014	CT-RT	1,197.55	303.88	320.47	573.20
030-140-23000	2015-09	109 LORNE AVE	POOL DEMOLITION	2015	RTEP	119.23	46.97	48.83	23.43
030-141-14100	2014-12	451 MILLARD AVE	BECAME EXEMPT	2014	RTEP	1,264.21	492.24	519.10	252.87
TOTALS:						\$2,860.45	\$953.18	\$1,002.85	\$904.42



TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

September 3, 2015

**JOINT OFFICE OF THE CAO - STRATEGIC INITIATIVES
& CORPORATE SERVICES COMMISSION - LEGISLATIVE SERVICES REPORT 2015-10**

TO: Mayor Van Bynen & Members of Council

SUBJECT: Corporate Policy Approval Authority Framework

ORIGIN: Strategic Initiatives & Legislative Services

RECOMMENDATIONS

THAT Office of the CAO-Strategic Initiatives and Corporate Services Commission-Legislative Services Report 2015-10 dated September 3, 2015 regarding "Corporate Policy Approval Framework" be received and the following recommendations be adopted:

- 1) THAT Council adopt corporate policy CAO.1-06 "Corporate Policy Approval Authority Framework," attached as Appendix 'A';**
- 2) AND THAT the delegation by-law be updated to reflect these items of delegated authority.**

COMMENTS

Legislative Services Report 2013-06 (see Appendix 'C,' attached) was received by Council on March 26, 2013 and included suggestions on improving the efficiency of governance processes and the conduct of public meetings. The report recommended that corporate policies of an administrative nature within the purview of the CAO as well as procedures implementing corporate policies be approved and updated as required by the CAO. Currently, all corporate policies regardless of their nature are approved by Council. In an effort to improve efficiency, it is recommended that a framework be established to delineate between Council and CAO approved corporate policies consistent with the existing Council-CAO governance model (see Draft Corporate Policy CAO.1-06 "Corporate Policy Approval Authority Framework," attached as Appendix 'A'). A Council-CAO delineated corporate policy approval framework exists in many other municipalities within the GTA and abroad, including York Region.

The following are examples of Council and CAO approved policies.

Council-approved policies:

- Policies affecting the Town's governance and Members of Council, including;
- Policy matters directed by Council or requiring Council's approval;
- Policies substantively impacting customer service levels;
- "Outward" facing policies affecting residents and businesses; and,

- Policies related to financial sustainability.

CAO-approved policies (provided the impact of the corporate policy is within the relevant Council-approved budget):

- Administrative matters (e.g., promotional/reference checking)
- Employment and working conditions
- Implementing procedures, routine updates to corporate policy appendices

Appendix B outlines how existing corporate policies are delineated between policies approved by Council and those approved by the CAO. Historically, the majority of the corporate policies identified as CAO-approved have been approved by Council by consent.

Draft Corporate Policy CAO.1-06 further provides:

- Authority for the CAO to request Council approval of CAO-approved corporate policies, should he or she feel there is a need to do so;
- A process to notify Council of new CAO-approved corporate policies and substantive amendments to CAO-approved corporate policies; and,
- A requirement to post all corporate policies (and any procedures referenced in a corporate policy), regardless if it is approved by Council or the CAO on the Town's website.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

In being Well-Equipped and Managed, the Town implements "policy and processes that reflect sound and accountable governance".

CONSULTATION

The Strategic Leadership Team (SLT) and Operational Leadership Team (OLT) were consulted in the course of preparing this report.

HUMAN RESOURCE CONSIDERATIONS

There are no human resource considerations applicable to this report.

BUDGET IMPACT

There are no budget impacts associated with this report.

CONTACT

For more information on this report contact either Andrew Brouwer at (905) 953-5300 Ext. 2211 or abrouwer@newmarket.ca.



Andrew Brouwer, Director, Legislative Services



Cindy Wackett, Corporate Project
Consultant, Strategic Initiatives



Anita Moore, Commissioner, Corporate
Services



Bob Shelton, CAO



CORPORATE POLICY

Sub Topic: Corporate Policy Approval
Authority Framework

Policy No.: CAO.1-06

Topic: Governance

Employees Covered: All Employees
and Elected Officials

Section: CAO

Approval Authority: Council

Adoption Date:

Effective Date:

Revision No:

Date:

Policy Statement & Strategic Plan Linkages

Council and Administration of the Town of Newmarket will support the Community Vision of being a community well beyond the ordinary by implementing policies, programs and procedures that reflect the efficient management of municipal services, and sound and accountable governance, aligning with the Strategic Plan direction of Well-Equipped and Managed.

Purpose

This Policy provides:

- 1) Authority for Council to approve new and amended corporate policies of a governance nature in line with the role of Council established by the *Municipal Act, 2001* and relevant Town by-laws, including but not limited to:
 - a. Policies affecting the Town's governance and Members of Council;
 - b. Policy matters directed by Council or requiring Council's approval;
 - c. Policies substantively impacting customer service levels;
 - d. "Outward" facing policies affecting residents and businesses; and,
 - e. Policies related to financial sustainability.
- 2) Authority for the Chief Administrative Office (CAO) to approve new and amended corporate policies of an administrative nature in line with the role of the CAO established by the *Municipal Act, 2001*, Delegation of Authority By-law

and other relevant Town by-laws provided the impact of the corporate policy is within the relevant Council-approved budget, including but not limited to:

- a. Administrative matters; and,
 - b. Employment and working conditions.
- 3) Authority for the CAO to approve new and amended procedures and appendices which implement CAO and Council-approved policies.
 - 4) Despite the authority granted to the CAO in 2) and 3), the CAO may request Council input and/or approval.
 - 5) A process for advising Council of CAO approved corporate policies. (see Appendix A);
 - 6) That CAO and Council approved corporate policies and procedures/appendices references in a corporate policy be posted on the Town of Newmarket's website.

Cross-References

Corporate Policy Index

Appendices (which may be amended from time to time)

Appendix 'A' – Process for Advising Council of CAO Approved Corporate Policies

Appendix 'A' – Process for Advising Council of CAO Approved Corporate Policies

A: New CAO-approved policies:

1. Prior to the intended effective date, the CAO or designate shall circulate an email or memorandum together with the new corporate policy to all Members of Council advising of, at a minimum:
 - a. The purpose and impacts of the corporate policy;
 - b. Intended effective date;
 - c. How the impacts of the corporate policy will be reported on corporately; and,
 - d. Appropriate staff contact for a Member of Council to seek further information.

B: Amendments to CAO-approved policies of a substantive nature:

1. Prior to the intended effective date, the CAO or designate shall circulate an email or memorandum together with the amendment to the CAO-approved corporate policy of a substantive nature to all Members of Council advising of, at a minimum:
 - a. The purpose and impacts of the corporate policy amendment;
 - b. Intended effective date;
 - c. How the impacts of the corporate policy amendment will be reported on corporately; and,
 - d. Appropriate staff contact for a Member of Council to seek further information.

Corporate Policies Recommended to be Approved by Council	Purpose
Harassment & Discrimination Free Workplace HR.13-04	To provide a description workplace harassment and discrimination; the duties and responsibilities of the employer and employees; and addresses how incidents or complaints of workplace harassment or discrimination will be dealt with.
Accessibility Standards for Customer Service CORP.2-01	To ensure support for and compliance with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) and relevant regulations, by providing customer service to people with various kinds of disabilities.
Accountability and Transparency CORP.1-03	To ensure that the Municipality is accountable to the public for its actions, and the manner in which its actions are transparent to the public.
Committee Administration Policy CORP. 3-02	To provide guidance to Council, staff, and Committee members on the establishment, amendments to and dissolution of all Committee of the Town, and the necessary framework to ensure consistent administrative practices.
Committee Public Appointment Policy CORP. 3-01	To provide guidance on the governing the recruitment and appointment practices for all Committees, to make sure that a fair and equitable application and selection process in place.
Corporate Financing Lease Policy FIN.1-01	Allowing for the provision of Municipal Capital Facilities if the lease may or will require payment by the municipality beyond the term for which Council was elected.
Council Code of Conduct CO-1.01	To identify the Town of Newmarket's expectations of Members of Council and establish guidelines for appropriate conduct.
Council Compensation CO-1.03	To provide a process for fair evaluation of Council's rate of compensation each term of Council.
Council-Staff Request for Info & Use of Res. CAO.1-01	To provide a process for Members' of Council requests for information employee responsibilities to meet Council requests for information.
Debt Policy	To set forth the parameters for issuing debt and managing the debt portfolio and provides guidance to decision makers.

Corporate Policies Recommended to be Approved by Council	Purpose
Deferral of Payment of Development Charges and Planning Application Fees	To encourage development through deferral of payment of development charges and Planning Application fees within the Urban Centres in order to stimulate high-rise mixed-use residential and high-rise office users.
Elected Officials Expense Policy CORP .1-07	To guide expenditures, including payment and reporting, of Elected Officials.
Integrated Accessibility Standards Regulation (IASR) Policy CORP .2-02	To establish the Integrated Accessibility Standards Regulation in the areas of Employment, Information and Communications and Transportation for the Town of Newmarket in accordance with Ontario Regulation 191/11.
Internet & E-Mail Acceptable Use IT.1-01	To ensure that the e-mail and internet systems continue to be a reliable and productive tool for the Corporation.
Investment Policy FIN. 3-01	To set out guiding principles for the management of the Corporation of the Town of Newmarket's surplus funds and investment portfolio.
Long-term Use of Town Facilities by Commercial, Non-Profit & Community Org. PRC.8-01	To guide the Town on making decisions on the long-term use of properties and buildings to ensure the decisions are based upon sound financial principles and the best interests of the community.
Media Relations COMM.5-01	To support staff throughout their dealings with the media to ensure effective, corporately consistent messages.
Members of Council Severance CO-1.02	To set out the parameters for Council severance pay.
Municipal Flag Policy CORP.1-05	To ensure that flags at the Municipal Offices and properties owned by the Town are flown and displayed in an appropriate and consistent manner.
Notice Policy CORP.1-02	To outline the circumstances of notice and the form, manner and times that notice shall be given on matters where there is no statutory notice required pursuant to the Municipal Act, 2001 as amended.

Corporate Policies Recommended to be Approved by Council	Purpose
Operating and Capital Financial Policy FIN. 2-01	To ensure that all programs approved by Council are carried out within the budget allocation.
Professional Development Expenses CAO.1-02	To provide Members of Council and employees with clear procedures regarding attendance, funding, reimbursement, and reporting on reasonable and necessary expenditures incurred while on official municipal business.
Protection of Personal Information Policy CORP. 1.08	To outline the standards and procedures for the collection, use and management of personal information by all Town employees.
Public Services Awards Program CO-3.01	To establish parameters around providing gifts to departing Members of Council.
Records Retention Policy CORP.1-06	To establish principles and procedures for managing both paper and electronic records according to relevant legislation. Appendices/Procedures updated under delegated authority.
Sale of Land Policy LEGAL.1-01	To ensure compliance by the Town with section 270(1) of the Municipal Act, 2001, as amended, which requires municipalities to adopt policies and develop procedures that are accountable and transparent regarding the sale and other disposition of municipally owned land.
Service Pricing Policy CAO.1-03	To outline the high level framework that recommends target cost recovery levels from 0 to 100% for specific types of users and services.
Sidewalk Installation Policy PWES.1-01	To promote pedestrian safety, sidewalk links between sidewalks, and promote safe school pedestrian traffic on streets that feed local school sites.
Use of Corporate Logo Crest and Images Policy COMM.2-01	To guide the proper use and display of the official Town logo, the Town crest, and other Town Images.
Use of Corporate Resources & Election Campaign Activities CORP.1-01	To clarify that all election candidates, including members of Town Council, are required to follow the provisions of the municipal Elections Act 1996 and clarify procedures for all Town employees to maintain the highest standards of ethical conduct throughout the election campaign period.

Corporate Policies Recommended to be Approved by Council	Purpose
Violence Free Workplace HR.13-03	To demonstrate the Town's commitment to the Occupational Health & Safety Act by protecting employees and elected officials from sources of workplace violence.

Corporate Policies Recommended to be Approved by CAO	Purpose
Alternative Work Arrangements HR.2-07	To support alternative work arrangements for eligible employees where it does not adversely impact services provided to customers and staff.
Adjustments to Temporary Salary Rates HR.9-06	To recognize that employees who temporarily assume higher level and/or additional duties as a result of a secondment, appointment or assignment should receive appropriate compensation.
Benefits Policy HR.6-01	To outline the criteria under which employees are eligible for benefit coverage.
Benefits Coverage for Early Retirement HR.6-02	To outline a consistent form of benefit subsidization offered to employees choosing to retire between the ages of 55 and 65.
Bereavement Leave Policy HR.11-06	To provide regular full time and regular part time employees with a paid leave of absence for the purpose of Bereavement Leave.
Definition of Non-Union Employee Status HR.1-01	To provide a definition for Regular Part-Time, Contract Employee, Casual Employee and Sessional/Seasonal Employee.
Drug and Alcohol Policy HR. 5-02	To protect the public and Town employees from risks, which result from employee drug or alcohol, induced behaviour.
Economic Adjustment Policy HR. 9-03	To review the Consumer Price Index (CPI) – Toronto annually to determine the annual economic adjustment and to ensure that an annual assessment on economic/annual adjustments is conducted with the 9 comparator municipalities.
E.R.I.C. CAO.2-01	To describe the non-management group of Town employees who make recommendations to the Executive Management Team on the Town's operations and policies.
e-Mail Service Standards CI.1-02	To set out clearly defined standards that staff should adhere to when dealing with e-mails.
Emergency Leave HR.11-07	To provide regular full time and regular part time employees with an unpaid leave of absence for the purpose of Emergency Leave.
Employee Code of Conduct	To identify the expectations of employees and establishes

Corporate Policies Recommended to be Approved by CAO	Purpose
CAO.3-01	guides for appropriate conduct of employees.
Employee Complaint HR.4-02	To outline the practices and procedures for dealing with employee complaints.
Film Policy CORP. 1-04	To provide a description of the film approval process that assists in ensuring that Town property and the rights, safety and privacy of the citizens of the Town of Newmarket are protected.
Floater Day HR.3-04	To define and set out the procedures for utilizing the Floater Day for employees.
Health and Safety Policy Statement	To make a formal commitment to health safety for all staff.
Honorarium HR.9-09	To define honorarium and its application to Co-op students.
Inclement Weather HR.8-02	To ensure effective communication of Municipal Office and/or other facilities closure to staff and the public due to inclement weather.
Job Evaluation HR.9-08	To assess new positions and revised positions through a process that supports consistent application, internal equity, the development of salary structures (wages) and for determining the placement of approved new or revised positions at the appropriate salary grade.
Jury Duty/Court Appearances HR.11-05	To provide regular full time and regular part time employees with a paid leave of absence for the purpose of Jury Duty and for employees summoned with Subpoena.
Management Compensation Lieu Days HR.3-02	To implement a program that recognizes additional hours worked over the course of the calendar year by eligible management employees.
Mileage Allowance, License & Automobile Insurance HR.8-05	To define standards for compensating employees using their vehicle on Town business and sets out expectations with respect to drivers' licence, qualifications, insurance requirements and internal monitoring controls.
Normal Hours of Work HR.2-06	To define the expectations with respect to Normal Hours of Work for employees.

Corporate Policies Recommended to be Approved by CAO	Purpose
Operating & Capital Financial Policy	To ensure that all programs approved by Council are carried out within the budget allocation.
Overtime HR.2-02	To outline the conditions under which employees will be compensated when required to work in excess of their normal weekly regularly scheduled hours.
Parental Leave HR.11-03	To grant, upon written request, an unpaid parental leave of absence to full-time and part-time employees who have at least 13 weeks continuous service before the date the parental leave is expected to start.
Personal Leave of Absence HR.11-01	To recognize that under certain circumstances an employee may require time away from work to deal with personal and/or family matters.
Position Administration HR.9-07	To establish consistent processes to support the development and maintenance of accurate position descriptions.
Pregnancy Leave HR.11-02	To grant, upon written request, an unpaid pregnancy leave of absence to full-time and part-time employees who have at least 13 weeks continuous service before the estimated date of delivery.
Progressive Discipline HR.4-01	To provide the framework, process and outcome of Progressive Discipline.
Promotions, Transfers, Secondments, & Acting Assignments HR.9-04	To provide standards and procedures for ongoing salary administration, equitable staff development opportunities and salary practices.
Recruitment & Selection HR.12-01	To define the Town's recruitment and selection process, to ensure the policy is in compliance with relevant legislation, that the selection process is consistent throughout the organization in order to attract, select and retain capable and qualified individuals.
Red Circle Rates HR.9-05	To outline standards and procedures when red circling is contemplated to support fair and equitable treatment of employees or as elsewhere provided for in any other Corporate policy.
Resignation/Termination of	To ensure that employee termination processes are in

Corporate Policies Recommended to be Approved by CAO	Purpose
Employment HR.4-03	compliance with employment legislation.
Retirement Notification HR.6-03	To outline the process under which employees give notice to whether they will retire or continue working beyond the age of 65 years.
Return to Work HR.8-06	To provide employee(s) unable to perform his/her regular work duties, regardless of the cause of injury/disability, a Return to Work Program that facilitates early and safe rehabilitation to work, and accommodation of an injured and/or disabled employee.
Salary Administration HR.9-01	To compensate employees in a manner that supports internal equity, marketplace competitiveness and is in compliance with legislative requirements, including the Pay Equity Act.
Salary Progression HR.9-02	To establish consistent processes for salary progression and provide procedures for ongoing salary administration.
Security-Employee ID Badges HR.8-04	To ensure that appropriate security measures are at all Town locations and to support and reinforce employee awareness and knowledge on matters of workplace security.
Service Recognition & Retirement Awards HR.8-03	To present qualifying employees with Service and Retirement Awards in recognition of their years of service with the municipality.
Shift Premium HR.2-04	To establish standards and procedures to compensate employees who are scheduled to work outside the core hours and to ensure consistent application of shift premium procedures.
Sick Leave HR.11-04	To provide eligible regular full time employees with a paid sick leave for personal illness or injury.
Standby & Call-Out Duty HR.2-03	To establish standards and procedures to compensate employees who are assigned to call-out and standby duty.
Telephone Service Standards CI.1-01	To clearly define standards that staff should adhere to when dealing with telephone calls.
Public/Town Paid Holidays	To define Town Paid Holidays and Public Holidays, and to

Corporate Policies Recommended to be Approved by CAO	Purpose
HR.3-03	define payment and/or days off in lieu of the Public or Town Paid Holidays.
Tuition Assistance HR.10-01	To provide financial assistance to those employees who wish to further their education on a part-time basis, through a recognized institution, on their own time.
Vacation HR.3-01	To provide all eligible employees with annual paid vacation.
Wearing Apparel & Dress Code HR.7-01	To encourage employee pride and professionalism through guidelines for appropriate attire for the work environment.
Wellness HR.8-07	To support health-related programs that will assist employees in maintaining their physical, mental, and emotional well-being which contributes to a lower absenteeism rate, higher productivity and a reduction in benefit costs.
Workplace Safety Insurance Act related Absences Policy HR.11-08	To support the Workplace Safety and Insurance Act absences.

Appendix 'C' to Joint Strategic Initiatives/Legislative Services Report 2015-10

February 18, 2013

CORPORATE SERVICES REPORT - LEGISLATIVE SERVICES REPORT 2013-06

TO: Committee of the Whole
SUBJECT: Meeting Efficiency Recommendations
ORIGIN: Director, Legislative Services/Town Clerk

RECOMMENDATIONS

THAT Corporate Services Report – Legislative Services 2013-06 dated February 18, 2013 regarding Meeting Efficiency Recommendations be received and the following recommendation be adopted:

THAT Council provide feedback on the proposed meeting efficiency recommendations for Council and Committee of the Whole meetings outlined in Appendix "A" of this report.

COMMENTS**Purpose**

The purpose of this report is to seek Council's feedback on recommendations intended to enhance the efficiency of Council and Committee of the Whole meetings outlined in Appendix "A" of this report.

Background

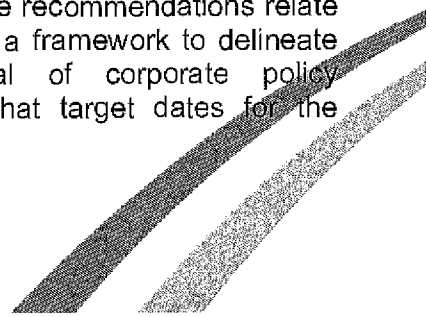
A number of public meeting process initiatives are under way, including:

- Review of Council's Procedure By-law;
- Introduction of a meeting management suite to support web streaming, vote record system and electronic agendas; and,
- New open and closed meeting protocols.

In addition, concerns have been raised by Members of Council with respect to the numerous agenda items, number and length of meetings in recent months.

In line with these initiatives and feedback from Council, the Operational Leadership Team (OLT) and Senior Leadership Team (SLT) identified recommendations intended to further enhance the efficiency of Council and Committee of the Whole meetings.

The recommendations were developed following a review of meeting practices in other GTA municipalities and a workshop held with OLT and SLT members. Recommendations were considered by staff to have the greater potential impact on meeting efficiency. As outlined in Appendix A, the recommendations relate to: (1) exploring expanded delegation of Council authority to staff; (2) creating a framework to delineate between Council and CAO-approved corporate policies and approval of corporate policy appendices/procedures by CAO; and (3) identifying a process to ensure that target dates for the



presentation of staff reports to Council are met, to the extent possible (particularly significant reports supporting strategic directions and key corporate projects).

Next Steps

Following initial feedback from Council, staff will bring forward reports to address each recommendation in greater detail.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Meeting efficiency opportunities support the Town's strategic directions of a well-equipped, managed and respected municipality by ensuring service excellence and promoting engagement in civic affairs.

CONSULTATION

This report was prepared with input from OLT and SLT as well as from input from various GTA municipal clerks and other senior staff.

HUMAN RESOURCE CONSIDERATIONS

There are no human resource considerations.

BUDGET IMPACT

There are no budget impacts.

CONTACT

For more information on this report, contact:

(original signed)

Andrew Brouwer, Director of Legislative Services/Town Clerk

(original signed)

Anita Moore, Commissioner of Corporate Services

Appendix A – Meeting Efficiency Recommendations

Recommendation	Explanation	Key Questions & Considerations	Next Steps
<p>1. Explore expanding the delegation of Council authority to staff.</p>	<p>Delegated authority to staff allows for Council to better focus on more substantive matters & support meeting efficiency.</p> <p>Information reports help to keep Council informed of decisions made through delegated authority. Some delegated matters may suit a “bump up” of matters to Council, others may not require this.</p> <p>Current delegated authority by-law has not been comprehensively reviewed since 2010.</p> <p>Council is encouraged to view delegated authority within a broader context of operational & community interests & opportunities for efficiency, among other factors. A comprehensive report will assist to provide Council with this framework.</p>	<ul style="list-style-type: none"> - Are there areas of delegated authority which could be further explored? - What are the issues/concerns related to delegated authority? - Which mechanisms can be used to ensure Council & public are informed of matters dealt with through delegated authority? 	<ul style="list-style-type: none"> - Departments to identify areas of potential expanded delegated authority - Legislative Services to research & share examples of delegated authority from other municipalities with OL T/SLT - Legislative Services to research examples of routine matters delegated to a committee of the whole/standing committee in other municipalities - Future staff report to come forward

Appendix A – Meeting Efficiency Recommendations

Recommendation	Explanation	Key Questions & Considerations	Next Steps
2. Create a framework to delineate between Council & CAO-approved corporate policies, & approval of corporate policy appendices/procedures by CAO.	<p>Currently, all corporate policies are considered by Council, regardless if a corporate policy is normally within the jurisdiction of the CAO.</p> <p>Many municipalities delineate between Council & CAO approved policies (as well as implementing procedures & routine updates to appendices) through Council approved criteria. Delineation may be, for example:</p> <p><i>Council:</i></p> <ul style="list-style-type: none"> - Governance - High-level (executive) organizational change - Outward facing policy, community - Policies affecting Council - Council policy statements <p><i>CAO:</i></p> <ul style="list-style-type: none"> - Administration/staff - Working conditions - Administrative (e.g., promotional/reference checking, etc.) - Implementing procedures, routine updates to corporate policy appendices <p>Council may be circulated CAO approved corporate policies to help</p>	<ul style="list-style-type: none"> - What types of corporate policies should & should not require Council approval? - Could a process be created whereby Council could “bump up” CAO-approved policies to Council? - How can the public be made aware of or have access to CAO-approved policies? 	<ul style="list-style-type: none"> - Further review with Strategic Initiatives, CAO/SLT, Corporate Policy Committee - Future staff report to come forward

Appendix A – Meeting Efficiency Recommendations

Recommendation	Explanation	Key Questions & Considerations	Next Steps
<p>3. Identify measures to ensure that target dates for the presentation of staff reports to Council are met, to the extent possible (particularly significant reports supporting strategic directions & key corporate projects).</p>	<p>Staff wish to review opportunities to improve the timing of reports to Council, particularly those which are linked to strategic directions or are considered key municipal projects.</p>	<ul style="list-style-type: none"> - What are the challenges & opportunities with the current agenda management process? - How can challenges be overcome? - How can strategic & key projects be managed on the agenda to ensure sufficient discussion relative to other agenda items? - Could special meetings be used to ensure strategic & key projects meet target meeting dates? 	<ul style="list-style-type: none"> - Further review with Strategic Initiatives, CAO/SLT - Future staff report to come forward



COMMUNITY SERVICES – RECREATION & CULTURE
TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

September 16, 2015

COMMUNITY SERVICES – Recreation & Culture # 2015 – 28

TO: Committee of the Whole
SUBJECT: Hollingsworth Arena Replacement Follow Up
ORIGIN: Community Services – Recreation & Culture

RECOMMENDATIONS

THAT the Community Services – Recreation & Culture, Report # 2015 – 28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow up be received and the following recommendations be adopted:

1. THAT staff work with Pickering College to:
 - i) Finalize an agreement subject to Council approval with respect to capital and operating costs regarding a replacement arena at Pickering College;
 - ii) Bring back a professionally prepared project estimate and recommended capital and operating agreement to Council for review within the next 45 days;
2. AND THAT in the event negotiations with Pickering College do not advance to the point of recommending an agreement that staff:
 - i) Commission a professionally prepared architects' project costing with respect to the construction of a third ice pad at the Ray Twinney Complex;
 - ii) Develop a capital and operating forecast regarding a new ice pad at the Ray Twinney Complex;
 - iii) Bring back 2 i) and 2 ii) to Council for review within the next 60 days;
3. AND THAT staff initiate a public process addressing a replacement arena and proposed disposition of land at Hollingsworth Arena.

COMMENTS

The purpose of this report is to provide recommended next steps with respect to the replacement of Hollingsworth Arena.

BACKGROUND

Hollingsworth Arena is a forty-three year old single pad arena. It is approaching the end of its serviceable life. A proposed development opportunity related to its current location coupled with a partnership opportunity with Pickering College result in excellent timing to address this aging facility.

In June, 2014, Council adopted that, *"...staff be authorized to enter into discussions with Pickering College on an exclusive basis for the development of a joint venture for the development of a single pad arena on that site to replace the Hollingsworth Arena with staff to report back to Council with options for an agreement in Q1, 2015"*.

In June, 2015 related to the go forward continuity of service level for municipal ice pads Council adopted that, *"...the sale of the Hollingsworth Arena site be subject to satisfactory arrangements being made to maintain 7 (seven) municipally permitted ice surfaces for the continuity of service for Town residents"*.

Staff has prepared and received positive feedback from Pickering College on a draft MOU that relates to capital and operating of a facility to be constructed at Pickering College. A facility floorplan and site plan has been discussed and is being costed at this time with an architect. Pickering College is coordinating this costing exercise and the Town will conduct a peer review upon receipt.

The recommendations contained within this report indicated the detailed next steps and reporting back to Council milestones in the short term.

Another option for Hollingsworth Arena replacement would be to construct an additional ice pad at the Ray Twinney Recreation Complex. While this option is a viable option given the land available at this location and that it would have minimal site servicing (parking, landscaping, connections, etc), it is not the recommended preferred option at this time given this would not achieve the following key considerations to the same extent as the Pickering College option:

Consideration	Pickering College	Ray Twinney Complex
Shared capital cost	X	
Reduced ongoing operating cost	X	
Increased energy efficiency	X	X
Increased prime Time Use	X	X
Increased Daytime Use	X	
Economic/Development partnership potential	X	

In June, 2015 in the same report Council also adopted that, "...the sale of the Hollingsworth Arena site be subject to Council's declaration of the property as surplus to municipal needs and staff being directed to following the Town's land disposition process". To support the initiation of the land disposition process staff has provided replacement plans and associated recommendations within this report outlining a course of action and reporting back process to ensure Council is able to provide financial and strategic directions with respect to the replacement of Hollingsworth Arena.

CONSULTATION

There are ongoing discussions with Pickering College.

It is recommended in the report that public processes be initiated specific to decommissioning Hollingsworth Arena at its current location, as well as, a public process with area residents, sport user groups and the community as a whole regarding a replacement arena at Pickering College. If negotiations with Pickering College do not lead to an agreement for Council's review then a public process with area residents, sport user groups and the community as a whole regarding a replacement arena at the Ray Twinney Complex would be initiated.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Council 2014- 2018 Strategic Themes and Priorities Alignment:

- *Economic Development/Jobs:* Creating a strategy for vibrant and livable corridors along Davis and Yonge Street
- *Economic Development/Jobs:* Supporting innovative projects and partnerships with various sectors
- *Enhanced Recreational Opportunities:* Enhancing recreational and community facilities
- *Efficiency / Financial Management:* Ensuring effective and efficient services

Well-balanced

- Recreation facilities and services
- Meeting the needs of all life-cycle stages

Well-equipped & managed

- Fiscal responsibility
- Service excellence
- Efficient management of capital assets and municipal services to meet existing and future operational demands
- Clear vision of the future and aligned corporate/business plans

Well-respected

- Being well thought of and valued for our judgment and insight
- Discovering innovative and creative solutions for future well-being
- Being a champion for co-operation and collaboration
- Being tradition-based and forward-looking

BUDGET IMPACT

Replacement Arena at Pickering College: The draft design floor plan and site plan is currently being costed by an architect. This costing will then be subject to a peer review by another architect. A conservative, preliminary total project estimate would be in the ten million dollars + range (including a land value calculation, site servicing, parking, etc) of which the capital budget impact for the Town would be fifty percent of a to be agreed upon portion of the project scope. Both parties are seeking a mutually beneficial capital and operating agreement that lends itself to a long term, successful project.

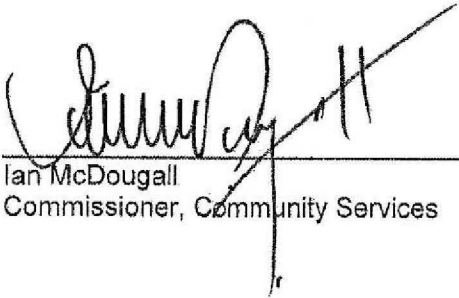
Replacement Arena at the Ray Twinney Complex: A draft floor plan and site plan would need to be developed and costed in consultation with an architect. Preliminary research indicates that as a high level reference for construction of a single pad arena could cost approximately nine million dollars (excludes contingency, site/fees). Ongoing operating of an arena at this location would be the responsibility of the Town.

CONTACT

For more information on this report contact: Colin Service (cservice@newmarket.ca or extension 2601) or Ian McDougall (imcdougall@newmarket.ca or extension 2441).



Colin Service
Director, Recreation & Culture
Community Services



Ian McDougall
Commissioner, Community Services

IM:im



DEVELOPMENT AND INFRASTRUCTURE SERVICES – COMMISSIONER
TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

October 6, 2015

**JOINT CHIEF ADMINISTRATIVE OFFICER, COMMISSIONER OF DEVELOPMENT AND
INFRASTRUCTURE SERVICES, COMMISSIONER OF COMMUNITY SERVICES AND
COMMISSIONER OF CORPORATE SERVICES REPORT 2015-57**

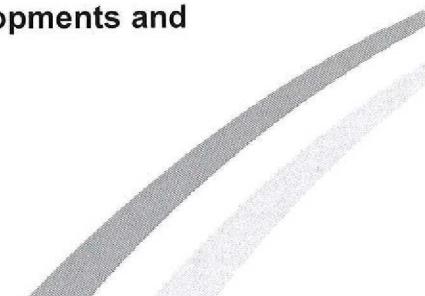
TO: Committee of the Whole

SUBJECT: Hollingsworth Arena – Corridor Development and Community Benefit Opportunity

ORIGIN: Chief Administrative Officer and Commissioners of Development & Infrastructure
Services, Community Services and Corporate Services

RECOMMENDATIONS

THAT Joint Chief Administrative Officer and Commissioners of Development and Infrastructure Services, Community Services and Corporate Services Report 2015-57 dated October 6, 2015, regarding Hollingsworth Arena Corridor Development and Community Benefit Opportunity be received and the following recommendations be adopted:

- 1. THAT Staff finalize negotiations with San Michael Homes Developments according to conditions set out by Council and execute a conditional Letter of Intent with the proponent to the satisfaction of Legal Services, with respect to the development of the Hollingsworth Arena site at 35 Patterson Street in conjunction with the properties at 693 Davis Drive and 713 Davis Drive on the basis of a sale of the Town property;**
 - 2. AND THAT the sale of the Hollingsworth Arena site be subject to Council's satisfaction with the financial terms presented in Closed Session Report 2015-54 on this meeting's agenda;**
 - 3. AND THAT the next steps associated with the replacement of Hollingsworth Arena be determined through consideration of Community Services – Recreation and Culture Report 2015-28;**
 - 4. AND THAT the sale of the Hollingsworth Arena site be conditional on Council's declaration of the property as surplus to municipal needs and staff being directed to follow the Town's land disposition process as summarized in this report;**
 - 5. AND THAT Mr. Sandro Sementilli of San Michael Homes Developments and Pickering College be notified of this action.**
- 

COMMENTS

The Town was approached by a property development company, San Michael Homes, regarding a potential development that would include its property at 693 Davis Drive, the Town-owned property at 35 Patterson Street presently used for the Hollingsworth Arena, and 713 Davis Drive. Committee of the Whole has received deputations from Mr. Sandro Sementilli of San Michael Homes earlier this year outlining an exciting, unique and fully integrated development concept and opportunity for the three sites in the northeast corner of Davis Drive and Patterson Street. The Joint CAO/Commissioners Report 2015-38 from June 2015 provided further background on directions given to staff to advance negotiations with this proponent under conditions that before the sale of the Town's land, a replacement option is to be found for the arena function in the community and the land is to be declared surplus to municipal needs. Staff has reported the financial details of such negotiations to Committee and Council in closed session.

Staff has retained the professional assistance of Mr. Robert Webb of Webb+Co Limited, along with the firm of N. Barry Lyon Consultants to provide advice on the matter and to undertake negotiations with San Michael Homes on behalf of the Town as directed. The negotiations have resulted in a deal that is considered to be fair for the Town, and that would result in achieving a number of local community benefits and Strategic Priorities for the Town.

Staff has considered the strategic importance of a successful development at this location, and subject to Council's direction, the proposal from San Michael Homes integrating the Hollingsworth Arena site with two other properties fronting onto Davis Drive provides Council with an opportunity to achieve a number of priorities, including:

- Enhancing recreational and community facilities
- Supporting community and neighbourhood projects
- Supporting innovative projects and partnerships
- Providing a vibrant and liveable corridor along Davis Drive
- Creating a sensitive transition and integration between the Davis Drive Corridor and the existing stable residential community to the north and northwest
- Prioritizing economic development in the urban centres through new mixed use projects which will should serve as a catalyst for other redevelopment along Davis Drive
- Supporting major transit service enhancements
- Promoting growth in a broadband priority corridor

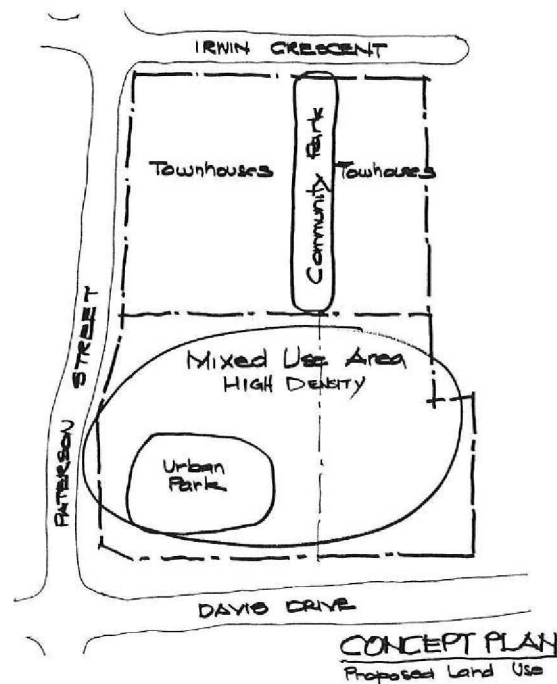
Development Concept

A key feature of the plan is a urban park near the intersection of Davis Drive and Patterson Street, which is then connected through the site to Irwin Crescent to the north via a linear park block.

The "urban park", is to include public amenity features such as a special events area and a water feature in the summer and skating pad in the winter, not unlike what Riverwalk Commons provides for the downtown area. It is proposed to be open and visible from the Davis Drive/Patterson Street intersection.

The development densities and building heights would generally decrease from south to north – from heights of 12 to 15 storeys in the south to heights of 2 to 3 storeys in the north. On the north portion of the site, townhouses are proposed to facilitate an appropriate interface with the existing stable residential community to the north and northwest.

The above configuration is illustrated conceptually on the following figure.



Once a letter of intent has been executed between San Michael Homes and the Town, an extensive and multidisciplinary planning process for the site will begin. It is through this process that a final site plan will be established. This complex multidisciplinary process will include input from planners, architects, market and construction experts, other professionals and the Town. It will consider building massing, built forms, circulation patterns (vehicular and pedestrian), shadows, sightlines and much more. San Michael Homes has committed to the above design and planning process. It has committed to providing the opportunity for community input at the formative stages of the site planning process. It has also committed to working cooperatively with the Town to developing a plan that conforms to the Town's Urban Centres Secondary Plan and that it will not appeal any Town Council decisions.

Appended to this report are some initial concept plans and inspirational images that San Michael Homes has provided. It is stressed that all of the attachments are provided for general information only, and not for endorsement.

Secondary Plan Conformity

The three properties being considered as part of this integrated development proposal are within the Regional Healthcare Centre Character Area of the Town's recently adopted Urban Centre Secondary Plan. The properties are designated Mixed Use, with strips of land designated as Parks and Open Space. The Mixed Use designation will permit a broad range of residential, commercial, accommodation, institutional, office, and arts and cultural establishments. In addition, within the Regional Healthcare Centre Character Area, major office, post-secondary education facilities and long-term care and related facilities would be permitted. The Davis Drive frontage is also shown as a Priority Commercial Area, which would require the ground floor of any building to be used for street-related commercial uses such as retail stores, restaurants, professional offices, etc.

The Secondary Plan contemplates heights between 4 and 12 storeys and an FSI of between 2.0 - 2.5 generally along the Davis Drive frontage (up to 15 storeys and a maximum 3.0 FSI with bonusing). Redevelopment on the Hollingsworth Arena property would contemplate heights between 2 and 6 storeys and an FSI between 1.5 – 2.0. The Secondary Plan also includes provisions that would allow the Town to consider a higher FSI for a specific application where it can be shown, among other things, that other properties in the same designation are constrained and therefore cannot be expected to achieve the height and density provisions of the Secondary Plan.

In terms of future land use for the Hollingsworth Arena site, maintaining the arena in its current form, or using the property as a neighbourhood park would not implement the vision of the Secondary Plan. Maintaining this parcel as a park may actually impact the ability of the Town to meet its height and density goals for the Davis Drive frontage given the height and angular plane requirements of the Secondary Plan for lands adjacent to existing or planned parkland. The height and angular plane impacts are mitigated when the Hollingsworth Arena property is combined with adjacent parcels in an integrated design concept to better support the intensification goals of the Secondary Plan.

Any development concepts that are proposed must demonstrate how the intent of the Secondary Plan is met in terms of height, density, future road/lane connections through the site, and parks and open space requirements as noted above. On the matter of parks and open space specifically, the Secondary Plan does not contemplate a full neighbourhood park on the Hollingsworth Arena property; rather, it identifies a parks and open space through the site. In earlier discussions with San Michael Homes, the concept of connectivity through the site and ultimately leading to the open space/floodplain area on the south side of Davis Drive was supported and encouraged by staff. The current proposal, including a urban park, enhances this connectivity. It also enables another potential year round, programmable, urban park space. The potential for skating to remain on site as an outdoor feature of the urban park in winter months could be a very attractive public space and would pay homage to the ice surface currently found

at Hollingsworth Arena. Given the response by the community to Riverwalk Commons, this diversity in park space design/animation is a tremendous benefit to both the local community as well as the community as a whole.

Development Application and Approval Process

Once Council has determined that it is prepared to convey the Hollingsworth Arena lands, then the proponent will be in a position to start its required Planning Act process. This development will require a site specific Zoning Bylaw Amendment as well as Site Plan Approval from Council. Before such applications can be submitted, a pre-consultation meeting will be required between the applicant and staff to determine the nature and breadth of background studies and other information that will need to be submitted to support the applications. These include architectural site plan, building elevation, landscaping, site servicing, storm water management and composite utility plans among other requirements.

Necessary background studies can include (amongst others), the following:

- Environmental Site Assessment
- Planning Justification Report
- Viewshed Analysis
- Shadow Study
- Lighting Impact Study
- Wind Study
- Functional Servicing Report
- Traffic Impact Report
- Geotechnical Investigation Report
- Hydrological/Hydrogeological Studies
- Source Water Protection Study
- Noise, Vibration and Air Quality Impact Study
- Tree Survey
- Market Impact Study
- Archaeological Assessment
- Cultural Heritage Impact Assessment

Once all the noted studies, drawings and other work is complete, a formal application can be made, and if it is determined to be complete then it can be processed. The various studies are reviewed by the appropriate agencies or internal departments, or alternatively are peer reviewed by one of the Town's outside peer reviewers.

Staff will prepare a preliminary report for the Committee of the Whole providing a high level analysis of the application and making a recommendation as to whether the application is sufficiently far advanced to warrant referring it to a Statutory Public Meeting. If Council deems

appropriate, a Statutory Public Meeting is scheduled and notice of such meeting is given at least 20 days prior to the meeting. Affected property owners are notified and signs are typically placed on the property advising of the place and time of the meeting along with a brief explanation of the purpose of the application.

The applicant is required to make a full presentation of the nature of the applications at the Public Meeting, and the public is invited to make oral, written comments on the proposal, as well as to pose any questions they may have in respect of the applications. Following the Public Meeting, staff prepare a report for the Committee of the Whole for its consideration (typically a month or more after the Public Meeting) which provides an analysis of the results pertaining to the review of the various reports and studies and peer review work along with a review of the public comments received. That report makes recommendations to Committee of the Whole on the applications, which may include approval, denial or deferral (pending further modification of the Plan).

Committee of the Whole makes its decision and the matter is then referred to Council for ratification. If Council approves the applications, then a bylaw is prepared and is circulated to affected property owners for their information. Council's approval of the bylaw is subject to a 20 day appeal period and within that time period, a member of the public may appeal Council's decision to the Ontario Municipal Board for decision. If the application is not appealed, the bylaw comes into force and effect once the required appeal period is complete.

General Description of the Negotiated Deal

As has been reported previously to Council in Closed Session reports and meetings, and is reported again in a Closed Session report to this Committee of the Whole meeting, a comprehensive arrangement that is attractive to the Town has been negotiated with San Michael Homes. In addition to the site design, planning and public consultation commitments described elsewhere in this report, terms of the arrangement include:

- San Michael Homes providing evidence that it has the right to also develop 713 Davis Drive.
- A reasonably aggressive delivery schedule for the first phase of the overall project that, includes the first high rise tower, townhomes and the urban park.
- A commitment to a minimum number of high rise sales and other financial hurdles that must be satisfied by San Michael Homes.
- Assurance that construction of the first high rise tower will commence prior to the commencement of construction of the town house component of the project and that the first high rise tower and the urban park will be completed within two years of the start of any construction on the site. Financial guarantees and securities will be provided by San Michael Homes in this regard.

Where applicable, the above obligations must be satisfied before the closing of the sale of the Hollingsworth Arena Site to San Michael Homes.

Financial Impacts

In terms of municipal property tax revenue, and focusing only on the Town's component, the proposed development is estimated to generate approximately \$750,000 in new annual tax revenue based on an assumed 440,000 ft² mixed use development and typical MPAC Assessment values for this area. This compares to approximately \$11,000 in annual taxes currently generated by the existing uses on the combined development sites (N.B., the current municipal arena site does not generate property tax revenue).

An estimated total of \$3.5 to 4.0 million in Town Development Charges would be collected from the proposed project.

There may be additional programming and events revenue generated by the public spaces in the urban square after project is complete.

Ice Surface Replacement

Replacing Hollingsworth Arena allows for the continuance of the current municipally programmed service level to arena user groups. This direction supports the research and recommendations contained within the Recreation Playbook. Replacing Hollingsworth Arena will enable meeting community ice needs today and projected needs into the future.

At this time, the preferred option to replace the Hollingsworth Arena is through a partnership arrangement with Pickering College for a new arena to be constructed on their lands. This efficient collaboration would share costs and serve user needs for both parties.

The other option to replace the Hollingsworth Arena would be for the Town to construct a third ice pad at Ray Twinney Recreation Complex; however, the capital and ongoing operating costs associated with this option would be more expensive as opposed to a partnership model with Pickering College given in this scenario the capital and operating remain entirely the responsibility of the Town.

Additional information and specific next step recommendations related to the ice surface replacement is contained in Community Services – Recreation and Culture Report # 2015 – 28. This report is to be considered at the October 20, 2015 Committee of the Whole.

Public Consultations

There will be opportunity for public input and comment through the following means:

- Input on rink replacement options
- Input on sale of surplus land
- Input on the development application through the Planning Act approval process and through additional community consultation that San Michael Homes has advised it is willing to undertake

It is recommended that a public process be initiated with area residents, sport user groups and the community as a whole specific to decommissioning Hollingsworth Arena at its current location and its replacement with an arena at Pickering College or other alternative option such as at the Ray Twinney Complex. This would invite appropriate public commentary on the subject proposal and the resultant preferred outcome for an arena replacement. It is recommended that this occur as soon as possible to facilitate the clearance of the conditions associated with the proposed Letter of Intent.

Notwithstanding that public consultation is not a requirement under the Town's Sale of Land Policy, a public process will be initiated with the community respecting the disposition of the Hollingsworth Arena lands. The process will allow input and comment from community members, and this information will be used by staff in assessing and formulating its recommendations respecting the surplus declaration and sale of the subject lands.

As noted earlier in this report, San Michael Homes is prepared to hold public consultation meetings in the community regarding planning and design concepts for the integrated development project. A full public consultation as part of the Planning Act and development application process will also occur once applications are submitted with supporting materials.

Sale of Land Policy

The Sale of Land Policy of the Town of Newmarket requires that the Town obtain an appraisal and give public notice of the intention to sell property. It is the prerogative of Council to determine the method of obtaining the best financial return balancing that factor with the other strategic goals of the corporation.

Pending a successful negotiation with the interested proponent and Council's direction to move forward with a disposition of the Hollingsworth Arena lands, staff will proceed with the requirements set out under the Town's Sale of Land Policy, being:

1. A declaration of the land as surplus by a resolution of Council;
2. Attainment of an appraisal;
3. Approval of the method of disposition by Council;
4. Provision of notice of the proposed disposition to the public; and
5. Council approval of the disposition

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

In addition to the Strategic Priorities described earlier, the review and analysis of development concepts has links to the following branches of the Town's Community Vision:

Well-balanced: encouraging a sense of community through an appropriate mix of land uses and amenities;

Well-equipped & managed: varied housing types, affordability and densities;

Well-planned & connected: strategic growth by way of a comprehensive Official Plan.

CONSULTATION

Staff from all Commissions were involved in the preparation of this report.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

BUDGET IMPACT

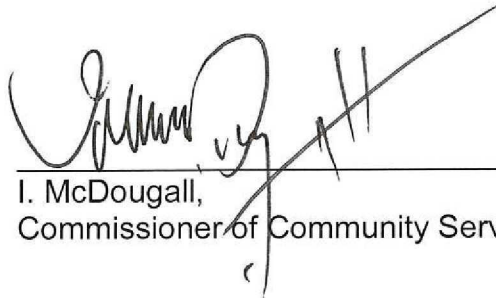
See Financial Impact section listed earlier in this report.

CONTACT

For more information on this report, contact the CAO or one of the Commissioners.



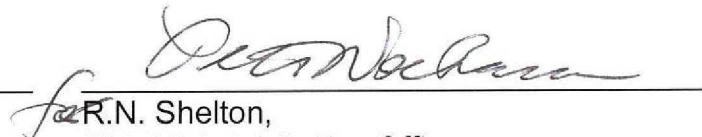
P. Noehammer,
Commissioner of Development &
Infrastructure Services



I. McDougall,
Commissioner of Community Services

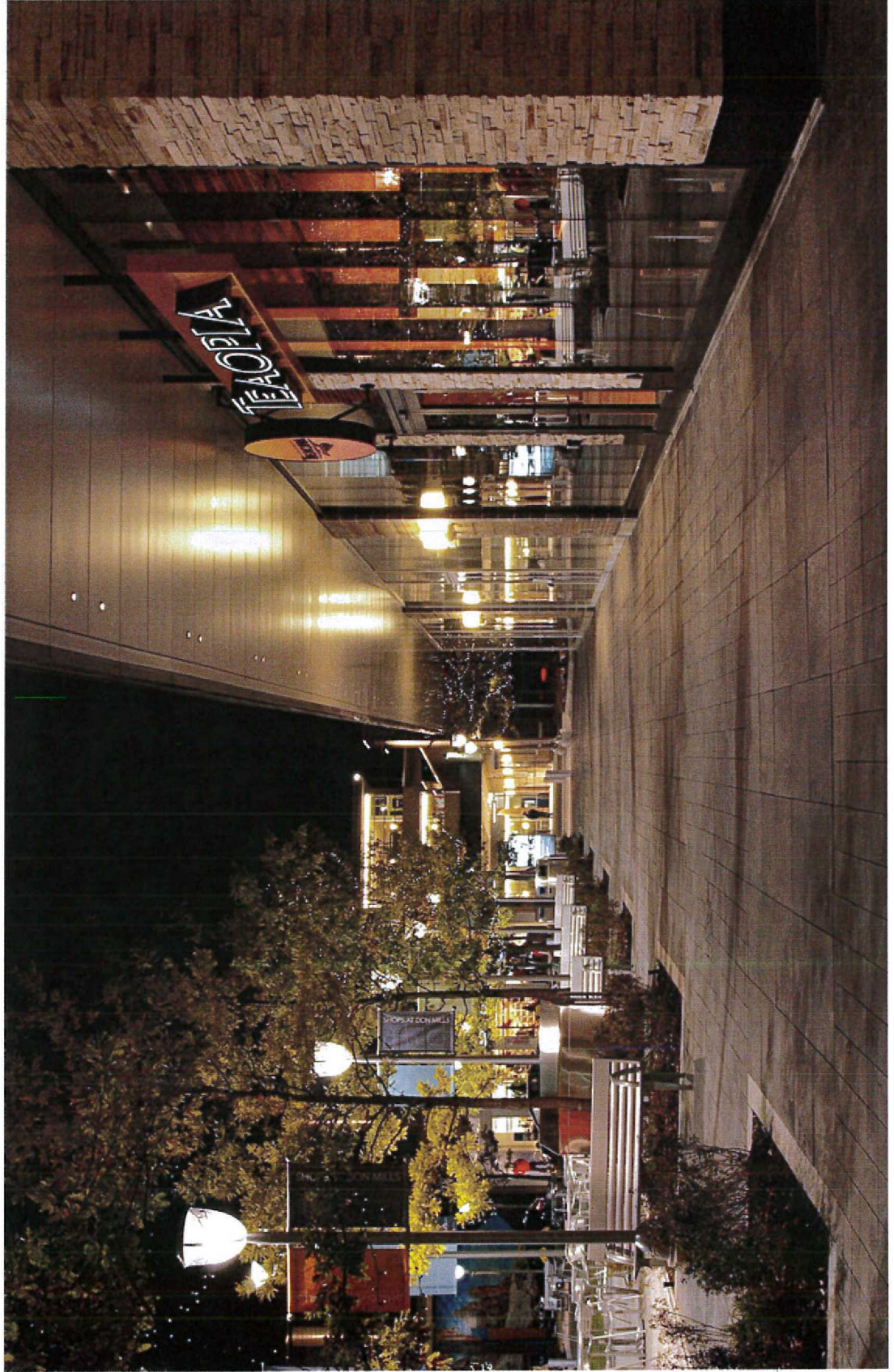


A. Moore,
Commissioner of Corporate Services

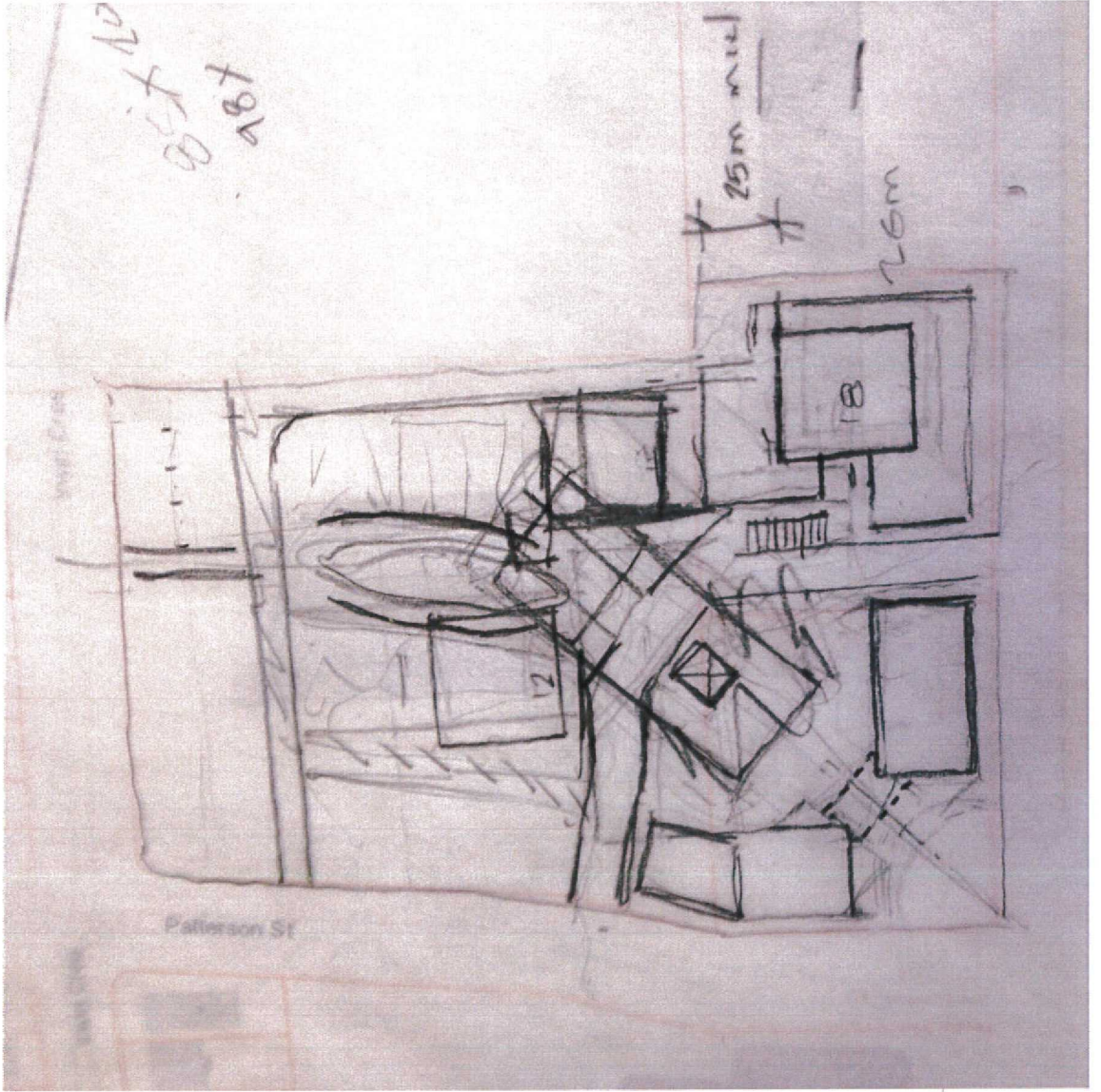


R.N. Shelton,
Chief Administrative Officer

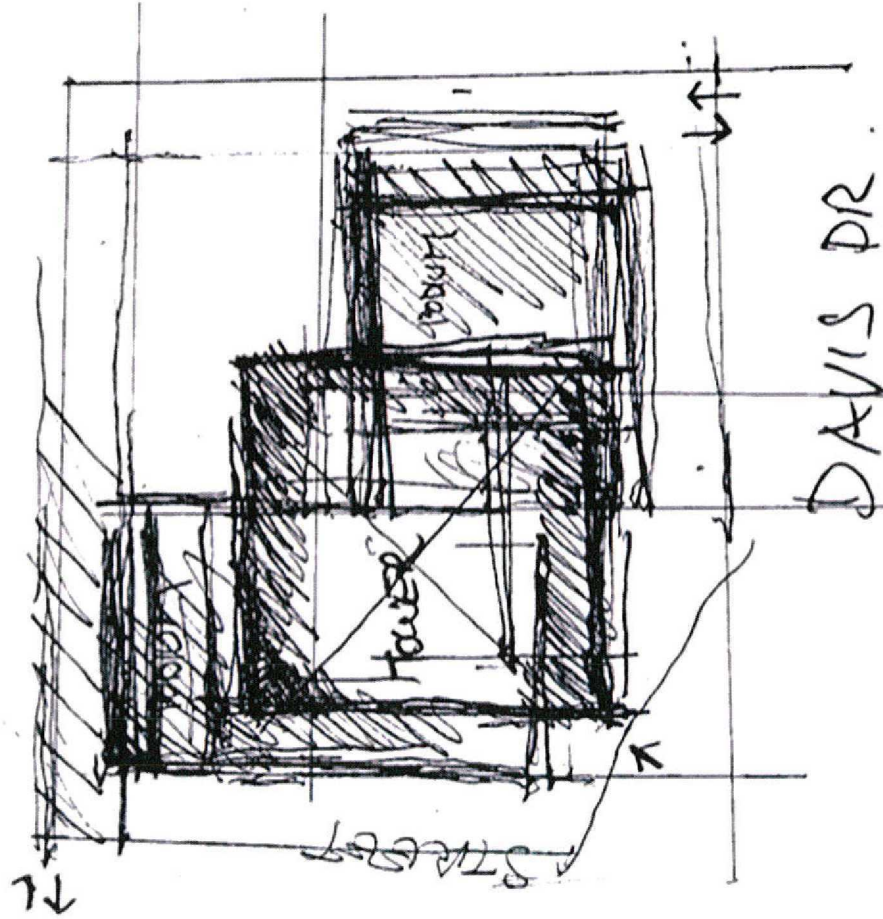
Inspirations



Inspirations

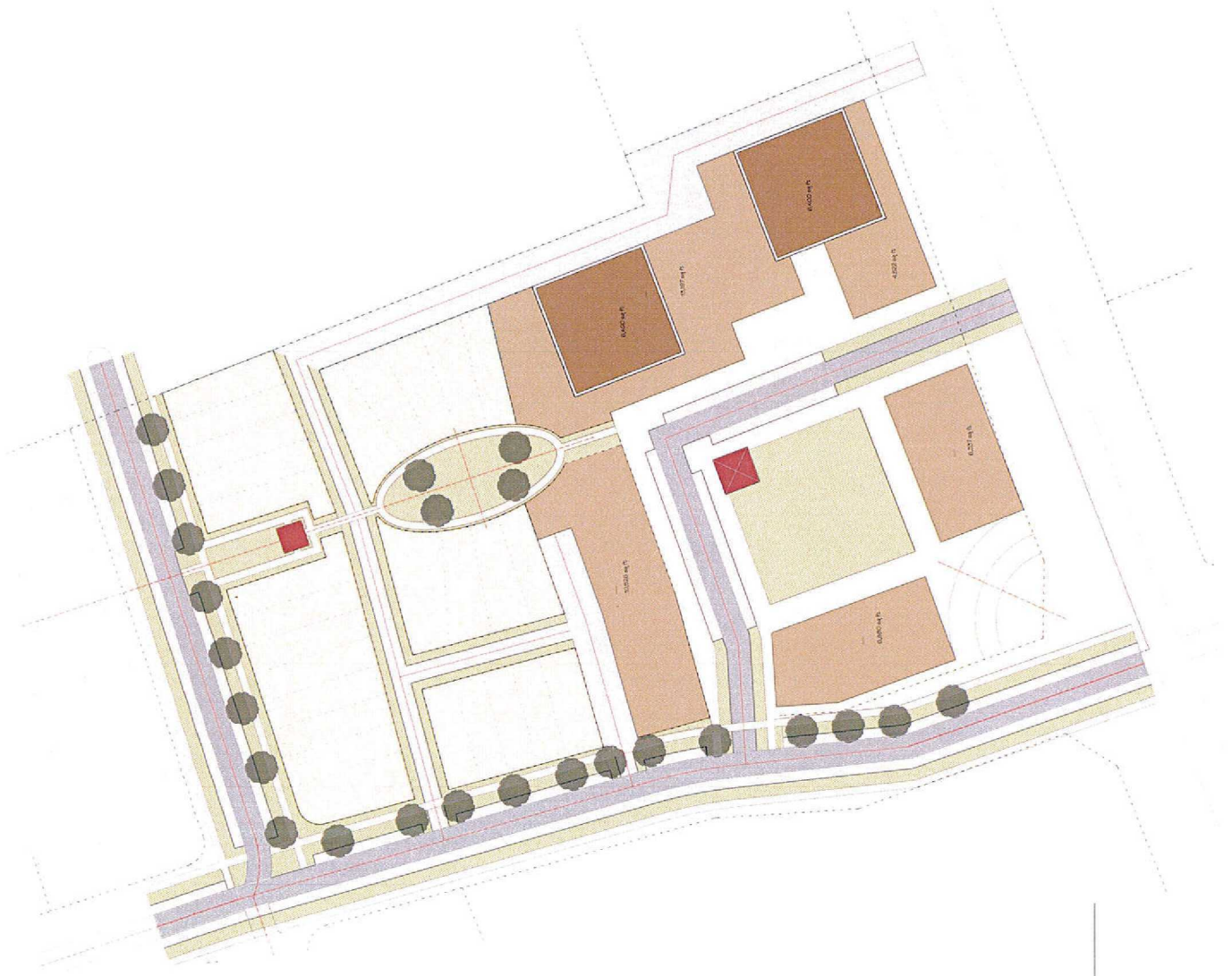


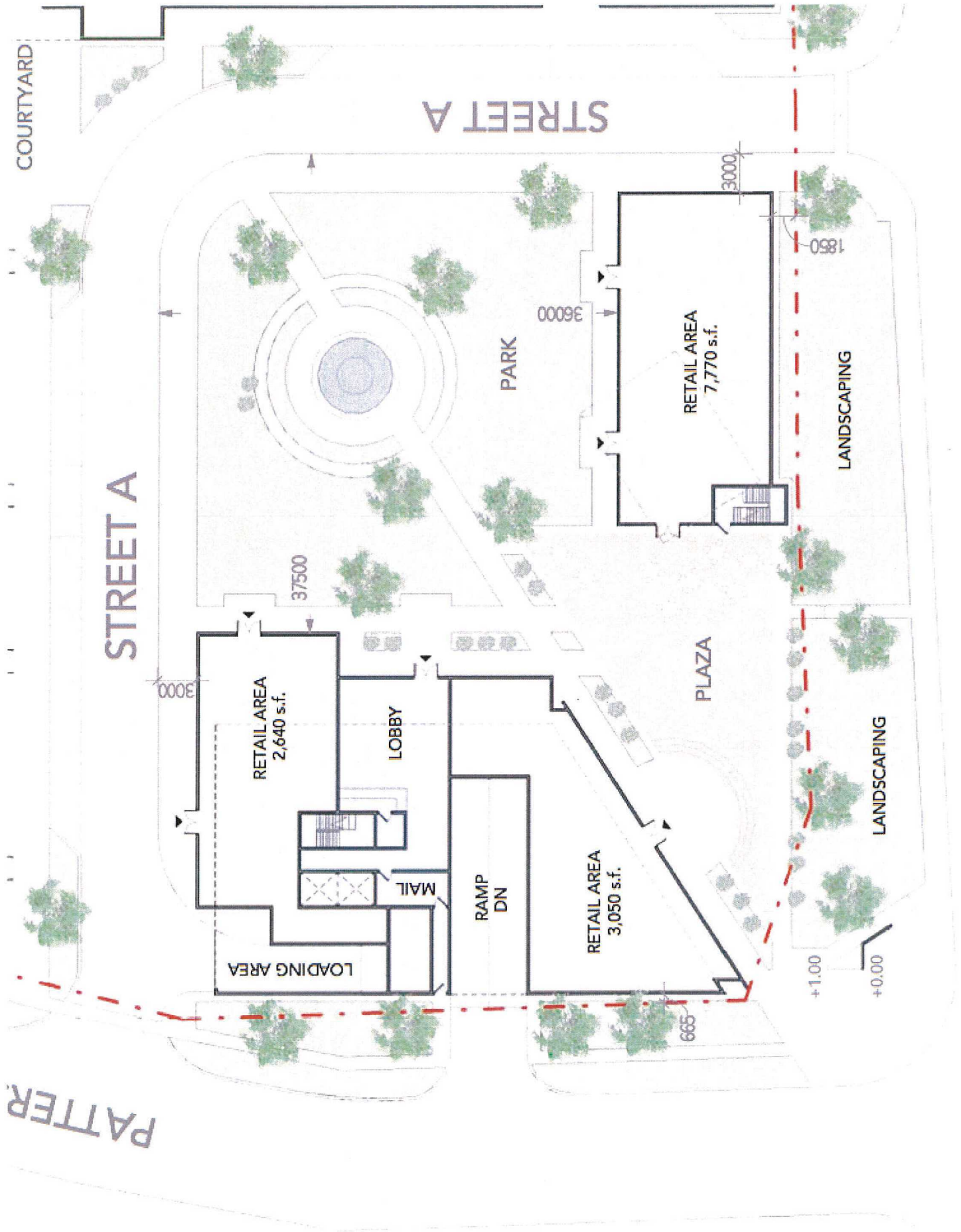
Inspirations



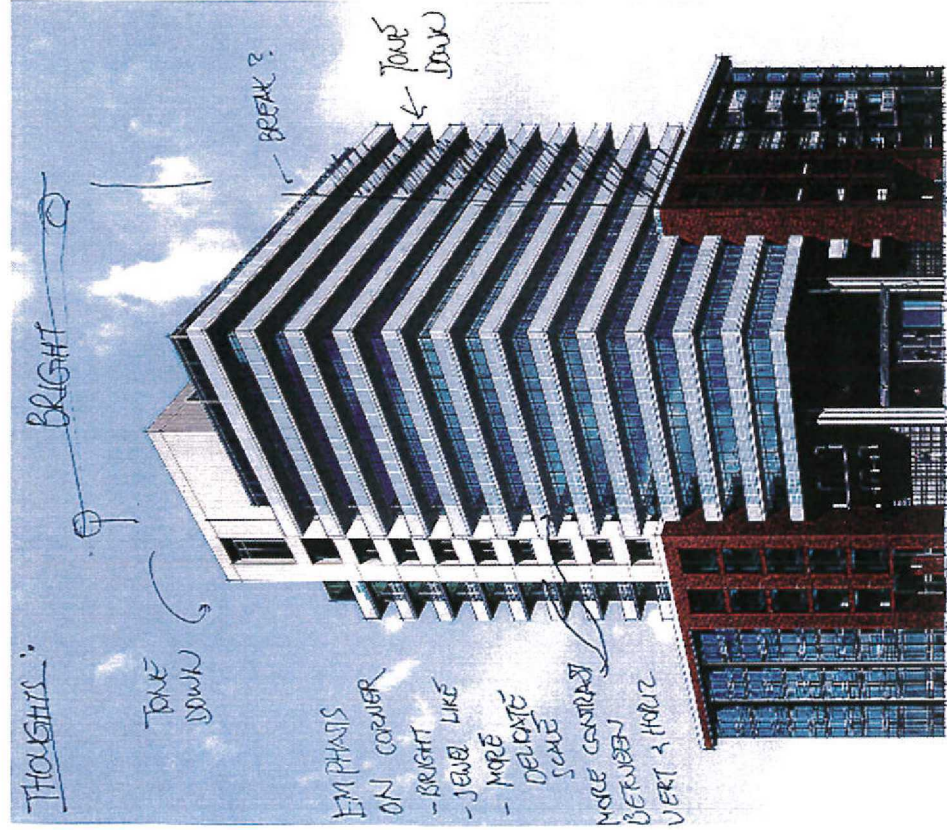
Basin Morning

Site Plan





Inspirations



BURKA ARCHITECTS INC.

Inspirations





**Newmarket Public Library Board
Regular Board Meeting
Wednesday, June 17, 2015
Newmarket Public Library Board Room**

Present: Joan Stonehocker – Chair
Tom Vegh – Vice Chair
Tara Brown
Darcy McNeill (arrived at 5:30 pm)
Kelly Broome-Plumley (arrived at 5:15 pm)
Venkatesh Rajaraman
Joe Sponga

Staff Present: Todd Kyle, CEO
Linda Peppiatt, Deputy CEO
Lianne Bond, Administrative Coordinator

The Library Board Chair called the meeting to order at 5:10 pm

1. Adoption of Agenda Items

- a) Adoption of Regular Agenda
- b) Adoption of the Closed Session Agenda
- c) Adoption of Consent Agenda items

The Chair asked if there were any additions to the agenda. One item was added under New Business.

Motion 15.06.017

Moved by Tara Brown

Seconded by Venkatesh Rajaraman

That Agendas a) to c) be adopted as amended.

Carried

2. Declarations

None were declared.

3. Consent Agenda Items:

- a) Adoption of the Regular Board Meeting Minutes for Wednesday, May 20, 2015
- b) Strategic Operations Report for May, 2015
- c) Library Statistical Data for May, 2015
- d) Monthly Bank Transfer

Motion 15.06.018

Moved by Joe Sponga

Seconded by Venkatesh Rajaraman

That Consent Agenda Items a) to d) be received as presented.

Carried

4. Motion to Convene into a Closed Session

Motion 15.06.019

Moved by Tom Vegh

Seconded by Tara Brown

That the Library Board moved into Closed Session at 5:12 pm to discuss labour relation matters.

Carried

Motion 15.06.020

Moved by Kelly Broome-Plumley

Seconded by Joe Sponga

That the Library Board move out of Closed Session at 5:25 pm.

Carried

Motions arising from the Closed Session:

Motion 15.06.021

Moved by Kelly Broome-Plumley

Seconded by Joe Sponga

That the Library Board adopt the Closed Session minutes for May 20, 2015.

Carried

Motion 15.06.022

Moved by Joe Sponga

Seconded by Tara Brown

That the Library Board receive the verbal report pertaining to labour relation matters.

5. Business Arising**a) Fundraising and Development Strategy**

The CEO reviewed with the Library Board the report on a potential fundraising and development strategy.

Motion 15.06.023

Moved by Joe Sponga

Seconded by Kelly Broome-Plumley

That the Library Board receive the report on Fundraising and Development Strategy.

Carried.

Motion 15.06.024

Moved by Tom Vegh

Seconded by Joe Sponga

That the Library Board give direction to the CEO to discuss with the Town of Newmarket Recreation and Culture staff naming right sponsorship and to proceed with the implementation of a donation portal on the Library website and report back to the Library Board at the next regularly scheduled Board meeting.

Carried

b) Library Board Action List**Motion 15.06.025**

Moved by Tara Brown

Seconded by Venkatesh Rajaraman

That the Library Board received the Library Board Action List.

Carried

6. New Business**a) 5 year Operating Budget Projections**

The Library Board reviewed the 5 year operation budget forecast as prepared on the advice of the Town of Newmarket Finance Department.

Moved by Joe Sponga
Seconded by Tara Brown

That the Library Board receive the report on the 5 year operating budget forecast.

Carried

b) 2016 Budget

The Library Board reviewed the report on the 2016 budget and agreed to hold a special Board meeting to discuss the Library 2016 Budget on September 12, 2015.

Motion 15.06.027

Moved by Kelly Broome-Plumley
Seconded by Tara Brown

That the Library Board receive the report on the 2016 budget.

Carried

c) Story Pod

In partnership with the Newmarket Public Library, Town of Newmarket Public Works Department and Recreation and Culture Department, a Story Pod is being created and will be located in Riverwalk Commons during the summer months.

Motion 15.06.027

Moved by Kelly Broome-Plumley
Seconded by Tara Brown

That the Library Board receive the report on the Story Pod.

Carried

7. Date(s) of Future Meetings

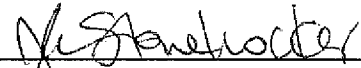
A Special Board meeting to discuss the Library 2016 Budget will be held Saturday, September 12, 2015 from 10:00 am to 12:00 pm in the Library Board room

The next regular Library Board meeting will be Wednesday, September 16, 2015 at 5:30 pm in the Library Board room.

8. Adjournment

Moved by Kelly Broome-Plumley
Seconded by Tom Vegh

That there being no further business meeting adjourned at 6:15 pm.



Joan Stonehocker
Chair



Todd Kyle, CEO
Secretary/Treasurer



**Newmarket Public Library Board
Special Board Meeting
Wednesday, July 15, 2015
Newmarket Public Library Board Room**

Present: Joan Stonehocker – Chair
Tom Vegh – Vice Chair
Tara Brown
Darcy McNeill

Regrets: Kelly Broome-Plumley
Venkatesh Rajaraman
Joe Sponga

Staff Present: Todd Kyle, CEO
Lynn Georgeff, Director of Human Resources, Town of Newmarket

The Library Board Chair called the meeting to order at 7:05 pm

1. Adoption of Agenda Items

- a) Adoption of Special Agenda
- b) Adoption of the Closed Session Agenda

The Chair asked if there were any additions to the agenda.

Motion 15.07.29

**Moved by Darcy McNeill
Seconded by Tara Brown**

That Agendas a) to b) be adopted as presented.

Carried

2. Declarations

None were declared.

3. Motion to Convene into a Closed Session

Motion 15.07.30

Moved by Tara Brown

That the Library Board moved into Closed Session at 7:07 pm regarding a personal matter about an identifiable individual and labour relations or employee negotiations per Sections 239 (2) (b) and (d) of the Municipal Act.

Carried

Motion 15.07.31

Moved by Tara Brown
Seconded by Darcy McNeill

That the Library Board move out of Closed Session at 7:25 pm.

Carried

Motions arising from the Closed Session:

Motion 15.07.32

Moved by Darcy McNeill
Seconded by Tara Brown

That the Library Board authorize the CEO to implement the directions given in closed session regarding the matter discussed.

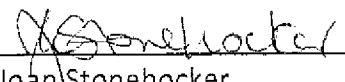
Carried


4. Adjournment

Motion 15.07.33

Moved by Tom Vegh
Seconded by Darcy McNeill

That there being no further business meeting adjourned at 7:28 pm.


Joan Stonehocker
Chair


Todd Kyle, CEO
Secretary/Treasurer

The Operational Leadership Team recommends:

THAT the Heritage Newmarket Advisory Committee recommendation related to consultation on community mailbox placement be referred to staff.

Heritage Newmarket Advisory Committee Excerpt of June 9, 2015 Minutes – New Business b)

The Heritage Newmarket Advisory Committee recommends to Council:

a) THAT Heritage Newmarket be circulated for consultation on community mailbox placement, in particular within the Heritage Conservation District and where placement is recommended outside of designated homes or homes displaying a heritage plaque.

The Operational Leadership Team recommends:

THAT the Heritage Newmarket Advisory Committee recommendation related to delegation of authority be referred to staff.

Heritage Newmarket Advisory Committee Excerpt of June 9, 2015 Minutes – New Business c)

The Heritage Newmarket Advisory Committee recommends to Council:

a) THAT the Heritage Newmarket Advisory Committee be delegated the authority by Council to issue heritage permits under the *Ontario Heritage Act*.

TOWN OF NEWMARKET

Outstanding Matters

	Item Subject	Recommendation	Date to come back to Committee	Comments
1.	Council - January 20, 2014 – Item 33	<p>D & I Services Report – ES 2013-49 Checking Consultant Professional Consulting Services Contract Extension</p> <hr/> <p>THAT Council approve the execution of the Professional Consulting Services Agreement with R.J. Burnside Associates Ltd. for a period of up to two (2) years from the date of Council approval to provide checking consulting services at preferred client discounted rates adjusted annually in accordance with industry standards;</p> <p>AND THAT staff report back to Council after a year and a half with options regarding the Checking Consultant Professional Consulting Services Contract.</p>	Q4, 2015	Engineering Services working with Procurement to research the history of the contract.
3.	Council – June 23, 2014 – Item 3	<p>Mr. Scott Cholewa regarding a petition for a splash pad in the Copper Hills subdivision (Ward 1).</p> <hr/> <p>THAT the deputation of Mr. Scott Cholewa regarding a petition for a splash pad in the Frank Stronach Park be received;</p> <p>AND THAT the request for a splash pad in Frank Stronach Park be referred to the 2015 budget process and added to the Recreation Master Plan.</p>		Item referred to as part of the Recreation Playbook process.

Strikethrough indicates that the item will be removed from the outstanding list prior to the next OLT meeting

Bold indicates that the item will be on the upcoming agenda

Last revisions made on October 8, 2015

(Updated and including the Committee of the Whole Minutes of September 28, 2015)

	Item Subject	Recommendation	Date to come back to Committee	Comments
4.	Council – December 15, 2014 – Item 7	<p>Corporate Services Report - Financial Services 2014-36 dated November 24, 2014 regarding 2015 User Fees and Charges - Water and Wastewater Rates.</p> <p>a) THAT Corporate Services Report - Financial Services 2014-36 dated November 24, 2014 regarding 2015 User Fees and Charges - Water and Wastewater Rates be received and the following recommendations be adopted:</p> <p>i) THAT the attached Schedule 'A' being the Town of Newmarket Water and Wastewater Rates be approved and adopted by By-law;</p> <p>ii) AND THAT the Water and Wastewater Rate adjustments come into full force and effect as of January 1, 2015;</p> <p>iii) AND THAT staff be directed to update the 6-Year Water and Wastewater Financial Plan and to include further review of the rate structure in this update.</p>	<p>Master Plan Update and 2015 Water Rate Review</p> <p>Q4, 2015</p>	

	Item Subject	Recommendation	Date to come back to Committee	Comments
	Council – March 30, 2015 – Item 33 Corporate Services Report – Financial Services 2015-20 regarding Decision Packages and Infrastructure Levy.	<p>THAT Council direct staff to bring back a report providing phasing options that allow for achieving Council enhancement priorities related to traffic mitigation, sidewalk plowing and CreateIT at Southlake while maintaining the Council motion to target a budgeted tax increase of 2% to 2.5%;</p> <p>a) AND THAT staff provide a report within 120 days on the use of the funds budgeted for the Business Development Officer;</p> <p>b) AND THAT staff advise of the recommended approach for realignment of the added resource and provide goals, timelines, implementation and projected outcomes for each of the next five years;</p> <p>c) AND THAT staff provide a report within 90 days outlining the required resources, related costs and sources of funding available to implement a targeted marketing program to advance the redevelopment of Davis Drive properties for implementation by Q4 2015;</p> <p>d) AND THAT the report include how this can be accomplished without impacting the current and proposed economic development plans initiatives.</p>		<p>To be addressed following and in the context of the marketing of Davis Drive project that is to occur in Q4 2015 and Q1 2016</p> <p>See Community Services – Economic Development Information Report 2015-29 dated October 1, 2015</p> <p>See Community Services – Economic Development Information Report 2015-29 dated October 1, 2015</p>
8.	Committee of the Whole – April 13, 2015 – Item 28 Joint Development and Infrastructure Services Report – Planning and Building Services and Engineering Services 2015-12 dated April 2, 2015 regarding a Proposed Trail from Yonge Street to Rita's Avenue.	THAT staff bring back a report with the intent of significantly reducing the impact that the trail will have on residents' properties by lessening the size and right-of-way of the path, preserving existing trees, plantings, privacy fence and low impact lighting.	Q4, 2015	

	Item Subject	Recommendation	Date to come back to Committee	Comments
9.	Council – April 20, 2015 – Item 7	THAT staff provide a report within six months related to internet voting.	Q1, 2016	Workshop held October 5, 2015 – 10:00 a.m.
10.	Committee of the Whole – May 25, 2015 – Item 2 – Parkland Dedication By-law	<p>THAT the Parkland Dedication By-law for the Town of Newmarket as contained in Attachment 1 be received;</p> <p>ii) AND THAT staff be directed to provide notice to the public, the development community and BILD of the proposed by-law;</p> <p>iii) AND THAT following public input that staff summarize in a report to the Committee of the Whole the issues identified and the comments received along with the final recommendation for the Parkland Dedication By-law for Council's approval;</p> <p>iv) AND THAT staff be directed to report back to Committee of the Whole on the other funding strategies to address the identified shortfall of Town-wide parkland in conjunction with the Parkland Implementation Strategy identified in the Implementation Strategy for the Newmarket Urban Centres Secondary Plan.</p>	Q4, 2015	
12.	Committee of the Whole – May 25, 2015 – Item 20 – Motion – Councillor Sponga	THAT staff review the Film Permit Policy and Permitting Process and report back within 150 days to include maps with designated locations for parking and production and that the cost of additional parking enforcement be added to the permit on a cost recovery basis.		Information Report to be provided advising of status
14.	Council – June 22, 2015 – Item 31 D & I Services Report – ES 2015-34 – McCaffrey Road – Traffic Review	<p>THAT a report be prepared for an upcoming Committee of the Whole or Council meeting following a site visit by the Ward Councillor and Town staff that includes alternate traffic mitigation measures including but not limited to chicanes, roundabouts, pedestrian islands, road watch program or crosswalk;</p> <p>AND THAT this report address traffic impacts related to new development on the Glenway lands, York Region Annex building and the Yonge Street VivaNext project.</p>	Q4	

	Item Subject	Recommendation	Date to come back to Committee	Comments
15.	Committee of the Whole – August 31, 2015 – Item 17 – CAO/Human Resources Report 2015-06 NTAG Deputation – June 22, 2015.	THAT in accordance with Council's Strategic Priority of Community Engagement, an open house and Public Information Centre be scheduled prior to the end of 2015 as an opportunity to inform and engage all interested residents and stakeholders on matters of general public interest.	Q4	
16.	Committee of the Whole – August 31, 2015 Item 30 – Stormwater Management Rate	THAT staff be directed to inform and consult with the public regarding the potential of establishing a stormwater management rate; AND THAT staff report back on the feedback received in January, 2016.	January, 2016	
17.	Committee of the Whole – September 28, 2015 – Item 15	THAT the deputation by Mr. Paul Jolie regarding Ontario Municipal Cycling Infrastructure be received and referred to staff for a report back to Council related to cycling infrastructure on Mulock Drive.		Information Report to be distributed
18.	Committee of the Whole – September 28, 2015 – Item 18	THAT the correspondence received June 25, 2015 from Mr. Athol Hart regarding Town Crier representation be received: b) AND THAT staff work with the Ontario Guild of Town Criers to identify an appropriate process for Town Crier selection and report back within 30 days.	Q4, 2015	

	Item Subject	Recommendation	Date to come back to Committee	Comments
19.	Committee of the Whole – September 28, 2015 – New Business	THAT staff be directed to report back within 60 days on options to reinstate on street parking on Woodspring Avenue that is complimentary to the existing bicycle lanes.	Q4, 2015	
20.	Committee of the Whole – September 28, 2015 – Item 24 – Motion	THAT staff be directed to report back within 120 days on the potential of demolishing the Old Fire Hall at 140 Main Street South with the intent to repurpose it as a parking lot that would be in keeping with the downtown area and that the report include any other options for parking enhancements in the downtown core.	January, 2016	

September 3, 2015

CORPORATE SERVICES COMMISSION REPORT - LEGISLATIVE SERVICES 2015-11

TO: Mayor Van Bynen & Members of Council

SUBJECT: Housekeeping Matters: Regular Meeting Schedule, Procedure By-law & Municipal Flag Policy

ORIGIN: Legislative Services

RECOMMENDATIONS

THAT Corporate Services Commission Report – Legislative Services 2015-11 dated September 3, 2015 regarding the “Housekeeping Matters: Regular Meeting Schedule, Procedure By-law and Municipal Flag Policy” be received and the following recommendations be adopted:

1. THAT Council determine whether regular Committee of the Whole and Council meetings will be scheduled on Tuesdays effective November, 2015;
2. AND THAT Council adopt the recommended housekeeping amendments to the Procedure By-law (By-law 2013-46) outlined in Appendix A;
3. AND THAT Council provide direction on the options related to deputations outlined in Appendix B;
4. AND THAT Council adopt the recommended housekeeping amendments to the Municipal Flag Policy outlined in Appendix C in highlight.

COMMENTS

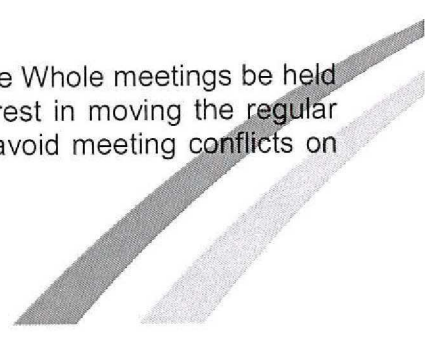
Purpose

The report seeks Council's direction on options and approval of recommendations related to Council's meeting schedule, Procedure By-law and Municipal Flag Policy.

Background

Meeting Schedule

Council's current regular meeting schedule provides that regular Committee of the Whole meetings be held on Mondays. Feedback from some Members of Council has indicated an interest in moving the regular Committee of the Whole and Council meetings from Mondays to Tuesdays to avoid meeting conflicts on



holiday Mondays (note: staff have not surveyed individual Members of Council to determine their preference). Scheduling Committee of the Whole and Council meetings on Tuesday would have the benefit of providing an additional day for Members of Council and the public to review meeting agenda materials.

From an administrative perspective, there are no concerns with re-scheduling the regular Committee of the Whole and Council meetings from Mondays to Tuesdays. Currently, Rogers Television broadcasts Newmarket Council meetings live on Mondays and Aurora Council meetings live on Tuesdays. According to Rogers Television, if both Newmarket and Aurora Council meetings are held on Tuesdays, one meeting will be live and the other meeting will air at a different time.

Should Council move their regular Committee of the Whole and Council meeting schedule from Mondays to Tuesdays, it is recommended that this commence November, 2015 to provide time for the change to be communicated broadly.

Procedure By-law

The *Municipal Act, 2001* (the Act) requires Council to pass a by-law to govern its rules of procedure for Council and its committee meetings. Council's current Procedure By-law (By-law 2013-46) was passed in a consolidated fashion in 2013 following a comprehensive review.

Since approval of the current Procedure By-law, Members of Council and staff have noted potential housekeeping amendments (outlined in Appendix A) and requested options related to deputations which balance opportunities for public input and a desire to ensure meetings are efficient (outlined in Appendix B). As well, themes such as electronic participation at public meetings by members of council and advice of closed meeting investigators has helped to inform meeting practices and are addressed in Appendix A.

Public notice standards in By-law 2008-54 and the Notice Policy will be reviewed separately and integrated into the Public Engagement Policy, currently in development. In the interim, the public notice standards set out and appended to By-law 2008-54 remain in place.

Subject to Council's direction, amendments to the Procedure By-law will be brought forward at the next regular Council meeting.

Municipal Flag Policy

In 2012, Council adopted a corporate policy governing display of flags at the Municipal Offices and properties owned by the Town of Newmarket. Since the policy was adopted, there have been occasions where individuals have passed away and the policy has not provided sufficient clarity or flexibility to allow flags to be lowered to half-staff. To rectify this, an amendment to the policy is recommended whereby flags may be lowered to half-staff for "any individual determined by the Mayor in consultation with the CAO or Clerk" (currently, the policy provides that flags may be lowered to half-staff for a "prominent public figure" only, in addition to a number of specific individuals). The Clerk will retain a record and advise the Mayor of occasions where flags have been lowered to half-staff under this provision.

In addition, Central York Fire Service (CYFS) has requested that the policy reflect the current practice of lowering flags at all CYFS facilities (in accordance with the practices of the Town of Newmarket, Aurora and CYFS) to half-staff, regardless if the facility is located in Newmarket or Aurora. This approach provides a consistent expression of mourning from CYFS and reflects the fact that CYFS serves the communities of Newmarket and Aurora. Therefore, an amendment to the policy is recommended whereby flags may be lowered to half-staff at CYFS facilities in the Town of Newmarket "in accordance with the practices of the CYFS, Town of Aurora, upon being notified of the death of a firefighter in the line of duty in

another municipality across Canada or when notified of the death of a police officer in the line of duty across Ontario".

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

A review of policies supports the Town's strategic directions of a well-equipped, managed and respected municipality by ensuring service excellence and promoting engagement in civic affairs.

CONSULTATION

This report was prepared with input from senior staff. External input was sought from municipal clerks within York Region and select GTA municipalities.

HUMAN RESOURCE CONSIDERATIONS

There are no human resource considerations. Any training/orientation required as a result of Council's adoption of a new procedure by-law will be accommodated within the current staff level.

BUDGET IMPACT

There are no budget impacts.

CONTACT

For more information on this report, contact Andrew Brouwer, Director of Legislative Services/Town Clerk.



Andrew Brouwer, Director of Legislative Services/Town Clerk



Anja Moore, Commissioner of Corporate Services

Appendix A to Corporate Services Commission – Legislative Services Report 2015-11

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
1.	1. Definitions	Adds definition of “property” in reference to a closed session meeting related to “security of the property of the municipality” (reflects current practice).	n/a	cc) Property in Section 9 a) i) is defined broadly to include physical, financial and intellectual property, among other things.
2.	8. Meetings a) Location & Schedule of Meetings of Council, Committee of the Whole & other Committees	Removes requirement that a meeting be held at the Municipal Office or at another location “within the municipality”. From time to time, a meeting may be constituted outside the geographic boundary of the municipality (captures evolving practice).	a) i) Meetings of Council and Committee of the Whole take place at the Municipal Office or at another location within the Municipality when Notice is given.	a) i) Meeting of Council and Committee of the Whole take place at the Municipal Office or at another location when Notice is given.

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
3.	8. Meetings a) Location & Schedule of Meetings of Council, Committee of the Whole & other Committees	Clarifies that the schedule of regular meetings of Council and Committee of the Whole may be amended after approval (reflects current practice).	a) iii) Council approves a schedule of regular Meetings of Council and Committee of the Whole for each calendar year. The schedule of Meetings is made available to the public on the Town's website and from the Municipal Office.	a) iii) Council approves a schedule of regular Meetings of Council and Committee of the Whole for each calendar year, which may be amended . The schedule of Meetings is made available to the public on the Town's website and from the Municipal Office.
4.	8. Meetings b) Notice of Meetings of Council & Committee of the Whole	Reflects achievable and current notice practice, which can be met by posting a notice on the Town's website and time permitting on the Town's regular advertising page in the local newspaper (reflects current practice).	b) iv) Posting a Notice, time permitting on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the Meeting of Council or Committee of the Whole.	b) iv) Posting a Notice on the Town's website and time permitting, on the Town's regular advertising page in the local newspaper that indicates the date and time of the Meeting of Council or Committee of the Whole.

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
5.	8. Meetings b) Notice of Meetings of Council & Committee of the Whole	Provides that a closed session agenda for Committee of the Whole may be circulated with the regular agenda. This recognizes an evolving practice of providing an open session report to correspond with a closed session report (captures evolving practice).	<p>The Clerk gives Notice of a Meeting of Council or Committee of the Whole by:</p> <ul style="list-style-type: none"> i) Providing Council with a regular agenda on each Thursday preceding a Meeting day of Council and each Thursday ten days in advance of a Meeting day of a Committee of the Whole. ii) Providing Council with regular addenda and closed session agendas on each Thursday preceding Council and on each Thursday preceding the Meeting day of the Committee of the Whole. iii) Providing Council with additional regular addenda and closed session agendas up to and including the Meeting days of Council or Committee of the Whole. iv) Posting a Notice, time permitting, on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the Meeting of Council or Committee of the Whole. 	<p>The Clerk gives Notice of a Meeting of Council or Committee of the Whole by:</p> <ul style="list-style-type: none"> i) Providing Council with a regular agenda on each Thursday preceding a Meeting day of Council and each Thursday ten days in advance of a Meeting day of a Committee of the Whole. ii) Providing Council with regular addenda on each Thursday preceding Council and on each Thursday preceding the Meeting day of the Committee of the Whole. iii) Providing Council with additional regular addenda up to and including the Meeting days of Council or Committee of the Whole. iv) Where required, providing Council with a closed session agenda in accordance with the publishing timeframes set out of regular, addenda and additional addenda set out in Sections 8b) i), ii) and iii). v) Posting a Notice, time permitting, on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
6.	8. Meetings e) Notice of Meetings of Special Council & Committee of the Whole	Reflects achievable and current notice practice, which can be met by posting a notice on the Town's website and time permitting n the Town's regular advertising page in the local newspaper (reflects current practice).	e) ii) Posting a Notice, time permitting on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the special Meeting of Council or Committee of the Whole and the general nature of the matters to be discussed.	e) ii) Posting a Notice on the Town's website and time permitting on the Town's regular advertising page in the local newspaper that indicates the date and time of the special Meeting of Council or Committee of the Whole and the general nature of the matters to be discussed.
7.	8. Meetings h) Workshop Meetings	The Mayor and/or CAO may convene workshop meeting to discuss issues in an informal venue. Case law and recent closed meeting investigator reports indicate that a meeting can occur in non-traditional meeting settings such as bus tours (notes evolving practice).	n/a	n/a

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
8.	8. Meetings i) Notice of Workshop Meetings	Reflects achievable and current notice practice, which can be met by posting a notice on the Town's website and time permitting on the Town's regular advertising page in the local newspaper (reflects current practice).	i) ii) Posting a Notice, time permitting on the Town's website and the Town's regular advertising page in the local newspaper that indicates the date and time of the workshop Meeting and the general nature of the matters to be discussed.	i) ii) Posting a Notice on the Town's website and time permitting on the Town's regular advertising page in the local newspaper that indicates the date and time of the workshop Meeting and the general nature of the matters to be discussed.
9.	9. Open & Closed Meetings f) Reporting Out & Confidentiality of Closed Session Discussions	Clarifies that the release of closed session information is specifically subject to review by the Head or designate under the <i>Municipal Freedom of Information and Protection of Privacy Act</i> (MFIPPA) or if directed to release information by a court. This is helpful as the MFIPPA prescribes the disclosure process as well as discretionary and mandatory	f) iii) No Member shall disclose or discuss, through written electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public or as required by law.	f) iii) No Member shall disclose or discuss, through written electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the Head or designate under the <i>Municipal Freedom of Information and Protection of</i>

Item Number	Current Procedure By-Law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
		exemptions for disclosure of records, including closed session records (reflects current practice).		Privacy Act (MFIPPA) or if directed to do so by a court.
10.	18. Order of Business – Committee of the Whole	Provides for the order of business at Committee of the Whole meetings. Not all sections may be required, so words “where provided for” are recommended to be added to clarify (reflects current practice). Recommend removing Correspondence and Petitions as a separate section. These matters are typically dealt with as a consent or action item (reflects	<p>a) The order of business for the Committee of the Whole is set out in the agenda as follows:</p> <ul style="list-style-type: none"> i) Additions & Corrections to the Agenda ii) Declarations of Pecuniary Interest iii) Presentations & Recognitions iv) Deputations v) Determination of Items Requiring Separate Discussion vi) Adoption of Items not Requiring Separate Discussion vii) Consideration of Items Requiring Separate Discussion viii) Action Items ix) Correspondence & Petitions x) Reports by Regional Representatives xi) Notices of Motion xii) Motions xiii) New Business xiv) Closed Session (if required) 	<p>a) The order of business for the Committee of the Whole is set out in the agenda as follows, where provided for:</p> <ul style="list-style-type: none"> i) Additions & Corrections to the Agenda ii) Declarations of Pecuniary Interest iii) Presentations & Recognitions iv) Deputations v) Consent Items vi) Action Items vii) Reports by Regional Representatives viii) Notices of Motion ix) Motions x) New Business xi) Closed Session (if required) xii) Public Hearing Matters xiii) Adjournment

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
		current practice). Recommend removing three sections identified in the order of business in v), vi) and vii) not currently reflected in the agendas produced as a result of the introduction of the meeting management suite (reflects current practice).	xv) Public Hearing Matters xvi) Adjournment	
11.	22. Open Forum	Current exclusion of Open Forum matters from the minutes may contravene the <i>Municipal Act, 2001</i> requirement to record the proceedings of Council (practice change based on review of legislation).	a) In the Open Forum that occurs fifteen (15) minutes prior to a Council Meeting, any individual may address Council to make informal inquiries or to comment on matters of municipal business. Persons speaking at the Open Forum are limited to five (5) minutes each. Generally, up to three (3) individuals may be heard at the Open Forum at one Meeting. b) Generally, no motions are passed related to matters raised during Open Forum.	a) In the Open Forum that occurs fifteen (15) minutes prior to the formal portion of a Council Meeting , any individual may address Council to make informal inquiries or to comment on matters of municipal business. Persons speaking at the Open Forum are limited to five (5) minutes each. Generally, up to three (3) individuals may be heard at the Open Forum at one Meeting. b) Generally, no motions are passed

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
			c) The discussion of Open Forum matters does not form a part of the Council minutes.	related to matters raised during Open Forum.
12.	20. Order of Business – Council	Not all sections may be required or provided for in an agenda, so words “where included” are recommended to be added to clarify (reflects current practice). Recommend removing Correspondence and Petitions as a separate section. These matters are typically dealt with as a consent or action item (reflects current practice).	<p>a) The order of business of Council is set out in the agenda, as follows:</p> <ul style="list-style-type: none"> i) Open Forum ii) Public Notices (if required) iii) Additions & Corrections to the Agenda iv) Declarations of Pecuniary Interest v) Presentations & Recognitions vi) Deputations vii) Approval of Minutes viii) Correspondence & Petitions ix) Reports by Regional Representatives x) Reports of Committees and Staff xi) By-laws xii) Notices of Motion xiii) Motions xiv) Announcements & Community Events xv) New Business xvi) Closed Session (if required) xvii) Confirmatory By-law xviii) Adjournment 	<p>a) The order of business of Council is set out in the agenda, as follows, where provided for:</p> <ul style="list-style-type: none"> i) Open Forum ii) Public Notices (if required) iii) Additions & Corrections to the Agenda iv) Declarations of Pecuniary Interest v) Presentations & Recognitions vi) Deputations vii) Approval of Minutes viii) Reports by Regional Representatives ix) Reports of Committees and Staff x) By-laws xi) Notices of Motion xii) Motions xiii) Announcements & Community Events xiv) New Business xv) Closed Session (if required) xvi) Confirmatory By-law xvii) Adjournment

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
13.	23. Additional Items & Corrections to Agendas of the Council or Committee of the Whole	CAO to outline additional items, notes and any corrections after the call to order to ensure all Members of Council and public have clear outline of these matters (practice change to enhance transparency).	<p>a) Council and Committee of the Whole are required to consent to the introduction of additional items, including addenda and closed session agendas, as well as items for distribution.</p> <p>b) The CAO provides, as required, a summary of the additional items and notes any corrections prior to the Meeting of Council or Committee of the Whole.</p>	<p>a) Council and Committee of the Whole are required to consent to the introduction of additional items, including addenda and closed session agendas, as well as items for distribution.</p> <p>b) The CAO provides, as required, a summary of the additional items and notes any corrections to the Meeting of Council or Committee of the Whole.</p>
14.	32. Correspondence	Reflects current practice of placing items on a Council or Committee of the Whole agenda where requested (reflects current practice).	<p>a) Where Council approval is required, or on the request of a Member of Council to the Clerk, correspondence is placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, correspondence may be considered directly by Council as an item of New Business.</p> <p>b) Staff may prepare recommendations related to the matter for Council's consideration.</p> <p>c) Where Council approval is not required, correspondence is circulated by the Clerk to Members of Council, the CAO, Commissioners and applicable staff for their information, and forms a part of the Clerk's records.</p>	<p>a) Where correspondence has been requested to be included on a Council or Committee of the Whole agenda or on the request of a Member of Council to the Clerk, correspondence is placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, correspondence may be considered directly by Council as an item of New Business.</p> <p>b) Staff may prepare recommendations related to the matter for Council's consideration.</p> <p>c) Council and staff will direct, to the Clerk, correspondence clearly intended to be considered as part of an agenda of Council or</p>

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
			<p>d) Council and staff will direct, to the Clerk, correspondence clearly intended to be considered as part of an agenda of Council or Committee of the Whole.</p> <p>e) The Clerk is required to verify whether it is the intent of an individual to include his/her correspondence on a public agenda. For reasons of privacy, irrelevant personal information will be severed from correspondence. General correspondence between Councilors or staff, and constituents or stakeholders, will not be included unless the Clerk is satisfied it was clearly the individual's intent to include his/her correspondence on a public agenda.</p> <p>f) Correspondence related to items already decided on by Council will form a part of the Clerk's records and be circulated to Members of Council, but not placed on an agenda.</p> <p>g) Correspondence must be legible and not contain any defamatory statements. Anonymous correspondence will not be acknowledged, circulated, or placed on an agenda.</p> <p>h) The Council's receipt of correspondence does not constitute</p>	<p>Committee of the Whole.</p> <p>d) The Clerk is required to verify whether it is the intent of an individual to include his/her correspondence on a public agenda. For reasons of privacy, irrelevant personal information will be severed from correspondence. General correspondence between Councilors or staff, and constituents or stakeholders, will not be included unless the Clerk is satisfied it was clearly the individual's intent to include his/her correspondence on a public agenda.</p> <p>e) Correspondence related to items already decided on by Council will form a part of the Clerk's records and be circulated to Members of Council, but not placed on an agenda.</p> <p>f) Correspondence must be legible and not contain any defamatory statements. Anonymous correspondence will not be acknowledged, circulated, or placed on an agenda.</p> <p>g) The Council's receipt of correspondence does not constitute endorsement of the correspondence by the Town of any recommendations it may</p>

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
			<p>endorsement of the correspondence by the Town of any recommendations it may contain or actions it may advocate.</p>	<p>contain or actions it may advocate.</p> <p>h) Where correspondence is not requested to be included in a Council or Committee of the Whole agenda, it is circulated by the Clerk to Members of Council, the CAO, Commissioners and applicable staff for their information, and forms a part of the Clerk's records.</p>
15	34. Motions from Other Municipalities & Organizations	Reflects current practice of placing motions from other York Region municipalities on a Council or Committee of the Whole agenda (reflects current practice).	<p>a) Motions from other municipalities and organizations that request endorsement or action by Council are placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, motions from other municipalities and organizations that request endorsement or action by Council may be considered directly by Council as an item of New Business.</p> <p>b) Staff may prepare recommendations related to the matter for Council's consideration.</p> <p>c) The Council's receipt of motions from other municipalities and organizations does not constitute endorsement by the Town of any recommendations or actions they</p>	<p>a) Motions from other York Region municipalities are placed on the agenda for a regular Meeting of Committee of the Whole. Where required due to urgency or timing, motions from other municipalities and organizations that request endorsement or action by Council may be considered directly by Council as an item of New Business.</p> <p>b) Staff may prepare recommendations related to the matter for Council's consideration.</p> <p>c) The Council's receipt of motions from other York Region municipalities does not constitute endorsement by the Town of any recommendations or actions they may contain.</p>

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
16	37. Information Reports	Clarifies that Council Member request to have an Information Report placed on a Committee of the Whole or Council agenda is made through the Clerk (reflects current practice).	<p>a) An information report is prepared for the information of Council and generally relates to a matter considered at Council or Committee of the Whole, or is a matter of Town business.</p> <p>b) An Information Report does not contain recommendations.</p> <p>c) An Information Report requested by Council or Committee of the Whole will be in the form of a motion.</p> <p>d) Information Reports are circulated directly to Council Members and made available to the public on the Town's website. Information Reports are not published on a Committee of the Whole or Council agenda unless a Member of Council makes such a request. Where required due to urgency or timing, Information Reports may be considered directly at Council as an item of New Business.</p> <p>e) Confidential Information Reports are not made available to the public on</p>	<p>a) An information report is prepared for the information of Council and generally relates to a matter considered at Council or Committee of the Whole, or is a matter of Town business.</p> <p>b) An Information Report does not contain recommendations.</p> <p>c) An Information Report requested by Council or Committee of the Whole will be in the form of a motion.</p> <p>d) Information Reports are circulated directly to Council Members and made available to the public on the Town's website. Information Reports are not published on a Committee of the Whole or Council agenda unless a Member of Council makes such a request to the Clerk. Where required due to urgency or timing, Information Reports may be considered directly at Council as an item of New Business.</p>
			may contain.	<p>d) Motions from municipalities outside of York Region and requests for endorsement or action from other organizations will be dealt with as a matter of correspondence under Section 32 of this By-law.</p>

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
17	61. Acting Mayor	Reflects Council resolution creating Office of Deputy Mayor and Regional Councillor (reflects current practice).	<p>the Town's website and may only be placed on a Committee of the Whole or Council agenda if the nature of the confidential information satisfies the requirements of Section 9 a) of this By-law.</p>	<p>e) Confidential Information Reports are not made available to the public on the Town's website and may only be placed on a Committee of the Whole or Council agenda if the nature of the confidential information satisfies the requirements of Section 9 a) of this By-law.</p>
			<p>a) When the Mayor is absent through illness or absent from the Municipality, the Regional Councillor serves as Acting Mayor.</p> <p>b) The Acting Mayor has, and may exercise all the rights, powers, and authority of the Mayor as Head of Council.</p> <p>c) In the event that both the Mayor and Regional Councillor are absent through illness or absence from the Municipality, an alternate Acting Mayor is determined as follows:</p> <p>i) The alternate Acting Mayor is the Ward Councillor in ascending order of Ward number for each calendar month, starting with Ward 1, following the organization of Council in each new term of Council, based on his/her availability.</p> <p>ii) The Clerk will prepare a</p>	<p>a) When the Mayor is absent through illness or absent from the Municipality, the Deputy Mayor and Regional Councillor serves as Acting Mayor.</p> <p>b) The Acting Mayor has, and may exercise all the rights, powers, and authority of the Mayor as Head of Council.</p> <p>c) In the event that both the Mayor and Deputy Mayor and Regional Councillor are absent through illness or absence from the Municipality, an alternate Acting Mayor is determined as follows:</p> <p>i) The alternate Acting Mayor is the Ward Councillor in ascending order of Ward number for each calendar month, starting with Ward 1, following the organization of Council in each new term of Council, based on his/her</p>

Item Number	Current Procedure By-law Section	Amendment description / Discussion point	Current Procedure By-law	Proposed Amendment(s)
			<p>calendar outlining the monthly assignment of alternate Acting Mayors in accordance with Section 61 c) i) for the term of Council for distribution to Council Members, CAO, and Commissioners.</p> <p>iii) Where a Councillor is not available to serve as alternate Acting Mayor, the alternate Acting Mayor will be the next available Councillor in ascending sequential order.</p> <p>iv) Availability is to be provided in writing to the Clerk, and the Clerk's determination of an alternate Acting Mayor is final.</p> <p>v) The Clerk provides, as required, Notice by electronic mail to Council Members, CAO, and Commissioners when the Acting Mayor and alternate Acting Mayor assume the duties of the Mayor. The alternate Acting Mayor has all the rights, powers, and authority of the Mayor as Head of Council.</p>	<p>availability.</p> <p>ii) The Clerk will prepare a calendar outlining the monthly assignment of alternate Acting Mayors in accordance with Section 61 c) i) for the term of Council for distribution to Council Members, CAO, and Commissioners.</p> <p>iii) Where a Councillor is not available to serve as alternate Acting Mayor, the alternate Acting Mayor will be the next available Councillor in ascending sequential order.</p> <p>iv) Availability is to be provided in writing to the Clerk, and the Clerk's determination of an alternate Acting Mayor is final.</p> <p>v) The Clerk provides, as required, Notice by electronic mail to Council Members, CAO, and Commissioners when the Acting Mayor and alternate Acting Mayor assume the duties of the Mayor. The alternate Acting Mayor has all the rights, powers, and authority of the Mayor as Head of Council.</p>

Background

- Deputation rules are established by Council as it sees fit, in accordance with applicable legislation.
- Deputation rules should strike a balance between reasonable opportunity for public input and efficient disposition of other items of business on an agenda.
- It is the right of the municipality to determine whether it hears deputations at any one meeting. The deputation heading is excluded from the agenda where they are not being heard. Council Workshops are forums for Members of Council to discuss issues or receive training, so deputations are typically not heard here. Similarly, deputations are not heard at the Inaugural Council meeting as the meeting is ceremonial in nature.
- Deputation rules vary by municipality, reflecting established practices in the community and business needs of the municipality.
- Current deputation rules are set out in Chart A, which were established as part of the review of the Procedure By-law in 2013. The deputation rules reflect an open approach, where deputations are permitted on a broad scope of matters at both Committee of the Whole and Council meetings.
- In addition to the rules in Chart A, the Procedure By-law provides that "individuals who request to make a deputation may be encouraged by a Councillor or senior staff to consider resolving an issue or concern with staff in lieu of, or prior to, submitting a deputation request". This provision will be recommended regardless of other rules.
- Feedback from Members of Council has indicated a desire to review deputation rule options currently in place in other municipalities (set out in Chart B) to determine if there are any opportunities to enhance efficiency while maintaining reasonable opportunities for public input. Variations and combinations of options outlined in Chart B are possible.
- Council is asked to provide direction on the options related to deputations.

Chart A: Current Deputation Rules **rules may be waived with consent of Council*

Rule	Pros	Cons
1. Deputations permitted at Committee of the Whole and Council meetings	<ul style="list-style-type: none"> - Provides opportunities for Council to hear the public at both Committee of the Whole and Council meetings - Provides daytime and evening options for individuals to make a deputation - Allows for individuals who may have made a deputation at a Committee of the Whole meeting to attend the Council meeting to present new information 	<ul style="list-style-type: none"> - Depending on matter, deputations made at Council meetings may not allow sufficient time for Council and public to consider input prior to decision - Deputations related to the same matter made by the same individual at Committee of the Whole and Council meetings in the same meeting cycle may be repetitive (where new information is not presented)
2. Deputations can address “any matter of business on an agenda or any matter of municipal business or community interest” for up to 5 minutes	<ul style="list-style-type: none"> - Broad criteria allows Council to hear public on many issues affecting municipality and community - Supports public engagement on a broad municipal and community interests - Generally, individuals making deputations have met the criteria 	<ul style="list-style-type: none"> - Where background information is not provided in advance, Council, staff and public do not have the benefit of context prior to deputation being heard on matters which are not on agenda - On many occasions, Council has waived the 5 minute limit, affecting meeting efficiency
3. Limited to 5 deputations per meeting	<ul style="list-style-type: none"> - Generally, 5 or fewer deputations are requested in any one meeting 	<ul style="list-style-type: none"> - Should Council waive this provision to allow for more than 5 deputations, it may affect meeting efficiency

Chart B: Deputation Rule Options **rules may be waived with consent of Council*

Rule	Pros	Cons
4. Individuals who wish to make a deputation at a meeting of Council or Committee of the Whole not related to a matter on the agenda must submit a deputation request for inclusion with the regular agenda	<ul style="list-style-type: none"> - Provides greater notice to Council, staff and public on deputation request - Allows deputation to be scheduled at a set meeting - Allows Council to better manage efficiency of meeting - Majority of persons making deputation requests related to matters which are not on an agenda are flexible in terms of time 	<ul style="list-style-type: none"> - Public may feel nature of matter is urgent enough to be heard immediately
5. Individuals who wish to make a deputation at a meeting of Council or Committee of the Whole not related to a matter on the agenda, must receive consent of the majority of the Members present	<ul style="list-style-type: none"> - Allows Council to evaluate urgency and complexity of matter and determine whether deputation could be better accommodated at a future meeting - Allows Council to better manage efficiency of meeting - Should a matter be more complicated in nature, allows Council to request additional information be provided in advance of deputation 	<ul style="list-style-type: none"> - Inconveniences individual should they attend in person and have their deputation request denied - Public may not feel engaged, should their deputation request be denied

<p>6. Approval of deputations related to "any matter of municipal business or community interest" which are not on an agenda will be considered by Committee of the Whole and if approved, scheduled for a future Committee of the Whole or Council meeting or referred to another forum to be heard</p>	<ul style="list-style-type: none"> - Provides greater notice to Council, staff and public on deputation request - Allows Council to better manage efficiency of meeting - Allows deputation to be scheduled at a set meeting - Should a matter be more complicated in nature, allows Council to request additional information be provided in advance of deputation (where not provided with deputation request form) - Allows Council to refer deputation requests to more appropriate forums, such as a committee, consultation process or staff - Majority of persons making deputation requests related to matters which are not on an agenda are flexible in terms of time 	<ul style="list-style-type: none"> - Process to approve deputation request may not accommodate time sensitive matters (concern may be mitigated by waiving rules to allow deputation to be heard or Member of Council may raise matter under new business and allow deputation to be heard at that point in the meeting). As noted, majority of persons making deputation requests are flexible in terms of time - Should Council refer the deputation request to other forums, public may perceive their concerns are not being heard
<p>7. Unless new information is being presented, individuals making a deputation at Committee of the Whole will not be heard on the same matter at the subsequent Council meeting</p>	<ul style="list-style-type: none"> - Helps to avoid repetition and allows Council to better manage efficiency of meeting 	<ul style="list-style-type: none"> - Public may feel nature of matter under discussion is significant enough to warrant their input being heard again prior to a Council decision

<p>8. Deputations will not be heard on a matter decided upon by Council until 90 days have passed from the date of the matter's disposition by Council, except upon a vote in the affirmative of two thirds majority of the Members present</p> <p>*will require amendment to Section 58 of Procedure By-law which allows Council to receive information (where no action has been sought or taken) within 90 days of the Council decision on a matter</p>	<ul style="list-style-type: none">- Respects Council's decision on a matter- Allows Council to better manage efficiency of meeting- Infrequent occurrence	<ul style="list-style-type: none">- Public may not feel engaged, should their deputation request be denied
--	---	--



CORPORATE POLICY

Sub Topic: Municipal Flag Policy

Policy No. CORP.1-05

Topic: Community Engagement

Employees Covered: All Employees

Section: Legislative Services

Council Adoption Date: September 24, 2012

Effective Date: September 24, 2012

Revision No

Date:

Repeal Date:

Policy Statement & Strategic Plan Linkages

The Corporation of the Town of Newmarket recognizes the symbolism of displaying flags as a visual statement that speaks to the solidarity that is shared by all citizens. This policy upholds the Well-Respected component of the Strategic Plan as it allows the Town to honour individuals and recognize significant efforts of groups and organizations within the community.

Purpose

The policy will provide a framework to ensure that flags at the Municipal Offices and properties owned by the Town are flown and displayed in an appropriate and consistent manner. The policy outlines the circumstances under which the Town will fly its flags at half-mast, sets out the procedure for flag raisings to recognize a visit by a foreign dignitary and addresses the flying of courtesy flags, in recognition of a special event, cause or effort within the Town of Newmarket.

Definitions

Courtesy Flag: a flag of a recognized charity or community group.

Peace Park Flagpole: means the flagpole located at the Peace Park on Cane Parkway designated for community flag raisings.

Procedures

Display of Flags:

Flags will be displayed in accordance with the guidelines set out in the "Flag Etiquette in Canada" guide provided by the Department of Canadian Heritage. The raising of flags

on municipal properties shall be limited to Canadian, Provincial, Municipal and other governmental flags to recognize a visit by a foreign dignitary, as set out by this policy.

The Town Clerk is responsible for administering the half-masting procedures set out in the Flag Policy. Flags will be raised and lowered during regular business hours, when staff resources are available.

Half-Staffing

Flags at all Town facilities will be lowered to half-staff to recognize a period of official mourning or to commemorate significant dates. The half-staffing of flags applies to all municipal properties that have flagpoles. The Town will fly its flags at half-staff upon receiving notification of the death of any of the following individuals:

- The Sovereign or Member of the Canadian Royal Family
- The Governor General of Canada, or a former Governor General
- The Prime Minister of Canada, or a former Prime Minister
- The Lieutenant Governor of Ontario, or a former Lieutenant Governor of Ontario
- The Premier of Ontario, or a former Premier of Ontario
- The Local Member of the House of Commons, or a Local Member of the Provincial Legislature
- The Regional Chair, or a former Regional Chair
- The Mayor, a former Mayor, a Member of Council, a former Member of Council
- Any actively employed Staff Member of the Municipality
- Any York Regional Police Officer killed in the line of duty
- A resident of Newmarket, who is a member of the Canadian Armed Forces, killed while deployed on operations
- Any other individual determined by the Mayor in consultation with the CAO or Town Clerk

Flags will be flown at half-staff upon receiving notification of the death, up to and including the day of the funeral service, unless circumstances prohibit the lowering of the flag for that time period, as determined by the Town Clerk in consultation with the Mayor and/or CAO.

Flags will be flown at half-mast on an annual basis on November 11, in accordance with Remembrance Day ceremonies.

In addition to the circumstances above, flags at Central York Fire Services facilities in the Town of Newmarket will be flown at half-staff in accordance with the practices of the CYFS and Town of Aurora, upon being notified of the death of a firefighter in the line of duty in another municipality across Canada or when notified of the death of a police officer in the line of duty across Ontario.

Visit by a Foreign Dignitary

In the event of a visit by a foreign dignitary to Town facilities, the Town may fly the flag of the appropriate governmental entity in recognition of their presence. The flag will be

flown at the flagpole in front of the Municipal Offices for the duration of the dignitary's visit to Town facilities.

Courtesy Flag Raising

The Town does not entertain courtesy flag raisings at any of its facilities, including the Peace Park.

Flag Procedures:

The procedures for the flying of flags at all municipal facilities are incorporated as an appendix to this policy. Appendix A includes the procedures for circumstances where the Town will fly its flags at half-mast. Flag Procedures are subject to the approval of the Town Clerk.

Cross References

Heritage Canada Guidelines

Appendices (which may be amended from time to time)

Appendix 'A' - Flag Procedures to Municipal Flag Policy CORP.1-05


PLANNING & BUILDING SERVICES

Town of Newmarket
 395 Mulock Drive
 P.O. Box 328, STN Main
 Newmarket, ON L3Y 4X7

www.newmarket.ca
 planning@newmarket.ca
 T: 905.953.5321
 F: 905.953.5140

M E M O R A N D U M

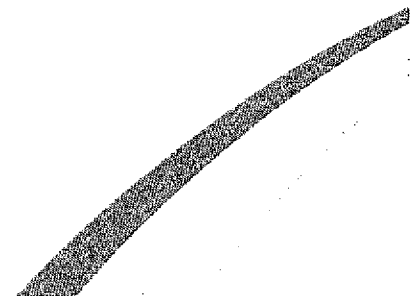
TO: Mayor & Members of Council
FROM: Richard C. Nethery, B.E.S., MCIP, RPP
 Director, Planning and Building Services
DATE: October 8, 2015
RE: Feed-in Tariff (FIT) Program
 Request for Council Support – Notice to Proceed

In accordance with the Independent Electricity Systems Operator (IESO) program rules (Version 3.1) proponents are required to obtain municipal council support prior to projects beginning construction. The IESO refers to this construction authorization as a Notice to Proceed.

There are a number of projects within the Town that received municipal council support in 2013 that have not as yet proceeded to construction. Due to the length of time since Council granted support to these projects, the IESO is requesting proponents have the municipal council reaffirm their support for the projects prior to proceeding with development of their FIT projects.

The attached resolution, in the form prescribed by the IESO, will allow projects that previously received support resolutions from Council to move forward.

Richard C. Nethery, B.E.S., MCIP, RPP
 Director, Building and Planning Services



WHEREAS capitalized terms not defined herein have the meanings ascribed to them in the FIT Contract, Version 3.1;

AND WHEREAS the Province's FIT Program encourages the construction and operation of rooftop solar PV generation projects (the "Projects");

AND WHEREAS one or more Projects may be subject to FIT Contracts and may be constructed and operated in the Town of Newmarket ("Local Municipality");

AND WHEREAS in accordance with the FIT Rules, Version 3.0, the Council of the Local Municipality ("Council") had previously indicated, by a resolution, its support for Projects in the Local Municipality (the "Prior Resolution");

AND WHEREAS Council now indicates, by a resolution dated no earlier than June 10, 2015, Council's continued support for the construction and operation of the Projects anywhere in the Local Municipality (the "New Resolution");

AND WHEREAS, pursuant to the FIT Contract, where a New Resolution is received in respect of the Projects in the Local Municipality, Suppliers will be recognized as fulfilling the requirements under Section 2.4(d)(vii) of the FIT Contract, which may result in Suppliers being offered Notice to Proceed in accordance with the terms of their respective FIT Contract(s);

NOW THEREFORE BE IT RESOLVED THAT:

Council of the Town of Newmarket supports the construction and operation of the Projects anywhere in the Town of Newmarket.

This resolution's sole purpose is to enable Suppliers to achieve Notice to Proceed under their FIT Contracts and may not be used for the purpose of any other form of municipal approval in relation to a FIT Contract or Project or for any other purpose.

This resolution shall expire twelve (12) months after its adoption by Council.

In keeping with recommendations in the Recreation Playbook, staff be directed to investigate the potential for an outdoor arena in the Town of Newmarket. The analysis should examine options for the rink, including amenities, costs, location criteria and potential funding sources. The report is to be brought back to Committee of the Whole within 120 days.


PLANNING & BUILDING SERVICES

Town of Newmarket
395 Mulock Drive
P.O. Box 328, STN Main
Newmarket, ON L3Y 4X7

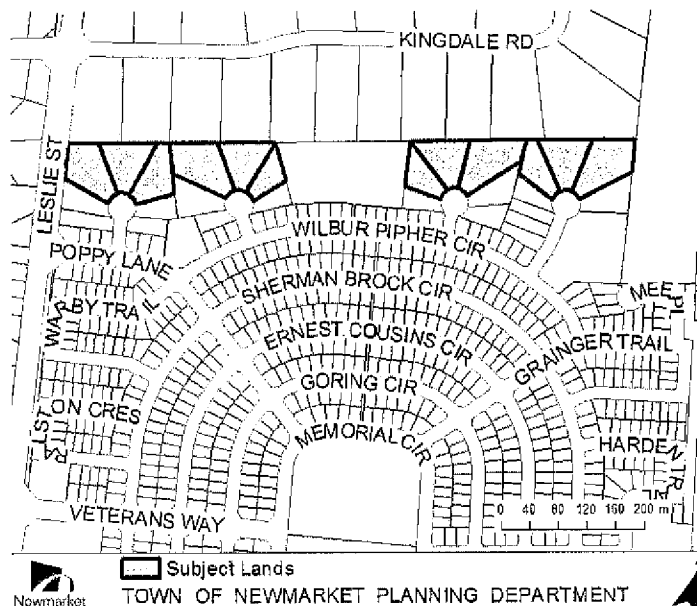
www.newmarket.ca
planning@newmarket.ca
T: 905.953.5321
F: 905.953.5140

**PUBLIC MEETING CONCERNING A
PROPOSED ZONING BY-LAW AMENDMENT**

TAKE NOTICE that the Council of the Corporation of the Town of Newmarket will hold a Public Meeting on:

TUESDAY OCTOBER 20, 2015 AT 7:00 P.M.

in the **Council Chambers at the Municipal Offices, 395 Mulock Drive**, to review a proposed technical amendment to the comprehensive Zoning By-Law under Sections 34 of the *Planning Act*, R.S.O. 1990 c. P.13 as amended. This zoning By-law amendment is to correct a transcription error specifically as it relates to the rear yard minimum building setback for the subject lots. A map showing the affected lands is provided below.



ANY PERSON may attend the public meeting to make written or verbal representation either in support of or in opposition to the proposed Zoning By-Law Amendment. If you wish to use the Town's audio/visual system, please contact the Clerk's Office not later than noon on the day of the meeting to make the appropriate arrangements. Should you be unable to attend the public meeting; your written submission will be received up to the time of the meeting.

IF YOU WISH TO BE NOTIFIED of the adoption of the proposed Zoning By-Law Amendment you must make a written request to the Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN MAIN NEWMARKET, ON L3Y 4X7

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Town of Newmarket before the by-law is passed the person or public body is not entitled to appeal the decision of the Town of Newmarket to the Ontario Municipal Board.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Newmarket before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there is reasonable grounds to do so.

ADDITIONAL INFORMATION relating to the proposed Zoning By-Law Amendment is available for inspection between 8:30 a.m. and 4:30 p.m. on weekdays at the Municipal Offices, 395 Mulock Drive, Newmarket.

Dated October 1, 2015

Direct any inquiries to the
Planning Department 905-953-5321



Town of Newmarket
COUNCIL EXTRACT

Extract from the Minutes of the Council
Meeting held on Monday
September 14, 2015

18. Development and Infrastructure Services - Planning and Building Services Report 2015-37 dated August 20, 2015 regarding a Proposed Zoning By-law Technical Amendment to the Town's comprehensive Zoning By-law.

a) THAT Development and Infrastructure Services/Planning and Building Services Report 2015-37 dated August 20, 2015 regarding a technical amendment to the Town's comprehensive Zoning By-Law 2010-40 be received and the following recommendations be adopted:

i) THAT the proposed technical amendment to comprehensive Zoning By-Law 2010-40 be referred to a public meeting;

ii) AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

August 20, 2015

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2015-37

TO: Committee of the Whole

SUBJECT: Proposed Zoning By-law Technical Amendment
Copper Hills (Goldstein) Subdivision 19T-90064
East side of Leslie Street south of Mulock Drive

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2015-37 dated August 20, 2015 regarding a technical amendment to the Town's comprehensive Zoning By-Law 2010-40 be received and the following recommendation(s) be adopted:

1. THAT the proposed technical amendment to comprehensive Zoning By-Law 2010-40 be referred to a public meeting;
2. AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

COMMENTS

Location

The subject lands are located within the Copper Hills (Goldstein) subdivision, on the east side of Leslie Street, south of Mulock Drive. Specifically the lots affected are 105, 106, 107, 118, 119, 120, 140, 141, 142, 157 and 158 on Registered Plan 65M-4378. (See Location Map attached)

Background

Copper Hills (Goldstein) subdivision and zoning approvals

Applications for draft plan of subdivision and zoning by-law amendment were appealed to the Ontario Municipal Board by the developer, 724903 Ontario Inc. for the Copper Hills (Goldstein) subdivision on the east side of Leslie Street from Council's refusal to enact the proposed amendment in 2001.

As a result of a two day mediation effort with the Town, developer, the Kingdale Road Residents Group and the Region of York, Minutes of Settlement had been entered into by all parties. A zoning by-law was prepared and conditions of draft approval were drafted, as agreed to by all parties, and approved by the OMB through Order 1597 on November 15, 2002. Specifically, these Minutes of Settlement and Zoning By-law amendment included a provision that required a 45m setback to the northerly lot line of the subdivision adjacent to existing estate lots on Kingdale Road. Specifically item 13 of the Minutes of settlement read:

The Parties agree that the proposed zoning by-law for the subject property will be amended to provide the following siting specifications for proposed lots any parts of which are located within 45m of the northernmost limit of the subject property:

(i) a rear yard (minimum) from any north rear lot line: 45m;

(ii) a side yard (minimum) from any north side lot line: 45m

The site specific by-law included a provision that read:

Providing that notwithstanding any other provisions of the by-law to the contrary, no building or structure or any part thereof, save and except for any structures associated with stormwater management facilities, shall be located within 45 metres of the north boundary of the lands affected by this by-law and shown of Schedule "X" attached hereto.

Comprehensive Zoning By-law 2010-40

Council adopted Zoning By-Law 2010-40 on June 1, 2010 as the Town's new comprehensive zoning by-law. The new By-law 2010-40 replaced the previous Zoning Bylaw 1979-50 and is a set of regulations governing land uses, buildings, and structures within the Town. As Council are aware, a zoning bylaw is a prescriptive document that inherently has little flexibility.

In reviewing proposed sitings for a lot adjacent to the northerly property line of the subdivision, staff realized that the requirement for the 45m setback was inadvertently omitted from the Comprehensive Zoning By-Law 2010-40 and the normal and usual 9m setback would apply to these lands. As the setback was based on minutes of settlement and approved through the Ontario Municipal Board, it is appropriate to amend the comprehensive zoning by-law to re-establish the 45m setback.

However, it is our understanding that the owners of the land (Copper Hills) would prefer to have a lesser setback than the 45m to allow for a house design that the developer indicates would be better suited for the established lots that cannot be achieved with a 45m setback. We assume the owner of the lands will provide formal comments on this proposed technical amendment either at the recommended public meeting for otherwise.

Official Plan Considerations

The subject lands are designated Emerging Residential in the Town's 2006 Official Plan which permit this form of dwelling unit. The Official Plan does not provide details on standards for specific zones, but rather recognizes that the zoning by-law regulates the use of land including the erection, location and use of buildings. The requested relief would conform to the general intent and purpose of the Official Plan.

Provincial Policy Statement

The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters "shall be consistent" with this policy statement. This technical amendment is consistent with the PPS.

Departmental and Agency Comments

Comments received from department and agencies will be addressed throughout this process.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The continued development of this parcel of land is in accordance with the Newmarket Official Plan and has linkages to the Community Strategic Plan as follows:

Well Balanced: encouraging a sense of community through an appropriate mix of land uses and amenities.

Well-Planned & Connected: implementing the policies of the Official Plan

COMMUNITY CONSULTATION POLICY

A statutory public meeting will be required as part of the Planning Act requirements for the proposed changes to the zoning bylaw.

BUDGET IMPACT

Should the technical amendment process be referred to a public meeting, there will be the typical costs associated with providing notice and holding the public meeting.

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

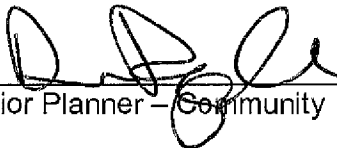
Location Map



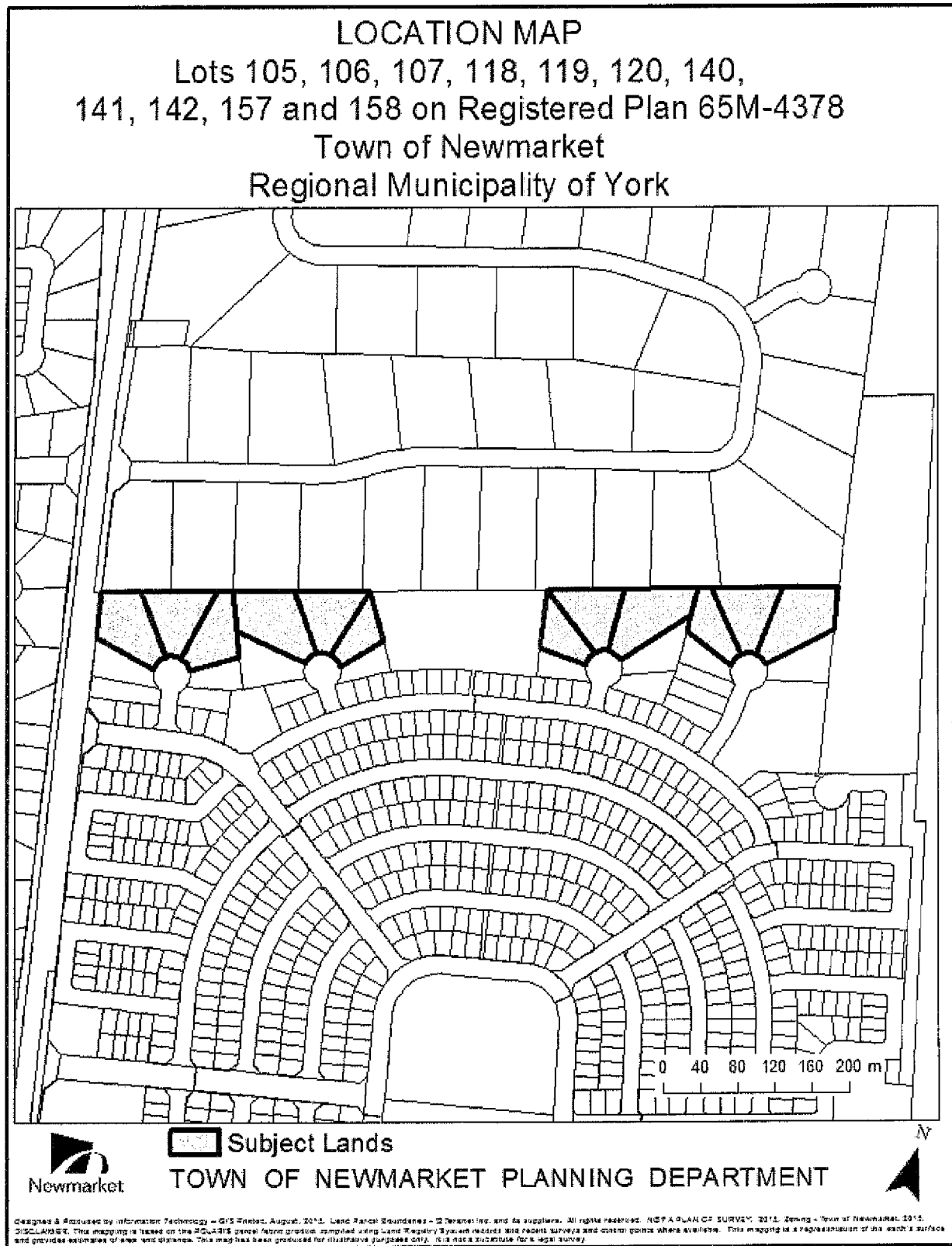
Director of Planning and Building Services



Commissioner of Development and Infrastructure Services



Senior Planner – Community Planning





Mike Mayes, Director
Financial Services/Treasurer

TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
mmayes@newmarket.ca
905.895.5193 ext. 2102

October 15, 2015

JOINT CAO, COMMISSIONERS AND FINANCIAL SERVICES REPORT 2015-48

TO: Mayor Tony Van Bynen and Members of Council
Committee of the Whole

SUBJECT: Preliminary Draft Budgets for 2016

ORIGIN: Director, Financial Services/Treasurer

RECOMMENDATION:

THAT Joint CAO, Commissioners and Financial Services Report - 2015-48 dated October 15, 2015 regarding Preliminary Draft Budgets for 2016 be received for information purposes.

COMMENTS

Purpose

The purpose of this report is to identify the challenges in preparing the preliminary draft budgets, especially given the tight deadlines in a post-election year.

Budget Impact

The proposed tax target, based on Council's target for 2015, would result in an increase of \$61.68 in the Town portion of property taxes for the average resident living in a house assessed at \$450,072.

Summary

Due to a number of challenges, the presentation of the preliminary draft budgets will be deferred to November 9, 2015.

Background

Through the previous years, the Town has been striving to make Newmarket even better by providing new and enhanced services to its residents while maintaining a modest tax increase. We have accomplished this by finding efficiencies and focusing on generating non-tax revenues such as user fees.

Through reviews and trend history, it is becoming clear that for a variety of reasons our revenue targets are not being achieved. It is important to note that even though the revenue targets are not being met, staff have, for the past few years, been able to generally maintain below budget departmental year ends (excluding unforeseen one-time extraordinary expenses such as the insurance re-assessment). However, this approach is becoming increasingly difficult to maintain as our services expand. Staff have recently been examining options that will balance budgetary sustainability with the need to respond to growing expectations.

In 2014, we saw the year end results necessitate a large draw on reserves (for exceptional items) in order to balance the year-end position. We are now projecting similar results in 2015 and Council will be apprised of this further in the 2015 3rd quarter results report, which will include some mitigating measures that staff are undertaking in order to assist with seeing a positive year end result.

The 2016 budget seeks to break this trend and this report will outline some recommended approaches to the 2016 budget process.

Analysis and Options

TAX-SUPPORTED REVENUES

While revenues are growing on an annual basis, they are not achieving the budgetary target. In 2016 we need to begin right-sizing. It is important to have realistic and achievable targets. Staff are currently undertaking a similar examination of historical expenditure trends and will report further on this.

User Fees (including Recreation)

2016 will see the implementation of the Recreation Playbook and the update of the Service Pricing Policy. It is anticipated that neither review will result in significant increases in revenues, but they will ensure that our rates remain competitive and we do not see volume decreases.

Property Tax Re-Assessments

We have been hit in recent years with significant property tax reassessments which may date back a number of years but have to be absorbed in the current year. For 2016, the implementation of Proactive Assessment Management will ensure that we are maximizing predictable property tax revenues while minimizing the impact of adjustments to our tax revenues. A Council Workshop was recently held on this matter and staff will be aggressively implementing this.

Growth

Growth has not been coming in at the rate that was anticipated. The corridors are still waiting for the first mixed-use intensification. This impacts property tax revenue as well as planning and engineering revenues. To help address this, development along the corridors is subject to an upcoming Council workshop and subsequent efforts will continue to be focused on positioning Yonge Street and Davis Drive for increased development.

Staff are taking a very close look at growth related items submitted through the budget process in order to determine timing, given the current growth rates.

A principle that we are striving for is to use growth revenues solely for growth expenses. We are looking at working this principle into our longer term forecasts

Investments

Decreases in interest rates are challenging our ability to bring in suitable returns on investment. We will be looking to add more flexibility to our investment policy and investment strategy to deal with this environment. As well, the 2016 budget will see initial stages of multiyear operating and capital budgets which facilitate planning for investments.

Donations

With all the focus on fundraising for specific projects, it is difficult to attract general donations. A Donation Policy will be presented but will provide procedures and structure and not necessarily additional revenue.

Other Revenues

We will continue to seek other revenues and funding sources. The 2016 budget includes promotion for such initiatives as wedding ceremonies, sponsorship opportunities, etc.

In addition, we are initiating public consultation on the development of the Stormwater Management Rate. This will not be in place for 2016 but is planned for the beginning of 2017.

TAX-SUPPORTED EXPENSES

Some adjustments need to be made in expenses to offset the decrease in budgetary revenues.

The draft budget will take into account a managed approach relative to timing in the hiring of staff, whether new or replacements.

Recommendations will be made to attribute the cost of providing higher levels of service with the beneficiary.

For 2016, growth requests will be limited as we pause to absorb and deal with the commitments previously made.

This will be a managed approach to better align expenses with revenues and will take into account desired service levels and 5-year trends.

Central York Fire Services (CYFS)

There may be an impact on the timing for the implementation of the Fire Master Plan as a result of limiting growth expenditures.

The draft budget was presented to the Joint Council Committee on October 13. JCC has recommended that it be forwarded to Aurora Council for review and comments. The next step would be to forward it to Newmarket Council for approval. This is the process defined within the Joint Services Agreement.

Newmarket Public Library

The Library budget was endorsed by the Board on September 12, 2015.

Tax Levy Increase

During the 2016 budget process staff have been operating with an administrative target of a maximum of 2.5% for base needs to preserve service levels, growth and enhancements if possible. This target is consistent with that established by Council for the 2015 budget. This is proving to be a significant challenge. It is resulting in requiring more time for the process and in realigning the target for the reasons cited earlier as follows:

- 2.5% for the base budget requirements to preserve service levels
- None or very limited new growth related items, within the target
- No enhancements, other than the annualization of items carried forward from 2015. We are considering base items as the related service level (ie. sidewalk snow clearing has been previously approved)

It is noted that even with this re-aligned target structure, challenges may still occur and staff are continuing to examine this and will report further. In addition we will identify a separate 1% for an increase in contributions to the tax-supported asset replacement fund to continue the practice of previous years and to work towards long-term sustainability.

Capital Budget

The capital program for 2016 will be set at a level working within available funding envelopes which will minimize the impact on the operating budget and allow us to absorb the commitments previously made. This will also allow reserve fund balances to grow. Funding from the tax-supported operating budget is being capped at \$500,000.

Water and Wastewater Budget

As we have provided for the full cost of services in previous budgets, we anticipate that the increases in 2016 will be consistent with the current 6-Year Financial Plan. They will be lower than that of neighboring communities.

Currently our residential rates are higher than the average while our non-residential rates are lower. We will start addressing that in 2016.

Budget Process

For the 2016 budget process, most of the budget discussion was done at the department head level individually and then collectively by the Operational Leadership Team. Building on the Town's collaborative fashion, this allowed for the discovery of additional synergies, innovation and efficiencies, while also assisting in succession planning. They formulated budget recommendations which were then reviewed by the Strategic Leadership Team (SLT).

Next year, not being an election year, will allow for more time and even better results. There are some other suggestions that will be factored into the 2017 process as a starting point. They include:

- a move toward multi-year budgeting and forecasts will facilitate better budget discussions and investment results;
- linkages to business plans and service levels
- implementation of recommendations from the Asset Management Program

Next Steps

Staff are striving to achieve a balanced and sustainable budgetary approach based on the assumption of a 2.5% tax increase (excluding the 1% ARF contribution – consistent with Council's 2015 target) and require additional time to finalize the preliminary draft 2016 budget. In the next 2016 Preliminary Draft Budget report, staff will identify budget reductions and any items that we've been unable to fit into the targeted funding envelope, including whether any minor adjustments to service levels are necessary.

Staff will continue to work within the administrative budget target.

We anticipate that we will be in a position to bring back a report and present it to the November 9 Committee of the Whole meeting. This may move our budget schedule out somewhat, however, it is noted that a Special Committee of the Whole meeting was scheduled for December 7 in the event that additional time was required.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report links to Newmarket's key strategic directions in being Well Managed through fiscal responsibility.

It supports the following Council priorities:

- creating a strategy for vibrant and livable corridors along Davis and Yonge Street with a financial strategy for growth
- engaging our changing resident demographics through public engagement
- ensuring effective and efficient services by adhering to our Sustainable Financial Strategy

CONSULTATION

The Organization Leadership Team (OLT), Strategic Leadership Team (SLT) and all levels of management have been involved in the development of this budget.

The public engagement process for the budget has begun.

BUDGET IMPACT

Operating Budget

The current targets for the operating budgets are:

- Tax-supported Operating Budget – a projected 2.75% “all-in” (Region, School Board Town) tax increase to the average residential taxpayer, with the Town portion being a 2.50% tax increase and a dedicated 1% tax levy for ARF.
- Utility Budget – an increase in combined water and wastewater charges to the average residence of 7.5% or less, as projected in the 6-Year Water and Wastewater Financial Plan.

Projected all-in (Town, Region and School Board) impact on the average residential taxpayer, without taking consideration for possible tax shifting is as follows:

	2015	2016	\$ CHANGE	% CHANGE
Town Portion	\$1,762.15	\$1,823.83	\$61.68	3.50%
Region Portion	1,831.75	1,892.93	61.18	3.34%
Municipal sub-total	\$3,593.90	\$3,716.76	\$122.86	3.42%
School Board Portion	878.87	878.87	0.00	0.00%
TOTAL	\$4,472.77	\$4,595.63	\$122.86	2.75%

- *Based on an average assessment of \$450,072*
- *The Region's 2014-2018 outlook projects a tax increase of 3.34%*
- *No increase in the School Board is anticipated at this time*
- *No provision has been made for the impact of tax-shifting*

Capital Budget

Funding for the capital program will be limited to the available funding envelope.

There will be a recommendation to increase contributions to the Asset Replacement Fund by \$530,000 from the tax-supported operating budget and an additional amount to be determined from the utility rate-supported budget.

CONTACT

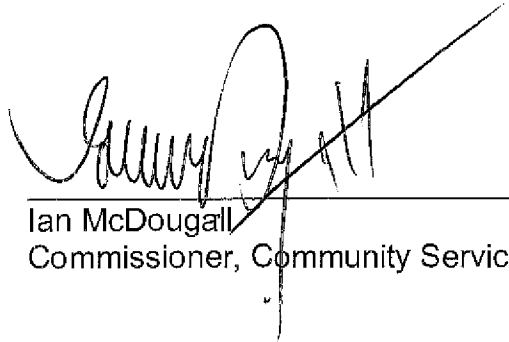
For more information on this report, contact: Mike Mayes at 905-953-5300, ext. 2102 or via e-mail at mmayes@newmarket.ca



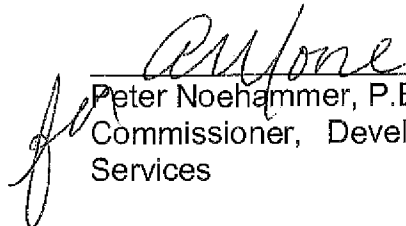
Mike Mayes, CPA, CGA
Director, Financial Services/Treasurer



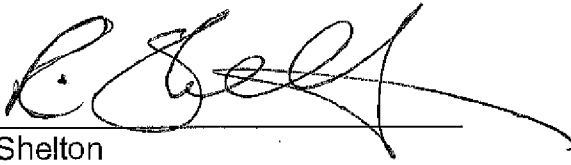
Anita Moore, AMCT
Commissioner, Corporate Services



Ian McDougall
Commissioner, Community Services



Peter Noehammer, P.Eng
Commissioner, Development and Infrastructure Services



Bob Shelton
Chief Administrative Officer

MM/nh

The meeting of the Heritage Newmarket Advisory Committee was held on Tuesday, June 9, 2015 in Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Councillor Hempen
Athol Hart
Billie Locke
Soni Felix Raj (7:12 to 8:43 p.m.)
Joan Seddon
Rohit Singh

Absent: Malcolm Watts

Staff Present: D. Ruggle, Senior Planner, Community Planning
C. Finnerty, Council/Committee Coordinator

The Council/Committee Coordinator called the meeting to order at 7:00 p.m.

The Council/Committee Coordinator suggested that the selection of a Chair and Vice-Chair should take place before the approval of minutes is considered.

1. Selection of Chair and Vice-Chair.

The Council/Committee Coordinator opened the floor for nominations for Chair.

Moved by: Billie Locke
Seconded by: Joan Seddon

THAT Athol Hart be appointed as Chair.

Carried

The Council/Committee Coordinator opened the floor for nominations for Vice-Chair.

Moved by: Councillor Hempen
Seconded by: Rohit Singh

THAT Billie Locke be appointed as Vice-Chair.

Carried

A. Hart in the Chair.

Additions & Corrections to Agenda

None.

Declarations of Pecuniary Interest

None.

Approval of Minutes

2. Heritage Newmarket Advisory Committee Minutes of November 4, 2014.

Moved by: Billie Locke
Seconded by: Councillor Hempen

THAT the Heritage Newmarket Advisory Committee Minutes of November 4, 2014 be approved.

Carried

Presentations/Deputations

None.

Items

3. Appointments to Committees.

Moved by: Councillor Hempen

Seconded by: Billie Locke

a) THAT Athol Hart and Malcolm Watts be appointed to the Architecture, Recreation, Culture, Heritage (ARCH) Committee.

Carried

Moved by: Councillor Hempen

Seconded by: Rohit Singh

THAT Billie Locke be appointed to the Elman W. Campbell Museum Board.

Carried

Moved by: Billie Locke

Seconded by: Rohit Singh

THAT Athol Hart be appointed to the Lower Main Street South Heritage Conservation District Advisory Group.

Carried

Moved by: Councillor Hempen

Seconded by: Billie Locke

THAT Rohit Singh be appointed to the Newmarket Historical Society Board of Directors for 2015 and 2016 and Joan Seddon to the Newmarket Historical Society Board of Directors for 2017 and 2018.

Carried

4. Schedule of Meetings.

The Committee discussed the 2015 Schedule of meetings, as distributed.

Moved by: Billie Locke
 Seconded by: Rohit Singh

THAT the 2015 Schedule of Meetings, as distributed, be approved.

Carried

5. Designation and Alteration Requests.

a) Request for Designation - 411 Millard Avenue.

The Senior Planner – Community Planning provided background information regarding a request from a property owner to designate the home at the property municipally known as 411 Millard Avenue. He advised that the property is currently listed on the Heritage Registry. Further research on the home is required in order to determine its significance.

Moved by: Billie Locke
 Seconded by: Joan Seddon

THAT Heritage Newmarket recommend that the Town proceed with designation of the property municipally known as 411 Millard Avenue under Part IV of the *Ontario Heritage Act*.

Carried

b) Designation Review - 17030 Yonge Street (Quaker Meeting House Burial Ground).

The Senior Planner – Community Planning and Chair provided background information related to the designation by-law for the Quaker Meeting House. He advised that the by-law does not include the Quaker Meeting House Burial Ground.

Moved by: Councillor Hempen
 Seconded by: Billie Locke

THAT the request for designation of the Quaker Meeting House Burial Grounds be referred to the Plaque Subcommittee for review.

Carried

c) Alteration Request - 367 Botsford Street.

The Senior Planner – Community Planning advised that a request to restore the porch located at the property municipally known as 367 Botsford Street has been received from the property owner. He further advised that the property owners wish to restore the porch to its previous state and have not expressed any interest in modifications to the structure.

Moved by: Billie Locke
Seconded by: Joan Seddon

a) THAT the request to restore the porch at the property municipally known as 367 Botsford Street be received;

b) AND THAT the Heritage Newmarket Advisory Committee recommend that a heritage permit be issued to the property owner subject to the following conditions:

i) That as much of the original structure be maintained as possible;

ii) That the porch replicate the original structure; and

iii) That the property owner seek technical support from Heritage Newmarket, if required.

Carried

d) Alteration Request - 543 Timothy Street (formerly Office Specialty).

The Chair advised that a request to change the windows at the property municipally known as 543 Timothy Street has been received. The Senior Planner – Community Planning provided background information regarding the request to replace the windows. Discussion ensued regarding the designation by-law for the property and the exclusion of the windows from the designation by-law.

Moved by: Councillor Hempen
Seconded by: Joan Seddon

THAT the request to change the windows at the property municipally known as 543 Timothy Street be received and deferred to an upcoming Heritage Newmarket meeting pending discussions with the property owner related to alternative treatments for the existing windows.

Carried

6. York Region Heritage Directory Update.

The Chair requested that staff update the York Region Heritage Directory to reflect information for this term.

7. Heritage Newmarket Advisory Committee Workplan.

The Chair requested that staff confirm whether the Committee had been provided with a budget for this year.

Moved by: Soni Felix Raj

Seconded by: Billie Locke

THAT discussion of the Heritage Newmarket Advisory Committee Workplan be deferred to an upcoming meeting.

Carried

8. Reports of Committee Members.

a) Architecture, Recreation, Culture, Heritage (ARCH) Committee

Nothing to report.

b) Elman W. Campbell Museum Board

Nothing to report.

c) Lower Main Street South Heritage Conservation District Advisory Group

Nothing to report.

d) Newmarket Historical Society Board of Directors

Nothing to report.

Correspondence

- a) Ministry of Citizenship, Immigration and International Trade dated April, 2015 regarding Ontario Medal for Good Citizenship.

Moved by: Councillor Hempen
Seconded by: Billie Locke

THAT the correspondence from the Ministry of Citizenship, Immigration and International Trade dated April, 2015 regarding Ontario Medal for Good Citizenship be received for information purposes.

Carried

- b) Application for Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision
16920 Leslie Street (West side of Leslie Street, North of Mulock Drive)
Newmarket Cemetery Corporation/1758529 Ontario Inc. (Forest Green Homes)

The Senior Planner – Community Planning provided background information on the application that has been submitted. Discussion ensued regarding concerns related to Bogart House and conditions that can be attached to the approval of the draft plan.

Moved by: Soni Felix Raj
Seconded by: Rohit Singh

THAT the correspondence from the Town of Newmarket regarding an application for Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision, 16920 Leslie Street (West side of Leslie Street, North of Mulock Drive), Newmarket Cemetery Corporation/1758529 Ontario Inc. (Forest Green Homes) be received;

AND THAT a meeting between a representative of Newmarket Cemetery Corporation/1758529 Ontario Inc. (Forest Green Homes) and Heritage Newmarket be arranged for an upcoming Heritage Newmarket Advisory Committee meeting.

Carried

New Business

- a) The Chair provided information on the heritage plaque process and the Plaque Subcommittee.

Moved by: Billie Locke
 Seconded by: Councillor Hempen

THAT Joan Seddon and Rohit Singh sit on the Plaque Subcommittee.

Carried

- b) The Chair advised that he has received complaints from homeowners of heritage properties with respect to the placement of community mailboxes. Discussion ensued regarding feedback from Canada Post and Council recommendations related to regulating the placement of mailboxes.

Moved by: Joan Seddon
 Seconded by: Soni Felix Raj

The Heritage Newmarket Advisory Committee recommends to Council:

- a) THAT Heritage Newmarket be circulated for consultation on community mailbox placement, in particular within the Heritage Conservation District and where placement is recommended outside of designated homes or homes displaying a heritage plaque.

Carried

- c) The Chair provided information on the heritage plaque process and the Plaque Subcommittee.

Moved by: Billie Locke
 Seconded by: Councillor Hempen

The Heritage Newmarket Advisory Committee recommends to Council:

- a) THAT the Heritage Newmarket Advisory Committee be delegated the authority by Council to issue heritage permits under the *Ontario Heritage Act*.

Carried

- d) The Chair provided comments regarding the future of the Committee as it is currently established, including the recommendation of the Committee in November, 2014 that membership be increased from seven to twelve members

in order to fulfill the requirements of the *Ontario Heritage Act* and areas for review, including appointment of non-voting members, supervisory duties prescribed in the Heritage Toolkit and representation of the founding families of the Town on the Committee in order to obtain additional knowledge of the history of the Town.

- e) Councillor Hempen suggested that the Committee take a tour of the Old Town Hall within the next month. Staff to arrange for a tour with M. Goodwin, Capital Project Coordinator.

Adjournment

Moved by: Joan Seddon
Seconded by: Rohit Singh

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 8:43 p.m.

Date

Athol Hart, Chair



TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

October 15, 2015

CORPORATE SERVICES REPORT – FINANCE, LEGAL & LEGISLATIVE SERVICES - #2015-17

TO: Mayor Van Bynen
Members of Council

SUBJECT: Municipal Legislation Review

ORIGIN: Legal Services Student and Financial Business Analyst

RECOMMENDATION

THAT Corporate Services Report – Finance, Legal and Legislative Services - #2015-17 dated October 15, 2015 regarding Municipal Legislation Review be received and forwarded to the Province of Ontario as the Town of Newmarket's comments with respect to the municipal legislation review.

PURPOSE

The purpose of this report is to present comments for submission to the Province in response to their consultation on potential revisions for the 2015 *Municipal Legislation Review*. This report intends to provide information and recommendations with respect to two separate reviews underway by the Ministry of Municipal Affairs and Housing to reform the *Municipal Act* and the *Municipal Conflict of Interest Act*.

The recommendations and comments contained herein are from the Town of Newmarket for consideration and submission to the Province by the October 31st, 2015 deadline.

BACKGROUND

On June 5, 2015, Ministry of Municipal Affairs and Housing announced the review of the *Municipal Act* and the *Municipal Conflict of Interest Act*.

On June 5, 2015, the Minister of Municipal Affairs and Housing, the Honourable Ted McMeekin announced the review of the *Municipal Act* and the *Municipal Conflict of Interest Act*. The intent of this legislative review is to increase transparency in the broader public sector, strengthen political accountability and contribute to the financial sustainability and good governance of municipalities. This review also includes potential legislative amendments to the *City of Toronto Act*; however, this statute will not be discussed in this report as it does not pertain to the Town of Newmarket.

The *Municipal Act* and the *Municipal Conflict of Interest Act* provide the primary legislative framework, setting out the roles, responsibilities and powers for Ontario's municipalities.

The Ministry has identified three main themes that this review will focus on:



1. Accountability and transparency – will consider municipal accountability, conflict of interest, compliance and transparency in local decision-making.
2. Municipal financial sustainability – will consider the effective use of existing financial tools and any barriers that may be preventing municipalities from achieving long-term financial sustainability
3. Responsive and flexible municipal government – will consider municipal service delivery; the role of community councils and how municipalities are responding to climate change.

The Ministry of Municipal Housing and Affairs will consider all suggestions for change as part of this review. Issues raised that are outside the scope of this review or outside the scope of the ministry will be shared with the appropriate area of the provincial government for future consideration.

Hardcopies of the Province's June 2015 Municipal Legislation Review - Public Consultation Guide are available upon request or on the Province's website at <http://www.mah.gov.on.ca/AssetFactory.aspx?did=10979>.

COMMENTS

The following is a summary of the Town's comments with respect to the *Municipal Act* responding to the three themes to be considered by the Province for the 2015 Municipal Legislation Review. This report also comments on key recommendations presented at The Regional Municipality of York, on October 8 2015 (to be adopted by Council on October 15) in a report entitled *Municipal Act Review* (attached for information as Appendix 1). The Town is generally supportive of the Region's recommendations.

This report structures the comments and recommendations in accordance with the three identified themes.

Theme 1: Accountability and Transparency

The twin concepts of accountability and transparency are the pillars of efficient democratic governance and help to foster social well-being. This section of the report outlines the accountability and transparency recommendations for the Town of Newmarket.

In 2014, the Province passed the *Public Sector and MPP Accountability and Transparency Act*. Schedule 9 of the Bill, when proclaimed into force on January 1, 2016, will extend the role of the Ontario Ombudsman to include all municipalities. As such, it is important to examine the accountability and transparency requirements for municipalities and the tools for locally-determined integrity frameworks to ensure that they meet the changing needs of municipalities and the public.

The key proposed amendments and additions to the *Municipal Act* relevant to the theme of accountability and transparency include:

1. The Town recommends that the closed meeting provisions in the Act should be amended to reflect the protected categories in privacy legislation

The Town recommends bridging the gap between the Act and the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"). Exceptions to the open meeting requirements should be limited and specific. However, the current regime creates anomalies, particularly in negotiating business arrangements with the private sector. MFIPPA protects various categories of records from public disclosure, particularly in negotiating business arrangements with the private sector. Materials may be submitted confidentially but cannot be discussed freely in closed session. On occasion, this may lead to an expanded use of the solicitor-client exception.

Aligning the two statutes would promote greater certainty in dealing with third party information. A successful example of this is the Alberta Municipal Government Act, which contains provisions that align with the province's privacy legislation.

2. The Town recommends that "Security of Property" should be defined
(amendment to s.239 (a) of Municipal Act)

The scope of exemption is unclear given the decisions of the Office of the Information and Privacy Commissioner (IPC), which has interpreted the provision restrictively to connote the security of physical assets and public safety.

The Town recommends defining "Security of Property" noting that it has relied on a broader definition of "property" when closing a meeting to the public under s. 239 (a) of the Municipal Act, consistent with guidance provided by the Town's closed meeting investigator.

3. The Town recommends that electronic participation in Committee and Council meetings should be permitted in limited circumstances
(amendment to s.238 (2) of *Municipal Act*)

The legislation does not yet permit municipalities to take advantage of certain technological advancements. The *City of Toronto Act* permits members of Council to participate electronically, however any such member does not count toward a quorum.

The Town supports revisions to the Act to permit electronic participation with no restriction on quorum or the ability to vote remotely. It is proposed that remote participation be permitted in limited circumstances to be defined in a municipality's procedure by-law, including for accessibility purposes and for calling special meetings where the attendance of Council members at short notice is not feasible.

Theme 2: Financial Sustainability

Municipal financial sustainability is defined as the ability to match expenditures well with revenues – on both an operating and capital cost basis. The *Municipal Act* requires municipalities to pass balanced operating budgets each year. Municipalities are also required to prepare annual financial statements according to the Public Sector Accounting Board (PSAB)'s recommended accounting principles.

The principal concerns regarding financial sustainability pertain to the granting of broad powers of self-governance and the provision of flexible investment and financial management tools.

The key proposed amendments and additions to the *Municipal Act* relevant to the theme of financial sustainability include:

1. **The Town recommends the introduction of a provision that would permit all municipalities to impose direct taxes, subject to prescribed criteria, as provided in s. 267 of the City of Toronto Act, 2006**

New revenue tools can assist in alleviating pressures on the property tax base. Implementing any new tools will require significant analysis and consultation; however, granting a broad power is a valuable first step.

Local municipalities should be able, for example, to charge a “fee” on the transfer of real property and/or on the sale of vehicles. In past years, these transactions were the key revenue generators for Toronto.

2. **The Town recommends further analysis on the issue of access to more revenue tools**

The Town operates in a competitive environment, has neighbours on its borders and has highly mobile customers. Therefore, the unilateral imposition of a fee is disadvantageous.

The Province, when authorizing a new fee should provide an economic rationale of allowing the fee and how it benefits local communities. By the province outlining the community benefit, it will reduce the need of municipalities conducting research independently and reduce the barrier to implementing an overall beneficial source of revenue.

3. **The Town recommends eliminating the requirements that a tax rate must be set annually and that the tax bill must include the change in the tax levy**
(amendments to s.312(2) and O. Reg 75/01)

Municipalities are disadvantaged by having to set tax rates each year and consideration should be given to permitting municipalities to set multi-year tax rates (within a term of office). This would assist municipalities with long range planning. It would be preferable if revenues could increase with inflation (assessments), in a similar fashion to Provincial and Federal Government income and sales taxes. By having tax revenue increase with inflation, municipalities would better be able to raise the funds necessary to fill the infrastructure gap.

4. **Revise the ‘heads and beds’ policy to reflect inflationary pressures**
(amendment to s. 323(3))

The rate of \$75 per student/bed does not reflect the change in cost of delivering services by Ontario municipalities and the result is undue pressure on all tax classes. Using historic CPI or historic Construction Index (for inflation), that rate would be more appropriately set at between \$140 and \$149. Recognition should be given to the fact that hospitals can serve a wide regional base well beyond the local municipality’s borders.

Theme 3: Responsive and Flexible Municipal Government

Municipalities are responsible and accountable governments; accordingly, the Province wants to ensure that municipalities have the powers and the flexibility they need to govern and be creative and responsive in providing services to their communities. An important aspect is the division and transfer of powers between upper- and lower-tier municipalities.

The key proposed amendments and additions to the *Municipal Act* relevant to the theme of responsive and flexible government include:

1. **The Town recommends that provisions regarding conflict of laws should be amended to clarify the "frustrates the purpose" test**
(amendment to ss. 13 and 14 of *Municipal Act*)

Municipalities should have greater certainty in determining whether a by-law may be validly enacted, particularly with respect to the broad powers within its jurisdiction. To assist municipalities in determining the scope of their authority, it is proposed that the "frustrates the purpose" test be clarified using language from the "dual compliance" test articulated by the Supreme Court of Canada (i.e. that a municipal bylaw will not be deemed invalid if there can be concurrent compliance with the bylaw and senior legislation).

2. **The Town recommends that climate change mitigation and adaptation be included municipal jurisdiction**
(amendment to s. 11 of the *Municipal Act*)

The Province has inquired about municipal ability to address and respond to climate change. It is proposed that greater coordination and a clear legislative mandate is necessary to better equip municipalities in this regard. Specifically, climate change should be specifically included in the Act as a matter within municipal jurisdiction. This would form the foundation of more specific activities.

3. **Regarding the proposed technical amendment by The Regional Municipality of York to amend the definition of Highway to include boulevards**

Staff recognize some merit in consistency for the public to understand complete responsibility or jurisdiction on Regional roads insofar as elements found within boulevards are concerned. However, it is important that prior to any amendment in this regard, the Region would have to work with and resolve any matters that may arise from the local municipalities perspective.

ATTACHMENTS

Attachment 1 – October 2015, Municipal Act Review, the Regional Municipality of York staff report

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report links to Town's key strategic direction of being well equipped and managed by implementing policy and processes that reflect sound and accountable governance.

These recommendations further the strategic priority of ensuring effective and efficient services. Providing input on Provincial plans and legislation supports the *Well-respected* branch of the Community Vision by being an influential contributor to regional and provincial affairs.

CONSULTATION

The Province as part of its mandate to review the Municipal Act every five years is conducting consultation with municipalities, organizations and individuals. Professional associations such as Municipal Finance Officers Association of Ontario (MFOA), the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) and the Association of Municipalities of Ontario (AMO) are submitting comments for the Province's consideration.

This report represents the Town of Newmarket's comments. Consultation took place with internal staff and external reports were reviewed in the preparation of this report.

HUMAN RESOURCE CONSIDERATIONS

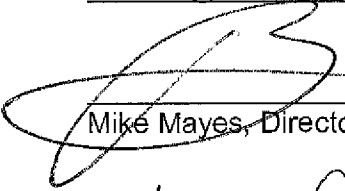
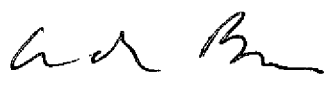
There are no human resource considerations.

BUDGET IMPACT

The economic impact associated with potential legislative change is unknown at this time.

CONTACT

For more information on this report, contact Anita Moore, Commissioner, Corporate Services at amoore@newmarket.ca or by phone 905 953-5300, ext. 2202.


Mike Mayes, Director, Financial Services
Esther Armchuk, Director, Legal Services
Andrew Brouwer, Director, Legislative Services
Anita Moore, Commissioner, Corporate Services

The Regional Municipality of York

Committee of the Whole
Finance and Administration
October 8, 2015

Report of the
Chief Administrative Officer

Municipal Act Review

1. Recommendations

It is recommended that:

1. Council endorse the recommendations set out in Attachment 1 with respect to proposed amendments to the *Municipal Act, 2001*.
2. This report be submitted to the Ministry of Municipal Affairs and Housing.

2. Purpose

This report is to seek Council endorsement of recommendations for proposed amendments to the *Municipal Act, 2001*, in response to the legislative review being undertaken by the Ministry of Municipal Affairs and Housing.

3. Background

The Ministry of Municipal Affairs and Housing is undertaking a review of municipal legislation and has invited submissions

In June 2015, the Ministry of Municipal Affairs and Housing ("MMAH") released a discussion paper announcing its review of legislation governing municipalities. The review includes the *Municipal Act, 2001*, the *City of Toronto Act, 2006*, and the *Municipal Conflict of Interest Act*. A separate initiative is being undertaken to review the *Municipal Elections Act*.

The discussion paper invited submissions on the legislation from a broad spectrum of interested parties, including municipalities, organizations and private individuals. The overall goal of the review is to ensure that municipalities remain sustainable and have the necessary tools to respond to local issues. The paper

Municipal Act Review

was structured around a series of questions designed to stimulate and guide discussion on three main themes: Accountability and Transparency, Municipal Financial Sustainability and Responsive and Flexible Municipal Government. The review is also driven by the legislative mandate to review the *Municipal Act* every five years. MMAH has asked for comments by October 31, 2015.

The recommendations in this report focus specifically on amendments to the *Municipal Act, 2001*.

4. Analysis and Options

Regional staff from all departments provided input on amendments to the legislation and consulted with peer groups from local municipalities

Regional staff across all departments were engaged in developing the recommendations, through the Region's Interdepartmental Advocacy Co-ordination Group. Discussions focused primarily on the specific issues raised in the consultation paper. The draft recommendations have been structured according to the three themes identified in the document. Staff also considered this to be an opportunity to raise other issues that may not fit within the themes and these have been summarized in an Appendix to the submission.

In July 2015, a meeting was convened with local municipal lawyers and clerks to discuss the draft recommendations. A majority of local municipalities were represented at the meeting and there was broad consensus on the Regional staff position. The recommendations will also be tabled at the Regional/Local CAOs meeting on October 2 and the Regional/Local Treasurers meeting on October 9. The Region's proposals are not, however, intended to be formally made on behalf of the local municipalities, many of whom have indicated an intent to prepare their own submission.

On September 8, 2015 the Association of Municipalities of Ontario ("AMO") released its submission to MMAH on the legislative review. The general theme of the AMO submission is consistent with the Region's proposed recommendations and addresses many specific issues set out in Attachment 1.

Municipal Act Review

Theme 1: Accountability and Transparency

Regional staff do not recommend any major changes to the Accountability framework in the Act

The theme of Accountability and Transparency is aimed at soliciting comments on provisions that were introduced in the Act in 2006 to promote accountable self-governance. These include:

- Establishment of a code of conduct for Council members
- Appointment of an Integrity Commissioner to monitor compliance with the code of conduct
- Appointment of a Municipal Ombudsman
- Appointment of an Auditor General
- Establishment of a Lobbyist Registry

These measures are generally not mandatory for municipalities, with the exception of the City of Toronto. All municipalities are, however, required to have in place a policy setting out how they will remain accountable to the public and ensure that their actions are transparent.

Staff recommend that these provisions generally remain permissive and no amendments are proposed. Attachment 1 outlines the specific measures the Region has implemented to ensure accountability and transparency.

The closed meeting provisions in the Act should be amended to reflect the protected categories in privacy legislation

Under the theme of Accountability and Transparency, MMAH has invited comments on the matters which municipal councils should be permitted to discuss in camera. Currently, the scope of in camera meetings is limited and includes: personal matters about an identified individual, proposed acquisition and disposition of property and matters of solicitor-client privilege. Council education and training sessions may also be closed to the public.

Staff have consistently identified the disconnect between the Act and the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"). MFIPPA protects several categories of records from public disclosure, including commercially confidential and proprietary matters. This leads to anomalies in that certain materials are protected from disclosure, e.g. the proprietary content of a contract, but there is no clear mechanism to discuss the matter in camera.

Municipal Act Review

Equally, there seems no distinction in principle between negotiations regarding a property matter and other commercially sensitive transactions.

Staff recommend that there be clearer alignment between the Act and MFIPPA so that Council may consider certain matters in private session prior to adopting a recommendation. This would include proprietary information and commercially confidential material submitted in the context of contractual negotiations.

AMO is also proposing that the Act include a clearer definition of “meeting” in light of the broad definition that has been articulated by the Ontario Ombudsman and which would characterize any gathering of council members as a meeting.

Electronic participation in Committee and Council meetings should be permitted in limited circumstances

The consultation paper invited discussion on whether there should be more options for municipal councils to use technology in holding meetings. Currently, Council members must be present in person at Committee and Council meetings, with the exception of the City of Toronto where electronic participation is permitted. Those members participating remotely do not, however, count towards a quorum.

Video and audio conferencing technology is available to permit remote participation in meetings by Council members. Staff recommend, however, that extensive use of such technology would undermine the principles of accountability by denying direct access to elected officials. It is proposed that remote participation be permitted in limited circumstances, including for accessibility purposes and for calling special meetings where the attendance of Council members at short notice is not feasible.

The AMO submission supports this amendment, particularly for accessibility advisory committees, and cautions that there should be some limitation on the use of remote participation.

Theme 2: Municipal Financial Sustainability

The recommendations on financial sustainability propose granting the Region broader powers of self-governance

Under the second theme, Municipal Financial Sustainability, the consultation paper raised the following questions:

- Do municipalities have the necessary tools to effectively plan for, prioritize and fund their investments in infrastructure and spending on services?

Municipal Act Review

- What barriers do municipalities face in achieving long-term financial sustainability?

Regional Finance staff recommend the introduction of certain broad powers to enable the Region greater flexibility in the management of financial matters, in recognition of the Region as a mature municipality. A key recommendation is that the Region be permitted to establish its own debt and financial obligation limit, rather than be subject to the limit prescribed by the Province. The City of Toronto currently has independent jurisdiction in this regard. It is proposed that certain criteria should be established as a prerequisite, including maintaining at least an AA credit rating and the annual adoption of a long term debt management plan.

The Province is currently proposing to confer “prudent investor” status on the City of Toronto to enable greater diversification in portfolio management. Regional staff propose that the Region should equally be granted this status, subject to certain safeguards, including limiting the percentage of the portfolio that could be managed under this provision. AMO is also recommending that the prudent investor standard apply to the One Investment Program to enable the pooled investment plan to respond to market shifts. Regional staff support this recommendation.

Since 2006, the City of Toronto has been granted the power to impose direct taxes, within certain limitations. Under this provision the City implemented the land transfer tax. AMO is recommending that this taxing authority be made more generally available to municipalities to help diversify the sources of revenue. Regional staff support this recommendation and propose that the Region be granted the power to impose direct taxes. If this recommendation is adopted, further analysis will be required on the appropriate use of this additional tool. Additional revenues could also be made available through the phasing out of the tax capping provisions, as recommended in the draft submission.

The broader powers supporting financial sustainability would be supplemented with more flexible investment and financial management tools

In addition to the broad powers set out above, Regional staff are proposing specific amendments to the Act to permit more flexible financial and investment management. These proposals are set out in detail in the Attachment and include: the ability to invest in US dollar securities, the triggering of the provision permitting sale of debt, greater flexibility in managing bond forward agreements and extending the prescribed period for holding investments. Staff are also recommending the introduction of greater latitude in selecting appropriate securities for investment.

Municipal Act Review

Theme 3: Responsive and Flexible Municipal Government

The division of powers between upper and lower tiers should be preserved and no significant changes to the service migration provisions are proposed

The third theme, Responsive and Flexible Municipal Government addresses the scope of municipal powers in providing efficient and responsive service delivery. The topics for discussion in this section include: the division of powers between upper and lower tier municipalities, and whether there are any barriers to municipalities providing services in an effective and innovative manner. The Province also invited comments on how councils are improving the quality of municipal service delivery.

Regional staff support the current division of powers between the Region and its local municipalities. The clear delineation of responsibility for infrastructure reflects the principles of accountability and self governance that were the foundation of the major amendments introduced in 2003. As well, the current procedures that need to be followed for service migration between tiers (the “triple majority”) are appropriate in that broad consensus should be required for any major reassignment of jurisdiction.

Potential for conflict between municipal bylaws and federal and provincial regulation

One area that staff have identified as needing clarification is the potential for conflict between municipal bylaws and federal and provincial legislation and regulation. The Act provides that a municipal bylaw will be inoperative to the extent that it “frustrates the purpose” of the senior legislation. The interpretation of this requirement can lead to uncertainty as to the permitted scope of municipal jurisdiction and has led to challenges to municipal bylaws. Staff recommend that a clearer test, which has been articulated by the Supreme Court should be the ‘dual compliance’ test, i.e. that a municipal bylaw will not be invalid provided there can be compliance concurrently with the bylaw and the provincial or federal enactment. This would assist municipalities in determining the scope of their authority, especially with respect to broader powers which are subject to extensive regulation, e.g., health and environmental matters.

Municipalities should be specifically empowered to respond to climate change by its inclusion in the list of municipal powers

The Province has requested specific feedback on whether municipalities have the necessary tools to address climate change adaptation and mitigation.

Municipal Act Review

In the proposed submission, staff have outlined the initiatives currently being undertaken by the Region to address climate change. The challenges associated with implementing these measures are also highlighted, including the need for greater coordination and a clearer legislative mandate. In this regard, staff recommend that climate change and mitigation be specifically included in the Act as a matter within municipal jurisdiction. This approach is preferable to a piecemeal enumeration of specific tools (e.g. green roofs) and is more consistent with the broader statement of municipal spheres of jurisdiction.

The main recommendations are supplemented with staff proposals for certain technical amendments

In addition to responding to the specific issues raised in the discussion paper, staff are recommending technical amendments to the Act to enhance clarity and ease of interpretation. These are set out in an Appendix to the submission with a rationale for each recommended amendment.

Link to key Council-approved plans

The Region's 2015-2019 Strategic Plan identifies "Providing Responsive and Efficient Public Service" as a Strategic Priority Area. One objective of this priority area is ensuring a fiscally prudent and efficient Region.

The stated objectives of the legislative review undertaken by the Province are to ensure that municipalities have the powers they need to respond effectively to local issues and for the efficient management of assets and resources. Accordingly, the proposed submission fully supports this Strategic Priority Area.

5. Financial Implications

There are no direct financial implications associated with submitting the proposed recommendations to MMAH.

If the recommendations are implemented by the Province through amendments to the Act, there will be resulting implications, particularly with respect to the Region's financial management and investment powers. These matters will be fully analyzed and reported to Council in due course, as appropriate.

6. Local Municipal Impact

The proposed amendments set out in the attached submission have been discussed with staff from local municipalities and are generally supported. The submission is not, however, formally made on behalf of local municipalities. If the

Municipal Act Review

recommendations are adopted and amendments are made to the Act, the amendments will likely be, for the most part, applicable to all municipalities and will benefit both the Region and its local municipalities.

7. Conclusion

In June 2015, the Ministry of Municipal Affairs and Housing released a public consultation paper inviting comments on municipal legislation, including the *Municipal Act, 2001*. The deadline for submissions is October 31, 2015. Regional staff from across all departments have prepared recommendations within the key themes identified in the consultation document and have discussed the recommendations with local municipal counterparts. AMO has now also released its recommendations which are more limited in scope but are broadly consistent with the Regional proposals. It is recommended that the submission attached as Attachment 1 be forwarded to the Province as the Region's position on proposed amendments.

The Senior Management Group has reviewed this report.

Approved for Submission:

Bruce Macgregor
Chief Administrative Officer

October 2, 2015

Attachment (1)

6302568

Accessible formats or communication supports are available upon request

York Region Response to MMAH Review of Municipal Legislation

Theme 1: Accountability and Transparency

1. Current system for municipal accountability and transparency

York Region generally supports the current regime for promoting accountability and transparency. The *Municipal Act, 2001* (the "Act") provides a framework which enables municipalities to customize policies and procedures according to their individual needs and the demands of their constituents. It is appropriate that many of the measures remain permissive rather than mandatory, to underline the principle of municipalities as responsive and accountable elected governments and to acknowledge the varied challenges across the municipal sector.

The Region has implemented measures to ensure accountability and transparency

The Region has used specific tools provided under the Act, as necessary and appropriate. Regional Council adopted an Accountability and Transparency Policy in 2007 under Section 270 of the Act. This policy established practices and procedures which broadly govern the decision making process and administrative management, including financial matters, public disclosure, internal audits and public involvement. Many of these procedures predated the formal requirement to establish a policy.

Regional Council has not formally appointed an Auditor General, however since 2001 the Region's internal Auditor and staff have fulfilled the core functions contemplated under Section 223.19. of the Act. Reporting to Regional Council through the Audit Committee, the Auditor conducts regular audits to report on compliance with regulatory matters, contract terms and financial due diligence.

In common with other municipalities, the Region appointed LAS, an AMO affiliate, as a meeting investigator. Since the appointment in 2007, however, no matters before Council have been referred to the investigator.

Regional Council has to date not elected to establish a code of conduct for members of Council. Consequently, a Regional Integrity Commissioner has not been appointed.

It is recommended that the requirement for a code of conduct and an Integrity Commissioner remain discretionary. Accordingly, it is not recommended that the Act mirror the *City of Toronto Act, 2006* which provides that certain appointments are mandatory. Regional Council members are elected in their constituent local municipalities. Seven out of nine local municipalities have Council Codes of Conduct.

As a result, 18 of the 20 elected members of Regional Council are subject to a Code of Conduct. To introduce another municipal Code of Conduct would be redundant and, potentially introduce ambiguity. The seven Codes of Conduct that are in effect vary substantially. It might be helpful for the MMAH to provide a guideline or template stipulating minimum requirements.

With respect to the appointment of an Ombudsman, with the passage of Bill 8 the Region is currently initiating a process to appoint an Ombudsman, potentially in conjunction with its local municipalities.

Recommendation: that the procedures implemented in 2006 to promote accountability and transparency continue to be generally permissive rather than mandatory and at the discretion of individual municipalities

2. Open meetings

The Region acknowledges that, in the interests of transparency and public accessibility, exceptions to the requirement for open meetings should be limited and specific.

There is, however, a basis for expanding the closed meeting provisions in Section 239(2) of the Act to align with privacy legislation.

MFIPPA provides for exemptions from disclosure for certain categories of records

The *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA") provides for certain categories of information to be protected from disclosure to the public. These include matters where disclosure could potentially prejudice the commercial interests and competitive advantage of a third party. Certain internal records may also be withheld from public release, if necessary to protect the municipality's economic interests.

Currently, there is only partial alignment between Section 239 of the Act and MFIPPA. Subsection 239 does provide for private consideration of certain matters, including personal information, pending acquisition or disposition of land, and the security of

property of the municipality. Closed meetings are also permitted for Council education and training sessions. The scope of “security of property” matters has, however, been largely thrown into doubt by decisions of the Information and Privacy Commission which have limited its application to a perceived physical threat, rather than broader economic interests as set out in MFIPPA.

These differing statutory schemes can give rise to anomalies in the conduct of Council business. For example, proponents responding to a Request for Proposals may submit material which is designated as proprietary and which may be exempt from public disclosure under MFIPPA. Similarly, a private entity may submit confidential information on an emerging technology which may be valuable to Council in developing future strategies, for example in waste management. In either case, there is no clear mechanism for considering these matters in camera without breaching Section 239 of the Act. Subsection 239 (2) (c) permits in camera discussion of property matters but does not extend the same treatment to other potentially sensitive negotiations, e.g. commercial contracts.

Closed meeting provisions should be aligned with MFIPPA

As a result of the disconnect between the *Municipal Act, 2001* and MFIPPA, there is a risk that matters may be artificially characterized as matters of solicitor-client privilege when there is a perceived need to discuss contractual and commercially sensitive issues in camera. This undermines the principles of accountability and transparency. Alberta’s *Municipal Government Act* specifically aligns the closed meeting provisions with the matters that are protected from disclosure under its privacy legislation. It is proposed that similar provisions be introduced in the Ontario context.

Recommendation:

- (a) that Section 239(2) of the Act expand the matters that may be discussed in camera to include those matters that are protected from disclosure under MFIPPA; and
- (b) that “security of property” be defined in the Act to include economic interests

3. Use of technology for holding meetings

Currently, the Act requires members of Regional Council to attend meetings in person. The *City of Toronto Act, 2006* provides that the procedure bylaw may provide for a member of Council to participate electronically in a meeting of City Council which is open to the public. The participation of that member, however, does not count towards a quorum.

Electronic participation in meetings should be used sparingly

Advancements in technology, particularly video-conferencing capability, would permit active participation by Council members who are not present in the Council chamber.

The Region recognizes that extensive use of technology to facilitate attendance may, however, erode the principles of accountability and transparency. If Council members are not routinely present and members of the public do not have direct access to elected officials for the purpose of making deputations and asking questions, the democratic process may be jeopardized.

The Alberta legislation addresses these concerns in part by providing that electronic participation may only be permitted where the facilities enable all the meeting's participants to watch or hear each other.

Electronic participation may be appropriate in limited circumstances

The Region recommends that electronic participation be permitted in certain limited circumstances. The Region's Accessibility Advisory Committee has requested that attendees be permitted to attend by electronic means because of mobility issues. Permitting this form of participation would support the Region's commitment to accessibility and enhance the existing measures implemented under the AODA.

In addition, there are occasions where a special meeting of Council is required to decide on a specific matter. If the meeting is called during the summer recess or the year end break, it may be practically difficult to assemble a quorum. Permitting a meeting to be conducted by electronic means would enable a greater level of participation by Council members.

Recommendation: that the Act be amended to provide that a procedure bylaw may permit electronic participation at meetings by members of Council in limited circumstances, including for accessibility purposes and for calling special meetings where it is practically impossible for Council members to attend in person

Theme 2: Municipal Financial Sustainability

1. Annual debt and financial obligation limit

The *City of Toronto Act, 2006* requires the City to establish a limit for the City's annual debt and financial obligations. The Region submits that it should be accorded similar powers to establish its own debt and financial obligation limit. This would afford more flexibility and recognize the Region as a mature municipality. This greater latitude could also be extended to other regional and upper-tier governments.

The Region acknowledges that it would be appropriate to establish a framework within which this power could be exercised. It is proposed that, to maintain fiscal responsibility a municipality would need to maintain a credit rating of at least 'AA-' or higher (or equivalent) by at least one rating agency and have Council adopt or affirm, annually, a long-term debt management plan.

Recommendation: that municipalities achieving a prescribed credit rating be permitted to establish their own debt limits

2. Tax capping

Currently under Part IX of the Act, the Province protects commercial, industrial and multi-residential properties from significant tax increases through a tax capping program. The program caps any change in property taxes at between 5 and 10 per cent if the assessment value of a property increases. As a result, capping protects landowners from paying an exceedingly high amount of taxes if their property assessment increases.

Tax capping is an administrative and budgetary burden due to the increased complexity it has added to annual tax billing and the management of tax adjustments required in response to tax recalculations. As well, tax capping creates inequitable tax treatment as two properties in the same municipality assessed at the same value can be subject to different tax liabilities.

In York Region, the current beneficiaries include property types such as: Vacant Commercial Land, Vacant Industrial Land and Large Office Building (Multi-tenanted). The payers into the capping program, by property type, are: Large Office Building (Multi-tenanted), Standard Industrial Properties and Heavy Manufacturing (Non-automotive).

Recommendation: that Part IX of the Act be phased-out over the next four years and that the Region be allowed to opt out of tax capping

3. Application of the prudent person (“investor”) standard to the Region, if and when the Province extends this standard to the City of Toronto

Under the *Trustee Act, 1990*, the “prudent person” standard is applied in the context of managing an overall investment portfolio. This standard, as it applies to municipal investment officers, would require an officer to exercise due diligence and take all necessary actions to ensure the maximum performance of investments, on a portfolio basis, subject to the prescribed risk parameters dictated by the municipal investment policy.

The rationale for this approach is it enables a municipality to earn better returns and manage risk by building a more diversified investment portfolio.

The criteria for determining which municipalities would qualify to avail themselves of this standard have not been promulgated, however, these should include a weighted mix of municipal size, credit rating (‘AA-’ or higher or equivalent), and financial/investment performance.

The Province should consider extending to all municipalities who qualify the ability to avail themselves of the prudent person (“investor”) standard in a similar fashion as is being contemplated for the City of Toronto, in particular:

- (a) for those municipalities who do qualify (i.e. a credit rating of ‘AA-’ or higher or equivalent), equity investments should not exceed 10 per cent of the total municipal portfolio and a review of investment strategies should be conducted by an independent board;
- (b) for those municipalities who do qualify (i.e. a credit rating of ‘AA-’ or higher or equivalent) and are looking for equity exposure without a managed fund, equity investments should not exceed 10 per cent of the total municipal portfolio and the municipality should have the ability to buy Exchange Traded Funds (ETFs) on the Canadian and US exchange directly;
- (c) the “prudent investor” standard should be applied to the One Investment Program “(a co-mingled investment program available to Ontario municipalities and the broader Ontario public sector. It is operated by wholly owned

subsidiaries of AMO and MFOA.)” This would allow for greater returns on investments being made by municipalities within the program.

Recommendation: that the Province extend to all municipalities who qualify the ability to avail themselves of the prudent person (“investor”) standard in a similar fashion as is being contemplated for the City of Toronto, and that the standard apply to the One Investment Program.

4. Investment in U.S. dollar securities

Currently, under section 6(1) of O.Reg. 438/97, a municipality cannot invest in a security that is expressed or payable in any currency other than Canadian dollars. Municipalities do, however, purchase goods and services from US vendors that require payment in US dollars. In anticipation of these purchases, US dollars are bought and deposited in a US account earning no interest as the funds cannot be deposited into US dollar securities where they could accumulate interest.

Recommendation: that the regulation be amended allowing for investments in US dollar securities of Canadian issuers. It is recommended that criteria include:

- (a) the credit exposure should be based on the equivalent rating for Canadian dollar securities at an equivalent maturity; and
- (b) the US exposure should be limited to no greater than 2.5 per cent of the total portfolio

5. Exemption from municipal taxation for Conservation Authorities.

The *City of Toronto Act, 2006* provides for tax exemption for conservation authority lands under certain circumstances. Land vested in the Toronto and Region Conservation Authority and managed and controlled by the City under an agreement can be exempt from municipal taxation as long as the land is managed and controlled by the City and used for park purposes.

The Region proposes that the power to exempt these lands from taxation should be granted to all municipalities if they satisfy the conditions set out in the *City of Toronto Act, 2006*.

The Region may in future be in a position to manage and control land vested in the Toronto and Region Conservation Authority, or another conservation authority. Broadening the power to exempt these lands from municipal taxation would ensure

that conservation authorities are treated similarly irrespective of their location within Ontario.

Recommendation: that the powers under section 451(1), (2), (3), (4) of the *City of Toronto Act, 2006* be extended to all municipalities who fulfil the required criteria

6. Sale of debt payable to the Region by a third party

Currently Section 305(1) of the Act provides that a municipality may sell prescribed debt. No regulation has yet been made to prescribe classes of debt under this section. The Region does not routinely engage in loan agreements with private entities, however, there are occasions when this is done. Having the power to sell debt to a third party for collection purposes could ensure that the property tax base is protected if debt collection becomes difficult. In this way, the risk is mitigated by divesting the debt, and parties who have loans with the Region will be aware that the debts will eventually be collected.

In addition, by including bad debt as 'prescribed debt', the Region is afforded additional flexibility while ensuring the property tax base is protected.

Recommendation: that the Province enact a regulation under Section 305(1) of the *Municipal Act, 2001*, allowing the Region to sell prescribed debt that is payable to the Region by a third party. The Region would recommend that "prescribed debt" under this section include accounts receivables that have become 'bad debt' as determined by the Regional Treasurer

7. Unwinding commodity hedging agreements

Currently, under section 5(3) of O.Reg 653/05 a municipality cannot sell or dispose of its commodity agreements or any interest in them, with the following two exceptions: (a) the sale or disposition is part of a transaction for the sale of real property by the municipality relating to a change in the use of the property by the municipality, or: (b) if the municipality has ceased to carry on any activity relating to the municipal system for which the commodity was being acquired.

The current exceptions within this regulation do not take into account major changes within the market place. The policy rationale behind prohibiting partial and/or full unwinding of commodity agreements (excluding the exceptions) is to prevent financial speculation. However, remedial powers on the part of the Minister can protect against

financial speculation. As well, permitting partial and/or full unwinding of commodity agreements protects the property tax base from potential increases in property taxes. As a result, by amending the regulation to allow for the partial or full unwinding of commodity agreements as well as remedial powers for the Minister, the property tax base is protected and the risk of financial speculation is mitigated.

Recommendation: that the regulations be amended to permit the full or partial unwinding of commodity hedging agreements. In addition, the Region recommends amending the regulation, to afford the Minister of Municipal Affairs and Housing with investigatory and/or remedial powers should 'financial speculation' on the part of a municipality, be suspected as the underlying factor for the partial or full unwinding of the agreement(s)

8. Investment Flexibility

(a) Extended term for bond forward agreements

A bond forward agreement is an agreement where one party agrees to sell a bond to another party at a set price on a future date. With a bond forward agreement, a municipality can sell bonds and specify the interest rate at which the bond will be repaid. A municipality will issue debt through the sale of bonds in order to finance projects.

Under O.Reg 653/05 municipalities are unable to use bond forward agreements if they intend to issue debt more than six months into the future. Therefore, municipalities cannot incorporate borrowed funds at a specific interest rate into their capital and operating budgets if they intend to borrow funds more than six months into the future.

The Region would benefit from allowing bond forward agreements to have a settlement date of up to 365 days from the day on which the agreement is executed. By doing this, a municipality would be able to lock in attractive rates at any time throughout the year, even if the next issue is up to a year in the future. This also allows a municipality to have interest rate cost certainty during the annual budget process. These changes could potentially lead to lower interest rate costs that would benefit the local ratepayer and, at the very least, provide greater budget certainty.

Recommendation: that the settlement date of bond forward agreements be extended from 180 days to 365 days

(b) Disposition of bond forward agreements prior to maturity

Currently, under Section 2(8) of O.Reg. 653/05 a municipality cannot sell or lend a bond forward agreement prior to maturity.

The ability to sell a bond forward agreement prior to maturity would allow for more flexibility to react to market fluctuations and/or change the timing or size of debenture issues as a major change in interest rates may impact the debt management strategy.

Recommendation: that the regulation be amended to provide municipalities with the ability to collapse or sell bond forward agreements, placed or hedged in anticipation of a financial transaction authorized by Council, prior to maturity

(c) Extended period for holding investments

Currently, under section 3(6) of O.Reg. 438/97, if an investment falls below the required standard, the municipality must sell the investment within 180 days after the day the investment falls below the standard.

In periods of market turmoil, selling these investments may worsen market conditions for these particular investments and prevent market stabilization. By extending the time period beyond 180 days, the market could be allowed to stabilize after periods of instability.

Recommendation: that the regulation be amended to provide municipalities the ability to create a workout plan beyond the 180 day period, to be used in times of market turmoil

(d) Diversification of investment portfolio

Currently, sections 2(7.1), 3(1), 3(4.1), 4, 4.1(1.1) of O.Reg. 438/97 limit the quality and duration of securities which the Region may invest in.

The market for 'AA-' or higher bonds, with a maturity greater than five years in Canada, has grown smaller. Currently, there are only a few companies (36 as of 2014) that are in this category with a debt outstanding of approximately \$17 billion. Limiting investments to 'AA-' or higher prevents a broader credit diversification for municipalities and decreases potential portfolio investment returns. Furthermore, the available market and potential yield for investments of 1 to 5 years is limited to a

credit rating of 'A'. This negatively affects the potential returns for municipal investors and increases concentration risk.

Recommendation: that this regulation be amended as follows:

- (a) to allow municipalities to invest directly in corporate securities that have a credit of 'A' or higher (or equivalent)¹ for a maturity of ten years provided that the municipality maintains a 'AA-' or higher (or equivalent) credit rating by at least one ratings agency; and
- (b) to allow municipalities to directly invest in securities that have a credit rating of 'BBB+' or higher (or equivalent) for greater than one but not longer than five years, provided the municipality maintains a 'AA-' or higher (or equivalent) credit rating by at least one rating agency. The Region would add a stipulation noting that the overall exposure to 'BBB+' credit shall not exceed 10 per cent of the total portfolio value

9. Power to impose direct taxes

Under Part X, section 267 of the *City of Toronto Act, 2006*, the City may, by bylaw, impose a tax in the City if the tax is a direct tax. Direct taxes may include: motor vehicle ownership/driver's licence tax, real property transfer tax, a parking tax or a billboard tax.

The Region is a large, sophisticated government and should have the financial management powers that reflect its maturity as a government. These revenue generating tools would allow the Region to achieve recognition as a mature municipality. In addition, the new revenue tools can help alleviate the pressures on the property tax base.

Two direct taxes that could, in meeting growth plan targets, be of interest to the Region would be the vehicle ownership tax and parking tax. A vehicle ownership tax could not only provide the Region with additional revenue, but it should also help to encourage use of the rapid transit system.

As Regional Express Rail comes online and services such as park-and-ride become more prevalent, a parking tax could become a revenue source to help fund transit investments.

¹ Note: 'A' rating is still well within the investment grade standard.

Recommendation: that the powers under Part X, sections 267 – 272 (inclusive) of the *City of Toronto Act, 2006* be extended to the Region

10. Publication of financial statements

Currently, under section 295(1) of the Act, within 60 days after receiving the audited financial statements of the municipality for the previous year, the Treasurer is required to publish the entire copy of its financial statements, or a notice that they are available upon request, in a newspaper with wide circulation in a municipality. However, there are more widely available forms of media.

The Region would benefit from the ability to select publishing its financial statements in a newspaper or an online medium (or both).

Recommendation: that section 295 (1) of the Act be amended to permit the publishing of the financial statements in either print or digital format

11. Revisions to the 'heads and beds' policy in light of inflationary pressures

Currently, Section 323 of the Act authorizes local municipalities to pass bylaws to levy annual taxes payable by colleges and universities, hospitals and correctional institutions in an amount not to exceed the prescribed amount of \$75 for each full time student, provincially-rated bed or resident place, as determined by the responsible Ministry. This section is more commonly referred to as the 'heads and beds' provision.

As a result of a 'heads and beds' policy which has remained stagnant and unreflective of inflationary pressures, municipalities are forced to compensate the difference through other means such as increases to property taxes. The rate of \$75 per student/bed does not reflect the change in cost of delivering services by Ontario municipalities. Using historic CPI or historic Construction Index (for inflation), that rate would be more appropriately set at between \$140 and \$149. The result is undue pressure on all tax classes.

Recommendation: that O.Reg 384/98 be amended to prescribe a rate consistent with the appropriate inflationary index. It is also recommended that the rate be revisited and reset every 5 years, based upon the inflationary index

Theme 3: Responsive and Flexible Municipal Government

1. Division of powers between upper and lower-tier municipalities

Generally, the Region supports the division of powers between upper and lower-tier municipalities. The clear delineation in jurisdiction supports the principles of self-governance and accountability that were introduced as key concepts in 2003. The Region has exercised its authority over major infrastructure to improve the quality of services while implementing efficiencies and cost effectiveness. In this regard, Council has endorsed various initiatives, including:

- State of Good Repair Programs
- Asset Management policies
- Transportation Master Plan
- System Performance Monitoring
- 10 year Capital Programs

The Region is also achieving efficiencies by implementing technology that provides the public with self-serve options through open data initiatives. For example, constituents have direct access to a wide array of data sets including traffic, bus schedules, energy use and facility locations.

2. Conflict with provincial and federal legislation

The Act expresses municipal authority in broad terms, in contrast to the traditional prescriptive approach in the former legislation. These broader powers provide greater flexibility for municipalities, but can result in potential conflict with federal and provincial legislation in some areas of jurisdiction. This is particularly evident in environmental and health regulation which are matters where senior levels have regulated extensively.

It can be problematic to determine with certainty whether a Regional bylaw may conflict with existing regulation by a senior government. The test articulated in Section 14 of the Act is that a municipal bylaw is in conflict with federal or provincial enactment if it “frustrates the purpose” of the enactment. The case law that has evolved with respect to this issue has developed a two part test: (a) is it possible to comply simultaneously with the municipal bylaw and the senior level enactment; and (b) does the bylaw frustrate the purpose of the enactment. It is submitted that the first part of the test provides clearer guidance to a municipality in determining the scope of its authority and, if enshrined in the Act would potentially reduce the risk of *ultra vires* challenges.

Recommendation: that Section 14 of the Act be amended to provide that a municipal bylaw is deemed to be in conflict with federal or provincial legislation only if it is not possible to comply simultaneously with the bylaw and the federal or provincial enactment

3. Transfer of powers (service migration)

The Region supports the current regime for service migration and does not recommend any fundamental amendments. The scope of the services that are subject to service migration is appropriate and the mechanism for transfer (the “triple majority”) ensures the requisite level of support is obtained before a fundamental change in service delivery is implemented.

The Region used the predecessor to these provisions in assuming transit service from its local municipalities in 2001. One issue that proved challenging is that there was no clear guidance on the status of contracts entered into by the local municipalities in connection with their local transit services. There were over one hundred associated contracts including bus service providers, maintenance contracts and advertising contracts. Many of these contracts did not contemplate that the authority for transit service would be assumed by a different entity. This exposed the Region to claims that the contracts were not binding and could be terminated or renegotiated at the option of the contractor. Conversely, it was unclear whether the Region could take the position that the contracts could be renegotiated on more favourable terms, if appropriate.

Recommendation: that the Act clarify the status of existing contracts where service migration is implemented. This would be analogous to the provision in Section 53 where jurisdiction over a highway is transferred and provides that the municipality assuming the highway stands in the place of the transferor under any agreement in respect of the highway

4. Climate Change

Climate change has been identified as a key concern for municipalities. The Region is taking action to address climate change through a number of corporate and strategic initiatives and action plans, including partnerships with external stakeholders. The Province has been demonstrating leadership by addressing climate change in a number of policy/regulatory reviews. It will be important for the Province to take a holistic approach to balance climate change with other Provincial priorities.

Challenges and/or barriers that York Region is facing in implementing initiatives related to climate change

Action at the municipal level will be a critical component of any climate change strategy developed at the provincial or national level, however there are a number of challenges for municipalities outlined below:

- Municipal climate change initiatives have been largely implemented through voluntary programs. Legislative mandates would empower municipalities to implement initiatives consistently on a wider scale.
- Impacts of climate change are difficult for municipalities to foresee and to adequately allocate resources. The Province, by coordinating modeling exercises with a goal of data sharing among stakeholders, would alleviate some of this uncertainty.
- Adaptation will be costly and challenging for municipalities to implement. A portion of the funds collected from the Province's upcoming Cap and Trade program could assist municipalities in implementing climate change adaptation and mitigation measures.
- Municipalities are constrained by the Ontario Building Code. It is important that construction practices effectively consider climate change adaptation and mitigation measures.

What tools in the Municipal Act do municipalities need to address climate change mitigation and adaptation?

Many of the challenges outlined above require a co-ordinated approach through a range of legislative and policy tools. It would be of assistance to the Region to have clear authority in the Act to implement mitigation and adaptation measures to address climate change. Municipally driven climate change mitigation and adaptation measures should be included as a broad municipal power under Section 11 of the Act. This authority would assist municipalities in implementing a range of measures under the general regulatory powers in the Act.

Recommendation: that Section 11 of the Act be amended to include "climate change mitigation and adaptation" as a matter under the jurisdiction of municipalities

Additional comments and proposed amendments

Technical amendments are recommended to clarify interpretation.

In reviewing the Act in connection with this submission, a number of provisions have been identified which would benefit from clarification. These are essentially technical amendments and do not fit within the broad themes outlined above. Accordingly, they have been summarized in chart form and are attached as Appendix 1.

APPENDIX 1

Technical Amendments		
Section	Proposed Amendment	Rationale
s. 1 Definitions	Amend definition of "highway" to include the boulevard	Clarifies the scope of jurisdiction
s. 5(3) Powers exercised by by-law	Amend to provide that a power may be exercised by resolution	The theoretical distinction between a by-law and a resolution is unclear since both require a majority vote. (in practice, confirming by-laws erode the distinction)
s. 28(2) Jurisdiction (highways)	Amend to provide that an upper tier municipality may establish highways on a registered plan of subdivision	The limitation to local municipalities does not reflect current reality
s. 128 Public nuisance	Amend to provide that upper tier municipalities may exercise this power	Assigning this power exclusively to local municipalities significantly limits the broad power of upper tier municipalities to regulate in respect of health, safety and wellbeing under s. 11 (1) (2)
NEW – add in O. Reg. 599/06	Include a new provision to require a municipal services corporation to appoint an auditor general, except where the municipality has specified that the municipal services corporation will be subject to the municipality's appointed auditor general per section 223.19 of the <i>Municipal Act, 2001</i> , or its internal auditor, as the case may be.	The auditor would be able to audit the corporation to ensure value-for-money, thereby strengthening the municipality's accountability for use of public funds.
NEW – add in O. Reg. 599/06	Include a new provision to require a municipal services corporation to appoint an ombudsman, except where the municipality has specified that the municipal services corporation will be subject to the municipality's appointed ombudsman per section 223.13 of the <i>Municipal Act, 2001</i> .	An ombudsman would be able to investigate the decisions and/or recommendations made in the course of administration of the corporation, and thereby provide more transparency to decision-making.

O. Reg. 599/06, s. 6, Business case study	Include a requirement to perform a value-for-money analysis as part of a business case study to establish a municipal services corporation.	Adopting a business case study is a condition precedent to a municipality being able to file articles of incorporation. O. Reg. 599/06 is silent in terms of the content of a business case study. A value-for-money analysis to support the justification for a corporation would strengthen the municipality's accountability for use of public funds.
NEW – add in O. Reg. 599/06	Permit a municipal services corporation to purchase shares in a corporation established by a university or educational institution.	A corporation is limited to purchasing shares in a corporation that relates to its purpose (see subs. 18(3) of O. Reg. 599/03). A corporation that has the ability to purchase shares in an educational institution for joint development purposes would provide more flexibility in terms of service delivery.
O. Reg. 599/06, subs. 11(3), Prohibited use of powers in relation to corporations	The restriction of ownership to <u>new</u> long-term care facilities should be deleted.	This kind of restriction where a municipal services corporation can own a long-term care facility so long as the facility is <u>new</u> is a holdover from the predecessor Regulation. Deleting this limitation would provide more flexibility in terms of service delivery.
O. Reg. 599/06, subs. 9(4)(b), Economic development corporations	It is recommended that the following clauses be added → “the acquisition, development, <u>encumbrance</u> and disposal of sites, <u>including any interest in a site</u> , in the municipality for residential, industrial, commercial and institutional uses”.	Addition of the clause “encumbrance” would provide the right to encumber property to raise money. Addition of the clause “including any interest in a site” would enable a corporation to enter into a lease and/or a license.
O. Reg. 599/06, subs. 18(1), Limitations on actions of corporation	It is recommended that the <i>Municipal Act, 2001</i> establish a similar regulation to Build Toronto's O. Reg. 295/09, which provides the power to create subsidiaries.	The establishment of such a regulation would permit a municipal services corporation to create subsidiaries.
O. Reg. 599/06, subss. 18(5)(a) and (b), Limitations on actions of corporation	The limitations pertaining to the provision of a public utility for water or sewage should be deleted.	Deleting these limitations would allow a corporation whose business or purpose includes the provision of water or sewage utility services to be privatized.

O. Reg. 599/06, subs. 18(6), Limitations on actions of corporation	The limitation pertaining to the provision of youth recreational services should be deleted.	Deleting this limitation would allow a corporation whose business or purpose includes the provision of youth recreational services to be privatized.
O. Reg. 599/06, subs. 9(4)), Economic development corporations	The following provision should be added as a catch-all → <u>"(k) provision of facilities used for ancillary purposes in respect of each of the provisions in this subsection"</u> .	Currently, facilities used for ancillary purposes are not explicitly provided for under the definition of "economic development services". The addition of such a provision would provide greater clarity to the definition.
O. Reg. 599/06, subs. 11(4), Prohibited use of powers in relation to corporations	There is a missing "a" before the first word "corporation".	Grammatical error.
O. Reg. 599/06, subs. 18(1), Limitations on actions of corporation	The following clause should be added → "A corporation shall not act as an incorporator of another corporate body that is incorporated under any Act, <u>save and except where a regulation has been passed with respect to incorporation of a secondary corporation.</u> "	Subsection 18(1) of O. Reg. 599/06 is unclear now that subsection 203(3.1) of the Act has defined "secondary corporations". The two sections appear to be inconsistent with one another. The addition of such a clause to subsection 18(1) would resolve the discrepancy between the two sections.