

Monday, December 7, 2015 at 1:30 PM  
Council Chambers

Agenda compiled on 07/12/2015 at 11:42  
AM

## **Additions and Corrections**

## **Declarations of Interests**

## **Deputations**

## **Presentation**

1. PowerPoint Presentation by the Director of Financial Services regarding the 2016 Operating Budget. (To be distributed when available)

## **Items**

2. Joint CAO, Commissioners and Corporate Services Report - Financial Services p. 1  
2015-62 dated December 3, 2015 regarding the 2016 Operating Budget.

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

a) THAT Joint CAO, Commissioners and Corporate Services Report - Financial Services 2015-62 dated December 3, 2015 regarding the 2016 Operating Budget be received and the following recommendation be adopted:

i) THAT the Draft Operating Budgets, subject to any direction from Committee, be presented to Committee of the Whole on January 11, 2016 for final review and recommendation to Council.

3. CAO, Commissioners and Treasurer Joint Report 2015-38 dated December 1, 2015 regarding Potential 2016 New Staffing Positions - Supplemental Information. p. 11

The Chief Administrative, Commissioners and Treasurer recommend:

a) THAT CAO, Commissioners and Treasurer Joint Report 2015-38 dated December 1, 2015 regarding Potential 2016 New Staffing Positions - Supplemental Information be received and the following recommendation be adopted:

i) THAT the report be received for information purposes.

4. Joint CAO/Commissioner/Legal Services Report 2015-10 dated December 3, 2015 regarding Central York Fire Services - Consolidated Fire Services Agreement. p. 30

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

- a) THAT Joint CAO/Commissioner/Legal Services Report 2015-10 dated December 3, 2015 regarding Central York Fire Services - Consolidated Fire Services Agreement be received.

**Closed Session (if required)**

**Adjournment**



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

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December 3, 2015

## **JOINT CAO, COMMISSIONERS AND CORPORATE SERVICES REPORT FINANCIAL SERVICES - 2015-62**

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

**SUBJECT:** 2016 Operating Budget

**ORIGIN:** Director, Financial Services/Treasurer

### **RECOMMENDATIONS**

**THAT Joint CAO, Commissioners and Corporate Services Report - Financial Services – 2015-62 dated December 3, 2015 regarding the 2016 Operating Budget be received and the following recommendations be adopted:**

- 1. THAT the Draft Operating Budgets, subject to any direction from Committee, be presented to Committee of the Whole on January 11, 2016 for final review and recommendation to Council.**

### **COMMENTS**

#### **Purpose**

The purpose of this report is to obtain Committee direction on any revisions to be made to the draft operating budgets, so that Committee of the Whole on January 11, 2016, can have a final review and make a recommendation to Council.

#### **Budget Impact**

Subject to any revisions, the current tax-supported budget includes a 2.43% levy increase, which is within the Council target of 2.5%; this is before any adjustments to the infrastructure levy.

The combined utility budgets propose a revenue increase of 3.6% above the 2015 projection.

#### **Summary**

Staff is recommending a budget which maintains service levels, continues to deliver on Council priorities, and addresses budget drivers while staying within the budget increase target; being sustainable and keeping risk to a manageable level.

## Background - Schedule

All fees and charges that are to be effective January 1, 2016 were adopted by Council on September 14 (Recreation and Licensing) and November 30 (all others including water rates).

Special Committee of the Whole meetings have been set for December 7 and 14. The intent of these meetings is to allow for Committee deliberation on issues identified at the November 16 meeting, and to prepare for a final budget recommendation to be made on January 11 with approval on January 18.

The issues identified were:

- New staffing requests – addressed by CAO, Commissioners and Treasurers Joint Report # 2015–38, Proposed 2016 Staffing Positions – Supplemental Information
- Central York Fire Services governance - Joint CAO/Commissioner/Legal Services Report # 2015-10 - Central York Fire Services – Consolidated Fire Services Agreement
- Capital Program funding from the Asset Replacement Fund – this will be addressed in a subsequent report and presentation for the December 14 meeting.

The inclusion and amount of an infrastructure levy – to increase contributions to the Asset Replacement Fund – has yet to be determined. It is recommended that this be part of the December 14 meeting.

ACTIVITY	DATE	STATUS
Special Council – Approval of Fees & Charges	November 30	Done
Special CoW – Operating budgets, proposed staffing requests & CYFS governance	December 7	In process
Special CoW – Capital budget, ARF funding & infrastructure levy	December 14	
Special CoW - final review of budget	January 11	
Council approval of budget, and fees & charges	January 18	

## Public engagement indicates a strong desire to maintain service levels.

The Budget Coordination Committee (consisting of staff represented from across the corporation) developed the 2016 budget schedule and public engagement approach so that the budget process could be replicated annually. As has been the practice over the past four years, the key means of engaging the public was through the use of the online budget tool.

The online budget tool was operational from September 11th to November 30th. During this time, the budget tool webpage received 724 visitors, of which, 196 residents submitted responses using the tool.

Although the results varied by services, overall, the majority of residents (67% to 91%) indicated a desire to maintain or increase current service levels or tax dollars invested in the delivery of municipal services.

<b>TOWN SERVICES</b>	<b>Decrease</b>	<b>Maintain or Increase</b>
Bylaw and Licensing services	44 (24%)	152 (76%)
Community programs and events	44 (24%)	152 (76%)
Facilities, parks and trails	35 (18%)	161 (82%)
Fire Services	40 (20%)	156 (80%)
Planning and Development Services	52 (27%)	144 (73%)
Public Library Services	64 (33%)	132 (67%)
Roads, bridges and sidewalks	22 (11%)	174 (89%)
Solid waste management	17 (9%)	179 (91%)

These results are consistent with the results of prior years and of the Community Survey.

#### **Council priorities continue to be achieved.**

In 2015, Council set its priorities for the 2014 to 2018 term focused on 5 themes: Economic Development/Jobs; Enhanced Recreation Opportunities; Community Engagement; Efficiency/Financial Management; and Traffic Safety & Mitigation. Within these 5 themes, Council identified 14 strategic priorities for the community and for staff to deliver on. Progress on achieving these targets is reported on a semi-annual basis; a mid-term status report for 2015 was distributed in September, with the final status report for the year to be issued in January, 2016.

The 2015 budget included items for these priorities. Those items that were budgeted for in 2015, but were not completed in 2015, will be carried forward into 2016. Additional items were added into the 2016 budget to address Council's priorities.

Details will be provided as part of the December 7 budget presentation.

#### **Council's budget target was met.**

On October 26, 2015, Council set the following target for the 2016 tax-supported budget:

*... that any tax increase (Town portion), not including the Asset Replacement Fund allocation, not exceed 2.5%.*

No direction has been given yet on the Asset Replacement Fund allocation. This is scheduled for discussion at the December 14 Special Committee of the Whole meeting.

The budget drivers, carried forward from previous years, made this a challenge:

### ***Annualization of 2015 enhancements***

Enhancements for sidewalk snow clearing and transportation initiatives were included in the 2015 budget but not at the full annual cost. The annualization of these items in 2016 will cost \$173,028 (equal to a 0.33% tax increase). Phases 2 and 3 of these items will cost \$150,000 and \$155,000 in 2017 and 2018 respectively.

### ***Magna naming rights, term expiration***

In 2006, Magna International offered the Town \$5 million to secure the naming rights for the new recreational complex (now known as the Magna Centre). The funding agreement was for \$500,000 to be paid annually for 10 years. These funds were applied against the 20-year debenture which was incurred to finance the new facility.

The budget impact in 2016 would have been \$500,000, but the re-allocation of Development Charges (per the 2014 DC Bylaw and Background Study) has offset the majority of this and reduced the impact to \$130,000 (0.24%).

### ***Re-opening Old Town Hall***

The net operating costs for the re-opened Old Town Hall were phased in over two years. \$127,500 was included in the 2015 budget. The remaining net costs of \$103,365 (0.19%) are included in the 2016 budget.

### ***Revenue Right-sizing***

Revenues have been growing on an annual basis but have not been achieving the budgetary target. The areas are:

- User Fees (including Recreation and Culture), which as per the Recreation Playbook, have limited room for further increases if our rates are to remain competitive.
- Property Tax Re-Assessments resulting from significant adjustments in current years. The implementation of Proactive Assessment Management will attempt to ensure we maximize predictable property tax revenues.
- Development Fees have been affected by growth not coming in at the rate that was anticipated.
- Investment income has lowered with decreases in interest rates. The Town's Investment Policy and Strategy is being updated to address this.
- Donations for general purposes are difficult to attract as the focus is on fundraising for specific projects.
- Other revenue opportunities continue to be sought but this is limited unless the province provides municipalities with more funding tools.

It is important for staff to continue to provide options to expand and diversify our revenue sources.

These were significant factors in reducing our 2014 and 2015 operating results. For 2016 and future years, it is important to have realistic and achievable targets.

To address this issue in one year, the required revenue budget right-sizing adjustment is \$971,000 (1.83% of a tax increase).

### ***Budget Reductions and Refinements***

The above noted budget drivers result in a budget increase of 2.35%. In addition, there are budgetary increases related only to 2016 (3.02%), such as wage and price increases. These would have resulted in a tax increase of 5.37%, but \$1,524,219 was identified – a combination of efficiencies, reductions, refinements and additional revenue.

A detailed list was previously provided as part of the Supplementary Budget Information provided on November 16.

These were significant budget reductions for 2016 and it will become increasingly difficult to find similar reductions in future budget years. It is therefore important to find innovative ways to mitigate future tax increases. As a result of these reductions and refinement, the Council target was met.

### ***Staff continue to refine the budget.***

The draft budget was presented to Committee of the Whole on November 16 with a proposed 2.5% tax increase. Since that time, there have been some revisions to the budget:

### ***Staffing Requests***

It is estimated that the request for a Health and Safety Compliance Officer (categorized as mandatory), will save \$5,000 in training costs.

Procurement Services request for a Contract Performance resource has been corrected to part-time for a savings of \$34,237.

### ***Updated Reductions***

The original list of budget reductions and refinements was decreased by a \$16,963 provision for wages. This provision is not required.

The list also included an additional \$20,000 in garbage bag tag revenue. This has not been approved and should be removed.

### ***Net Impact***

The net impact of these refinements is a decrease of \$36,200 which lowers the draft tax increase to 2.43%.

### Risk has been balanced in the budget.

Community and Council requirements for the 2016 budget have been met without taking on additional risk.

The 2016 budget contains the following risks and risk mitigation measures:

Risk	Impact
<ul style="list-style-type: none"> <li><b>Growth revenue</b> – assessment growth is included in the budget at 1.00%, but the latest MPAC numbers show only 0.80%. It is possible that difference will not be covered by the final supplementary tax billing or the surcharge for non-residential properties.</li> </ul>	\$ 106,000
<ul style="list-style-type: none"> <li><b>Hiring gaps</b></li> </ul>	400,000
<ul style="list-style-type: none"> <li><b>Budget reductions</b> – even though most of the reductions are shown as low risk, there is still some risk – assuming 10%</li> </ul>	84,000
<ul style="list-style-type: none"> <li><b>Revenue adjustment phasing</b></li> </ul>	130,000
	<b>\$ 720,000</b>

The risks contained in the budget are offset by mitigation measures:

Mitigation Measures	Impact
<ul style="list-style-type: none"> <li><b>Growth items are included at the full annual cost</b> – with the exception of CYFS; all growth requests have been included at the full annual amount for sustainability reasons. It is likely that only 75% of these budgets would be spent because of the timing of budget approval.</li> </ul>	\$ 105,000
<ul style="list-style-type: none"> <li><b>Manage hiring gaps</b> – deliberate hiring gaps and extending vacancies should cut the risk by at least two thirds.</li> </ul>	265,000
<ul style="list-style-type: none"> <li><b>Rate Stabilization Fund</b> – projected balance</li> </ul>	330,000
<ul style="list-style-type: none"> <li><b>Investment Strategy Update</b> – projected additional income from allowing flexibility in short-term investments</li> </ul>	20,000
	<b>\$ 720,000</b>



In addition to the risk mitigation measures, there are some provisions for additional security:

Additional Security	Impact
• <b>Other operating reserves</b> – reserves for operational contingencies.	\$ 870,000
• <b>Enhanced monitoring</b> – attempts will be made in 2016 to eliminate the \$130,000 revenue phasing in 2016 rather than defer it to 2017. A Finance resource will be assigned to track this, revenues, budget variances and hiring gaps; and to report on this at least quarterly.	n/a
• <b>Enhanced operational responsibility and accountability</b> – the Operational Leadership team (OLT) is taking on a more significant role in the budget process, ensuring that corporate priorities are addressed. It was instrumental in finding the \$1.5 million in budget reductions to meet the Council target.	n/a
	\$ 870,000

#### Sustainability measures are contained in the budget.

Community and Council requirements for the 2016 budget have been met without creating significant additional tax increases in future years. There are other aspects of longer term sustainability which will be addressed in the next report for the December 14 Committee of the Whole.

As previously mentioned, there were significant items carried forward into 2016 from previous years which created a challenge. One of the goals of the 2016 budget was to eliminate or at least to minimize the deferral of tax increases to future years.

TAX INCREASE	2016	2017*	2018*	2019*
	<b>DRAFT BUDGET</b>	Starting point based on known drivers, subject to refinement		
Base budget (Town)	1.49	1.50	1.50	1.50
CYFS – including growth	1.33	1.63	1.50	1.50
Newmarket Public Library	0.24	0.15	0.15	0.15
Phasing of 2015 enhancements	0.33	0.27	0.26	
Growth expenses (excludes CYFS)	0.89	0.30	0.30	0.30
Growth revenue	(1.00)	(1.00)	(1.00)	(1.00)
Revenue adjustments	1.59	0.23		
Other one-time adjustments	0.43			
Adjustments to capital financing	(0.42)			
Other reductions	(2.38)	TBD	TBS	TBD
<b>Total (prior to refinement)</b>	<b>2.50</b>	3.08	2.71	2.45

*\* the outlook is based upon known drivers at this time. It has not undergone a substantive review and is still subject to refinement.*

- Tax increases are not projected to significantly decrease in the next few years. As such, there is no benefit in deferring costs.
- A significant driver going forward will be fire services and the implementation of the Fire Master Plan.

Sustainable measures included in the 2016 budget:

- Normally the revenue right-sizing would use reserves to phase it in over 3 or more years. With the goal of sustainability, to minimize the tax impact in future years, an attempt was made to absorb most of this in 2016.
- Growth items are included at the full annual cost – with the exception of CYFS.
- Capital budget financing is within the funding envelope without drawing upon general capital reserves.

Minimal non-sustainable measures have been included in the 2016 budget:

- Deferral of 25% of the cost of hiring 4 additional firefighters will increase 2017 taxes by 0.13%
- Phases 2 and 3 of the 2015 sidewalk snow clearing and transportation initiatives would result in increases in 2017 (0.27%) and 2018 (0.28%). It is important to note that these additional phases are still subject to Council approval with each annual budget.
- Deferral of \$130,000 of the revenue adjustment to 2017 reflects a tax increase of 0.23% unless sustainable offsetting savings are found in 2016.

#### **Newmarket's tax rates are competitive.**

BMA Consulting does an annual review in which they compare the metrics for participating Ontario municipalities including almost all of those in the greater Toronto area. Their draft 2015 survey shows results similar to those of previous years. Newmarket's taxes are lower than both the York Region and GTA average; this will likely continue into 2016. An informal survey of municipal treasurers in York Region indicates that our proposed increase will be in the middle.

#### **Additional staff is required to implement Council plans and meet the demands of growth.**

This is addressed by Joint CAO, Commissioners and Treasurers Report #2015–38, Proposed 2016 Staffing Positions – Supplemental Information.

#### **Council has some options to choose from.**

Council options could include:

- Proceed with budget as it is at a 2.43% tax increase.
- Include additional Council priorities in the budget. Up to \$36,000 can be added and still have the tax increase remain within the Council target.
- Adjust risk levels.
- Adjust service levels.
- Any other items identified by Committee.

The infrastructure levy / Asset Replacement Fund allocation will be dealt with at the December 14 Special Committee of the Whole.

These directions and decisions will inform the Draft Operating Budgets which will be presented at a Special Committee of the Whole on January 11, 2016 for final review and recommendation to Council on January 18, 2016.

### **The Utility Budget moves towards full compliance and full sustainability.**

The water rates were approved by Council on November 30. These fees support utility budgets which are fully compliant with legislation and provide for fully sustainable 6-Year Water and Wastewater Financial Plans.

These operations are heavily regulated and do not include discretionary service levels. Only 21.5% of the budget is for wages and materials. The majority of the budget is paid to the Regional Municipality of York for the treatment of water and wastewater (55.1%), and for capital assets through the Asset Replacement Fund and debt servicing (22.1%).

Consequently, there are two main methods of approach to the budget:

1. Intergenerational – costs could be deferred to the future. This is not recommended.
2. User – the rate structure should ensure that costs are distributed on an equitable basis. On this basis, a tiered monthly charge is proposed to be phased in beginning in July 2016.

The combined utility budgets propose a revenue increase of 3.6% above the 2015 projection.

There are no proposed changes to the water rebate program. Earlier this year, a report and workshop were presented on Aging in Place which addressed the Town's policies that provide financial assistance for tax and ratepayers. The direction provided was to work on administrative efficiencies but to not increase funding for these programs.

A stormwater rate is not proposed for 2016 but will be recommended for implementation in 2017.

### **NEXT STEPS**

<b>ACTIVITY</b>	<b>DATE</b>	<b>STATUS</b>
Special Council – Approval of Fees & Charges	November 30	Done
Special CoW – Operating budgets, proposed staffing requests and CYFS governance	December 7	In process
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## BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

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

## CONSULTATION

The 2016 budget was a collaboration of all management staff and saw the Operational leadership Team (OLT) taking on a greater role.

This report was prepared by the Treasurer in consultation with the Strategic Leadership Team (SLT).

## HUMAN RESOURCE CONSIDERATIONS

This is addressed by Joint CAO, Commissioners and Treasurers Report # 2015-38, Proposed 2016 Staffing Positions – Supplemental Information.

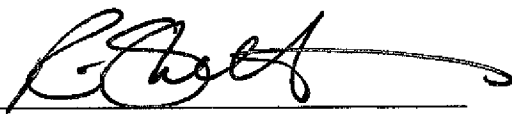
## BUDGET IMPACT

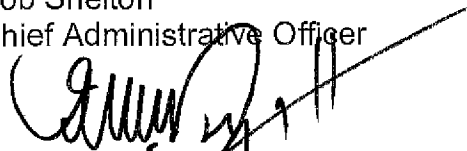
Subject to any revisions, the current tax-supported budget includes a 2.43% levy increase, which is within the Council target of 2.5%; this is before any adjustments to the infrastructure levy.

The rate-supported budget would result in a 6.5% increase to the average residential water user. The combined utility budgets propose a revenue increase of 3.6% above the 2015 projection.

## CONTACT

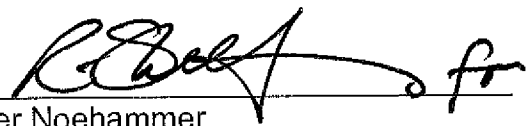
For more information on this report, contact: Mike Mayes at 905-953-5300, ext. 2102 or via e-mail at [mmayes@newmarket.ca](mailto:mmayes@newmarket.ca)

  
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December 1, 2015

## **CAO, Commissioners and Treasurer Joint Report # 2015 – 38**

TO: Committee of the Whole  
SUBJECT: Proposed 2016 Staffing Positions – Supplemental Information  
ORIGIN: CAO, Commissioners and Treasurer

### **RECOMMENDATIONS**

**THAT the CAO, Commissioners and Treasurer Joint Report # 2015 – 38 dated December 1, 2015 regarding Proposed 2016 Staffing Positions – Supplemental Information be received and the following recommendations be adopted:**

- 1. THAT the report be received for information purposes.**

### **COMMENTS**

The purpose of this report is to provide background information on potential new staff positions and serve as supplemental information to that contained within the Treasurer's presentation at the December 7<sup>th</sup> Special Budget Committee of the Whole. Specifically this report will:

- Include updated staff related decision packages (Attachment A);
- Expand briefly on drivers on staffing requests;
- Expand on internal review of potential new staff positions;
- Outline net impact on the organization and outline potential service level impacts.

### **Staff Related Decision Packages**

Please see Attachment A for specific background on each of the positions. These decision packages were originally circulated in Joint Financial Services and Corporate Communications Joint Information Report #2015 – 01 dated November 11, 2015 and have been updated and included as part of the 2016 Draft budget materials available to the public.

### **Drivers for Staffing Requests**

Drivers on staffing requests includes responding to growth, mandatory legislative/health and safety, Fire Master Plan and in one case an enhancement of service.

**Growth Related:** The positions with the exception of one are linked with maintaining service levels in a growing community. As was highlighted at a recent budget meeting and worth noting again, there are times when demand to respond to growth or risk of a softening of service levels precedes growth revenues being actualized. This is a result of an MPAC assessment delay that occurs in every municipality in Ontario.

**Fire Master Plan:** Governance and staffing details related to Central York Fire Service (CYFS) are to be covered through a separate report and/or presentation.

**Service Enhancement:** There is one staffing request deemed to most appropriately fit within the staff definition of service enhancement. This position relates to the implementation of the storm water management rate program and is not tax funded (funded through utility rates).

**Mandatory:** There is one staffing request that falls under this category given its linkage with legislative requirements and health and safety considerations.

### **Internal Staff Review of Potential New Positions**

As a result of a refinement exercise, staff are submitting 13 positions for inclusion in the preliminary draft 2016 budget noting that there were 26 positions originally submitted, including Fire, for consideration through the administrative review process. Some of these positions were conversions from part-time to full-time. The determination was made early on to only recommend new positions for Council consideration related to maintaining service levels while responding to growth. The one exception was the inclusion of a one year contract position funded through the utility rates intended to work on the storm water management rate program.


The positions that meet these internal criteria have been closely reviewed by a sub team of the Operational Leadership Team (OLT) and then further by the full OLT and Senior Leadership Team (SLT). Review criteria included the extent that any potential new position:

- Supports a Council Approved Plan
- Aligns with Council's Strategic Priorities
- Aligns with legislative requirements and/or health and safety
- Supports a more cost effective way of delivering a service (as opposed to contracting out)
- Links with delivery of the capital program
- Potentially impacts operational performance (maintaining service levels/standards)
- Represents a service efficiency and/or revenue opportunity

### **Net Impact of Recommended Positions**

Many of the proposed positions are already funded through part – time wage lines, non-tax funding and/ or contract related budget lines thus resulting in reduced total budget impact required to transition many of these positions to full time. Rationale for making this transition includes:

1. Demand to further keep up with growth and maintain service levels;
2. Staff retention – keep quality, trained staff that have shown to be proven contributors to the Town's success;
3. Opportunity to improve financial and operational efficiency.

Priority	Department	Position	Offset (DP relates to associated Decision Package found in Attachment A)	Budget Impact	% of New Position funded by Growth	% of New Position funded by cost reductions and/or PT conversions
All requests focused on maintaining service levels in a growing community						
Supports a Council approved plan and is tied to a capital commitment	Public Works Services	Natural Heritage Coordinator (FT)	Non applicable (DP – 37)	\$110,984	100%	0%
	Information Systems (IT)	Applications Business Analyst (FT)	Cost reductions (DP – 16)	\$5,268	7%	93%*
Cost savings or revenue generation	Financial Services	Financial Analyst (FT)	Cost reductions (DP – 12)	\$0.00	0%	100%
	Corporate Comm.	Graphic Support (FT)	Cost reductions (DP – 14)	\$18,602	25%	75%
	Information Systems	G.I.S. Analyst (FT)	Cost reductions (DP – 17)	\$11,347	14%	86%
	Procurement Services	Contract performance (PT)	Part-time position (DP – 25)	\$39,363	100%	0%
	Newmarket Public Library	Community Outreach (PT)	Part-time position (DP – 9)	\$25,732	100%	0%
	Legal Services	Associate Solicitor (PT to FT)	Conversion from part-time (DP – 19)	\$61,573	58%	42%
	Public Works Services	Forestry Supervisor (PT to FT)	Conversion from part-time (DP – 32)	\$82,570	75%	25%
Other	Public Works Services	Facility Worker (PT to FT)	Conversion from part-time (DP – 29)	\$42,120	61%	39%
	Public Works Services	Parks Maintenance (PT to FT)	Conversion from part-time (DP – 42)	\$26,008	41%	59%
Enhancement	Financial Services	Economic Policy Coordinator, Utilities (contract)	New 1 year contract re: SWM rates (DP-11)	\$79,460	0%	100% *
Central York Fire Service	CYFS	Additional Fire Fighters	New positions (DP-3)	\$221,734	100% (Newmarket share 60%)	0%

NOTE: Chart does not include the one position that falls within the Mandatory category (DP – 46 in Attachment A)

\* These positions are funded all (1 year contract Economic Policy Coordinator, Utilities) or in part (Applications Business Analyst – 25%) through utility rates.

**NET IMPACT ANALYSIS SUMMARY:**

- ❖ Starting Point: 26 full time staff request (part-time netted to 0)
- ❖ OLT reviewed and reduced to 13 full time staff requests, 1 contract request and a reduction of 1 part-time position (net)
- ❖ OLT/SLT further reviewed
- ❖ Recommended positions support the community maintaining service levels in a financially responsible manner. Specifically:
  1. Addressing a staffing need in the most efficient manner possible;
  2. Aligning related savings that can be directly attributed to work of a specific new position;
  3. Conversion of existing casual and/or regular part time wages included in the base budget and traditionally spent to deliver service that will be done through this new staff position.

**CONSULTATION**

The 2016 Preliminary Draft Operating Budget materials are currently posted on the Town website and the public are encouraged to provide input. A number of specific approaches have been undertaken over the past number of months to invite public input into the development and pre-approval stages of the process.

**BUSINESS PLAN AND STRATEGIC PLAN LINKAGES****Council Strategic Priorities Theme: Efficiency / Financial Management**

- Ensuring effective and efficient services

**Well-equipped & managed**

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



**BUDGET IMPACT**

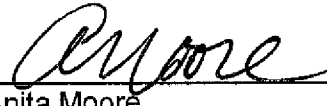
The budget impact for each staff position is contained within the Decision Packages (Attachment A).

**CONTACT**

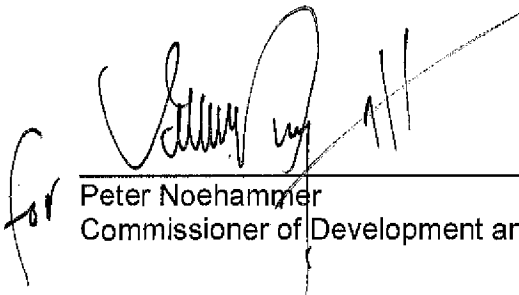
For more information on this report contact Mike Mayes ([mmayes@newmarket.ca](mailto:mmayes@newmarket.ca) or 905 895 5193 ext. 2102).



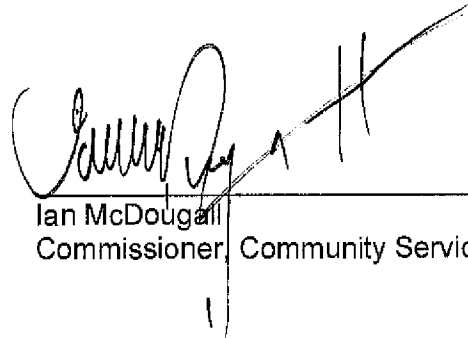
Bob Shelton  
CAO



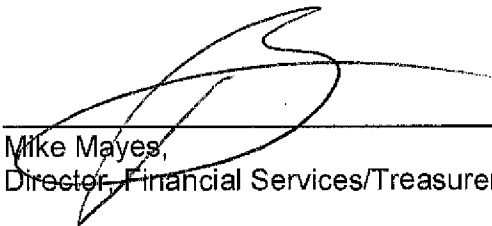
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Peter Noehammer  
Commissioner of Development and Infrastructure Services



Ian McDougall  
Commissioner, Community Services



Mike Mayes,  
Director, Financial Services/Treasurer



## 2016 BUDGET

**Growth**

**Item # 2016 - 3**

### Service Bundle: Fire & Emergency Services

**Project/Initiative Name: Four Additional Fire Fighters**

**Department - Business Unit: Central York Fire Services - 21221**

**Description: New Position**

**Status: Included in Budget**

### Background

This request is consistent with the Fire Department Master Plan Update as approved by Council. The 2014 Fire Department Master Plan Update Recommendation # 26 states "that the CYFS implement a phased recruitment process for 20 additional firefighters to be coordinated with the development and construction of the fifth fire station (estimated completion late 2016) proposed within the FDMPU."

### Community and Service Impact

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### Budget Impact

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 370,793	\$ -	\$ -	\$ -	\$ -	\$ 370,793
	\$ -					
<b>Revenues/Cost recoveries</b>						
Aurora's share of cost	\$ (149,059)	\$ -	\$ -	\$ -	\$ -	\$ (149,059)
<b>Net Impact</b>	\$ 221,734	\$ -	\$ -	\$ -	\$ -	\$ 221,734



## 2016 BUDGET

**Growth**

**Item # 2016 - 9**

### Service Bundle: Public Library Services

**Project/Initiative Name:** Growing community outreach to meet demand

**Department - Business Unit:** Client Services-Salaries - 91131

**Description:** Increase staff for community outreach to meet demand

**Status:** Included in Budget

#### Background

As the community grows and demand for library services increases there is a need to expand capacity and reach distant neighbourhoods by providing remote library service at community events and facilities. In order to properly match resources to this demand, and to position the Library for more permanent satellite facilities in the future, additional part-time staffing is required.

#### Community and Service Impact

Providing library services at remote or satellite locations will allow the library to serve residents where they gather, thereby increasing access to library registration, online services, and programming.

#### Budget Impact

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 25,732	\$ -	\$ -	\$ -	\$ -	\$ 25,732
<b>Revenues/Cost recoveries</b>						
<b>Net Impact</b>	\$ 25,732	\$ -	\$ -	\$ -	\$ -	\$ 25,732



# 2016 BUDGET

## Enhancement

Item # 2016 - 11

### Service Bundle: Water/Wastewater/Solid Waste

**Project/Initiative Name:** Finance Business Analyst, Utilities

**Department - Business Unit:** Storm Water Mgmt Cost - 45001

**Description:** Implement and update utility rates

**Status:** Included in Budget

#### Background

Water and wind damage has become the leading cause of property insurance claims. The rise in claims is due to the increasing frequency of extreme weather events due to climate change. Case law has determined that municipalities can be liable for not accounting for the effect of climate change on their ability to manage stormwater. This position would build on the initial work that has been done to implement a stormwater management rate in 2017 to properly fund the utility. This position would perform research and analysis, engage in public consultation, and act as a project manager to ensure that tasks are performed by different departments to meet the implementation timeline.

The Town will be installing new Advanced Metering Infrastructure (AMI) for our water and wastewater utility. This new system presents opportunities that merit the review. This position would review our current water billing practices and provider to optimize the benefit of the investment.

#### Community and Service Impact

For the stormwater utility, implementing a stormwater management rate means additional financial sustainability for the utility. The rate will help generate the revenue required to adapt to climate change and increasing environmental standards. The rate will also relieve some of the pressure on the tax base. Moreover, the rate will present an opportunity for economic incentives to promote best stormwater management practices that will control the quality and quantity of stormwater runoff.

For the water and wastewater utility, the implementation of Advanced Metering Infrastructure presents opportunities to improve customer service levels, like identifying theft and potential leaks in a customer's home. As data collection on water loss is improving, this position would provide the economic analysis required to determine the best ways to reduce

#### Budget Impact

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 73,460	\$ (73,460)	\$ -	\$ -	\$ -	\$ -
Materials, goods and supplies	\$ 5,000	\$ (5,000)	\$ -	\$ -	\$ -	\$ -
Contracted and general services	\$ 1,000	\$ (1,000)	\$ -	\$ -	\$ -	\$ -
<b>Revenues/Cost recoveries</b>						
Reserve Fund - SWM Pond Maintenance	\$ (39,730)	\$ 39,730	\$ -	\$ -	\$ -	\$ -
Reserves - Water Rate Stabilization	\$ (19,865)	\$ 19,865	\$ -	\$ -	\$ -	\$ -
Reserves - Wastewater Rate Stabilization	\$ (19,865)	\$ 19,865	\$ -	\$ -	\$ -	\$ -
<b>Net Impact</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -



# 2016 BUDGET

**Growth**

**Item # 2016 - 12**

## Service Bundle: Corporate Support & Governance

**Project/Initiative Name:** Financial analyst

**Department - Business Unit:** Finance - Accounting - 14312

**Description:** Streamline and centralize financial services for Building and Taxation

**Status:** Included in Budget

### Background

Currently, the Building Department administers the collection of Development Charges and the Supervisor, Property Tax and Assessment makes extensive use of consultants. The Development Coordinating Committee is reviewing the workflow for building permits. It is anticipated that, consistent with most other municipalities, they will recommend an additional role for the Financial Services Department. As we move towards a more proactive management of assessment, savings can be realized by bringing more work in-house. An additional Financial Analyst would allow staff to be used in a more efficient and effective manner.

### Community and Service Impact

Assisting the building Department should decrease the processing time for building permits and reduce the error rate on development charges. Assisting the Tax Division will reduce the need to sub-contract services out to external third parties.

### Budget Impact

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 81,060	\$ -	\$ -	\$ -	\$ -	\$ 81,060
Materials, goods and supplies	\$ 4,800	\$ (4,000)	\$ -	\$ -	\$ -	\$ 800
Contracted and general services	\$ 1,475	\$ -	\$ -	\$ -	\$ -	\$ 1,475
<b>Revenues/Cost recoveries</b>						
Contracted and general services	\$ (28,000)	\$ -	\$ -	\$ -	\$ -	\$ (28,000)
Reserves - Building Permits via DAAP allocation	\$ (500)	\$ 500	\$ -	\$ -	\$ -	\$ -
Reserves - Building Permits via DAAP allocation	\$ (27,500)	\$ -	\$ -	\$ -	\$ -	\$ (27,500)
Reserves - Financial Services	\$ (3,500)	\$ 3,500	\$ -	\$ -	\$ -	\$ -
Reserves - Financial Services	\$ (27,835)	\$ -	\$ -	\$ -	\$ -	\$ (27,835)
<b>Net Impact</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -



## 2016 BUDGET

**Growth**

**Item # 2016 - 14**

### Service Bundle: Corporate Support & Governance

**Project/Initiative Name: Graphics Support Full Time Staff**

**Department - Business Unit: Communications Office - 13141**

**Description: Contract to FTE - Graphics support for the corporation**

**Status: Included in Budget**

#### Background

The corporate graphics position was established on a trial basis as a contract to provide graphics service and support to the corporation. The existing graphic design resource in Recreation/Marketing does not have capacity to meet the current and increasing graphic design needs of the corporation. This position has resulted in cost avoidance of previously outsourced design work.

#### Community and Service Impact

As one of Council's Strategic Priorities, better Community Engagement is supported through professional designed communications materials, both print and electronic. Better, more effective messaging for residents and all stakeholders is achieved through well-designed communications, which also supports a stronger, more professional brand, and directly supports Council's and the corporations objectives and priority areas.

#### Budget Impact

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 73,602	\$ -	\$ -	\$ -	\$ -	\$ 73,602
<b>Revenues/Cost recoveries</b>						
Contracted and general services	\$ (55,000)	\$ -	\$ -	\$ -	\$ -	\$ (55,000)
<b>Net Impact</b>	<b>\$ 18,602</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 18,602</b>



## 2016 BUDGET

### Growth

Item # 2016 - 16

### Service Bundle: Corporate Support & Governance

Project/Initiative Name: Applications Support Analyst

Department - Business Unit: Information Technology - 13621

Description: Applications Support Analyst

Status: Included in Budget

### Background

An additional Applications Support Analyst is required to fill the gap in applications support particularly in business analyst and defining end user requirements. Additional expertise is required to assist the implementation and growth of major business applications including Council's eManagement Suite, Public Works technology solutions, Employee Services software, etc. As this position will be partially dedicated to Public Works, including Water/Waste Water IT projects, 25% of this FTE will be funded by Water/Waste Water rates user fees limiting the burden on the tax levy.

### Community and Service Impact

This can help to improve services levels through greater support and problem solving. Several major application initiatives are underway including the employee facing applications, asset management and Cityview Upgrade/Replacement, all requiring IT support post-implementation. Addresses 1 of the key drivers identified in the Employee Engagement Survey regarding limited career opportunities. This position provides more growth opportunities within the department. This position would be trained to provide backup support for the current Application Support Analyst position. (R. Macken)

### Budget Impact

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 73,691	\$ -	\$ -	\$ -	\$ -	\$ 73,691
<b>Revenues/Cost recoveries</b>						
Reserves - Water Rate Stabilization	\$ (18,423)	\$ -	\$ -	\$ -	\$ -	\$ (18,423)
Contracted and general services	\$ (50,000)	\$ -	\$ -	\$ -	\$ -	\$ (50,000)
<b>Net Impact</b>	\$ 5,268	\$ -	\$ -	\$ -	\$ -	\$ 5,268



## 2016 BUDGET

**Growth**

**Item # 2016 - 17**

### Service Bundle: Corporate Support & Governance

**Project/Initiative Name: GIS Analyst**

**Department - Business Unit: Information Technology - 13621**

**Description: GIS Analyst**

**Status: Included in Budget**

#### Background

A GIS Analyst is required to fill the gap in resources for the service delivery of Geographic Information Systems to both internal and external clients. With emerging technologies a greater skill level is necessary to provide expert knowledge and analytical thinking required move GIS forward corporately by implementing the desired apps as requested by business departments; including 3D mapping, mobile apps, open data, interactive maps, 360 imaging, asset management, etc.

#### Community and Service Impact

This can help to improve services levels through greater support and problem solving. Addresses one of the key drivers identified in the Employee Engagement Survey regarding limited career opportunities. This position provides more growth opportunities within the department. Greater access to data and mapping to the public while enhancing service delivery.

#### Budget Impact

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 81,796	\$ -	\$ -	\$ -	\$ -	\$ 81,796
<b>Revenues/Cost recoveries</b>						
Reserves - Water Rate Stabilization	\$ (20,449)	\$ -	\$ -	\$ -	\$ -	\$ (20,449)
Contracted and general services	\$ (50,000)	\$ -	\$ -	\$ -	\$ -	\$ (50,000)
<b>Net Impact</b>	\$ 11,347	\$ -	\$ -	\$ -	\$ -	\$ 11,347





## 2016 BUDGET

**Growth**

**Item # 2016 - 19**

### Service Bundle: Corporate Support & Governance

**Project/Initiative Name: Associate Solicitor - Full Time**

**Department - Business Unit: Legal - 10414**

**Description: Change from a permanent part-time position to a full time position**

**Status: Included in Budget**

#### Background

Growth/Development in the Town has resulted in more complex procurement, engineering, strategic property matters, planning & legislative compliance review. OMB appeals/court litigation and external agency projects has caused Legal to shift priorities to meet external deadlines as well as manage public/council expectations.

#### Community and Service Impact

A full time Associate Solicitor will respond to service demands of growth in the Town, and enable the retention of an Associate Solicitor over the long term. It will also decrease the need to retain higher priced external counsel to perform work that can be performed in-house. The ability of the current part-time Associate lawyer to assume carriage of a significant litigation matter has already resulted in savings of \$65,000 - \$85,000 to the Town as external counsel did not have to be retained. Legal processing times will be reduced & customer service will be improved including responses to residents, developers, other government bodies, committees and Town departments.

#### Budget Impact

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 106,573	\$ -	\$ -	\$ -	\$ -	\$ 106,573
<b>Revenues/Cost recoveries</b>						
Salaries, wages and employee benefits	\$ (45,000)	\$ -	\$ -	\$ -	\$ -	\$ (45,000)
<b>Net Impact</b>	\$ 61,573	\$ -	\$ -	\$ -	\$ -	\$ 61,573



## 2016 BUDGET

### Growth

Item # 2016 - 25

### Service Bundle: Corporate Support & Governance

Project/Initiative Name: Contractor Performance - Part-Time Staff

Department - Business Unit: Procurement Services - 13221

Description: New Permanent Part-Time Position

Status: Included in Budget

### Background

Council passed Procurement bylaw 2014-27 which included a new Contractor Performance Policy. This position will work with all Town departments to manage, track and improve contractor performance tracking and communication to elevate performance of work on Town contracts.

### Community and Service Impact

This position supports Council approved Contractor Performance policy. Supports Council Strategic focus of Efficiency and Financial Management. To date in 2015 eight (8) contracts have been extended due to good or excellent performance by our Contractors - this efficiency provides both staff time savings and provides consistency in service. Also in 2015, the Town did not award contracts to low bidders who had documented poor performance records, by being able to legally bypass a bidder who is not responsible, does save the Town in not having to supervise the contractor thus increasing the cost of contract administration and staff time. To date the policy has been working extremely well ;staff have taken ownership as they understand the benefits of the program and our top performing Vendors appreciate that there good performance is being recognized by the Town by extending their contract. This position will assist Procurement staff in performing administration functions; i.e. setting performance dates, followup, setting up meetings with Vendors on performance and arranging appeal meetings with the Manager, Procurement Services.

### Budget Impact

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 39,363	\$ -	\$ -	\$ -	\$ -	\$ 39,363
<b>Revenues/Cost recoveries</b>						
<b>Net Impact</b>	\$ 39,363	\$ -	\$ -	\$ -	\$ -	\$ 39,363



## 2016 BUDGET

**Growth**
**Item # 2016 - 29**
**Service Bundle: Facilities/Fields/Parks/Trails**
**Project/Initiative Name: Conversion of PT staff to FTE (Facility Worker)**
**Department - Business Unit: Facility Administration - 57301**
**Description: Full Time Facility Maintenance Worker**
**Status: Included in Budget**
**Background**

The demand on the Facility Maintenance Department is growing and there is a need to expand the group in order to be more proactive with preventative maintenance and scheduled maintenance closures

**Community and Service Impact**

This position will meet the demands of Recreation programming and will enable us to have more flexibility with scheduling vacation for other full time staff. With better coverage of the facilities, we would be able to better provide customer service to the public.

**Budget Impact**

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 69,120	\$ -	\$ -	\$ -	\$ -	\$ 69,120
<b>Revenues/Cost recoveries</b>						
Salaries, wages and employee benefits	\$ (27,000)	\$ -	\$ -	\$ -	\$ -	\$ (27,000)
<b>Net Impact</b>	\$ 42,120	\$ -	\$ -	\$ -	\$ -	\$ 42,120



## 2016 BUDGET

**Growth**

**Item # 2016 - 32**

### Service Bundle: Facilities/Fields/Parks/Trails

**Project/Initiative Name:** Forestry Supervisor

**Department - Business Unit:** Parks Maintenance-General - 52811

**Description:** Full Time Forestry Supervisor

**Status:** Included in Budget

#### Background

This position was identified in the PWS Departmental Review. It was deferred to be implemented in the 2016 Budget. This position will only need half the amount of money as the Grass Supervisor salary would be in place with this salary.

#### Community and Service Impact

This position will enhance the forestry canopy and safety of our woodlots. This position will also partner with the Region's Urban Canopy plan as well as help enhance the Secondary Plan.

#### Budget Impact

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 110,570	\$ -	\$ -	\$ -	\$ -	\$ 110,570
Materials, goods and supplies	\$ 5,000	\$ (5,000)	\$ -	\$ -	\$ -	\$ -
<b>Revenues/Cost recoveries</b>						
Salaries, wages and employee benefits	\$ (33,000)	\$ -	\$ -	\$ -	\$ -	\$ (33,000)
<b>Net Impact</b>	<b>\$ 82,570</b>	<b>\$ (5,000)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 77,570</b>



## 2016 BUDGET

**Growth**

**Item # 2016 - 37**

### Service Bundle: Facilities/Fields/Parks/Trails

**Project/Initiative Name: Natural Heritage Co-ordinator**

**Department - Business Unit: Parks Maintenance-General - 52811**

**Description: Natural Heritage Co-ordinator**

**Status: Included in Budget**

#### Background

This position is needed to continue with the EAB project and other invasive species that will be affecting our trees in the future as well as strategically planning our woodlot management system within our Town. The service impact is to ensure we properly maintain our urban forest and provide suitable supervision to staff and contractors. This position can work closely with the Region, and other partners in the community to work towards preserving, and ensuring that our woodlots are safe and will continue to prosper for years to come.

#### Community and Service Impact

The community impact will be to provide support and direction to our woodlot management plant, including the safety component of our woodlots. The service impact is to ensure we properly maintain our urban forest and provide suitable supervision to staff and contractors. This position will also partner with the Region's Urban Canopy plan as well as help enhance the the Town of Newmarket's Secondary Plan.

#### Budget Impact

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 105,984	\$ -	\$ -	\$ -	\$ -	\$ 105,984
Materials, goods and supplies	\$ 5,000	\$ (5,000)	\$ -	\$ -	\$ -	\$ -
<b>Revenues/Cost recoveries</b>						
<b>Net Impact</b>	\$ 110,984	\$ (5,000)	\$ -	\$ -	\$ -	\$ 105,984



## 2016 BUDGET

### Growth

Item # 2016 - 42

### Service Bundle: Facilities/Fields/Parks/Trails

**Project/Initiative Name:** Roll over of Casual Contract Staff to full time

**Department - Business Unit:** Parks Maintenance-General - 52811

**Description:** Conversion of existing 11 month contract to FTE

**Status:** Included in Budget

### Background

The 12 month contract seasonal staff were identified in the Prior & Prior departmental review. The recommendation is to transition 11 month staff to full time positions within the department. This conversion will assist to meet the growing needs of the Town and to keep up with services and growth.

### Community and Service Impact

This will ensure that we are maintaining our regular service maintenance level and that there will be consistency of staff within the core positions.

### Budget Impact

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 62,728	\$ -	\$ -	\$ -	\$ -	\$ 62,728
<b>Revenues/Cost recoveries</b>						
Salaries, wages and employee benefits	\$ (36,720)	\$ -	\$ -	\$ -	\$ -	\$ (36,720)
<b>Net Impact</b>	<b>\$ 26,008</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 26,008</b>



## 2016 BUDGET

### Mandatory

Item # 2016 - 46

### Service Bundle: Facilities/Fields/Parks/Trails

**Project/Initiative Name:** Trainer and Safety Compliance

**Department - Business Unit:** Parks Maintenance-General - 52811

**Description:** Trainer and Safety Compliance

**Status:** Included in Budget

### Background

This position has been identified to assist with the training and certifications that need to be completed on a yearly basis for staff to be current and meet the standards set out by a number of governing bodies. This position will conduct, train, evaluate and certify town public works staff on a yearly basis. Requests have come from other departments throughout the Town to have this individual conduct trainings to their staff as well.

### Community and Service Impact

This position will ensure that our Health and Safety record remains in good standing. This position will also record and identify gaps in our safety training and ensure that certifications are up to date. The need for this half position is that it also takes a staff member away from our regular service maintenance levels and at times has put some of our playground and trail inspections behind. This position would assist with us staying on our schedule.

### Budget Impact

Details	2016	2017	2018	2019	2020	Total
<b>Expenses</b>						
Salaries, wages and employee benefits	\$ 57,907	\$ -	\$ -	\$ -	\$ -	\$ 57,907
<b>Revenues/Cost recoveries</b>						
Contracted and general services	\$ (5,000)	\$ -	\$ -	\$ -	\$ -	\$ (5,000)
<b>Net Impact</b>	\$ 52,907	\$ -	\$ -	\$ -	\$ -	\$ 52,907



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December 3, 2015

## JOINT CAO/COMMISSIONER/LEGAL SERVICES REPORT – 2015-10

TO: Mayor Van Bynen and Members of Council

SUBJECT: Central York Fire Services – Consolidated Fire Services Agreement

ORIGIN: Commissioner, Corporate Services

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### **RECOMMENDATION:**

**THAT Joint CAO/Commissioner/Legal Services Report – 2015-10 dated December 3, 2015 regarding Central York Fire Services – Consolidated Fire Services Agreement be received.**

### **BACKGROUND**

At the Special Committee of the Whole meeting on November 16, 2015 staff was asked to report on Central York Fire Services (CYFS) governance structure in relation to approvals for budget and property matters.

Members of Council may recall that Newmarket and Aurora consolidated their fire and emergency services into one department effective January 1, 2002. That consolidation was formalized through a Consolidated Fire and Emergency Services Agreement (the "Agreement"), signed by the Towns of Aurora and Newmarket on November 1, 2001 (By-law 2001-146). Since 2001, the Agreement has been amended twice – once in 2007 related to Chair/Vice Chair term and the other in 2010 related to limiting individual membership. The original Agreement and Schedule A (Committee terms of reference) is attached as Appendix 1. The full Agreement is available upon request.

### **Governance**

#### **Joint Council Committee**

The Agreement sets out a number of governance provisions such as the establishment, role and powers of a Joint Council Committee, membership and procedures regarding budget approval and property matters.

The Joint Council Committee ("JCC") is comprised of 6 Members - 3 Newmarket Council Members and 3 Aurora Council members. The terms of those members are concurrent with the term of the Councils which appointed them. The Committee makes recommendations to the Councils of both Towns relating to service standards, namely:

- the Master Fire plan;
- annual capital and operating budgets;
- labour contracts;



- fire communication services and mutual aid agreements and
- purchases or contracts related to fire services

As the employer for all CYFS employees, the Town of Newmarket is responsible for all negotiations and agreements relating to any labour relations contracts.

### Service Levels

The Master Fire Plan (the “Plan”) establishes the level of service, subject to any mutually agreed upon amendment of the Plan, with each municipality committing funding and capital resources through annual budgets to provide the agreed upon level of service. Section 5.3 of the Agreement provides that it is the Committee who is responsible to provide fire protection and prevention services in accordance with the Plan and it would appear that if the two municipalities couldn’t come to a resolution on the level of service to be provided, the dispute resolution process would apply.

### Budget

The annual budget as presented by JCC is to be submitted to the Council of the Town of Aurora for comment and then to the Council of Newmarket for consideration and approval. Newmarket has the sole authority to determine and approve the proposed annual budgets. In practice however, the budget has been a consultative process working well as a result of open and ongoing dialogue between JCC and the Towns.

### Resolution of Disputes

The Agreement under Section 11 provides a dispute resolution procedure relating to a variety of matters contained in the Agreement. This provision has not been used by either Newmarket or Aurora since the consolidated department was formed. However should there be a dispute, the agreement provides for a stepped process leading up to if necessary, a binding arbitration.

### Property

Section 7 of the Agreement sets out provisions related to property. Each municipality’s capital property used for fire services, including land, vehicles and equipment is shared and used by the consolidated department. A cost sharing arrangement sets out the required contributions of each municipality towards the acquisition and maintenance of capital property, equipment, supplies and staffing. Newmarket is responsible for coordinating the purchase of all new equipment, materials and services for the consolidated department in accordance with the Town’s Procurement By-law.

Guided by the Plan and on the recommendation of JCC, each municipality undertakes appropriate arrangements to secure land for CYFS facilities. In line with the governance structure set out in the Agreement, should a Council wish to provide input on land acquisitions undertaken by the other municipality for CYFS facilities, it should be made through the respective municipality’s JCC members.

Legal title to real property that was owned by the respective Towns prior to the Agreement’s effective date remains with the municipality in which the property is located.

The Agreement further sets out that all real property acquired and any buildings erected on that land after January 1, 2002, shall be owned jointly or owned and/or constructed as determined by the Towns. If the Towns cannot come to a determination, then it shall be paid for on an equal basis. In practice,

discussions on property matters have occurred between the two municipalities in a very consultative manner.

With respect to funding of the newest CYFS fire hall - Fire Station 4-4 (Fred Bolsby Fire Hall) - the Agreement had identified that where one party's contribution to capital property was less than the other, it would make that capital contribution at some point during the first term of the Agreement. This was the case with the new hall in Aurora which was funded solely by Aurora.

### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report links to Newmarket's key strategic directions in being Well Equipped and Managed by implementing policies and processes that reflect sound and accountable governance.

### **CONSULTATION**

Consultation has taken place with the Fire Chief and Legislative Services and Finance departments.

### **HUMAN RESOURCE CONSIDERATIONS**

None.

### **BUDGET IMPACT**

#### Operating Budget (Current and Future)

None.

#### Capital Budget

None

### **CONTACT**

For more information on this report, contact Esther Armchuk, Director, Legal Services at 905-955-5300, ext. 2432.

  
\_\_\_\_\_  
Director, Legal Services

  
\_\_\_\_\_  
Commissioner, Corporate Services

  
\_\_\_\_\_  
Chief Administrative Officer

## Appendix I

## CORPORATION OF THE TOWN OF NEWMARKET

## BY-LAW NUMBER 2001-147

BEING A BY-LAW TO REGULATE THE PROVISION OF FIRE AND EMERGENCY SERVICES, AND TO ESTABLISH A CONSOLIDATED FIRE AND EMERGENCY SERVICES DEPARTMENT.

(Establishment of the Consolidated Aurora and Newmarket Fire Department)

WHEREAS Section 210, Paragraph 31 of the *Municipal Act, R.S.O. 1990, c.M.45*, provides that the Council of a municipality may, by by-law, provide fire-fighting and fire protection services for establishing, operating, promoting and regulating life and property saving companies;

AND WHEREAS Section 210(47) provides that Council may pass by-laws for the purpose of suppressing fires and demolishing structures for the prevention of the spread of fires;

AND WHEREAS the *Fire Protection and Prevention Act* authorizes municipalities to enter into joint agreements for the provision of fire protection and prevention services;


AND WHEREAS The Town of Newmarket and the Town of Aurora have approved the establishment of a consolidated Fire and Emergency Services Department to service both municipalities;

BE IT THEREFORE ENACTED by the Municipal Council of the Town of Newmarket as follows:

1. THAT effective January 1, 2002 a service for the Town of Newmarket is hereby established whose purpose shall be to provide fire suppression, fire prevention, and life and property saving service for the Town of Aurora and the Town of Newmarket; in accordance with the Fire and Emergency Services Master Fire Plan and other plans, policies or directions, as approved by Council;
2. AND THAT the Service will be known by such name as the Municipal Councils may decide from time to time;
3. THAT By-law 1977-52 being a by-law to establish the Town of Newmarket Fire Department, and any other by-law inconsistent with this by-law shall be, and the same is hereby rescinded on January 1, 2002 at 12:01 a.m.
4. THAT the provisions of this by-law shall come into force and effect 12:01 a.m. on January 1, 2002.

ENACTED THIS 26TH DAY OF NOVEMBER 2001.

  
Tom Taylor, Mayor

  
Nancy Wright-Laking, Town Clerk

## CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2001-146

A BY-LAW TO APPROVE AN AGREEMENT BETWEEN THE CORPORATION OF THE TOWN OF NEWMARKET AND THE CORPORATION OF TOWN OF AURORA.

(Agreement for the Consolidated Fire Services Department)


WHEREAS the Corporation of the Town of Newmarket and the Corporation of the Town of Aurora have agreed to the establishment of a Consolidated Fire and Emergency Service Department:

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. THAT the agreement between the Corporation of the Town of Newmarket and the Corporation of Town Of Aurora dated 1<sup>st</sup> day of November 2001, a true copy of which is attached hereto, be and the same is hereby approved.
2. THAT the Mayor and Clerk are hereby authorized and instructed to sign the same on behalf of the Corporation and to affix the Corporate Seal thereto.

ENACTED THIS 26TH DAY OF NOVEMBER, 2001.

  
Tom Taylor, Mayor

  
Nancy Wright-Laking, Town Clerk

# **CONSOLIDATED FIRE AND EMERGENCY SERVICES AGREEMENT**

This Agreement made the 1<sup>st</sup> day of November, 2001

**B E T W E E N :**

**THE CORPORATION OF THE TOWN OF AURORA**  
(hereinafter called "Aurora")

BEING THE PARTY OF THE FIRST PART

-and-

**CORPORATION OF THE TOWN OF NEWMARKET**  
(hereinafter called "Newmarket")

BEING THE PARTY OF THE SECOND PART

WHEREAS Section 5(1) of the Fire Protection and Prevention Act, 1997 (S.O. 1997, c. 21, Sch. A, s.3, as amended) (the "Act") provides that a fire department may provide fire suppression services and other fire protection services to a group of municipalities;

AND WHEREAS Section 6(1) of the Act requires the councils of the municipalities operating a Fire Department to appoint a fire chief for the fire department;

NOW THEREFORE in consideration of the premises, mutual covenants and conditions herein contained, the Parties hereto AGREE AS FOLLOWS:

## Definitions

"Committee" means the Consolidated Fire and Emergency Services Committee, or such other name for the Committee as the Municipal Councils may decide from time to time, which is a joint committee of the Municipal Councils of Aurora and Newmarket, established by by-law.

"Chief" means the Head of the Department, as jointly appointed by by-laws of the Municipal Councils of both Aurora and Newmarket who shall also serve as the Fire Chief to both of the Towns of Aurora and Newmarket, having all of the powers and responsibilities that appointment carries with it under the Fire Protection and Prevention Act, 1997 (Ontario).

"Department" means the Consolidated Fire and Emergency Services Department, or such other name for the Department as the Municipal Councils may decide from time to time.

"Deputy Fire Chief" means the Deputy Chief of the Department, as appointed by by-laws of the Municipal Councils of both Aurora and Newmarket who shall also serve as the Deputy Fire Chief to both of the Towns of Aurora and Newmarket, having all of the powers and responsibilities that appointment carries with it under the Fire Protection and Prevention Act, 1997 (Ontario).

"Effective Date" shall mean 12:01 a.m., January 1, 2002.

"Municipal Councils" means the Municipal Councils for both the Town of Aurora and the Town of Newmarket, as elected pursuant to the Municipal Elections Act, 1996, as amended.

"Parties" means The Corporation of the Town of Aurora and the Corporation of the Town of Newmarket.

1. Establishment of Department

- 1.1 The Town of Newmarket hereby agrees to maintain a fire department, as of the Effective Date, which shall be responsible for the provision of fire and emergency services within the combined geographic and municipal boundaries of the Towns of Aurora and Newmarket, together with such additional geographic areas as may be contracted for from time to time, in accordance with the Fire Protection and Prevention Act, 1997 (Ontario), subject to the terms and provisions of this Agreement.

2. Establishment and Role of Committee

- 2.1 A joint Committee of the Municipal Councils of Aurora and Newmarket is formed and constituted as of the Effective Date for the purposes and with all the powers set forth in Schedule "A", attached to and forming a part of this Agreement.

3. Role of the Fire Chief

- 3.1 The Fire Chief shall act as the Head for the Department and shall have all of the powers and responsibilities as set out by the by-laws of the Parties, which shall be substantially in the form of Schedule "C", attached hereto, as well as the job description, this Agreement and the Fire Protection and Prevention Act, 1997, as amended. In the absence of the Fire Chief, the Deputy Fire Chief shall be vested with all of the authorities vested in the Fire Chief as prescribed herein.
- 3.2 In addition to the above duties, the Fire Chief shall be responsible for the review, from time to time, and implementation of the Emergency Plans for both the Towns of Aurora and Newmarket.
- 3.3 The Fire Chief shall be an employee of the Town of Newmarket. Notwithstanding this, the Fire Chief shall report to both of the Municipal Councils, through the Committee, with respect to the provision of fire protection services in accordance with the standards established hereunder, and as may be amended from time to time and shall report administratively to the Chief Administrative Officer of the Town of Newmarket ("CAO").
- 3.4 Neither Municipal Council nor any Member thereof shall provide direction directly to the Fire Chief. Directions for action on the part of either the Fire Chief or the Department shall be made only through the Committee. General administrative direction for action by the Fire Chief or the Department shall be given by the CAO.
- 3.5 The Committee and the CAO:
- a) shall not require an increase or decrease to the service levels as established by the Master Fire and Emergency Services Plan unless said Master Plan has been amended on the agreement of both Municipal Councils; and

- b) shall not require the Fire Chief, the Deputy Fire Chief or the Committee to take any action which is contrary to the provisions of this Agreement, the Fire Protection and Prevention Act, 1997, as amended, or the by-laws appointing the Fire Chief and Deputy Fire Chief and prescribing the duties of those positions.

4. Department Name

- 4.1 The Department will be known by such name as the Municipal Councils may decide from time to time.
- 4.2 The Committee shall have the right to commission and authorize the use of any insignia, crest, coat of arms or other indicia for the purpose of identifying the Department.

5. Prescribed Service Levels

- 5.1 The Parties acknowledge that each has approved the Master Fire and Emergency Services Master Plan (the "Master Plan") attached hereto as Schedule "B" and forming part of this Agreement.
- 5.2 The Parties hereby agree that the level of service to be provided throughout the combined geographic and municipal boundaries of the Towns of Aurora and Newmarket is the level of service as established by the Master Plan and each party shall, subject to any mutually agreed amendment of the Master Plan, commit all necessary funding and capital resources through the annual budget to ensure that the Committee and Department have all of the necessary resources, including prescribed staffing levels, to provide the level of service.
- 5.3 The Committee shall be responsible to provide fire protection and prevention services at the level as prescribed by the approved Master Plan.
- 5.4 The Parties hereby covenant to review the Master Plan every five years during the currency of this Agreement and shall, no later than twenty-four (24) months prior to the end of each ten (10) year term of this Agreement, finalize the said Master Plan which shall prescribe service levels for the next ensuing ten (10) year term of this Agreement.
- 5.5 Notwithstanding the foregoing, the Master Plan may be reviewed and, if necessary, amended at any time during the currency of this Agreement as circumstances warrant by mutual agreement of the Parties.

6. Budget

- 6.1 The Parties agree that the financial principles governing this Agreement are set out in Schedule "D" attached hereto and forming a part of this Agreement.

- 6.2 The Committee, in consultation with the Fire Chief, shall prepare draft annual operating and capital budgets setting out estimated operating and capital costs and projected revenue for the Department based on the provision of services at levels defined by the Master Plan. The estimates shall be submitted to the Municipal Council of Aurora for comment and then to the Municipal Council of Newmarket for consideration and approval. It shall be understood that Newmarket shall have sole authority to determine and approve the budgets.
- 6.3 The operating budget shall contain an amount in respect of administrative support services to be provided to the Committee and/or Department by Newmarket including, but not limited to Financial, Audit, Payroll and Purchasing Services, Secretariat Clerical and Administrative Services, Human Resource Services, Legal Services, Management Information Services, and Property Management and Maintenance Services.
- 6.4 Upon reviewing the estimates, the Municipal Council of Newmarket shall establish an overall budget for the Committee for the purposes herein described and, in doing so, the Municipal Council of Newmarket is not bound to adopt the estimates submitted by the Committee.
- 6.5 Upon approval of the Committee's budget by Newmarket's Municipal Council, Aurora hereby agrees to pay to Newmarket its proportionate share of the said budget in four equal instalments on the fifteenth (15<sup>th</sup>) day of each of the months of February, May, August, and November, during the currency of this Agreement. For the purposes of this Agreement, a party's proportionate share will be that fraction of the budget which is equal to the equally weighted average of:
  - a) the assessed value of the lands in that party's municipality over the aggregate of the assessed value of all lands in both Aurora and Newmarket; and
  - b) the number of responses made by the Department within the geographic boundary of each party in the immediately preceding year over the total number of responses made by the Department; and
  - c) the population of each party over the aggregate of the population of both Aurora and Newmarket.
- 6.6 For the purposes of calculating each party's proportionate share in accordance with Subsection 6.5 above:
  - a) the assessed value of lands shall be based on the current assessed value of all lands within each party municipality, as determined by the Regional Municipality of York; and



- b) the total number of calls of the Department shall not include calls outside of the geographic limits of Aurora or Newmarket pursuant to a services or mutual aid contract; and
- c) the population shall be the population as determined from time to time by the Regional Municipality of York.

Each of the above calculations shall be completed with information current to December 31 of the immediately preceding year and shall be in effect until December 31 of the next ensuing calendar year.

- 6.7 Notwithstanding the foregoing, major capital expenditures relating to structural work, additions or construction of any buildings on real property owned by a party shall not form a part of the capital budget of the Department and the party owning the said property shall be solely responsible for any costs relating to such capital expenditures. It is agreed that day to day maintenance of all real property will be the responsibility of, and at the cost of, the Department.
- 6.8 The Parties shall not divulge any information of which they have knowledge to be confidential whether communicated to or acquired by them in the course of carrying out the services provided pursuant to this Agreement. No such information shall be used by either party in any way without the approval of the other party.
- 6.9 Newmarket shall keep proper and detailed accounts and records in accordance with generally accepted accounting practices where applicable of all factors entering into the computation of the amounts payable pursuant to this Agreement. Aurora may during regular business hours at the offices of Newmarket, upon giving reasonable notice and at Aurora's sole expense, audit and inspect accounts, records, receipts, vouchers and other documents relating to the services performed pursuant to this Agreement and shall have the right to make copies and take extracts at its own expense. Newmarket shall afford all reasonable facilities, physical and otherwise, for such audits and inspections.
- 6.10 Aurora shall have the right to independently audit, at its sole expense, all of the finances, records and books pertaining to the operation of the Department.
- 6.11 The Parties agree that all revenue received from building plan review, rental of space in Fire Department buildings and services contracts with other municipalities shall be provided for the operation of the Department and shall serve to reduce the operational budget prior to the calculation of each party's proportionate share hereunder.

## 7. Property

- 7.1 Each party shall place all capital property, including real property, vehicles, rolling stock and equipment used by their respective Fire and Emergency Services Departments immediately prior to the Effective Date (hereinafter "contributed property") at the disposal of the Committee and the Department to be used for the purposes of this Agreement. It is hereby agreed that legal title to all real property will remain with each respective party. Proper maintenance of all property shall thereafter be the responsibility of the Committee and the Department. Notwithstanding the foregoing, major capital expenditures relating to structural work, additions or construction of any buildings on real property owned by a party shall be the sole responsibility of the party owning the said property. However, minor capital expenditures shall be included in the annual capital budget and shall be the responsibility of, and at the expense of, the Committee and the Department.
- 7.2 The Committee shall, from time to time, recommend any major capital expenditures required with respect to real property to the owner of that property and that owner shall consider same. In the event that the failure to undertake any recommended major capital expenditures would or may reasonably result in an inability on the part of the Committee or the Department to meet the prescribed service levels in the Master Plan, the owner shall, within eighteen (18) months, undertake and complete the said major capital expenditures. Notwithstanding the foregoing, major capital expenditures which are of an emergency nature shall take place immediately following the recommendation of the Committee at the cost of the party owning such property.
- 7.3 All contributed property and all property acquired after the Effective Date, with the exception of real property and buildings erected thereon, shall be owned jointly by the Parties in accordance with their proportionate share of expenses, as determined above. All real property and buildings erected thereon acquired after the Effective Date and all buildings for the use of the Department which may be constructed after the Effective Date shall be owned and/or constructed as determined by the Parties. In the event that the Parties cannot agree, the real property or the buildings, as the case may be, shall be owned and paid for on an equal basis as between the Parties.
- 7.4 As of the Effective Date, the Parties agree to undertake an audit to identify the value of the property each party contributes to the Department, excluding real property. Where one party's contribution in capital property is less, proportionately, than that same party's proportionate share of the operation and capital budgets for the first year of operation under this Agreement, it is hereby agreed that that same party will make a capital contribution at some time in the future, but during the first term of this Agreement, to bring its contribution up to its proportionate share of the budgets for the first year of operation.

- 7.5 At any time during the currency of this Agreement, any property, except real property, which is identified as surplus to the needs of the Department by the Committee may be sold. The proceeds of such sale shall be applied toward the operating and/or capital budgets of the Committee for the current or immediately subsequent year as the Committee may decide.

8. Staffing

- 8.1 All current staff employed within either the Aurora Fire and Emergency Services Department or the Newmarket Fire and Emergency Services Department shall, upon the Effective Date, be employed by Newmarket. For clarity, no volunteer firefighters are included as current staff.
- 8.2 The Committee shall, from time to time as needed, recommend a Fire Chief and Deputy Fire Chief for the approval of and appointment by the Municipal Councils of Aurora and Newmarket, by by-law.
- 8.3 The Fire Chief shall be responsible for the overall administration of the Department and shall hold office pursuant to the employment policies and practices for permanent full-time non-union positions of Newmarket and in accordance with the requirements of the Fire Protection and Prevention Act, 1997.
- 8.4 The Fire Chief shall adhere to the Administrative Policies and Procedures, including purchasing, personnel and all other administrative matters as established by the Town of Newmarket, from time to time, in the operation of the Department and for the purposes of determining applicable authority for actions, the Fire Chief shall have all of the authorities conferred thereby upon Department Heads.
- 8.5 The Fire Chief shall have the authority, on behalf of Newmarket, to retain and remove such employees as may be required for the proper operation of the Department, within the approved staff complement as established through the Master Plan, and to take disciplinary action against such employees where required, all subject to any collective agreement which may be in force from time to time.
- 8.6 The staffing levels set out in the Master Plan and in any collective agreement which may be in force from time to time shall be adhered to unless otherwise negotiated through the collective agreement process.
- 8.7 The Collective Agreement must be submitted for approval of and ratification by the Municipal Council of Newmarket.
- 8.8 It is understood and agreed by the Parties that the Committee shall not negotiate any collective agreements, but that the Fire Chief and the Human Resources staff of Newmarket shall be the representatives of Newmarket for the purposes of negotiation.

- 8.9 Those staff members delegated fire prevention responsibilities, including Fire Code inspection duties under the *Fire Protection and Prevention Act, 1997*, shall be appointed by both Municipal Councils, by by-law.

9. Further Powers of the Committee

- 9.1 The Committee shall direct the Fire Chief in the performance of his management duties but not with respect his statutory duties as Fire Chief under the *Fire Protection and Prevention Act, 1997*, as amended, and no individual member of the Committee shall give orders or directions to any employee, including the Fire Chief.
- 9.2 The Committee shall monitor the performance of the Fire Chief and, together with the Chief Administrative Officer for Newmarket, perform an annual performance review of the Fire Chief; ensuring that all Members of both Municipal Councils have had the opportunity to provide input to the review, as necessary.
- 9.3 The Committee shall have no authority to modify or revise the terms of this Agreement but may make recommendations to the Municipal Councils in this regard.
- 9.4 The Committee is hereby authorized to meet with representatives of other municipalities that are interested, with the objective of expanding the service area of the Department for the provision of Fire and Emergency Services beyond Aurora and Newmarket. Following such discussions, the Committee shall report to the Municipal Councils concerning proposed amendments to this Agreement resulting from the proposed admission of future Parties.

10. Indemnity and Insurance

- 10.1 Newmarket agrees to maintain adequate general liability insurance in an amount of not less than ten million dollars (\$10,000,000) against legal liability that may result from the activities and operations of the Department and/or the Committee and to ensure that all policies of insurance are endorsed to provide that Aurora is named as an additional insured. It is hereby agreed that the cost of the said insurance is an operational cost of the Department and shall be included in the operational budget.
- 10.2 Newmarket hereby agrees to indemnify and hold harmless Aurora against all actions, suits, claims, demands, losses, costs, charges and expenses including legal costs (hereinafter the "claims"), arising out of or in consequence of the activities and operations of the Department and/or the Committee save for such claims caused by either the negligence of or breach of this Agreement by Aurora. The terms and provisions of this Subsection shall survive any termination of this Agreement.

- 10.3 The Parties hereby agree that any and all liability resulting from all actions, suits, claims, demands, losses, costs, charges and expenses arising out of actions, incidents, grievances or investigations which occurred prior to the Effective Date against any party shall remain the sole liability of that party, shall not be transferred hereunder and that party shall wholly indemnify the other party with respect to any and all liability, including defence and legal costs pertaining thereto.

# 11. Resolution of Disputes

- 11.1 If there is dispute between the Parties to this Agreement with respect to its interpretation or application or an alleged violation, the Parties, as represented by their respective Chief Administrative Officers or such persons as they may direct, hereby agree to meet and discuss the matter within five (5) days following receipt of notice by one party to the other with the objective of resolving any dispute. For clarity, it is agreed that either party has the right to dispute the failure to meet or maintain service levels or its proportionate share of the budget, but that no matter involving the establishment of or modification to budgets or relating to human resource matters or matters arising from any collective agreements which shall be resolved by Newmarket, can be the subject of any dispute or referral to arbitration.
- 11.2 Following meetings of the Parties as provided for above, in the event that a mutually satisfactory resolution is not achieved within sixty (60) days following the receipt of the above notice by the other party, either party may issue a Notice Requesting Arbitration to the other in which event the Parties shall proceed to Binding Arbitration and the provisions for proceeding with Binding Arbitration set out within Schedule "E", attached hereto and forming a part of this Agreement, shall be followed.
- 11.3 Notwithstanding that a matter has been referred to dispute resolution under the provisions of this Section, the Parties shall throughout the period of dispute resolution endeavour to perform their respective obligations under the terms of this Agreement to the best of their abilities.

# 12. Term and Termination

- 12.1 This Agreement shall come into force commencing on the Effective Date and shall continue in force for a period of ten (10) years.
- 12.2 This Agreement shall automatically renew for additional terms of ten (10) years unless either party provides written notice not less than eighteen (18) months in advance of the last day of the then current ten (10) year term, in which case this Agreement shall terminate on the last day of the then current ten (10) year term.
- 12.3 In the event this Agreement is terminated, upon termination the Committee shall be dissolved. Notwithstanding the dissolution of the Committee, Newmarket covenants and agrees to maintain the records of the Committee for not less than ten (10) years following dissolution of the Committee.

- 12.4 In the event of termination of this Agreement, all jointly owned property shall be valued at its fair market value as at the date of termination and the property shall be divided between the Parties in proportions equal to the proportions in which they each contributed to the annual budget of the Board in the final year, or portion thereof, of the operation of this Agreement, unless the Parties otherwise agree in writing.
- 12.5 In the event of termination of this agreement, or if for any other reason Newmarket ceases to provide all or part of fire and emergency services within the municipal boundaries of Aurora, the Parties agree that all members of the Newmarket Professional Firefighters Association, or its successor, shall be guaranteed employment with one of the successor fire departments with no loss or diminution in seniority, rank, benefits, salary or any other terms and conditions of employment, and the provisions of the collective agreement with the Newmarket Professional Firefighters Association shall be binding on both Newmarket and Aurora respectively. For clarity, it is agreed that all firefighters employed by Newmarket immediately prior to January 1, 2002 will remain employed by Newmarket, all firefighters employed by Aurora immediately prior to January 1, 2002 will be employed by Aurora and all new firefighters employed by Newmarket after January 1, 2002 will be employed by either Newmarket or Aurora on such basis and subject to terms and conditions as will be negotiated by Newmarket and Aurora.

The Parties agree that any transition or implementation costs incurred to give effect to the requirements of this paragraph shall be paid by each Party in accordance with each Party's proportionate share of that year's budget.

- 12.6 The terms and provisions of this Section and Section 10 shall survive any termination of this Agreement.

13. Transition Costs

- 13.1 The Parties acknowledge that in order to ensure that this Agreement may become effective on the Effective Date, the Parties will incur costs between the date of this Agreement and the Effective Date. The Parties agree that the Town of Newmarket shall be responsible for and pay 60% of all such costs and the Town of Aurora shall be responsible for and pay 40% of all such costs.

14. Notice

- 14.1 Any notice which is permitted or required pursuant to this Agreement shall be in writing and shall be served personally or by registered mail upon the Clerk of each of the Parties at the following addresses:

The Corporation of the Town of Aurora  
100 John West Way, P.O. Box 1000  
Aurora Ontario L4G 6J1  
Attention: Clerk

The Corporation of the Town of Newmarket  
395 Mulock Drive, P.O. Box 328, Station Main  
Newmarket, ON L3Y 4X7  
Attention: Clerk

15. Severability

15.1 In the event that any covenant or term of this Agreement should at any time be held by any competent tribunal to be void or unenforceable, then the Agreement shall not fail, but the covenant, provision or term shall be deemed to be severable from the remainder of this Agreement, which shall otherwise remain in full force and effect.

16. Estoppel

16.1 No party or Parties shall call into question, directly or indirectly, in any proceedings whatsoever in law or in equity or before any administrative tribunal, the right of the Parties or any of them to enter into this Agreement or the enforceability of any term, agreement, provision, covenant and/or condition contained in this Agreement, and this clause may be pleaded as an estoppel as against any such party in any proceedings.

17. Successors and Assigns

This Agreement shall enure to the benefit of and be binding upon the Parties and their respective successors and assigns.

**IN WITNESS WHEREOF** each of the Parties hereto has affixed its corporate seal by the hands of its proper officers on the date inscribed on the first page of this Agreement.

SIGNED, SEALED AND EXECUTED


THE CORPORATION OF THE TOWN OF AURORA


APPROVED	
TOWN OF AURORA	
Council	<input checked="" type="checkbox"/>
Committee	<input type="checkbox"/>
Date	OCT 9 2001
Report #	ES01-07

  
Mayor, Tim Jones

  
Town Clerk, Bob Panizza

CORPORATION OF THE TOWN OF NEWMARKET

  
Mayor, Tom Taylor

  
Town Clerk, Nancy Wright-Laking  
2001-146

**BY-LAW 2001-146  
SCHEDULE A**

**TERMS OF REFERENCE FOR THE AURORA-NEWMARKET FIRE  
AND EMERGENCY SERVICES COMMITTEE**

**Schedule A**

**TERMS OF REFERENCE FOR THE AURORA-NEWMARKET FIRE AND  
EMERGENCY SERVICES COMMITTEE**

**MISSION PURPOSE AND OBJECTIVE**

The Fire & Emergency Services Committee is charged with the responsibility of providing and administering a borderless single tier level of fire protection and prevention services throughout the entire geographic area for both the Towns of Aurora and Newmarket, in accordance with the Consolidated Fire Services Agreement, as well as the obligations contained in the Fire Protection and Prevention Act as amended and any regulations passed thereunder.

Although accountable to both the Council of the Town of Aurora and the Town of Newmarket, it is the responsibility of Committee members to make decisions which shall favour neither municipality, but will provide an equal level of service to all of the combined residents of both municipalities.

**Mission Statement**

Excellence in the provision of preventative and protective fire and emergency services to the communities of Aurora and Newmarket.

**1. RESPONSIBILITIES OF THE COMMITTEE**

The Fire & Emergency Services Committee shall be delegated the following responsibilities in fulfilling the mission statement:

1. Conduct planning for the provision of effective and efficient fire and emergency services, in accordance with the Consolidated Fire Services Agreement including fire suppression, fire prevention, fire safety, education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services and delivery of all these services, in a fiscally prudent manner within the municipalities;
2. Present & maintain a Fire & Emergency Services Master Plan to meet the community needs and provide strategic direction for approval of the Municipal Councils
3. Recommend service levels, capital budgets, and operating budgets in accordance with the consolidated Fire Services Agreement and the approved Fire & Emergency Services Master Plan;
4. Administer the provision of fire services to the municipalities in accordance with the approved plans and budgets including the provision and use of facilities, equipment, human resources and programs;



5. Ensure that any agreements currently in effect relating to communications services and mutual aid with other municipalities are maintained and properly performed;
6. Provide regular and proactive information to the Councils of the participating municipalities on the operations of the consolidated fire services

## **2. ESTABLISHMENT OF COMMITTEE**

A joint Committee of the Municipal Councils of Aurora and Newmarket shall be formed and constituted as of January 1, 2002 for the purposes of providing and administering fire protection and preventative services for both municipalities in accordance with the Consolidated Fire Services Agreement.

The Committee shall be called the " \_\_\_\_\_ ", or such other name as the Municipal Councils may decide, from time to time.

### **Membership**

The Committee shall total six (6) members, composed of three (3) members of the Municipal Council of Aurora and three (3) members of the Municipal Council of Newmarket, whose terms shall be concurrent with the term of the Councils which appointed them. No member shall be permitted or eligible for membership for more than two (2) consecutive terms.

Any member may be removed or replaced at any time by the municipality on whose behalf the member was appointed.

No compensation shall be paid to the members in respect of their service on the Committee.

In an election year no meeting of the Committee shall be convened during that period of time between the municipal election and the appointment of the newly elected Members of Council to the Committee.

The Committee shall prepare a report/minutes outlining the Committee's activities to each Municipal Council following each meeting.

### **Chair/Vice-Chair**

The Committee shall elect a Chair and Vice-Chair annually from its members. At any given time the Chair and Vice-Chair shall not both be members from the same municipality and the appointments shall rotate annually (i.e. where an Aurora member is Chair one year, a Newmarket member shall be Chair the subsequent year, and so on.) Each shall serve for a one (1) year term, unless a shorter term is determined by the Committee.

### **Duties of the Chair**

- Call the meeting to order as soon after the hour fixed for the holding of the meeting as quorum is present
- Announce the business of the Committee in the order in which it appears on the agenda
- Announce any disclosures of interest
- Receive and submit all motions moved and seconded by a member

- Put to a vote all questions, which have been moved and seconded, or otherwise arise in the course of the proceedings and announce the results
- Decline to put to a vote any motion not in order
- Confine members engaged in debate within the rules of order
- Enforce the observance of order and decorum among members
- Name any member persisting in breach of the rules of order
- Receive all messages and other communication and announce them to the Board
- Rule on points of order
- Adjourn or suspend the meeting in the event of a grave disorder
- Designate the member who has the floor
- Have a vote in all matters of the Committee

#### **Board Secretariat**

The Municipal Clerk of the Town of Newmarket, or his or her designate, shall serve as the Secretary to the Committee, and shall be present at all meetings, and shall be responsible to maintain custody of all records, minutes, agreements and any other documents associated with the Committee.

The agenda shall be prepared by the Secretary of the Committee in consultation with the Fire Chief or, in his or her absence, the Deputy Fire Chief.

#### **Procedures**

Unless otherwise provided for in these terms of reference, the procedural bylaw of the Town of Newmarket shall apply to the proceedings of the Committee.

#### **Meetings**

Meetings shall be held regularly each month in conjunction with the municipal council schedule. A schedule shall be developed by the Secretariat with all Members agreement. Location of meetings will be rotated in both municipalities, to be planned at the time of scheduling. The first meeting of the Committee shall be held on Monday, January 7, 2002 at 7:00 p.m. at the Town of Newmarket.

Notice of meetings shall be provided by circulating the agenda to each member not less than five (5) business days prior to the meeting. Special meetings may be called without notice by a majority vote of all members achieved through a telephone or FAX poll by the Chair, or by the Fire Chief or the Deputy Fire Chief at the Request of the Chair.

Meetings conducted by the Committee shall be open to the public, subject to the following, and notice of them shall be published in the manner that the Committee determines.

The Committee may exclude the public from all or part of a meeting or hearing where a matter to be considered includes:

- a) the security of the property of the municipalities;
- b) personal matters about an identifiable individual, including employees of the municipalities;
- c) a proposed or pending acquisition of land for purposes of the municipalities;
- d) labour relations or employee negotiations with respect to the municipalities;

- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipalities; or
- f) a matter in respect of which the Committee, Council or other body has authorized a meeting to be closed under the Municipal Act or another Act
- g) the receipt of advice that is subject to solicitor client privilege including any communications necessary for that purpose.

### **Quorum**

In order to constitute a quorum, at least two (2) members appointed by Newmarket and two (2) members appointed by Aurora shall be present at all times, and all matters shall be decided by a majority vote of the members attending, each of whom shall have one (1) vote including the Chair. In the event of a tie, the matter shall be deemed to have been denied or refused.

### **Majority**

Any decision or recommendation of the Committee shall require the following:

- a) The concurring vote of a majority of the members present, and
- b) A concurring vote from at least one representative of each municipality.

A tie vote is considered a defeated vote.

## **3. ROLE OF THE COMMITTEE**

The Committee shall make recommendations in accordance with the Consolidated Fire Services Agreement with respect to the service standards namely;

- fire & emergency services master plan
- annual capital & operating budgets
- labour contracts and amendments
- fire communication services and mutual aid agreements
- purchases or contracts related to fire services

Notwithstanding the above referenced responsibilities, the Town of Newmarket shall be responsible for any negotiations and execution of agreements related to any labour relation contracts and amendments thereto.

The Committee will be responsible for coordinating the " \_\_\_\_\_ " Fire & Emergency Services Department, which includes both full-time and volunteer firefighters. The Committee shall ensure the efficient and proper delivery of Fire and Emergency Services throughout the municipal boundaries of Aurora and Newmarket in accordance with the Consolidated Fire Services Agreement and service standards approved by the Council of both municipalities including and extending to the following:

- a) establish a program in the municipalities, which must include public education with respect to fire safety and certain components of fire prevention;
- b) establish and maintain an annual fees for services schedule;

- c) engage in mutual aid relationships with adjacent Fire and Emergency Services providers in York Region
- d) provide a tiered response to emergency events in Aurora and Newmarket;
- e) examine the feasibility of providing Fire and Emergency Services to other municipalities and the receipt of like services from other municipalities, subject to the collective bargaining agreement;
- f) meet all obligations and responsibilities of Aurora and Newmarket under the Fire Protection and Prevention Act, as amended and any regulations thereunder;
- g) consider the recommendations of the Fire Marshal concerning the operation of the Department and delivery of services to Aurora and Newmarket and report to the Municipal Council of the parties concerning these recommendations
- h) from time to time as needed, participate in the process for the recruitment of a Fire Chief;
- i) develop, with the Fire Chief, an ongoing communications process, including a quarterly report between the Department and the Municipal Councils;
- j) review departmental organization; and
- k) review such other matters as the Municipal Councils may determine.

Notwithstanding the above referenced functions, the Committee shall not interfere with any of the Fire Chief's statutory duties.

The Committee shall review and maintain a Master Fire and Emergency Services Plan that would establish and harmonize service levels throughout Aurora and Newmarket and standardize operating procedures for the Department. The Committee shall be responsible for providing at no time less than the current level of service in existence for the delivery of Fire & Emergency Services of each municipality, at the time of the effective date of this agreement.

The Committee may meet with any other municipalities that are interested, with the objective of expanding the service area of the Committee for the provision of Fire and Emergency Services beyond Aurora and Newmarket and consolidating Regional Fire and Emergency Services. Following such discussions, the Committee shall report to Aurora and Newmarket concerning the proposed amendments to this Agreement to implement such arrangements.

#### **4. ROLE OF THE FIRE CHIEF**

The Fire Chief shall act as the Department Head for the Department and shall have all of the powers and responsibilities as set out by the appointment by-laws of the participating municipalities, the job description, the Consolidated Fire Services Agreement and the *Fire Protection and Prevention Act*.

For the purposes of the Consolidated Fire & Emergency Services Agreement, the Fire Chief shall be an employee of the Town of Newmarket. Notwithstanding this, the Fire Chief shall act as the Fire Chief for both the Town of Newmarket and Town of Aurora and shall report to both Councils through the Committee for the provision of fire protection services in accordance with the standards established by the Consolidated Fire & Emergency Services Agreement. In addition to this, the Fire Chief shall also have access to the Council of the Town of Aurora for the purpose of discussing Fire & Emergency Services related issues that may impact the Town of Aurora.

## **5. PURCHASING AND PROCUREMENT**

The purchase of equipment, materials and services for the operation of the Fire and Emergency Services Dept. shall be governed by the Town of Newmarket Purchasing Policies and Procedures, and the provisions of the collective bargaining agreement. The Town of Newmarket is hereby authorized to execute any documents and agreements for the Fire & Emergency Services Depart., which have been authorized by the Committee or the Fire Chief.

The Committee shall have the authority of the "Municipal Council", as outlined in the Town of Newmarket Purchasing Policies and Procedures, to approve expenditures for the operation of the Department, including the acquisition of capital property, equipment, rolling stock and supplies subject to the approved capital and operating budgets.

The Fire Chief shall have authority as the "Department Head" to approve expenditures for the operation of the Department, including the acquisition of equipment, rolling stock and supplies subject to the approved capital and operating budgets. Such authority shall be exercised in accordance with the spending level authority, financial controls as outlined in the Newmarket Purchasing Policies and Procedures.

## **6. BUDGET**

The Committee, in consultation with the Fire Chief, shall prepare draft annual operating and capital budgets setting out estimated operating and capital costs and projected revenue for the Department, in accordance with the Consolidated Fire Services Agreement and the approved Fire and Emergency Services Master Plan. The estimates shall be submitted to each of the Municipal Council of Aurora and Newmarket for approval.