

## **Additions & Corrections to the Agenda**

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

## **Declarations of Pecuniary Interest**

## **Presentations & Recognitions**

1. Mr. David Clark, Design Chief, Infrastructure and Development, York Region Rapid Transit Corporation to address the Committee with a PowerPoint presentation regarding the VivaNext - Davis Drive and Yonge Street Update. p. 1
2. Mr. Brian Wolf, Regional Municipality of York to address the Committee with a PowerPoint presentation regarding the Upper York Sewage System Update. (Presentation to be distributed at meeting)

## **Deputations**

## **Consent Items (Items 3 – 31)**

3. Proclamation of May 1, 2014 as First Responder's Day in the Town of Newmarket. (Proclamation to be advertised prior to Council adoption) p. 24

Recommendations:

il) THAT the Town of Newmarket proclaim May 1, 2014 as 'First Responder's Day';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

4. Proclamation of June 2 - 6, 2014 as National Access Awareness Week in the Town of Newmarket.

Recommendations:

il) THAT the Town of Newmarket proclaim June 2 - 6, 2014 as 'National Access Awareness Week';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

5. Correspondence dated April 7, 2014 from Noreen Lee, Chairperson, The York Centre for Children, Youth & Families requesting proclamation of May 4-10, 2014 as Children's Mental Health Week in the Town of Newmarket. (Proclamation to be advertised prior to Council adoption) p. 25

Recommendations:

a) THAT the correspondence dated April 7, 2014 from Noreen Lee, Chairperson, The York Centre for Children, Youth & Families be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim May 4-10, 2014 as 'Children's Mental Health Week';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

6. Correspondence dated March 24, 2014 from Minister Mario Sergio, Minister Responsible for Seniors Affairs requesting proclamation of June, 2014 as Seniors' Month in the Town of Newmarket. p. 26

Recommendations:

a) THAT the correspondence dated March 24, 2014 from Minister Mario Sergio, Minister Responsible for Seniors Affairs be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim June, 2014 as 'Seniors' Month';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

7. Correspondence received April 15, 2014 from MP Lois Brown, Newmarket-Aurora requesting proclamation of June 7, 2014 as 'National Health and Fitness Day' in the Town of Newmarket. p. 28

Recommendations:



a) THAT the correspondence received April 15, 2014 from MP Lois Brown, Newmarket-Aurora be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim Saturday June 7, 2014 as 'National Health and Fitness Day';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

8. Correspondence dated April 16, 2014 from Mr. Wayne Smith, Chair, Board of Funeral Services requesting proclamation of May 4 to 11, 2014 be proclaimed 'Funeral Professionals Week' in the Town of Newmarket. (Proclamation to be advertised prior to Council adoption) p. 30

Recommendations:

a) THAT the correspondence dated April 16, 2014 from Mr. Wayne Smith, Chair, Board of Funeral Services be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim May 4 to 11, 2014 as 'Funeral Professionals Week';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

9. Correspondence dated April 9, 2014 from Dr. Ved Tandan, President-Elect, Ontario Medical Association requesting proclamation of May 1, 2014 as 'Doctor's Day' in the Town of Newmarket. (Proclamation to be advertised prior to Council adoption) p. 31

Recommendations:

a) THAT the correspondence dated April 9, 2014 from Dr. Ved Tandan, President-Elect, Ontario Medical Association be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim May 1, 2014 as 'Doctor's Day';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

10. Main Street District Business Improvement Area Board of Management Minutes of February 18 and March 18, 2014. p. 46

The Main Street District Business Improvement Area Board of Management recommend:

THAT the Main Street District Business Improvement Area Board of Management Minutes of February 18 and March 18, 2014 be received.

11. Item 8 of the Main Street District Business Improvement Area Board of Management Minutes of February 18, 2014 regarding Development and Infrastructure Services Report - Engineering Services 2013-58 dated January 13, 2014 regarding Skateboards/Bicycles Etc. on Main Street. p. 55

The Main Street District Business Improvement Area Board of Management recommends to Council:

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-58 dated January 13, 2014 be received and the Main Street District Business Improvement Area Board of Management recommend a courtesy campaign be implemented to compel users to dismount bicycles, skateboards or any other travel mode in the Downtown Main Street and the Heritage Conservation District Plan areas.

12. Item 3f) of the Main Street District Business Improvement Area Board of Management Minutes of March 18, 2014 regarding street closure. p. 56

The Operational Leadership Team recommends:

THAT the matter related to the request of installation of roller casters on flower pots be referred to staff.

The Main Street District Business Improvement Area Board of Management recommends to Council:

THAT the Main Street District Business Improvement Area Board of Management requests that the Town of Newmarket Public Works staff install rolling casters on all the large flower pots that are placed on Main Street during the summer months in an effort to utilize the pots as barriers when the street is closed to vehicular traffic.

13. Environmental Advisory Committee Minutes of March 5, 2014. p. 57

The Environmental Advisory Committee recommends:

THAT the Environmental Advisory Committee Minutes of March 5, 2014 be received.

14. Item 6 of the Environmental Advisory Committee Minutes of March 5, 2014 regarding Environmental Vision Follow-up. p. 63

The Operational Leadership Team recommends:

THAT the matter be referred to staff as part of the overall Committee review to be undertaken in the new term of Council.

The Environmental Advisory Committee recommends to Council:

a) THAT Council direct staff to find a dedicated staff resource to coordinate environmental matters, establish environmental priorities based on best practice guidelines, seek appropriate funding and provide environmental accountability reporting within the Town of Newmarket;

b) AND THAT an environmental accountability report be prepared each year for presentation to Council and the public;

c) AND THAT Council reaffirm the 2008 draft environmental vision statement pending the preparation of a draft Community Environmental Plan;

d) AND THAT Council recommend to the new council that budget priority be given in the next term of Council to fund the PCP Community Environmental Plan.

15. Item 7 of the Environmental Advisory Committee Minutes of March 5, 2014 regarding Garbage/Waste By-law Review. p. 64

The Operational Leadership Team recommends:

THAT the matter of Garbage/Waste By-law Review be referred to staff.

The Environmental Advisory Committee recommends to Council:

Whereas staff and NEAC recommended approximately four years ago a plan to reduce the amount of garbage bags picked up at curbside; and

Whereas Council decided that more time was needed before making a change;  
and

Whereas green bin success continues to reduce the need for actual garbage to  
be picked up; and

Whereas there have been successful programs to use clear plastic bags with  
Aurora being the first to proceed in the N6 municipalities;

a) It is therefore recommended that Council direct staff to prepare a report on  
waste reduction and curbside garbage pickup;

b) AND THAT such report addresses the waste strategy and communication  
implementation plan;

c) AND THAT NEAC be consulted on any recommendations included in the plan;

d) AND THAT the report be presented to Council in the first quarter of 2015.

16. Item 8 of the Environmental Advisory Committee Minutes of March 5, 2014 p. 65  
regarding Neighbourhood Community Gardens.

The Operational Leadership Team recommends:

THAT staff consult with representatives of the York Region Food Network and if  
agreeable, that staff be authorized to undertake the works associated with the  
request.

The Environmental Advisory Committee recommends to Council:

Whereas there is no additional requirement for water to be provided at the  
existing community gardens.

Therefore be it resolved that Council authorize an extension of two rows at the  
existing community gardens;

AND THAT NEAC contribute a maximum of \$500.00 toward plowing and site  
preparation.

17. Newmarket Public Library Board Minutes of February 19, 2014. p. 66

The Newmarket Public Library Board recommends:

i) THAT the Newmarket Public Library Board Minutes of February 19, 2014 be received.

18. Legislative Services Corporate Policy Committee Joint Report 2014-11 - p. 69  
Protection of Personal Information.

a) THAT Legislative Services and Corporate Policy Committee Joint Report 2014-11 regarding the New Corporate Policy - Protection of Personal Information Policy CORP.1-08 be received; and that the attached Protection of Personal Information Policy CORP.1-08 be approved.

19. Development and Infrastructure Services Report - ES 2014-23 dated March 13, 2014 regarding Millard Avenue - Parking Review - Forest Glen Road to Lorne Avenue Update. (Deferred from the April 7, 2014 Committee of the Whole meeting) p. 96

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development & Infrastructure Services Report – ES 2014-23 dated March 13, 2014 regarding Millard Avenue – Parking Review – Forest Glen Road to Lorne Avenue Update be received and the following recommendations be adopted:

i) THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be amended by deleting the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	North	Church Street to Forest Glen Road	Anytime

ii) AND THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	North	Church Street to Lorne Avenue	Anytime

iii) AND THAT the necessary By-laws be prepared and submitted to Council for their approval.

20. Development and Infrastructure Services Report - ES 2014-24 dated March 14, p. 100  
2014 regarding Millard Avenue - Parking Review - Haskett Park. (Deferred from  
the April 7, 2014 Committee of the Whole meeting)

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report – ES 2014-24 dated March 14, 2014 regarding Millard Avenue – Parking Review – Haskett Park be received and the following recommendations be adopted:

i) THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be amended by deleting the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	Both	East side of Queen Street to a point 700 feet easterly thereof	Anytime

ii) AND THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	North	Queen Street to a point 40 metres easterly	Anytime
Millard Avenue	South	Queen Street to a point 210 metres easterly	Anytime

iii) AND THAT the Parking Policy 2-year moratorium on amending the Parking By-law be lifted to accommodate the recommendations of this report;

iv) AND THAT the necessary By-laws be prepared and submitted to Council for their approval.

21. Development and Infrastructure Services Report - ES 2014-25 dated March 25, p. 103  
2014 regarding Rannie Road - Parking Restrictions.

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - ES 2014-25 dated March 25, 2014 regarding Rannie Road - Parking Restrictions be received and the following recommendations be adopted:

i) THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Rannie Road	East	Clearmeadow Boulevard to a point 40 metres north of Rita's Avenue	Anytime

ii) AND THAT the necessary By-law be prepared and submitted to Council for its approval.

22. Development and Infrastructure Services Report - ES 2014-26 dated April 7, 2014 regarding Final Acceptance and Assumption of Underground and Aboveground Works for the Summerhill South Residential Subdivision. p. 106

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - ES 2014-26 dated April 7, 2014 regarding the Final Acceptance and Assumption of Underground and Aboveground Works be received and the following recommendations be adopted:

i) THAT the request for final acceptance and assumption of underground and aboveground works of the Summerhill South Residential Subdivision as shown on the attached map be finally accepted and assumed by the Town;

ii) AND THAT Mr. Paul Minz of Criterion Development Corporation and Mr. John Kaczor, A.Sc.T., of MMM Group Limited be notified of these recommendations.

23. Development and Infrastructure Services/Planning and Building Services Report - 2014-19 dated April 17, 2014 regarding Medical Marijuana Production in Newmarket. p. 110

The Commissioner of Development and Infrastructure Services and the Director Planning and Building Services recommend:

a) THAT Development and Infrastructure Services/Planning and Building Services Report 2014-19 dated April 17, 2014 regarding medical marijuana be received and the following recommendations be adopted:

i) THAT staff be directed to start the public consultation process for a Zoning By-law Amendment which will consider appropriate locations and restrictions for commercial producers of medical marijuana;

ii) AND THAT following the public consultation and formal Public Meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulations, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

iii) AND THAT the public consultation process takes the form of an Open House with various stakeholders, online feedback, and a formal Public Meeting.

24. Development and Infrastructure Services/Planning and Building Services Report 2014-17 dated April 17, 2014 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision - National Homes Inc.. p. 114

The Commissioner of Development and Infrastructure Services and Director of Planning and Building Services recommend to Council:

a) THAT Development and Infrastructure Services/Planning and Building Services Report 2014-17 dated April 17, 2014 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

i) THAT approval be given to Draft Plan of Subdivision 19TN-2005 004, Phase 2, subject to the schedule of conditions set out in Appendix "A" attached to and forming part of this Report;

ii) AND THAT staff be directed to prepare the necessary zoning by-law amendment for Phase 2;

iii) AND THAT Servicing allocation for Phase 2 of this subdivision be granted in the amount of 11 single family units (36 population);

iv) AND THAT Mark Pavkovic 291 Edgeley Boulevard, Suite #1 Concord ON L4K 3Z4 be notified of this action.



25. Development and Infrastructure Services - Planning and Building Services Report 2014-18 dated April 17, 2014 regarding Application for Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision, 955 and 995 Mulock Drive, North Side of Mulock Drive, West of Leslie Street, Lorne Park Gardens Inc.. p. 139

The Commissioner of Development and Infrastructure Services and Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services/Planning and Building Services Report 2014-18 dated April 17, 2014 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

i) THAT the Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, as submitted by Lorne Park Gardens Inc. for lands being composed of part of Lot 31, Concession 2 E.Y.S., municipally known as 955 and 995 Mulock Drive be referred to a public meeting;

ii) AND THAT the public meeting be scheduled at such time as issues of tree preservation and road access have been further advanced;

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

iv) AND THAT Jim Levac, Weston Consulting, 201 Millway Avenue Suite 19 Vaughan ON L4K 5K8 be notified of this action.

26. Corporate Services Commission - Legal Services and Procurement Services Joint Report 2014-11 dated April 17, 2014 regarding Procurement Processes. p. 148

The Commissioner of Corporate Services, the Director of Legal Services/Municipal Solicitor and the Manager of Procurement Services recommend:

THAT Corporate Services Commission, Legal Services and Procurement Services Joint Report 2014-11 dated April 17, 2014 regarding procurement processes be received for information.

27. Corporate Services Commission - Procurement Services Department Report 2014-18 dated April 14, 2014 regarding the new Procurement By-law. p. 157

The Commissioner of Corporate Services and the Manager of Procurement Services recommend:

THAT Corporate Services - Procurement Services Department Report 2014-18 dated April 14, 2014 regarding the new Procurement By-law be received and the draft Procurement By-law, attached as Schedule 'B' be forwarded to Council for approval.

28. Corporate Services - Procurement Services and Development and Infrastructure Services - Facility Services Joint Report 2014-30 dated April 14, 2014 regarding Single Source Contract for Ice Resurfacers. (Report to be distributed with the addendum) p. 281

The Commissioner of Corporate Services and Commissioner of Development and Infrastructure Services recommends to Council:

THAT Corporate Services Commission – Procurement Services and Development and Infrastructure Services Commission – Facility Services Joint Report 2014-30, dated April 14, 2014, regarding Single Source contract for Ice Resurfacers be received and the following recommendation be adopted.

THAT Council approve a five (5) year Single Source contract for the supply and delivery of Ice Resurfacers, as follows:

Estimated Delivery	Unit Cost	Quantity	Description	Extended Cost
2014	\$ 86,495.00	1	Zamboni 525	\$ 86,495.00
2015	\$ 88,000.00	1	Zamboni 525	\$ 88,000.00
2016	\$ 89,500.00	1	Zamboni 525	\$ 89,500.00
2017	\$ 90,750.00	3	Zamboni 525	\$ 272,250.00
2018	\$ 92,500.00	1	Zamboni 525	\$ 92,500.00
SUB TOTAL SINGLE SOURCE CONTRACT				\$ 628,745.00

29. Correspondence dated April 10, 2014 from Mr. Eugene Lee, Staff Advisor, Sacred Heart Catholic High School requesting an exemption from the Noise By-law (2004-94) for the 2014 Relay for Life event from 11:30 a.m. to 11:59 p.m. on May 30, 2014. p. 253

Recommendations:

a) THAT the correspondence dated April 10, 2014 from Mr. Eugene Lee, Staff Advisor, Sacred Heart Catholic High School regarding an exemption from the Noise By-law 2004-94, as amended, be received;

i) AND THAT the Canadian Cancer Society, Relay for Life event be exempted from the Noise By-law 2004-94, as amended, from 1:30 a.m. to 11:59 p.m. on May 30, 2014 at Sacred Heart Catholic High School, subject to notification being provided to area residents.

30. Community Services - Recreation and Culture Information Report 2014-12 dated April 5, 2014 regarding the Newmarket Soccer Club Quarterly Update, Q1 2014. p. 254
31. List of Outstanding Matters. p. 263

Recommendation:

THAT the list of Outstanding Matters be received.

**Action Items**

32. Development and Infrastructure Services Report - Public Works Services 2014-21 dated March 21, 2014 regarding Sidewalk Snow Clearing Review. (Deferred from the April 7, 2014 Committee of the Whole meeting) p. 267

The Commissioner of Development and Infrastructure Services and the Director of Public Works Services recommend:

a) THAT Development and Infrastructure Services Report - Public Works Services 2014-21 dated March 21, 2014 regarding Sidewalk Snow Clearing Review be received and the following recommendations be adopted:

i) THAT Council provides direction for staff, with a preferred option, to proceed with a comprehensive analysis for sidewalk, walkways and trail snow clearing guidelines;

ii) AND THAT staff report back to Council with a detailed plan for sidewalk, walkway and trail clearing as part of the 2015 budget process;

iii) AND THAT the staff obtain comments from the Accessibility Advisory Committee on the sidewalk, walkway and trail clearing process.

33. Development and Infrastructure Services - Engineering Services Report 2014-31 p. 273  
dated April 28, 2014 regarding Yonge Street Sidewalk - Tom Taylor Trail to  
Savage Road.

The Commissioner of Development and Infrastructure Services and the Director  
of Engineering Services recommend:

THAT Development & Infrastructure Services Commission – Engineering  
Services Report 2014-31 dated April 28, 2014, be received and the following  
recommendations adopted:

1. THAT Council provide further direction to staff by considering options A or B  
for the Yonge Street Sidewalk – Tom Taylor Trail to Savage Road.

Option A

That the Yonge Street Sidewalk – Tom Taylor Trail to Savage Road be deferred  
until York Region urbanizes that section of Yonge Street.

Option B

That staff be directed to continue with the project and that additional funding of  
\$145,000 be provided from the reserves.

2. AND THAT if Option “A” above is selected, Council make a formal request  
asking York Region to help accelerate the urbanization of this portion of Yonge  
Street by making it a high priority.

## **Correspondence & Petitions**

## **Reports by Regional Representatives**

## **Notices of Motion**

## **Motions**

34. Councillor Emanuel: THAT due to potential costs to taxpayers and liability p. 276  
concerns that could be transposed by Bill 69 - Prompt Payments Act, staff  
provide an analysis and recommendations for a resolution. (Deferred from the  
April 7, 2014 Committee of the Whole meeting)
35. Councillor Emanuel: THAT staff report back to Council on the implementation of p. 277  
improved signage and advertising for notification regarding Official Plan and  
Zoning By-law Amendments. (Deferred from the April 7, 2014 Committee of the  
Whole meeting)

36. Councillor Sponga: THAT staff report back in thirty days on the implementation of removable speed humps as a pilot project, for the purpose of mitigating excessive speed on Millard Avenue west of Lorne Avenue and east of Queen Street. (Deferred from the April 7, 2014 Committee of the Whole meeting) p. 278

## **New Business**

### **Closed Session (if required)**

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

37. Verbal Update by the Chief Administrative Officer regarding the proposed York University satellite campus initiative. (A proposed acquisition of land and security of property by the municipality) (if required)

## **Public Hearing Matters**

38. Newmarket Urban Centres Secondary Plan - Request for Feedback. p. 279

### **Addendum (Additions and Corrections)**

39. Corporate Services - Procurement Services and Development and Infrastructure Services - Facility Services Joint Report 2014-30 dated April 14, 2014 regarding Single Source Contract for Ice Resurfacers. p. 281

(Related to Item 28 - Signed Version of Report)

40. Correspondence dated April 23, 2014 from Ms. Ariel Ogison requesting proclamation of May, 2014 as 'Ehlers Danlos Syndrome' Awareness Month. p. 286

#### **Recommendations:**

a) THAT the correspondence dated April 23, 2014 from Ms. Ariel Ogison be received and the following recommendations be adopted:

i) THAT the month of May, 2014 be proclaimed as 'Ehlers Danlos Syndrome' Awareness Month;

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

41. Corporate Services Commission Legal Services and Procurement Services Joint Report 2014-12 dated April 24, 2014 regarding New Procurement Processes and Comments. (Related to Item 26) p. 287

The Commissioner of Corporate Services, the Director of Legal Services and the Manager of Procurement Services recommend:

THAT the Corporate Services Commission, Legal Services and Procurement Services, Joint Report 2014-12 dated April 24, 2014 be received.

42. Corporate Services Report - Information Technology 2014-01 dated April 22, 2014 regarding Shared Information Technology Services Project. p. 292

The Commissioner of Corporate Services and the Director of Information Technology recommend:

THAT Corporate Services Report - Information Technology 2014-01 dated April 22, 2014 regarding an update on a shared services project with the Town of Aurora IT Department be received for information purposes.

43. Motion: Councillor Di Muccio: A resolution to welcome the expansion of the Dortec Manufacturing plant. p. 294

WHEREAS Magna Closures, through its Dortec Manufacturing plant, has announced plans to reinvest in the Town of Newmarket through a \$1.5 million expansion and plans to hire 75 workers;

AND THAT statistics show that for every job created in Ontario auto manufacturing industrial sector has the potential to create nine other jobs in the local economy;

BE IT RESOLVED that the Town of Newmarket welcomes the news of the expansion of the Dortech Manufacturing plant and furthermore calls upon leaders in business, government, and labour to continue to work together, rallying to preserve and grow employment opportunities in Ontario's auto manufacturing industrial sector which remains critical to the local economy of our community.

44. PowerPoint Presentation regarding Newmarket Urban Centres Secondary Plan. (Related to Public Hearing Matter at 7:00 p.m.) p. 295

45. Joint Corporate Services Commission Legal Services Department and Procurement Services Department Report 2014-23 dated April 28, 2014 regarding Additional Comment received related to Procurement processes. (Related to Item 26) p. 332

The Commissioner of Corporate Services, the Director of Legal Services and the Manager of Procurement Services recommend:

THAT further to the Corporate Services Commission, Legal Services and Procurement Services Joint Report 2014-23 dated April 28, 2014 (Item 26 on the Committee of the Whole agenda) the following additional comment has been received.

## **Adjournment**



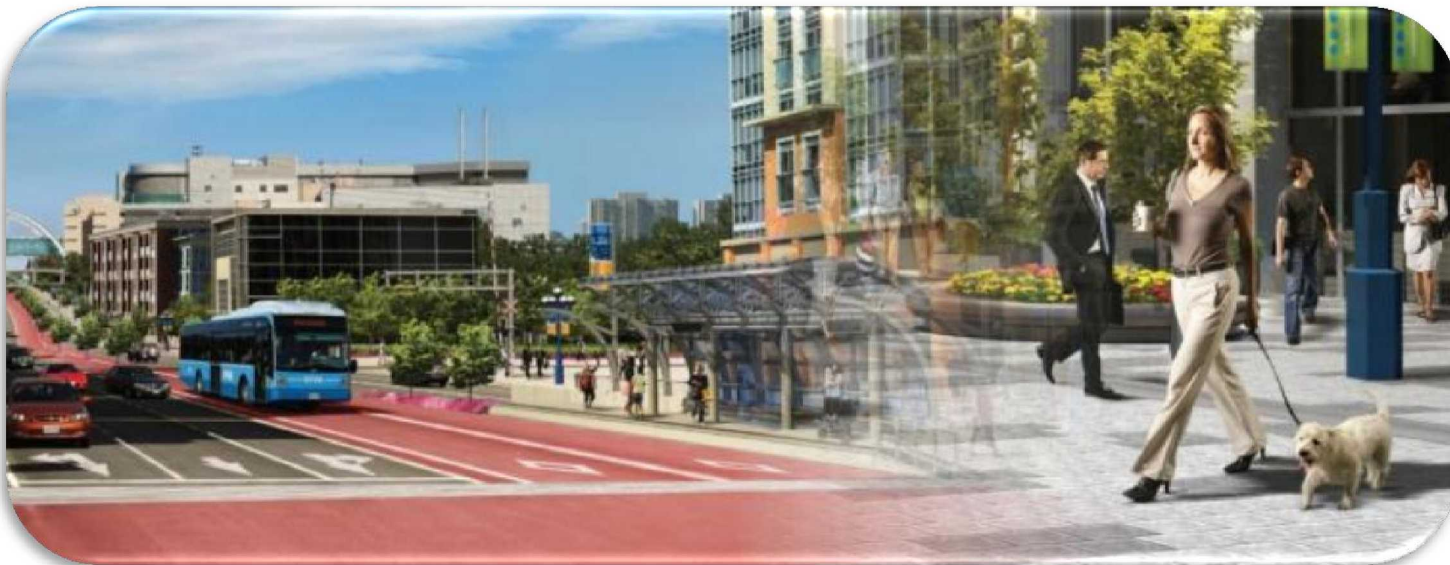


Davis Drive and Yonge Street Updates  
Town of Newmarket, Committee of the Whole  
April 28, 2014



1. Opening/Introduction
2. Project update
3. Summary of 2014 milestones
4. Business Support
5. Yonge Street
6. Information sharing

2



1

- › Newmarket-Tay Power – 95% complete
  - › New pole installation, framing, stringing, old pole removals
- › Enbridge – 95% complete
- › Telecommunications – 55% complete
- › Utility relocation work will be complete by late 2014

3



# construction status: retaining walls

- › 15 retaining walls constructed
  - › Coping and handrail installation underway
- › The last wall, on the southeast corner at Davis and Yonge, will be completed this summer





## › Keith Bridge

- › Bridge construction scheduled for completion November 2014
- › Number of traffic lanes will be dependent on the staging of other work in the vicinity of the bridge
- › Tom Taylor Trail will re-open by the end of the year

## › Union Hotel

- › Remobilizing this spring, construction of the new foundations will begin
- › Move to permanent location scheduled for this summer

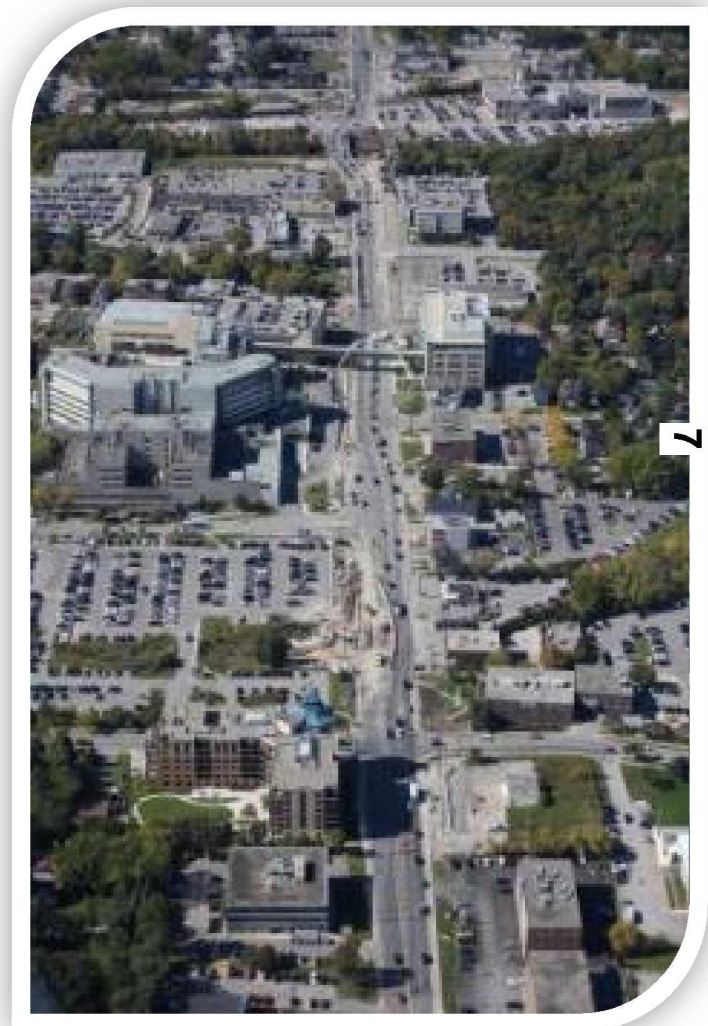


- › Eastern Creek
  - › Culvert construction completed
  - › Number of travel lanes will be dependent on traffic staging through the area
- › Western Creek
  - › South side widening will begin in July, completion scheduled for this fall
  - › North side completed



# construction status: road work

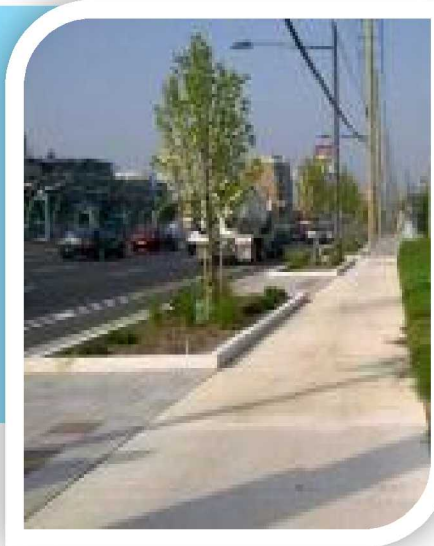
- › Road widening
  - › This year the following segments will be widened from:
    - › Yonge to Vincent on the north side
    - › Keith Bridge to Bolton on the north side
    - › Bolton to Roxborough on the south side
- › Base-layer paving
  - › Will follow road widening
- › Traffic staging
  - › There will continue to be one travel lane in each direction with a dedicated left turn lane [where possible] from Yonge to Roxborough for the remainder of the year





## › Boulevards

- › Planters with interlocking paving stones and concrete sidewalks will be installed in segments this year
- › A full boulevard will be constructed on the south side of Davis east of Parkside



# construction status: vivastations

- › The canopies are coming!
  - › The first two canopies will be constructed at Longford and Davis on the eastbound and westbound platforms this year
  - › Construction of three other canopies will start later this year, including in front of the hospital
  - › Construction of the final canopy will start next year
  - › There will be three centre-lane vivastations [6 canopies]





# minimizing disruption is a top priority



# summary of 2014 milestones

- › A number of achievements will be reached this year:
  - › Utility completion
  - › Road widening
  - › Union Hotel move to permanent location
  - › Vivastation construction started and delivery of first canopy steel structure
  - › Keith Bridge completion
  - › Boulevards in sections
- › Completion of these milestones will be communicated using a variety of tactics



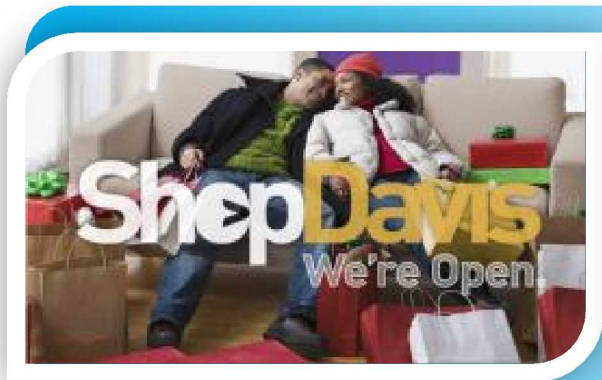
- › ShopDavis – Business Support Program
  - › Partner with the Newmarket Chamber of Commerce to help support businesses during construction
- › Campaigns include:
  - › Newspaper, radio, digital ads;
  - › On-street billboards;
  - › Community engagement;
  - › Social media posts;
  - › Website posts and online business profiles; and
  - › Education programs offered through the Chamber

ShepDavis

Shep7

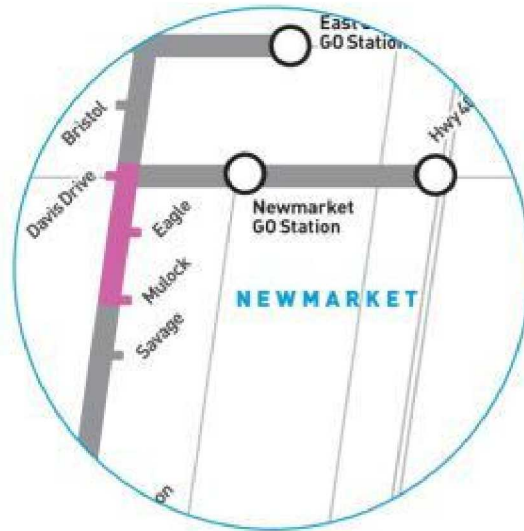
ShepYonge

12





# yonge street bundle (Y2.1, Y2.2, Y3.2)



## Y3.2

- › Mulock to Davis Dr
- › 2.4 km
- › 3 stations

## Y2.2

- › Leventdale Rd to 19<sup>th</sup> Ave
- › 2.9 km
- › 3 Stations



## Y2.1

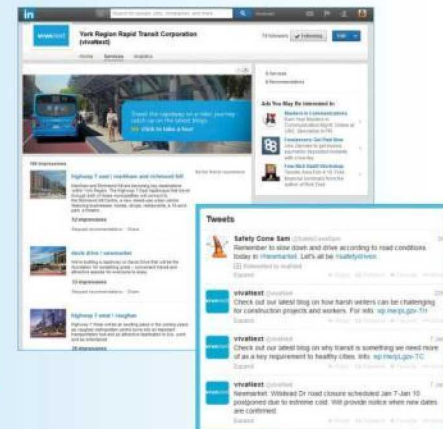
- › Hwy 7 to Major Mackenzie
- › 3.6 km
- › 4 stations

- › Design Build Contract awarded
- › Next steps: work plans, schedule development and design work
- › Preliminary construction activities expected to begin later this year in Newmarket
- › Land acquisition completed in Newmarket, possession secured March 2014
- › Substantial completion by the end of 2018



# information sharing

VIVAnext



Michelle Dudzik  
Davis Drive Community Liaison



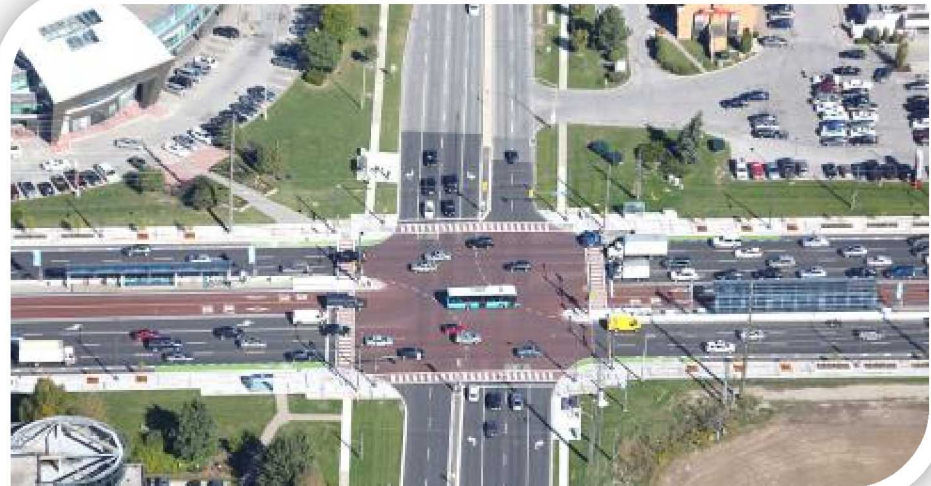
Leslie Pawlowski  
Yonge Street Community Liaison

15



# partnering with communities to manage growth

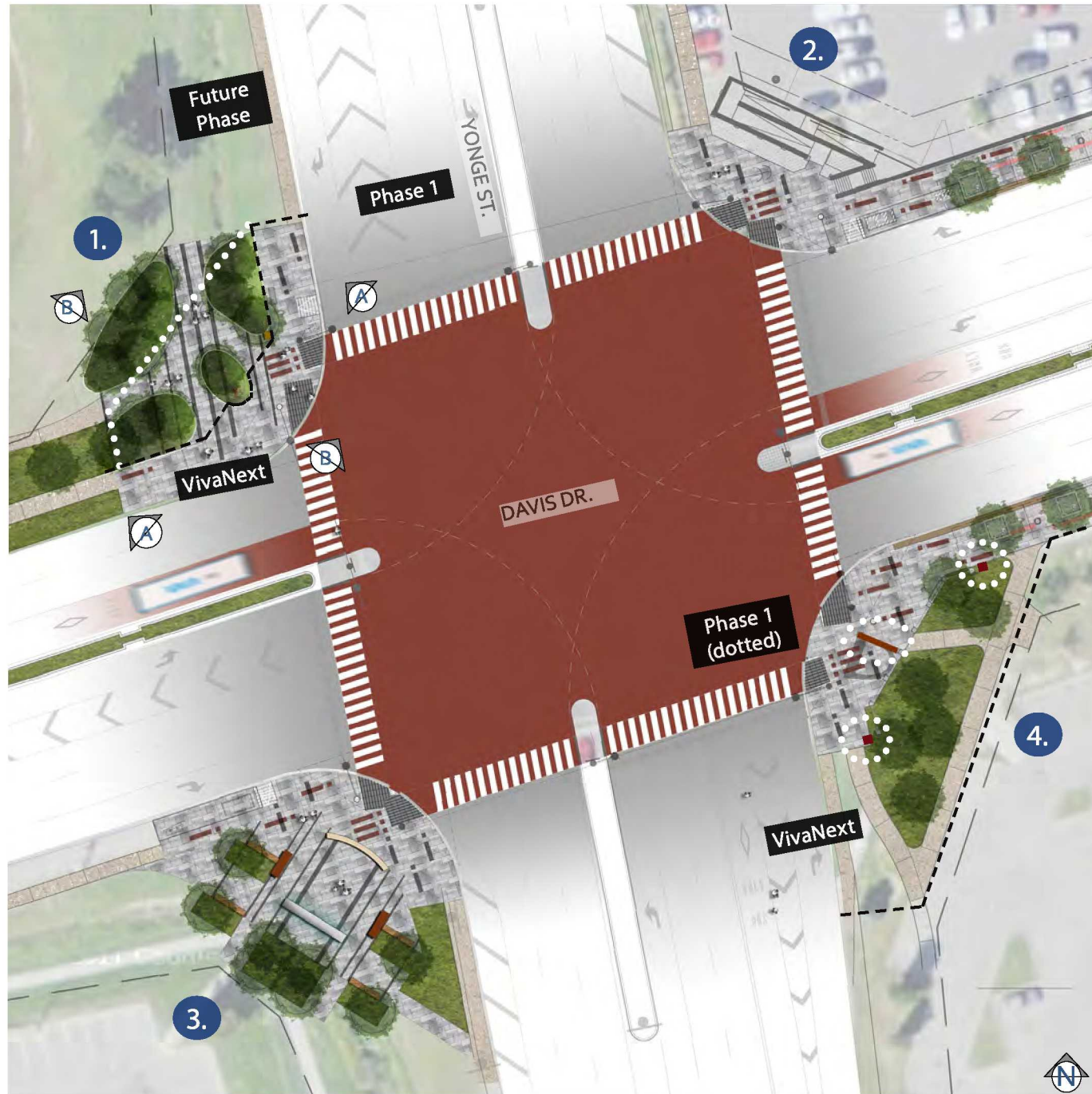
VIVAnext



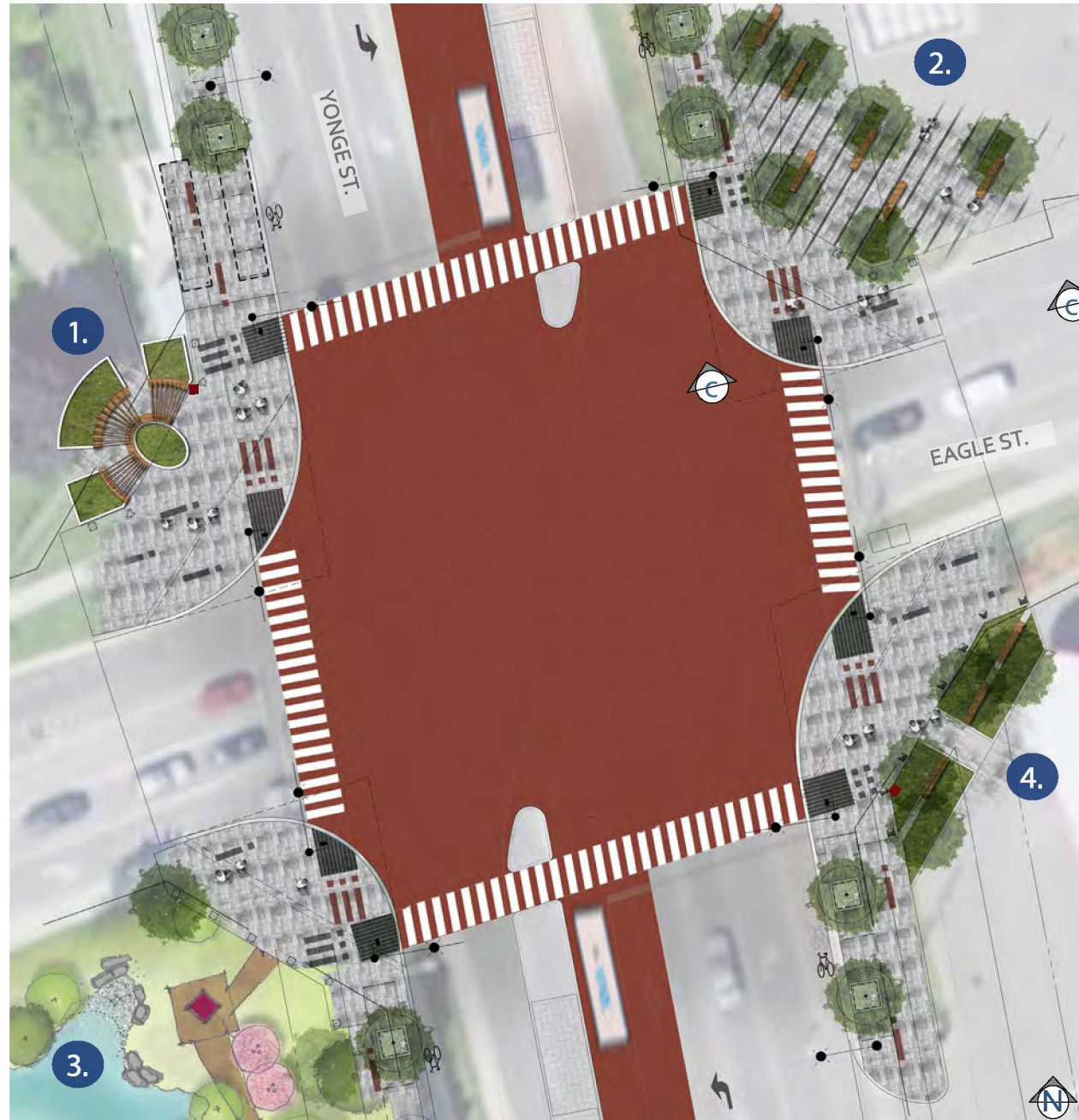






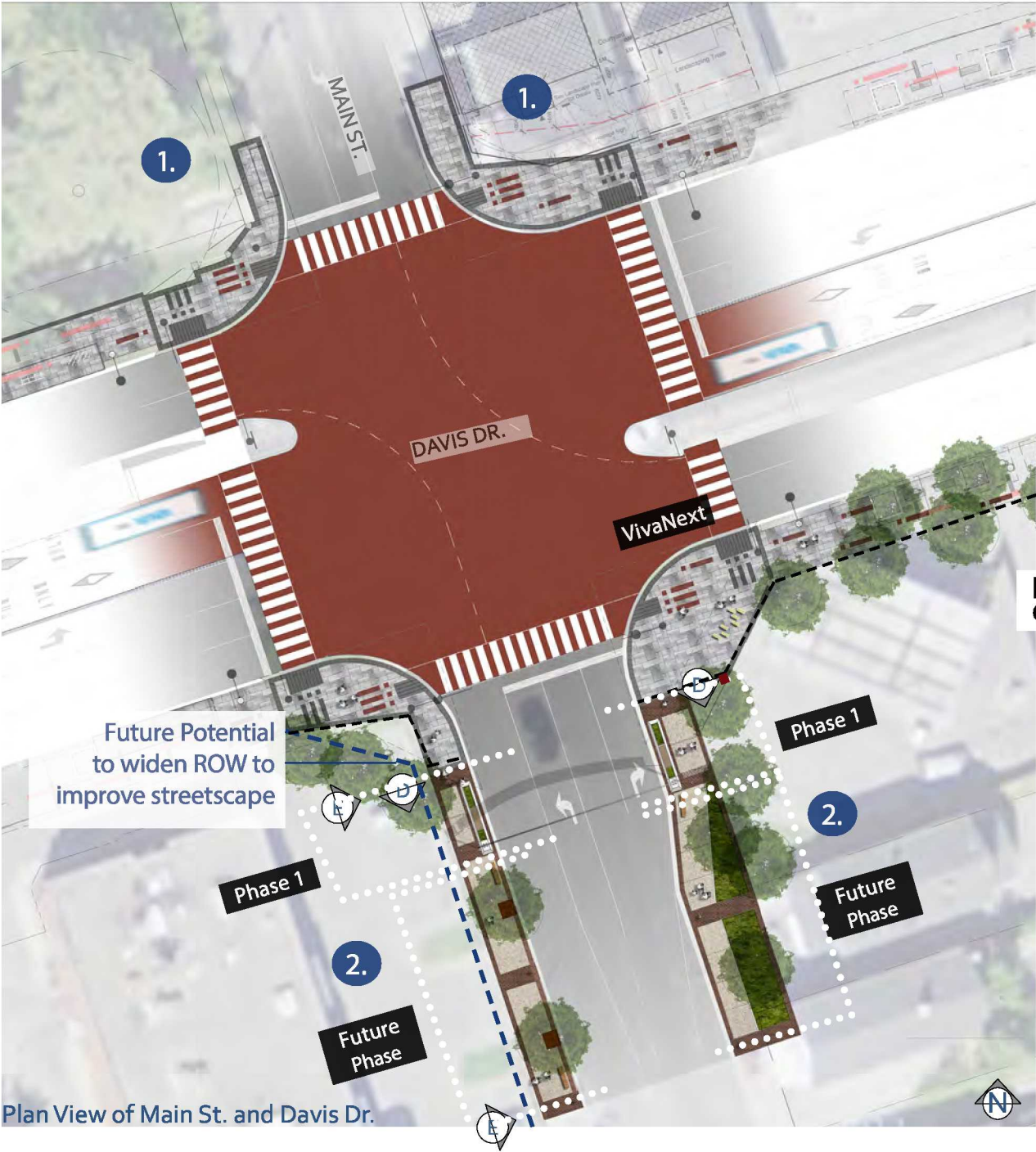
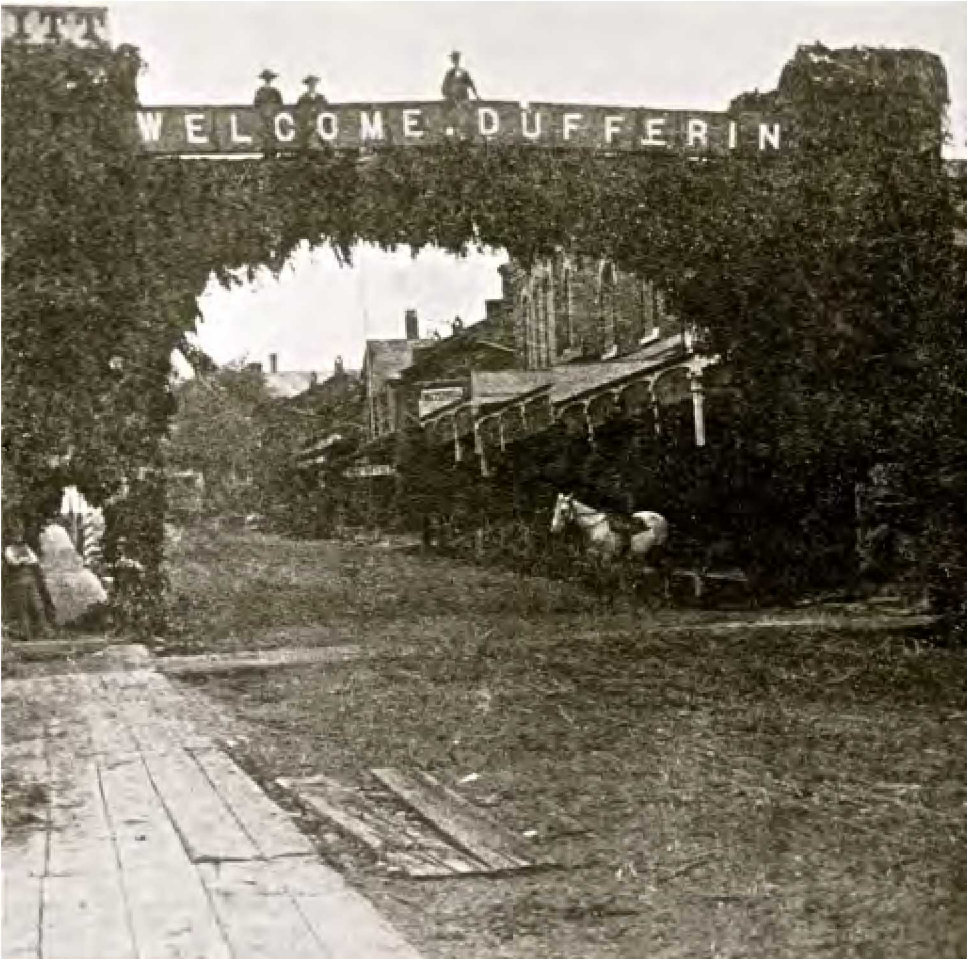


Plan View of Yonge St. and Davis Dr.



Plan view of Yonge St. and Eagle St.









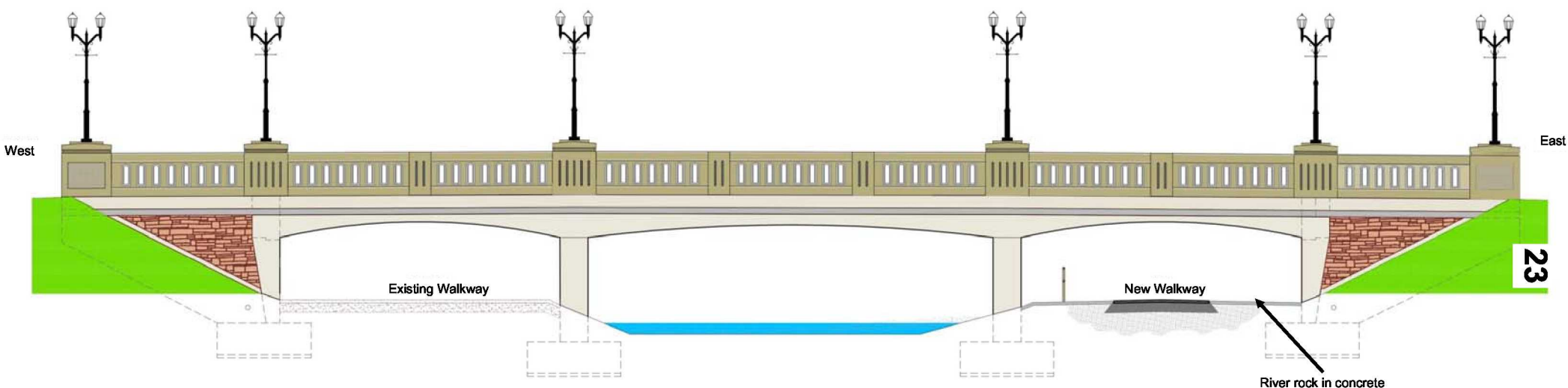




Perspective looking south along Main Street towards the future Urban Park



# Cross Section under Keith Bridge



South Elevation

# **Upper York Sewage Solutions Project Update**

**Town of Newmarket  
Committee of the Whole**

**April 28, 2014**

Brian Wolf, P. Eng.  
Senior Project Manager

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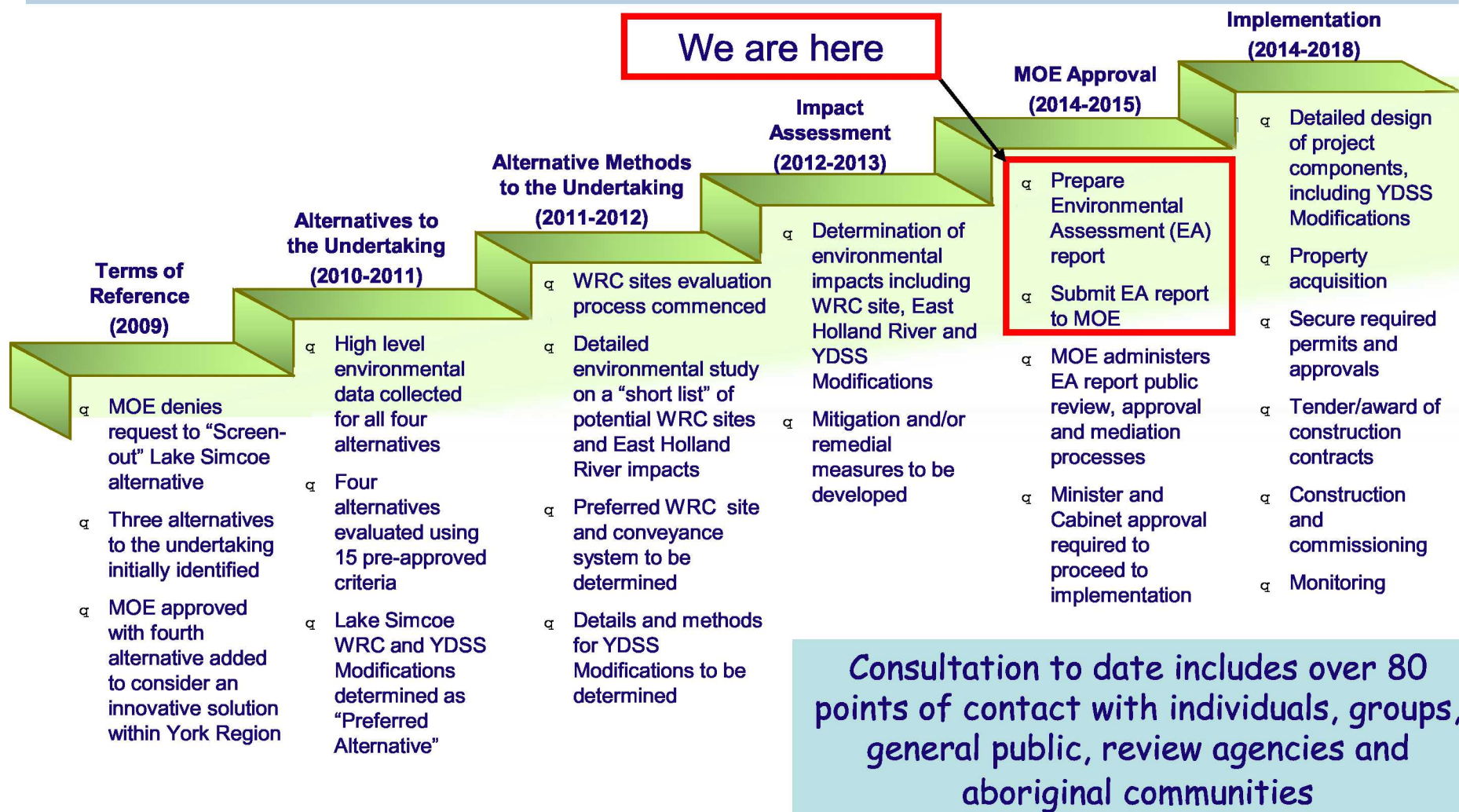
# Presentation Summary

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- Project Background
- Proposed Project Components
  - Water Reclamation Centre and Outfall
  - Modifications to York Durham Sewage System
  - Phosphorous Off-Setting Program
- Ongoing Communications
- Next Steps



# Upper York Sewage Solutions Individual Environmental Assessment Process



# Upper York Sewage Solutions

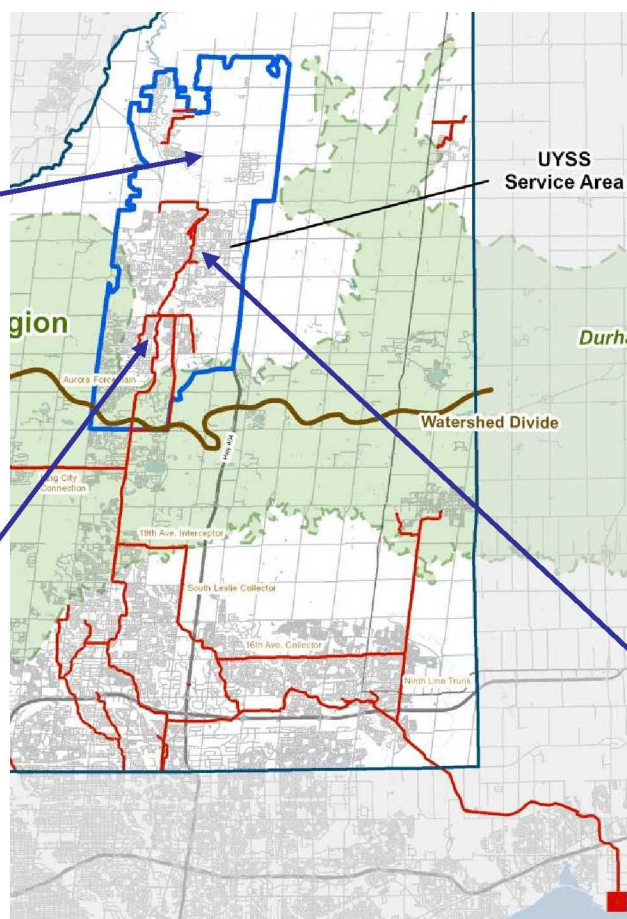
## Purpose/Opportunity

### EAST GWILLIMBURY

Pop<sup>n</sup> & Emp 91,500  
Sewage Flow 28 MLD

### AURORA

Pop<sup>n</sup> & Emp 34,500  
Sewage Flow 11 MLD



To develop a sustainable sewage servicing solution to accommodate forecasted growth in the UYSS service area

### NEWMARKET

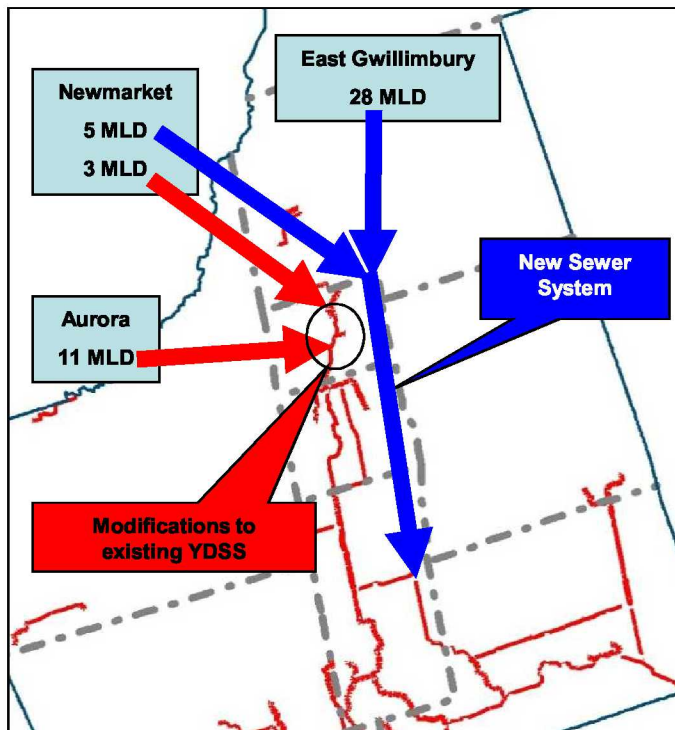
Pop<sup>n</sup> & Emp 27,000  
Sewage Flow 8 MLD

47 million litres per day (MLD) additional capacity required to 2031

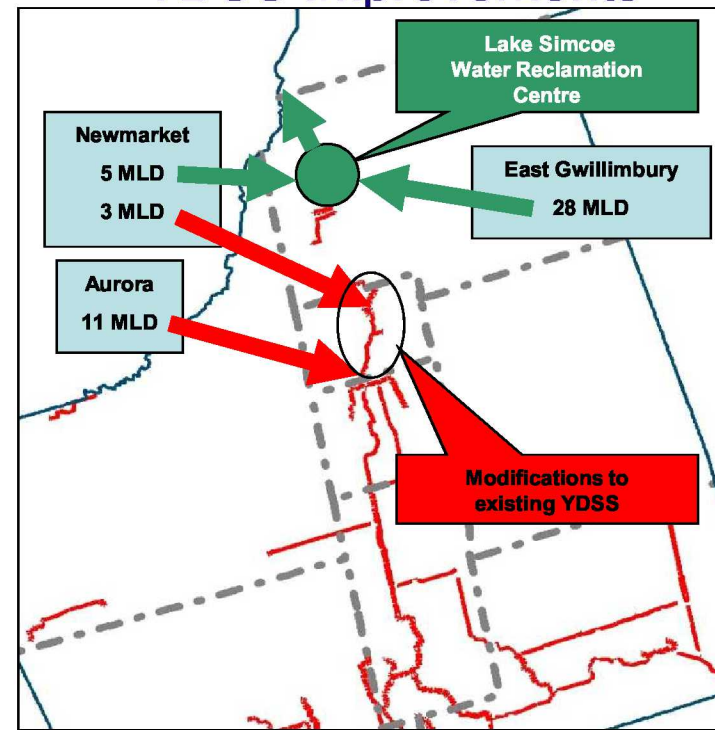
# Two Viable Alternatives

The Individual Environmental Assessment project team completed a detailed assessment of the two viable alternatives:

1. Discharge to Lake Ontario



2. Lake Simcoe Water Reclamation Centre and YDSS Improvements





# Preferred Alternative

Water Reclamation  
Centre with Reclaimed  
Water & Discharge to  
the East Holland River

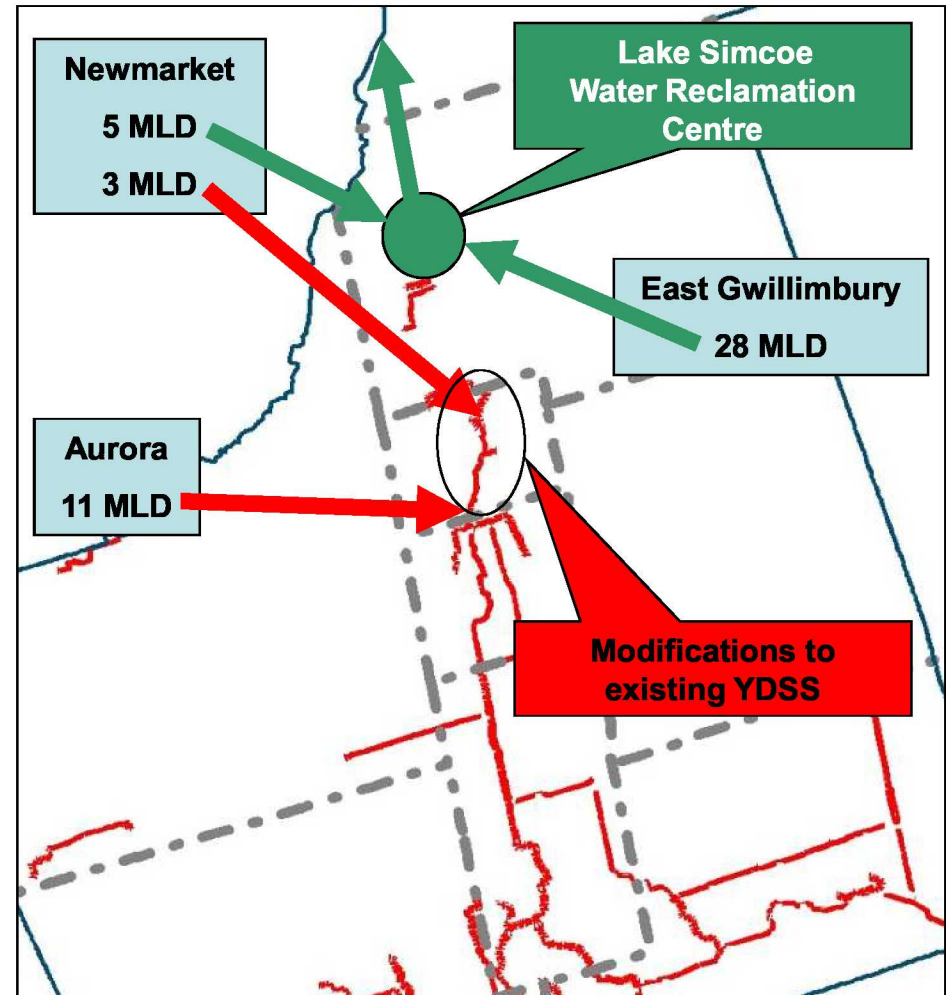
Clean treated effluent  
for discharge into the  
East Holland River  
and reclaimed water  
applications.

Modifications to  
the Existing York  
Durham Sewage  
System






System reliability &  
security and  
protection against  
severe peak flows

Project Specific  
Phosphorus  
Off-Setting  
Program

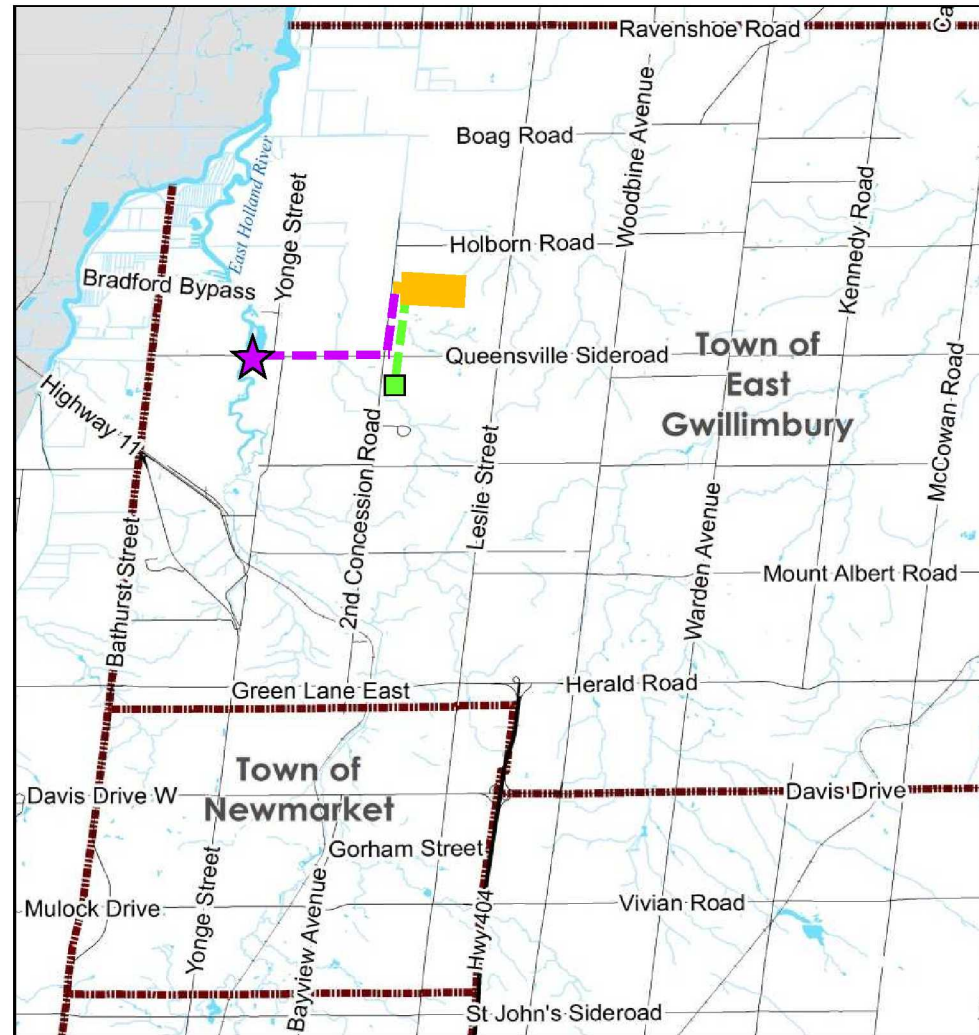
A net reduction of  
phosphorus into the  
Lake Simcoe  
watershed



# Water Reclamation Centre Area

-  **Proposed Water Reclamation Centre Site**
-  **Approved Queensville West Pumping Station**
-  **Proposed Outfall Location**
-  **Conveyance to the Water Reclamation Centre**
-  **Conveyance from the Water Reclamation Centre**

4 Kilometers

# YDSS Modifications

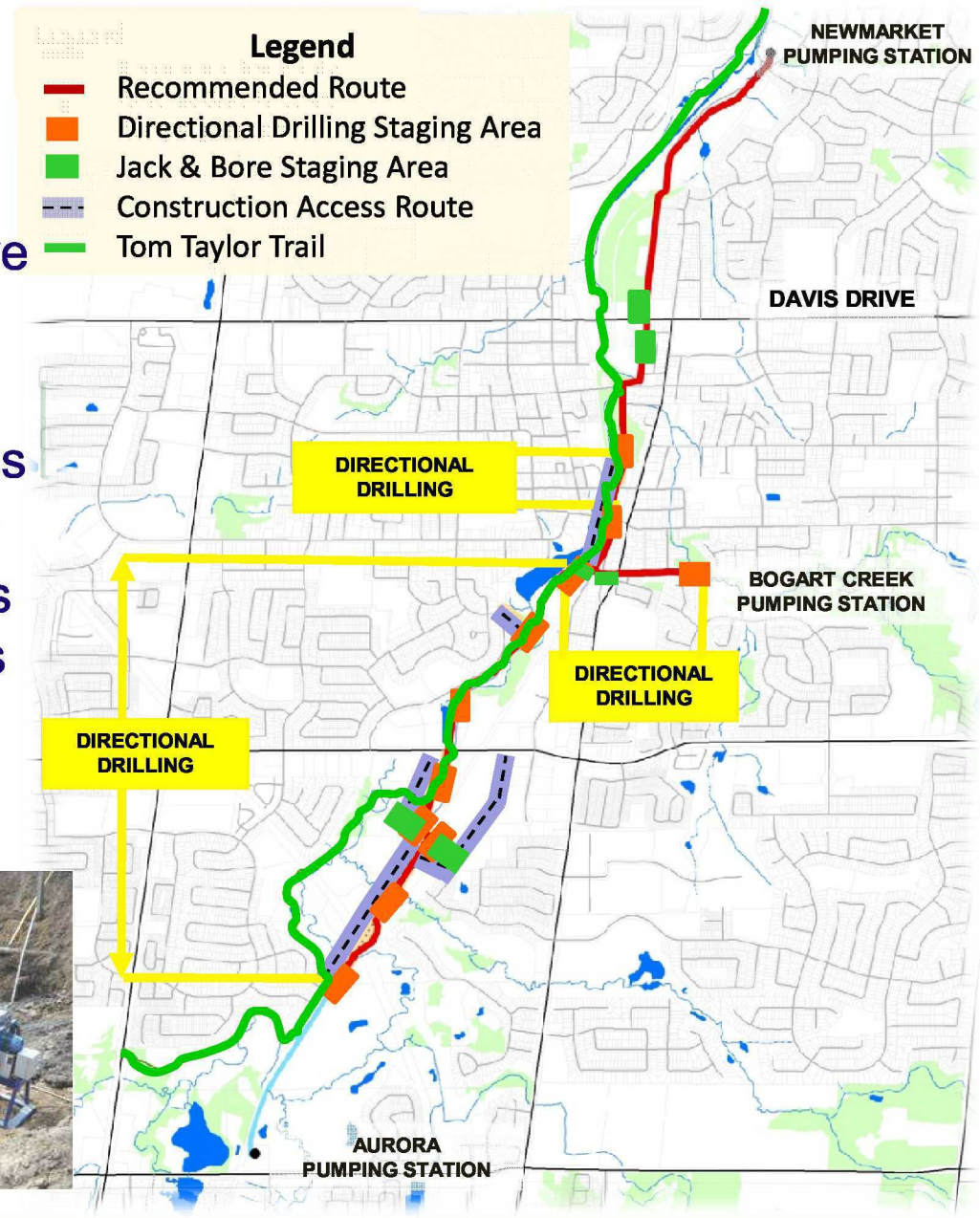
- q Accommodation of wastewater from growth in Aurora and a portion of Newmarket plus additional system security
- q A second new forcemain to convey wastewater from the existing Newmarket Pumping Station to the existing gravity sewer that discharges to the Aurora Pumping Station
- q A second new forcemain to convey wastewater from the existing Bogart Creek pumping station to the new Newmarket forcemain
- q Modifications to the Newmarket and Bogart Creek pumping stations for connection of the new forcemains





# Mitigation of Impacts During Construction:

- q Jack and Bore under Davis Drive
- q Directional drilling along Tom Taylor Trail
- q Staging areas and access routes located to avoid sensitive areas
- q Construction through park areas completed during winter months





# Coordination with Reconstruction of Cane Parkway

The following mitigation measures have been included in the IEA report for impacts of twinning the YDSS forcemain through Newmarket:

- q Newmarket's planned reconstruction of Cane Parkway will be coordinated with the Region's tender
- q This will enable the new YDSS forcemain in this area to be constructed via open-cut
- q Realized saving in open-cut will be contributed to the Cane Parkway reconstruction





# Phosphorus Off-setting Program

↑ 168

↓ 33

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↓ 6  
16  
8

□ Proposed Water Reclamation Centre will discharge approximately 168 kg/yr of new phosphorus to the Lake Simcoe watershed

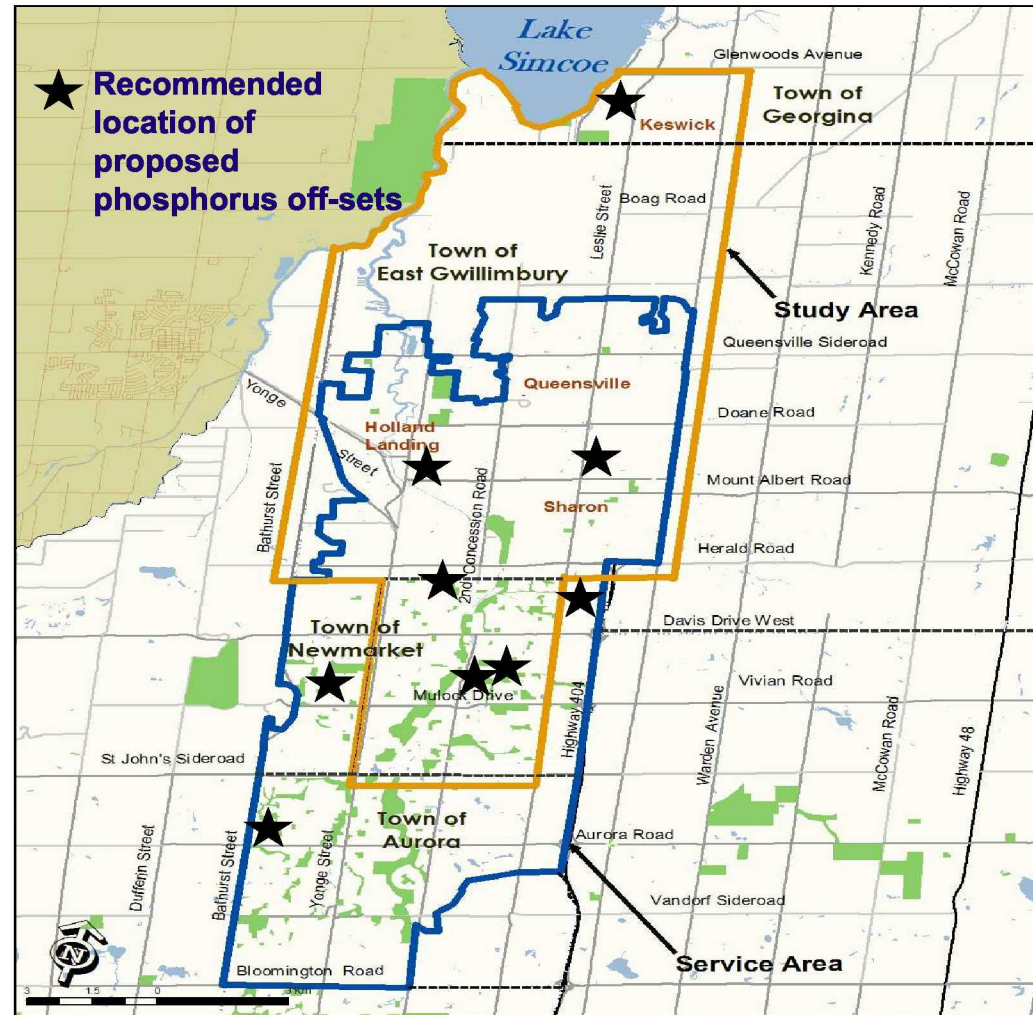
□ Based on discussions with MOE, a project specific phosphorus off-setting program will address this increase through removal of other phosphorus sources at an approximate ratio of 2:1

Result will be a net reduction of approximately 168 kg/yr of total phosphorus in the Lake Simcoe watershed

# Recommended Phosphorus Off-sets

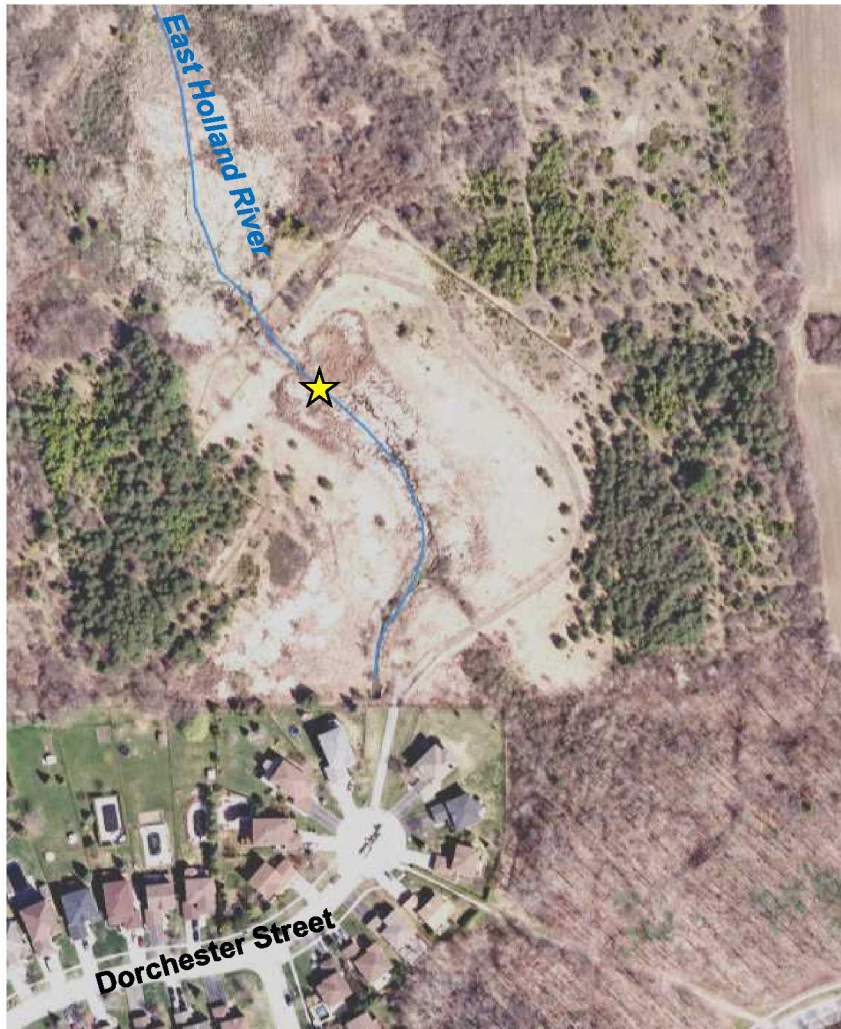
- q Total of nine stormwater management improvements proposed in Aurora, East Gwillimbury Georgina and Newmarket
- q Proposed works in Newmarket involve retrofitting four existing stormwater management ponds and installing one low impact development technology

Proposed off-sets will improve the water quality and quantity of the downstream watercourses that ultimately flow into Lake Simcoe.



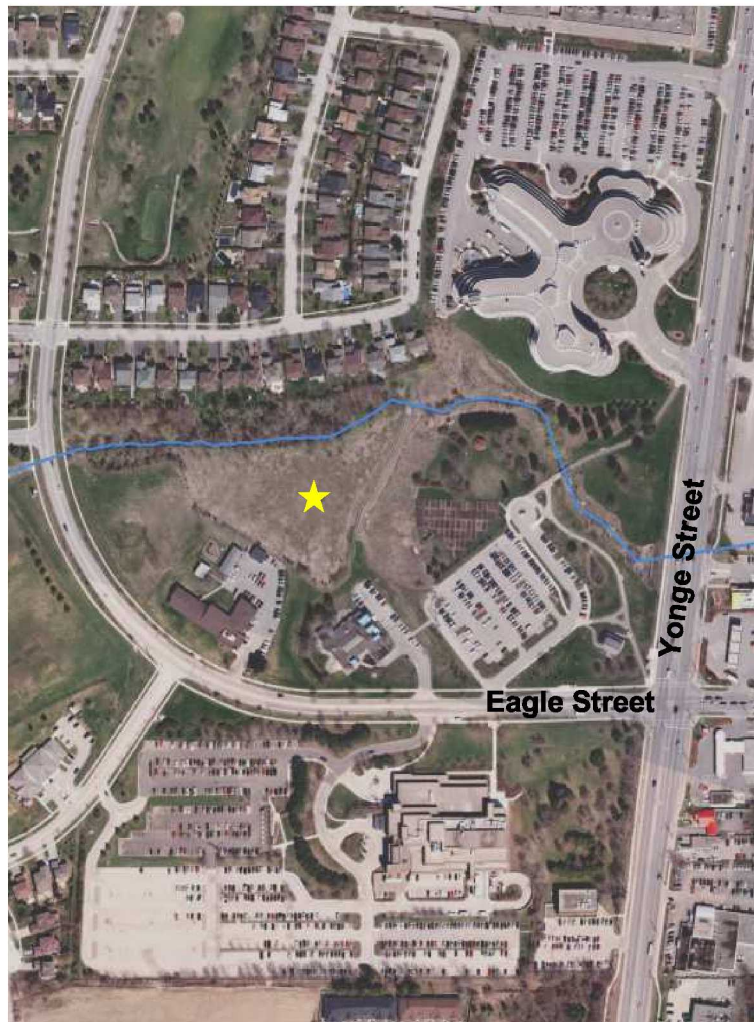


# Proposed Stormwater Management Pond Retrofit – Dorchester St



<b>Catchment</b>	Area (ha)	77
	Type	Residential
	TP Export Coefficient (kg/ha/yr)	1.32
	TP Load (kg/yr)	102
<b>Existing Conditions</b>	SWM Facility/ LID	Quantity Control Dry Pond
	TP Reduction (kg/year)	10
<b>Proposed Conditions</b>	Proposed Retrofit	Level 1 Wet Pond
	Proposed Retrofit TP Reduction (kg/year)	66
	Net TP Reduction (kg/yr)	56
	TP Off-Sets Ratio	2.0:1
	TP Credit Received (kg/yr)	28
<b>Conceptual Design</b>	Proposed Works	forebay and wet pond
	Surface Area (m <sup>2</sup> )	17,084
	Volume (m <sup>3</sup> )	40,304
	Depth (m)	3
	Potential for Contaminated Sediments	Yes
<b>Conceptual Costs</b>	Capital Construction Costs	\$2,645,125.00

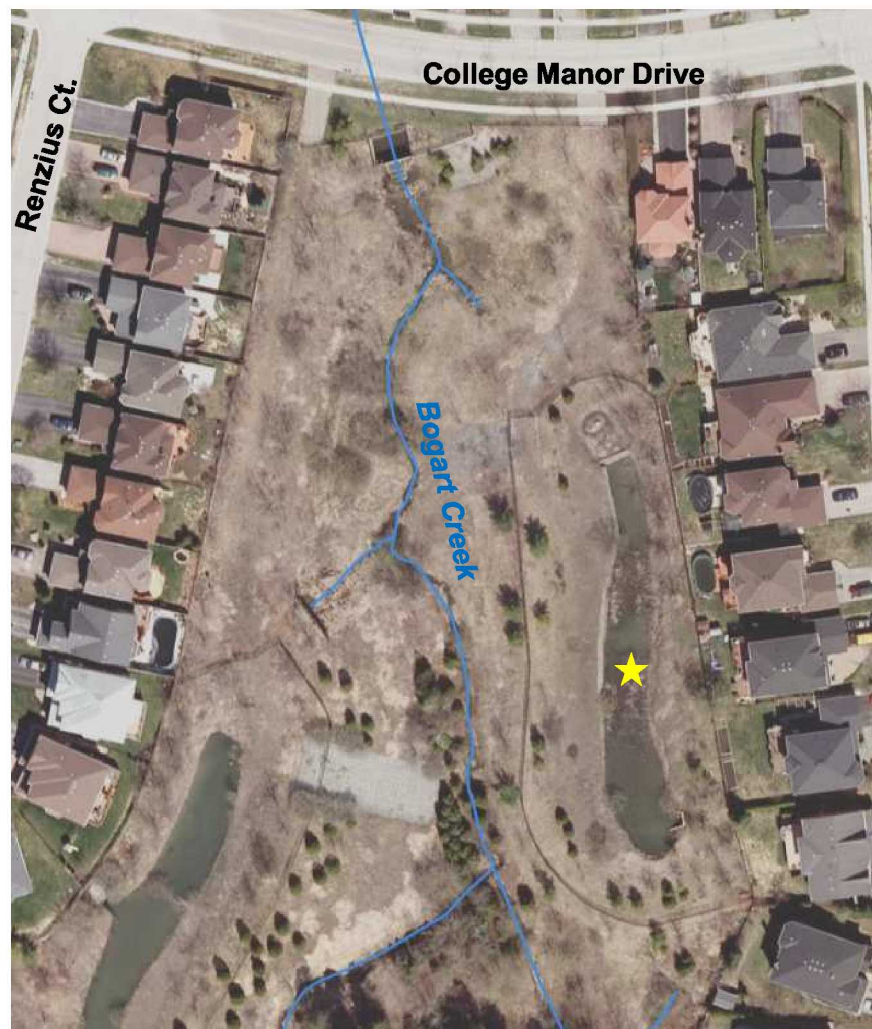
# Proposed Stormwater Management Pond Retrofit – Eagle St.



<b>Catchment</b>	Area (ha)	212
	Type	Residential
	TP Export Coefficient (kg/ha/yr)	1.32
	TP Load (kg/yr)	280
<b>Existing Conditions</b>	SWM Facility/ LID	Quantity Control Dry Pond
	TP Reduction (kg/year)	28
<b>Proposed Conditions</b>	Proposed Retrofit	Level 2 Wet Pond or Wetland
	Proposed Retrofit TP Reduction (kg/year)	160
	Net TP Reduction (kg/yr)	132
	TP Off-Sets Ratio	2.0:1
	TP Credit Received (kg/yr)	66
<b>Conceptual Design</b>	Proposed Works	forebay and wet pond
	Surface Area (m <sup>2</sup> )	11232
	Volume (m <sup>3</sup> )	29601
	Depth (m)	3
	Potential for Contaminated Sediments	No
<b>Conceptual Costs</b>	Capital Construction Costs	\$1,812,265.63

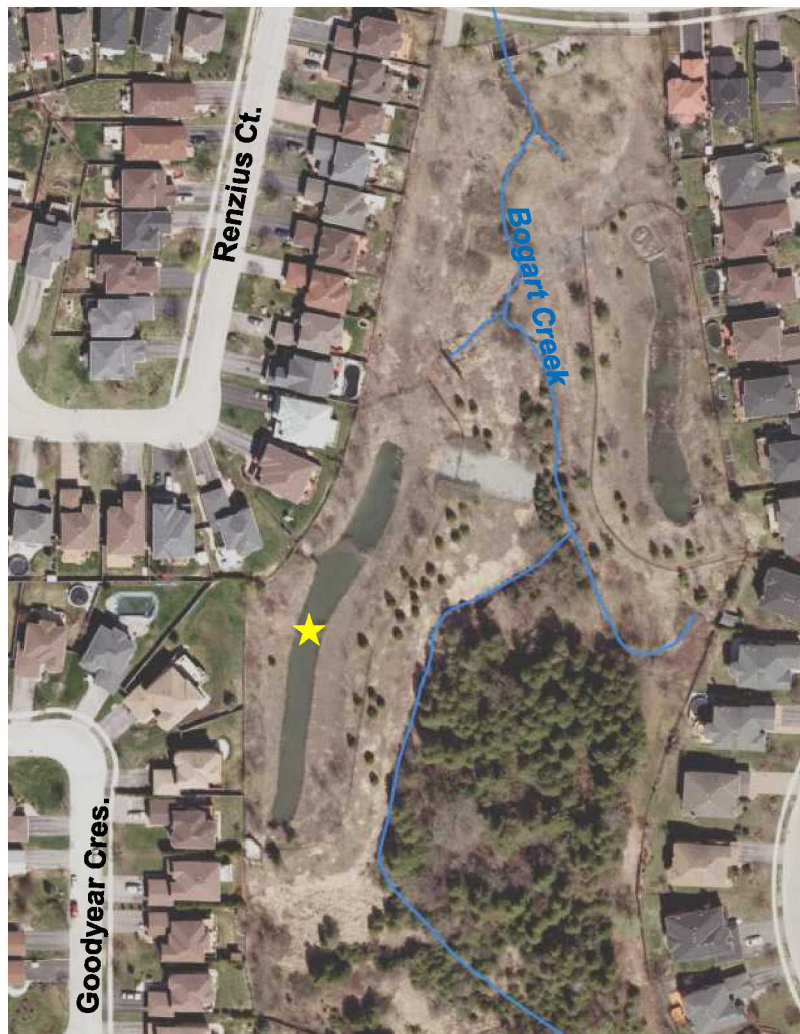


# Proposed Stormwater Management Pond Retrofit – College Manor Dr.



<b>Catchment</b>	Area (ha)	47
	Type	Residential
	TP Export Coefficient (kg/ha/yr)	1.32
	TP Load (kg/yr)	62
<b>Existing Conditions</b>	SWM Facility/ LID	Quantity Control Wet Pond
	TP Reduction (kg/year)	12
<b>Proposed Conditions</b>	Proposed Retrofit	Level 2 Wet Pond or Wetland
	Proposed Retrofit TP Reduction (kg/year)	35
	Net TP Reduction (kg/yr)	23
	TP Off-Sets Ratio	2.0:1
	TP Credit Received (kg/yr)	12
	Conceptual Design	
	Proposed Works	forebay and wet pond
	Surface Area (m <sup>2</sup> )	2,543
	Volume (m <sup>3</sup> )	5,317
	Depth (m)	2.5
	Potential for Contaminated Sediments	Yes
<b>Conceptual Costs<sup>1</sup></b>	Capital Costs	Construction
		\$ 1,127,910

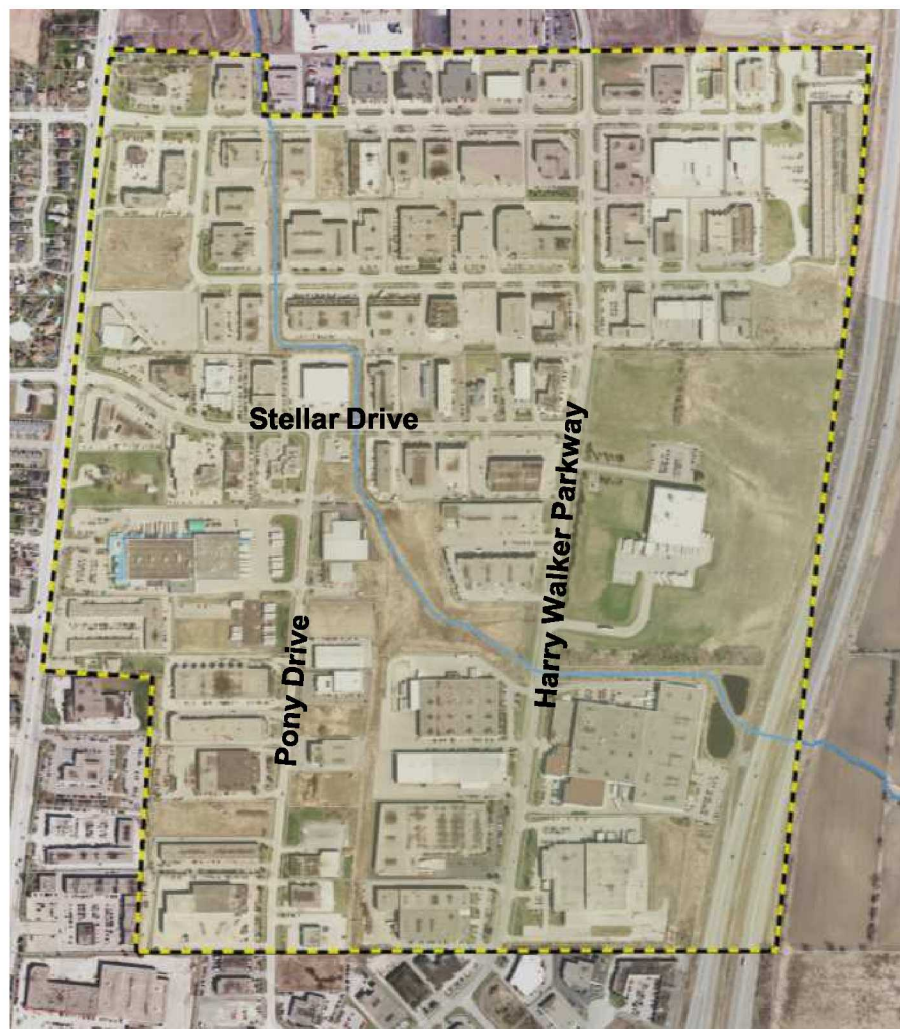
# Proposed Stormwater Management Pond Retrofit – Renzius Ct.



<b>Catchment</b>	Area (ha)	51
	Type	Residential
	TP Export Coefficient (kg/ha/yr)	1.32
	TP Load (kg/yr)	67
<b>Existing Conditions</b>	SWM Facility/ LID	Quantity Control Wet Pond
	TP Reduction (kg/year)	13
<b>Proposed Conditions</b>	Proposed Retrofit	Level 2 Wet Pond or Wetland
	Proposed Retrofit TP Reduction (kg/year)	38
	Net TP Reduction (kg/yr)	25
	TP Off-Sets Ratio	2.0:1
	TP Credit Received (kg/yr)	13
<b>Conceptual Design</b>	Proposed Works	forebay and wet pond
	Surface Area (m <sup>2</sup> )	3,369
	Volume (m <sup>3</sup> )	6,684
	Depth (m)	2.5
	Potential for Contaminated Sediments	Yes
<b>Conceptual Costs<sup>1</sup></b>	Capital Construction Costs	\$1,313,086



# Proposed Low Impact Development Technology – Harry Walker Pkwy



<b>Catchment</b>	Area (ha)	40
	Type	Industrial
	TP Export Coefficient (kg/ha/yr)	1.82
	TP Load (kg/yr)	72
<b>Existing Conditions</b>	SWM Facility/ LID	Dry Grassed Swales
	TP Reduction (kg/year)	0
<b>Proposed Conditions</b>	Proposed Retrofit	Perforated pipes in grassed swales
	Proposed Retrofit TP Reduction (kg/year)	35
	Net TP Reduction (kg/yr)	35
	TP Off-Sets Ratio	2.0:1
	TP Credit Received (kg/yr)	18
<b>Conceptual Design</b>	Proposed Works	Perforated pipes in existing swales in roadside stormwater ditches along Stellar Dr, Pony Dr, and on the existing stormwater easement located between Harry Walker Pkwy and Pony Dr
	Pipe Diameter	600mm diameter
	Length	1800m
	Potential for Contaminated Sediments	No
<b>Conceptual Costs</b>	Capital Construction Costs	\$4,158,712.50

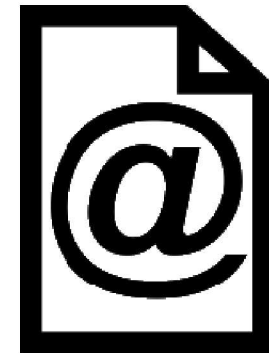
40

# Ongoing Communications

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## During the Detailed Design...

- Direct notification by mail to all residences/businesses adjacent to all project components
- Direct personal letters by mail to all property owners where a temporary or permanent easement is required.



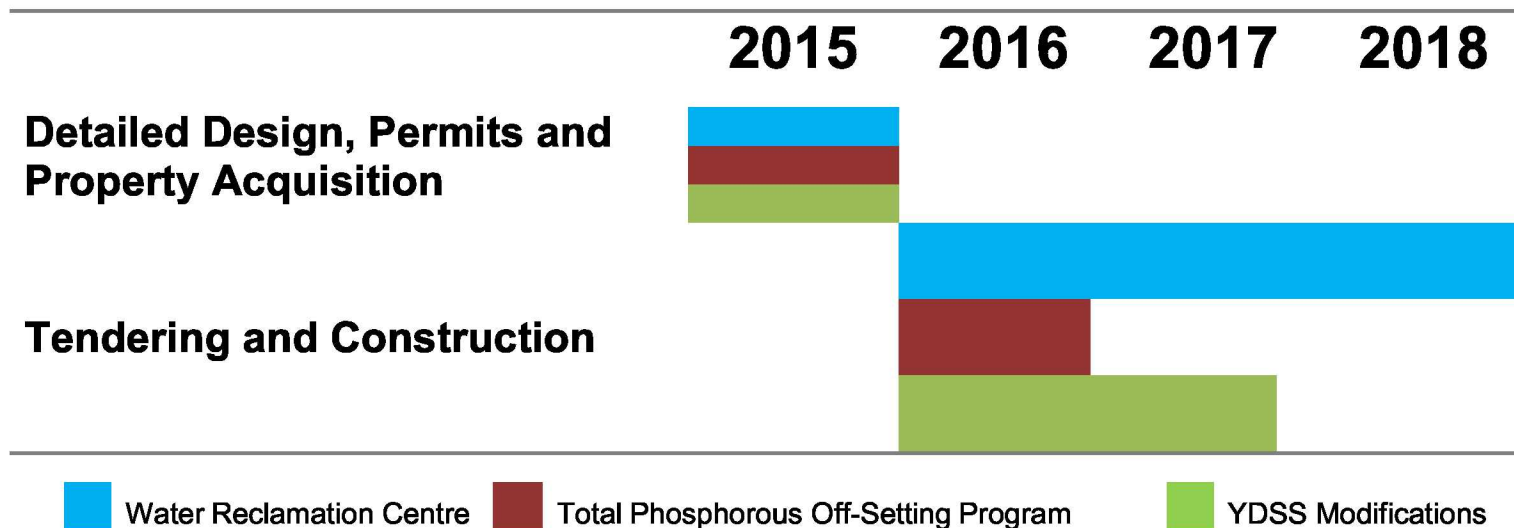
## During construction...

- Advance notifications of construction
- Complaint Management System for issue tracking/resolution
- Local and toll free numbers provided



# Next Steps and Implementation Schedule

- q Comments on draft Environmental Assessment report currently being reviewed for incorporation in final report
- q Submission of final Environmental Assessment report - late May 2014
- q Award of detailed design & construction administration engineering assignment – considered at June Council



# For More Information

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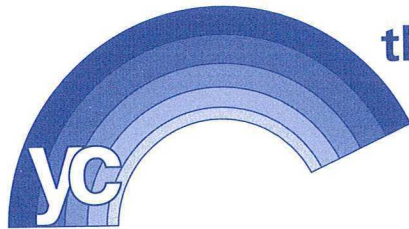
**Brian Wolf**  
**Senior Project Manager**  
**(905) 830-4444 Ext. 75075**  
**[brian.wolf@york.ca](mailto:brian.wolf@york.ca)**

Proclamation of May 1, 2014 as First Responder's Day in the Town of Newmarket.

Recommendations:

ii) THAT the Town of Newmarket proclaim May 1, 2014 as 'First Responder's Day';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)



# the york centre for children, youth & families

Phone: (905) 887-5896

Fax: (905) 887-0584

Email: [info@theyorkcentre.ca](mailto:info@theyorkcentre.ca)

11225 Leslie Street, Richmond Hill, Ontario L4S 1N5

[www.theyorkcentre.ca](http://www.theyorkcentre.ca)

MAYOR'S OFFICE		
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COUNCIL		
CAO		
APR 09 2014		
COMMISSIONER		
DEPARTMENT		
CLERKS	✓	
CONCERNS		

April 7, 2014

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

Dear Mayor Van Bynen,

On behalf of The York Centre for Children, Youth & Families, a children's mental health agency which provide services in York Region, I am writing to request that you proclaim May 4 -10, 2014 as "Children's Mental Health Week" in the Town of Newmarket.

One in 5 children experiences mental health problems. Treatment is effective, however, frequently these problems are not diagnosed or treated and they may become more serious. Through a variety of activities which are scheduled for Children's Mental Health Week, we are striving to achieve the following four goals:

- Promoting/maintaining good mental health
- Increasing public awareness of children's mental health issues and dispelling the associated stigma
- Encouraging parents to seek help
- Providing contact information for children's mental health services in York Region

We ask that you support us in our quest for optimal mental health for all children by making a proclamation and including the following contact information:

- The York Centre for Children, Youth & Families: 905-887-5896 or [info@theyorkcentre.ca](mailto:info@theyorkcentre.ca)

"Healthy Minds, Healthy Kids, Healthy Communities".

If you require additional information, please contact me at 905-851-1672.

Yours truly,

*Noreen Lee*

Noreen Lee, Chairperson  
The York Centre for Children, Youth & Families

THE ONTARIO  
TRILLIUM  
FOUNDATION



LA FONDATION  
TRILLIUM  
DE L'ONTARIO

Accredited by Children's Mental Health - Ontario

Charitable No.: 12999 5817 RR0001

a member of



United Way  
of York Region

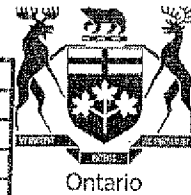


Minister Responsible  
for Seniors Affairs

77 Wellesley Street West  
12th Floor, Ferguson Block  
Toronto, ON M7A 1N3  
Tel: 416-314-9710  
Fax: 416-325-4787

Ministre délégué aux  
Affaires des personnes âgées

77, rue Wellesley Ouest  
12<sup>e</sup> étage, bloc Ferguson  
Toronto ON M7A 1N3  
Tél: 416-314-9710  
Télééc: 416-325-4787



MAYOR'S OFFICE		
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COUNCIL		
CAO		
APR 01 2014		
COMMISSIONER		
DEPARTMENT	Reception ✓	
CLERKS	✓	
CONCERNS		

March 24, 2014

Dear Mayor (or Reeve),

In advance of Seniors' Month I am writing to encourage you to proclaim June as Seniors' Month in your community.

June marks the 30<sup>th</sup> anniversary of Seniors' Month in Ontario. To recognize the important achievements we have made together, and the important role seniors play in our communities, this year's Seniors' Month theme is "Aging Without Boundaries: 30 Years of Celebrating Seniors."

Attached is a sample proclamation for your consideration. Please let us know if you will be making this proclamation by emailing the Ontario Seniors' Secretariat at [infoseniors@ontario.ca](mailto:infoseniors@ontario.ca).

We will be sending you promotional materials soon. Please let us know about any events you are planning and we will post them on the Ontario Seniors' Secretariat website at [www.ontarioseniors.ca/seniorsmonth](http://www.ontarioseniors.ca/seniorsmonth).

I would also like to encourage you to work with your MPP(s) to host Seniors' Month events in your community and to access the resources offered by the Ontario Seniors' Secretariat, such as A Guide to Programs and Services for Seniors in Ontario, Age-Friendly Community Planning Guide and Advance Care Planning Guide.

Seniors' Month presents a great opportunity for alignment with the Senior of the Year Award, which is awarded each year by the Government of Ontario through municipalities. I hope to visit a number of participating municipalities over the course of Seniors' Month.

If you have any questions regarding Seniors' Month or about hosting an event, please contact Ontario Seniors' Secretariat at [infoseniors@ontario.ca](mailto:infoseniors@ontario.ca) for assistance.

Thank you,

Mario Sergio  
Minister

Enclosure

CORPORATE SERVICES		
INCOMING MAIL	REFD TO	COPY TO
APR 01 2014		

# Seniors' Month Proclamation

**Seniors' Month**  
**June 1 – 30, 2014**

June 2014 marks the  
**30<sup>th</sup> anniversary** of  
Seniors' Month.

Consider officially  
proclaiming June as  
Seniors' Month in your  
community this year.

Here is a sample  
proclamation for your  
consideration.

Please let the Ontario  
Seniors' Secretariat  
know if you will be  
honouring seniors in  
your community this  
June with a proclamation  
by emailing us at  
[infoseniors@ontario.ca](mailto:infoseniors@ontario.ca).

WHEREAS Seniors' Month is an annual nation-wide celebration;

WHEREAS seniors have contributed and continue to contribute  
immensely to the life and vibrancy of this community;

WHEREAS seniors continue to serve as leaders, mentors, volunteers  
and important and active members of this community;

WHEREAS their contributions past and present warrant appreciation  
and recognition and their stories deserve to be told;

WHEREAS the health and well-being of seniors is in the interest of all  
and further adds to the health and well-being of the community;

WHEREAS the knowledge and experience seniors pass on to us  
continues to benefit all;

I, Mayor \_\_\_\_\_, do hereby proclaim June 1-30, 2014  
Seniors' Month in \_\_\_\_\_ and encourage all citizens to  
recognize and celebrate the accomplishments of our seniors.

Dated in the Mayor's Office on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor



LOIS BROWN, M.P.  
Newmarket-Aurora

MAYOR'S OFFICE		
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CAO		
APR 14 2014		
COMMISSIONER		
DEPARTMENT		
CLERKS		
CONCERNS	April 2 <sup>nd</sup> , 2014	

Mayor Tony Van Bynen,  
Town of Newmarket  
395 Mulock Dr.  
P.O. Box 328, STN Main,  
Newmarket, ON L3Y 4X7

CORPORATE SERVICES		
INCOMING MAIL	REFD TO	COPY TO
APR 15 2014		

Dear Mayor Van Bynen:

Re: National Health & Fitness Day

I write to ask that your Council pass a resolution in support of this new national day to enhance the health and fitness of your constituents and all Canadians. I enclose a draft resolution that can be adapted or used by Council to commit to a national program that unites you with other local governments in the promotion of increased participation in physical activities in communities across Canada.

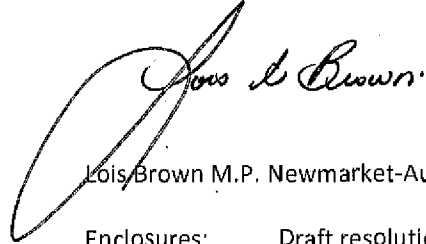
Councils that have endorsed the concept have taken different approaches. Some have simply proclaimed the day (the first Saturday in June) to raise awareness of the importance of increasing physical activity; others have marked the day with local events and initiatives celebrating and promoting the importance and use of local health, recreational, sports and fitness facilities, in order to boost participation in healthy physical activity. Endorsement of the concept should ultimately drive up participation rates and help promote our common interest in encouraging Canadians to live healthier lifestyles.

In addition, most councils have also notified the Federation of Canadian Municipalities of their support for National Health and Fitness Day. Should the FCM receive sufficient support, it will add its endorsement to that of the Canadian Medical Association, the Heart and Stroke Foundation and other organizations. A sample notice to the FCM is enclosed,

If you support National Health and Fitness day, please send a copy of your resolution as well as the Notice to FCM to the office of MP Weston, who is monitoring the results from Coast to Coast and who has introduced the *National Health & Fitness Day* Private Member's Bill.

Thank you in anticipation of your Council helping to promote health and fitness in Canada.

Kindest regards

  
Lois Brown M.P. Newmarket-Aurora

Enclosures: Draft resolution, Notice to FCM and to John Weston, M.P.



Draft resolution for proclamation:National Health and Fitness Day

## Whereas:

- the Parliament of Canada wishes to increase awareness among Canadians of the significant benefits of physical activity and to encourage Canadians to increase their level of physical activity and their participation in recreational sports and fitness activities;
- it is in Canada's interest to improve the health of all Canadians and to reduce the burden of illness on Canadian families and on the Canadian health care system;
- many local governments in Canada have public facilities to promote the health and fitness of their citizens;
- the Government of Canada wishes to encourage local governments to facilitate Canadian's participation in healthy physical activities;
- the Government of Canada wishes to encourage the country's local governments, non-government organizations, the private sector and all Canadians to recognize the first Saturday in June as National Health and Fitness Day and to mark the day with local events and initiatives celebrating and promoting the importance and use of local health, recreational, sports and fitness facilities;
- Canada's mountains, oceans, lakes, forest, parks and wilderness also offer recreational and fitness opportunities;
- Canadian Environment Week is observed throughout the country in early June, and walking and cycling are great ways to reduce vehicle pollution and improve physical fitness;
- declaring the first Saturday in June to be National Health and Fitness Day will further encourage Canadians to participate in physical activities and contribute to their own health and well-being;

## Therefore:

We proclaim National Health & Fitness Day in our municipality/district /regional district as the first Saturday in June;

(Optional) As a step to increase participation and enhance the health of all Canadians, we commit to mark the day with local events and initiatives celebrating and promoting the importance and use of local health, recreational, sports, and fitness facilities on National Health and Fitness Day; and

In order to leverage the effect of our proclamation, we shall advise the Federation of Canadian Municipalities of our proclamation.



**Board of Funeral Services**  
**Conseil des services funéraires**

777 rue Bay Street, Suite/bureau 2810, Box/C.P. 117  
 Toronto ON M5G 2C8

**Office of the Registrar**  
**Bureau du registrateur**

April 16, 2014

**Celebrating 100 Years!**

On May 6, 2014, funeral service in Ontario will celebrate 100 years as a licensed profession!

As one of the oldest self-regulating professions, we are honoured to have served bereaved families with care, dignity, and respect during difficult times. For this reason we hold our heads high and are so very proud of our history of compassion, professionalism, and exemplary service.

In recognition of a century of service and success, we are grateful to the Globe and Mail and Toronto Sun for their commitment to acknowledging the efforts of funeral professionals in daily publications on May 6, 2014.

To further mark this memorable occasion, we are also inviting communities across the province to help us pay tribute by proclaiming May 4 – 11, 2014, as “Funeral Professionals Week”. To support your valued contribution, please find attached a proclamation template that speaks to the initiatives, accomplishments, and contributions of licensed funeral professionals throughout the years.

We also hope that you will consider reaching out to funeral professionals within your community with a request to engage in events or initiatives aimed at raising consumer awareness about the value of funeral service.

On behalf of Ontario funeral professionals, we thank you for your continued support and commitment.

Sincerely,

*Wayne Smith*

Wayne Smith  
 Chair, 100 Year Celebration Committee  
 Board of Funeral Services

*Yves Berthiaume*

Yves Berthiaume, CFSP, PRF  
 Chair,  
 Board of Funeral Services

*Mac Bain*

Mac Bain  
 Councillor  
 City of North Bay

---

**From:** Brouwer, Andrew  
**Sent:** April-17-14 10:47 AM  
**To:** Moor, Linda  
**Subject:** FW: Celebrate Doctors' Day - May 1st  
**Attachments:** May1st.2014.Doctors' Day.Toolkit. OMA.pdf; 2014ThanksDocPosterFINAL.pdf

For agenda.

---

**From:** Bates, Tina **On Behalf Of** Mayor Van Bynen  
**Sent:** April-16-14 10:30 AM  
**To:** Brouwer, Andrew  
**Cc:** Mayor Van Bynen  
**Subject:** FW: Celebrate Doctors' Day - May 1st

For circulation to members of Council.

*Tina Bates*

Assistant to the Office of the Mayor  
 ext. 2003

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**From:** Foote, Valerie [<mailto:Valerie.Foote@oma.org>] **On Behalf Of** President  
**Sent:** April 9, 2014 3:54 PM  
**To:** President  
**Subject:** Celebrate Doctors' Day - May 1st

Afternoon,

On behalf of the Ontario Medical Association (OMA), I would like to take this time to invite you to join us as we recognize the work of Ontario's physicians on Doctors' Day on May 1st. This day was officially proclaimed by the Ontario government in 2011 to celebrate the province's 26,000+ physicians and to mark the birthday of Canada's first female physician, Dr. Emily Stowe.

Starting May 1st, the OMA will launch a public campaign to showcase the work of physicians in patient care, research, education and health system transformation. The campaign features earned and social media, MPP engagement opportunities with physician leaders and local physician appreciation events organized by health stakeholders.

Throughout the month of May, patients and their families, health care professionals, the general public and others will also be invited to celebrate Doctors' Day by submitting a thank-you note to their doctor through [www.ontariosdoctors.com](http://www.ontariosdoctors.com) or by tweeting #thanksdoc.

We invite you to participate in this provincial-wide campaign by showcasing the physicians who work in your local communities and to encourage your constituents, their families and others to send a personalized message to their physician.

To support you in your efforts, we have provided you with a Doctors' Day Toolkit. This toolkit was provided to key OMA health care stakeholders and we felt you might also find it valuable and of interest so I have provided it here for you. Enclosed you will find a downloadable Doctors' Day poster, key messages, sample tweets and release, fast facts



about doctors and other information. Its contents are meant to help develop ideas and support your efforts to celebrate with your constituents in your local community.

If you have any questions or concerns, please do not hesitate to contact Christina Cunningham, OMA Public Affairs at [Christina.cunningham@oma.org](mailto:Christina.cunningham@oma.org).

Thank you for your support!

Sincerely,

Dr. Ved Tandan  
President-Elect

## Doctors' Day: May 1st, 2014

*A public campaign to recognize the contributions of Ontario doctors  
in patient care, research, health system leadership and education*



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## 1. Overview of Doctors' Day in Ontario

### Celebrate Doctors' Day in Ontario on May 1st

Every day, more than 320,000 patients across the province are treated and cared for by a doctor. Whether it's in a hospital, a long-term care home, a clinic or at home, Ontario's doctors are making a positive difference in the lives of patients by providing high-quality care when it's needed most.

In 2011, Doctors' Day was recognized as the official day of appreciation for Ontario's medical profession. The date of May 1<sup>st</sup> was chosen as Doctors' Day to mark the birthday of Canada's first female physician, Dr. Emily Stowe.

On May 1st, the Ontario Medical Association will be launching its annual public campaign to recognize the extraordinary contributions made by Ontario doctors in the health care system. From **May 1<sup>st</sup> until the end of the month**, patients and their families, health care professionals and others can celebrate Doctors' Day by submitting a personalized thank-you message to their doctor through **[www.ontariosdoctors.com](http://www.ontariosdoctors.com)** or by tweeting **#thanksdoc**.

## 2. Key Themes

- High-quality care
- Patient-centred care
- Collaboration
- Compassion
- Trusted leaders and innovators
- Dedication

### 3. Communications Objectives

- Showcase the role and achievements made by Ontario's doctors within your organization and their impact on advancing patient care, research, education and transforming the health care system.
- Encourage public discussions with patients about doctors and their role as trusted, caring and innovative leaders in the health care system.

### 4. Key Audiences

- Patients, their families and friends
- Health care professionals, health administrators, staff
- MPPs, mayors, city councillors and other elected officials
- LHINs, government officials
- General public

### 5. Key Messages

- Every day, more than 320,000 patients across the province are treated and cared for by an Ontario doctor.
- Whether it's in a hospital, a clinic, a long-term care facility, a research lab or at home, Ontario's doctors are working hard to make sure patients get the care they need.
- Bring the people of Ontario together to build a singular message of appreciation for Ontario's doctors.
- Starting May 1<sup>st</sup> until the end of the month, thank the doctor who makes a difference to you and your family.
- Visit [www.ontariosdoctors.com](http://www.ontariosdoctors.com) and send a thank-you message to your doctor.

## 6. Suggested Ideas to Celebrate Doctors' Day in Your Organization

As part of this year's campaign, the OMA is inviting hospitals, LHINs and other health partners to celebrate Doctors' Day by recognizing the doctors who work in their organization/community and to encourage patients to send a thank-you message (starting on May 1<sup>st</sup> until the end of the month) through the OMA's new public-facing website at: [www.ontariosdoctors.com](http://www.ontariosdoctors.com).

The OMA is providing partner organizations with a Doctors' Day communications toolkit (includes an electronic Doctors' Day poster, sample news release, fast facts, sample tweets) to support their internal and external communications activities.

Suggested ways to mark Doctors' Day in your own organization include:

Identify a staff person to lead your organization's Doctors' Day celebrations and to partner with the OMA's Public Affairs Department on earned media and other joint communications opportunities.

Print the downloadable Doctors' Day poster and post it in common areas of your organization to help promote the day.

Profile doctors who are making a difference for patients through the local media or through your organization's communications channels (e.g. internal newsletter, website a community or foundation publication, etc.).

Host a patient or staff tea ceremony in a common area of your organization.

Communicate useful facts about Ontario's medical profession (Fast Facts included in the toolkit) to promote stronger public awareness about the work of doctors and their contributions to patient care and to the economy.

Invite the local MPP to attend a Doctors' Day celebration and/or provide a supportive quote in the news release.

Tweet pictures of your event to the OMA's #thanksdoc and on your social media sites.



## Stakeholder Toolkit

### Questions and Answers: Doctors' Day

#### What is Doctors' Day?

Doctors' Day was founded in 2011, after the Honourable Reza Moridi, Minister of Research and Innovation and MPP for Richmond Hill, introduced a motion in the Ontario Legislature to create a special day that would recognize the work of the province's 26,000 physicians.

May 1<sup>st</sup> was chosen as Doctors' Day in Ontario to mark the birthdate of Emily Stowe, Canada's first female practising physician.

The idea is spreading: Nova Scotia recently established May 1 as Doctors' Day.

#### Why Doctors' Day?

Doctors save lives every day, and work hard to maintain the health of all Ontarians. Doctors are also leaders in evolving the health care system to improve access to care and ensure that our system is effective, efficient and sustainable for the future. Doctors' Day is a great opportunity for patients to take a minute to say thanks!

#### Who was Emily Stowe?

Dr. Emily Stowe was the country's first female practising physician, and a founder of the women's movement in Canada. She was born in Norwich Township, Oxford County, Ontario, and graduated from the New York Medical College for Women in 1867. She then opened a medical practice in Toronto.

#### What is happening across the province to celebrate Doctors' Day?

- Starting on May 1<sup>st</sup> until the end of the month, Ontarians are being invited to go to [www.ontariosdoctors.com](http://www.ontariosdoctors.com) to take a minute to thank their doctors and to share their stories! Every submission will be entered into a draw to win an amazing prize!
- On May 1<sup>st</sup>, a delegation of physicians met at Queen's Park to participate in the official launch of Doctors' Day and to join MPPs to mark the occasion. Also, a proclamation for Doctors' Day will be read in the Ontario legislature.
- Health organizations (e.g. hospitals, clinics) will be celebrating Doctors' Day in their organization and inviting patients, local MPPs and other elected officials, health partners and the community to attend.

- Look for ads in local newspapers and on Facebook to encourage the public to get involved in Doctors' Day.
- The OMA will be partnering with health organizations to profile the extraordinary work of doctors and their impact on patients through earned media stories in mainstream, trade and social media outlets.

**How can I learn more/get involved?**

1. Go to [ontariosdoctors.com](http://ontariosdoctors.com) and take a minute to thank your doctor.
2. Spread the word! "Like" our campaign on [facebook.com/doctorsday](https://facebook.com/doctorsday). Retweet us #thanksdoc.
3. Tell a friend and family members to visit [www.ontariosdoctors.com](http://www.ontariosdoctors.com) (starting May 1<sup>st</sup>) to thank their doctor and to share their experiences.

**Stakeholder Toolkit**  
**Fast Facts about Ontario Doctors**

- Number of practising physicians in Ontario: approximately 26,000
- Number of specialists: 14,100
- Number of general practitioners: 12,300
- Number of speciality areas of medicine: 37 ranging from medical oncology to public health
- Number of first year students enrolled in medical school in Ontario: 1,000
- Average number of years to complete medical education: 8-12 years, plus ongoing, mandatory continuing professional development courses
- Ontario's doctors treat approximately 320,000 patients each day and approximately 5.9 million in the emergency department each year.
- Average hours of work: 55 hours/week
- Each physician's office (through overhead) contributes the equivalent of 4 full-time jobs in their community, generates \$205,000 in GDP, and generates \$50,000 in tax revenue for the municipal, provincial and federal governments.<sup>1</sup>

**Other Fast Facts are available on the [ontariosdoctors.com](http://www.ontariosdoctors.com) website at:**  
<http://www.ontariosdoctors.com/fast-facts/ontarios-patients/>

1

B. Kralj, OMA Economics Department and E. Mansfield, MNP LLP. "Impact of physician practice overhead spending on the Ontario economy." *Ontario Medical Review*, May 2013.



# Let's celebrate doctors!

May 1<sup>st</sup> is  
Ontario  
Doctors' Day  
*Thanks Doc!*

This May,  
help celebrate  
Ontario's doctors

by posting a thank you note to our  
website: [OntariosDoctors.com](http://OntariosDoctors.com)

Every day, more than 320,000 patients  
across the province are treated and  
cared for by a doctor in Ontario.

Whether it's in a hospital,  
a long-term care facility or at home,  
Ontario's doctors work hard to make  
sure patients get the care they need.

Visit [OntariosDoctors.com](http://OntariosDoctors.com) and post  
a thank you note to your doc!



### Stakeholder Toolkit Sample Media Release

Possible Headline:

*Patients and staff at {insert name of organization} say 'thanks' to doctors on Doctors' Day*

**Toronto, ON, May 1, 2014** – Did you know that every day, more than 320,000 patients across the province are treated and cared for by a doctor. Whether it's in a hospital, a long-term care home, a clinic or at home, Ontario's doctors are making a positive difference in the lives of patients by providing high-quality care when it's needed most.

To recognize Ontario's 26,000+ practicing physicians, the Ontario Medical Association (OMA) launched its annual Doctors' Day campaign starting on May 1<sup>st</sup>. During the month of May, patients and their families are invited to celebrate Doctors' Day by submitting a personalized thank-you message to their doctor through [www.ontariosdoctors.com](http://www.ontariosdoctors.com) or by tweeting #thankdoc.

**(Suggested quote from your organization on why it's important to celebrate Doctors' Day and how patients or staff can get take part, highlight work of doctors who are working in the organization).**

"I know I speak on behalf of my colleagues when I say it is a great privilege for us to treat and care for our patients every day. Today is an opportunity when I, alongside patients, thank each and every one of Ontario's 26,000 practising doctors for the amazing work that they do," said OMA President Dr. Ved Tandan, a general surgeon from Hamilton, Ontario.

May 1<sup>st</sup> was recognized by the provincial government in 2011 as the official day of appreciation for Ontario's medical profession. The date was chosen to mark the birthday of Canada's first female physician, Dr. Emily Stowe.

For more information about Doctors' Day, please contact OMA Media Relations at: 416.340.2862 or toll-free at 1.800.268.7215, ext. 2862 or [media@oma.org](mailto:media@oma.org).

**Stakeholder Toolkit**  
**Sample Tweets**

**How has your doctor  
supported you?**

Let them know by saying #ThanksDoc:  
[www.ontariosdoctors.com](http://www.ontariosdoctors.com)  
#onhealth #cdnhealth #onpoli

**Every doc has its day -  
have you thanked yours?**

[www.ontariosdoctors.com](http://www.ontariosdoctors.com)

**Happy Doctors' Day,  
Ontario!**

#ThanksDoc  
[www.ontariosdoctors.com](http://www.ontariosdoctors.com)



**For more information about Doctors' Day and to receive the stakeholder toolkit, contact:**

Christina Cunningham, OMA Public Affairs at: 416.340.2947 or email  
[christina.cunningham@oma.org](mailto:christina.cunningham@oma.org)

# Let's celebrate doctors!

**May 1<sup>st</sup> is  
Ontario  
Doctors' Day**  
*Thanks Doc!*

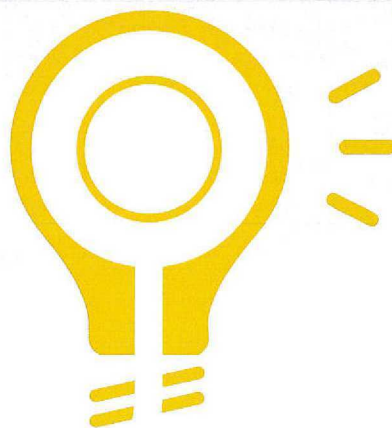
This May,  
help celebrate  
Ontario's doctors

by posting a thank you note to our  
website: [OntariosDoctors.com](http://OntariosDoctors.com)

Every day, more than 320,000 patients  
across the province are treated and  
cared for by a doctor in Ontario.

Whether it's in a hospital,  
a long-term care facility or at home,  
Ontario's doctors work hard to make  
sure patients get the care they need.

Visit [OntariosDoctors.com](http://OntariosDoctors.com) and post  
a thank you note to your doc!



A meeting of the Main Street District Business Improvement Area Board of Management was held on Tuesday, February 18, 2014 at 7:30 p.m. in Hall # 1, Community Centre and Lions Hall at 200 Doug Duncan Drive.

Members      Councillor Sponga  
Present:      Jackie Playter, Chair  
                 Nancy Barnard  
                 Nancy Gerry  
                 Steven Gilbert  
                 Anne Martin  
                 Siegfried Wall

Absent:        Adrian Cammaert  
                 James Elliott

Guests:        Larry Herod, Newmarket Hydro  
                 Neno Kovacevic, IBI Group  
                 Dale Parks, Honeywell Limited  
                 Kyle Whittle, Honeywell Limited

Staff:           C. Kalimootoo, Director of Public Works Services  
                 R. Prudhomme, Director of Engineering Services  
                 C. Kallio, Economic Development Officer  
                 M. Ashworth, Capital Projects Parks Development Coordinator  
                 C. Finnerty, Council/Committee Coordinator  
                 L. Moor, Council/Committee Coordinator

**1.    MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF  
MANAGEMENT MINUTES - FEBRUARY 18, 2014 – ITEM 1  
LIGHT FIXTURES – MAIN STREET**

Mr. Chris Kalimootoo, Director of Public Works Services, Mr. Larry Herod, Newmarket Hydro, Mr. Dale Parks, Honeywell Limited and Mr. Kyle Whittle, Honeywell Limited addressed those present regarding Newmarket's street lighting retrofit project.

The Director of Public Works Services advised that the Town will be retrofitting approximately 7,800 light fixtures from incandescent to LED lighting in order to realize energy savings. Representatives from Honeywell Limited provided a visual example of the light treatment that will be installed along Main Street. The implementation will occur over a 14 month period throughout the Town.

Discussion ensued regarding expanding the project to other areas around Main Street, including corridors accessing Riverwalk Commons and retention of heritage lighting fixtures.



Moved by Councillor Sponga  
Seconded by Nancy Barnard

THAT the presentation by Mr. Chris Kalimootoo, Director of Public Works Services, Mr. Larry Herod, Newmarket Hydro, Mr. Dale Parks, Honeywell Limited and Mr. Kyle Whittle, Honeywell Limited regarding the retrofit of Main Street light fixtures be received;

AND THAT the Main Street District Business Improvement Area Board of Management support the implementation of new light fixtures on Main Street.

**CARRIED**

The meeting was called to order at 7:57 p.m.

Jackie Playter in the Chair.

### **ADDITIONS**

None.

### **DECLARATIONS OF INTEREST**

None.

### **2. MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT MINUTES – FEBRUARY 18, 2014 – ITEM 2 APPROVAL OF MINUTES**

Moved by Councillor Sponga  
Seconded by Nancy Barnard

THAT the Main Street District Business Improvement Area Board of Management Minutes of November 19, 2013 and January 21, 2014 be approved.

**CARRIED**

### **3. MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT MINUTES – FEBRUARY 18, 2014 – ITEM 3 ENTRANCES TO MAIN STREET**

Mr. Michael Ashworth, Capital Projects Parks Development Coordinator, Ms. Rachel Prudhomme, Director of Engineering Services and Mr. Neno Kovacevic of IBI Group addressed those present regarding the entrance to Main Street off Davis Drive.

Mr. Kovacevic provided a visual presentation of proposed gateway features, including a weathered steel gateway sign, sidewalk treatments and associated landscape characteristics. He advised that the project is planned in coordination with the VivaNext project.

Discussion ensued regarding gateway sign materials, respecting existing heritage features and incorporation of additional gateway features, including benches and a clock.

The Capital Projects Parks Development Coordinator requested that any comments be forwarded to him for inclusion in the gateway plan.

**4. MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT MINUTES – FEBRUARY 18, 2014 – ITEM 4  
FINANCIAL REPORTS**

The Economic Development Officer provided a verbal financial update on Board expenditures and suggested that the Board review the current marketing plan and implement a social media campaign in order to offset some print media costs.

**5. MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT MINUTES – FEBRUARY 18, 2014 – ITEM 5  
COMMITTEE REPORTS**

Nancy Barnard provided a verbal update on the Savour Downtown event to take place on Saturday, February 22, 2014. She advised that the event has sold out.

**Moved by Councillor Sponga  
Seconded by Nancy Gerry**

**THAT the Main Street District Business Improvement Area Board of Management contribute \$200.00 to Savour Downtown in order to offset costs associated with the event.**

**CARRIED**

**6. MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT MINUTES – FEBRUARY 18, 2014 – ITEM 6  
REVIEW OF EVENTS**

Review of Events deferred to the March 18, 2014 meeting.

**7. MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT MINUTES – FEBRUARY 18, 2014 – ITEM 7  
RESTAURANTS/BUSINESSES/DEVELOPMENT**

Restaurants/Businesses/Development deferred to the March 18, 2014 meeting.

**8. MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF  
MANAGEMENT MINUTES – FEBRUARY 18, 2014 – ITEM 8  
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT ENGINEERING  
SERVICES 2013-58  
SKATEBOARDS/BICYCLES ETC. ON MAIN STREET**

Discussion ensued regarding Development and Infrastructure Services Report – Engineering Services 2013-58 dated January 13, 2014 with respect to prohibiting the use of skateboards, roller blades and bicycles on the sidewalks of Main Street.

**Moved by Nancy Gerry  
Seconded by Steven Gilbert**

**The Main Street District Business Improvement Area Board of Management recommends to Council:**

**THAT Development and Infrastructure Services Report – Engineering Services 2013-58 dated January 13, 2014 be received;**

**AND THAT the Main Street District Business Improvement Area Board of Management recommend that a courtesy campaign be implemented to compel users to dismount bicycles, skateboards or any other travel mode in the Downtown Main Street and the Heritage Conservation District Plan areas.**

**CARRIED**

**9. MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF  
MANAGEMENT MINUTES – FEBRUARY 18, 2014 – ITEM 9  
NEW BUSINESS**

Councillor Sponga advised that he will be meeting with Main Street business owners with respect to vandalism issues and deliveries at the rear of properties.

**ADJOURNMENT**

**Moved by Nancy Gerry  
Seconded by Steven Gilbert**

**THAT the meeting adjourn.**

**CARRIED**

There being no further business, the meeting adjourned at 9:29 p.m.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jackie Playter, Chair

**Next Meeting is March 18, 2014 at the Newmarket Community Centre and Lions Hall at 7:30 p.m.**



A meeting of the Main Street District Business Improvement Area Board of Management was held on Tuesday, March 18, 2014 at 7:30 p.m. in Hall # 1, Community Centre and Lions Hall at 200 Doug Duncan Drive.

Members      Councillor Sponga  
Present:      Jackie Playter, Chair  
                 Nancy Barnard  
                 Adrian Cammaert  
                 James Elliott  
                 Steven Gilbert  
                 Anne Martin

Absent:      Nancy Gerry  
                 Siegfried Wall

Guests:      Olga Paiva, Canada T  
                 Ken Sparks, Good Vibes on Main  
                 Vickie Sparks, Good Vibes on Main

Staff:      C. Kallio, Economic Development Officer  
                 L. Moor, Council/Committee Coordinator

Jackie Playter in the Chair.

The meeting was called to order at 7:32 p.m.

### **ADDITIONS**

Nancy Barnard requested that Ms. Vickie Sparks address the Board of Management on behalf of the Marketing Sub-committee to discuss parking issues.

### **DECLARATIONS OF INTEREST**

None.

### **1.      MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT MINUTES – MARCH 18, 2014 – ITEM 1 APPROVAL OF MINUTES**

Main Street District Business Improvement Area Board of Management Minutes of February 18, 2014.

Moved by Nancy Barnard  
Seconded by Anne Martin

**THAT the Main Street District Business Improvement Area Board of Management Minutes of February 18, 2014 be approved.**

**CARRIED**

**2. MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT MINUTES – MARCH 18, 2014 – ITEM 2  
FINANCIAL REPORTS**

The Economic Development Officer provided a verbal financial update of Board expenditures to date and advised of the current balance being \$26,300.

**3. MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT MINUTES – MARCH 18, 2014 – ITEM 3  
COMMITTEE REPORTS**

- a) The Chair advised that she had recently visited the local school which has similar streetlight standards which will be installed on Main Street in the future and she advised she was impressed with the quality of illumination.
- b) Councillor Sponga provided a brief update regarding the proposed gateway entrance arch feature at Main Street and Davis Drive.
- c) Ms. Vickie Sparks addressed those present as Chair of the Main Street District Business Improvement Area Marketing Sub-committee and distributed a document with details of parking issues and a copy of a draft letter to landlords and merchants requesting encouragement to free up Main Street parking for visitors. A suggestion was made to provide the document to Siegfried Wall for referral to the Town's Parking Review Task Force.

Moved by Councillor Sponga  
Seconded by Nancy Barnard

- 1. **THAT the distributed document regarding parking issues and the draft letter to landlords and merchants presented by Ms. Vickie Sparks be received;**
- 2. **AND THAT delivery of the letters should take place as soon as possible;**
- 3. **AND THAT the document be forwarded to the Director of Engineering Services.**

**CARRIED**

- d) Discussion ensued regarding the Canada Day festivities and the funding required.

**Moved by Nancy Barnard  
Seconded by Anne Martin**

**THAT the Main Street District Business Improvement Area Board of Management contributes \$4,000.00 for costs associated with the Canada Day festivities event.**

**CARRIED**

- e) Discussion ensued regarding the Jazz Festival scheduled on the Civic Holiday weekend.

**Moved by Nancy Barnard  
Seconded by Adrian Cammaert**

**THAT the Main Street District Business Improvement Area Board of Management contributes \$3,000.00 for costs associated with the Jazz Festival event on the Civic Holiday weekend.**

**CARRIED**

The Chair requested that \$450.00 be provided by the April 15, 2014 due date for the rental of a table at the front of the stage and the balance can be provided by mid-July, 2014.

- f) Discussion ensued regarding the street closure on the Friday, Saturday and Sunday evenings. A suggestion was made to have a more fulsome discussion about the street closures at the Marketing Sub-committee meeting.

**Moved by James Elliott  
Seconded by Steven Gilbert**

**The Main Street District Business Improvement Area Board of Management recommends to Council:**

**THAT the Main Street District Business Improvement Area Board of Management requests that Town of Newmarket Public Works staff install rolling casters on all the large flower pots that are placed on Main Street during the summer months in an effort to utilize the pots as barriers when the street is closed to vehicular traffic.**

**CARRIED**

- g) Councillor Sponga provided a verbal update regarding various issues associated with Main Street (delivery truck parking, snow/ice challenges, waste/refuse),
- h) Councillor Sponga advised of some new businesses scheduled to open in the near future on Main Street.

- i) James Elliott provided a verbal update regarding the Guitar Extravaganza and advised that he has seen three of the guitars that have been used as canvas for art; he advised that once he receives five completed works, that they will be on display at various venues throughout Town.
- j) James Elliott advised that he has confirmed five musical bands for the Canada Day festivities.

**4. MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT MINUTES – MARCH 18, 2014 – ITEM 4  
REVIEW OF EVENTS**

The Chair advised that this matter on the agenda has been dealt with under Item 3 – Committee Reports.

**5. MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT MINUTES – MARCH 18, 2014 – ITEM 5  
RESTAURANTS/BUSINESSES/DEVELOPMENT**

The Chair advised that this matter is deferred to the April, 2014 Main Street District Business Improvement Area Board of Management meeting.

**6. MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT MINUTES – MARCH 18, 2014 – ITEM 6  
NEW BUSINESS**

- a) Discussion ensued regarding waste/refuse piling up behind the property known as 211 Main Street as well as other restaurant establishments, resulting in the potential for vermin-related issues.
- b) The Economic Development Officer provided positive feedback from the Savour Downtown restaurant tour and advised of its extreme success and staff already have a waiting list of names for next year's event.

**Moved by Councillor Sponga  
Seconded by Steven Gilbert**

**THAT the meeting adjourn.**

**CARRIED**



There being no further business, the meeting adjourned at 9:05 p.m.

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Date

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Jackie Playter, Chair

Next Meeting is April 15, 2014 at the Newmarket Community Centre and Lions Hall at 7:30 p.m.

Item 8 of the Main Street District Business Improvement Area Board of Management Minutes of February 18, 2014 regarding Development and Infrastructure Services Report - Engineering Services 2013-58 dated January 13, 2014 regarding Skateboards/Bicycles etc. on Main Street.

The Main Street District Business Improvement Area Board of Management recommends to Council:

THAT Development and Infrastructure Services Report - Engineering Services 2013-58 dated January 13, 2014 be received and the Main Street District Business Improvement Area Board of Management recommend a courtesy campaign be implemented to compel users to dismount bicycles, skateboards or any other travel mode in the Downtown Main Street and the Heritage Conservation District Plan areas.

Item 3f) of the Main Street District Business Improvement Area Board of Management Minutes of March 18, 2014 regarding street closure.

The Operational Leadership Team recommends:

THAT the matter related to the request of installation of roller casters on flower pots be referred to staff.

The Main Street District Business Improvement Area Board of Management recommends to Council:

THAT the Main Street District Business Improvement Area Board of Management requests that the Town of Newmarket Public Works staff install rolling casters on all the large flower pots that are placed on Main Street during the summer months in an effort to utilize the pots as barriers when the street is closed to vehicular traffic.



# Town of Newmarket MINUTES

## ENVIRONMENTAL ADVISORY COMMITTEE

Wednesday, March 5, 2014  
at 6:30 p.m.  
Mulock Room, 395 Mulock Drive

A meeting of the Newmarket Environmental Advisory Committee was held on Wednesday, March 5, 2014 at 6:30 p.m. in the Mulock Room at 395 Mulock Drive.

Present: John Birchall  
Wes Guldemon  
Doug Jagger  
Jill King  
Dayna Laxton

Absent: Councillor Twinney  
Philip Breault  
Joanna Parsons  
Geoff Shore

Staff: C. Kalimootoo, Director of Public Works Services  
C. Schritt, Traffic Technician  
C. Finnerty, Council/Committee Coordinator

The meeting was called to order at 6:40 p.m.

Doug Jagger in the Chair.

### **ADDITIONS TO THE AGENDA**

None.

### **DECLARATIONS OF INTEREST**

None.

### **1. NEWMARKET EAC MINUTES – MARCH 5, 2014 – ITEM 1 APPROVAL OF MINUTES**

Environmental Advisory Committee Minutes of February 12, 2014.

**Moved by Dayna Laxton  
Seconded by Wes Guldemon**

**THAT the Environmental Advisory Committee Minutes of February 12, 2014 be approved.**

**CARRIED**



2. **NEWMARKET EAC MINUTES – MARCH 5, 2014 – ITEM 2  
CORRESPONDENCE**

Moved by John Birchall  
Seconded by Dayna Laxton

THAT the correspondence items, previously distributed by e-mail, be received.

CARRIED

3. **NEWMARKET EAC MINUTES – MARCH 5, 2014 – ITEM 3  
NATURAL HERITAGE PRESERVATION PRESENTATION**

The Traffic Technician circulated a Natural Heritage Area brochure for the Committee's review. The brochure outlines the importance of natural heritage preservation in Newmarket and includes a map identifying areas designated as Natural Heritage in the Official Plan.

Review of the brochure was deferred to the April 2, 2014 meeting. The brochure will be circulated electronically with all comments to be submitted to Dayna Laxton not later than Wednesday, March 26, 2014.

4. **NEWMARKET EAC MINUTES – MARCH 5, 2014 – ITEM 4  
ENVIRONMENTAL ISSUES/REQUESTS FOR FEEDBACK**

John Birchall advised that any time sensitive feedback requests can be handled by email. The Chair requested that the subject line of any email identify the sensitivity and requirement for action.

5. **NEWMARKET EAC MINUTES – MARCH 5, 2014 – ITEM 5  
COUNCIL REVIEW WORKSHOP UPDATE/PLAN**

John Birchall advised that the Council Review Workshop is tentatively scheduled for March 24, 2014 pending confirmation by staff. The workshop will identify what needs to be accomplished for the balance of the term of Council and establish a framework for the next Committee.

6. **NEWMARKET EAC MINUTES – MARCH 5, 2014 – ITEM 6  
ENVIRONMENTAL VISION STATEMENT-FOLLOW-UP**

John Birchall made a verbal presentation regarding the environmental vision statement that was prepared by NEAC in December, 2008 and subsequently adopted by Council. The vision was intended to be used on an interim basis until resident and stakeholder engagement was completed and a draft Community Environmental Plan prepared. John Birchall advised that the Town is not taking advantage of some of the environmental grants and incentives available as there is no staff resource responsible for environmental co-ordination, planning and accountability.

Moved by John Birchall  
Seconded by Jill King

The Environmental Advisory Committee recommends to Council:

- a) THAT Council direct staff to find a dedicated staff resource to coordinate environmental matters, establish environmental priorities based on best practice guidelines, seek appropriate funding and provide environmental accountability reporting within the Town of Newmarket;
- b) AND THAT an environmental accountability report be prepared each year for presentation to Council and the public;
- c) AND THAT Council reaffirm the 2008 draft environmental vision statement pending the preparation of a draft Community Environmental Plan;
- d) AND THAT Council recommend to the new council that budget priority be given in the next term of Council to fund the PCP Community Environmental Plan.

**CARRIED**

John Birchall indicated he would attempt to acquire job descriptions for reference purposes.

**7. NEWMARKET EAC MINUTES – MARCH 5, 2014 – ITEM 7  
GARBAGE/WASTE BY-LAW REVIEW**

John Birchall prepared a draft recommendation for the Committee's review based upon Philip Breault's presentation to the Committee at the February 12, 2014 meeting and subsequent discussion around the clear bag program in Markham.

Moved by Jill King  
Seconded by Wes Guldemond

The Environmental Advisory Committee recommends to Council:

**Whereas staff and NEAC recommended approximately four years ago a plan to reduce the amount of garbage bags picked up at curbside; and**

**Whereas Council decided that more time was needed before making a change; and**

**Whereas green bin success continues to reduce the need for actual garbage to be picked up; and**

**Whereas there have been successful programs to use clear plastic bags with Aurora being the first to proceed in the N6 municipalities;**

- a) **It is therefore recommended that Council direct staff to prepare a report on waste reduction and curbside garbage pickup;**

- b) AND THAT such report addresses the waste strategy and communication implementation plan;
- c) AND THAT NEAC be consulted on any recommendations included in the plan;
- d) AND THAT the report be presented to Council in the first quarter of 2015.

**CARRIED**

The Committee requested that the report address garbage limits for secondary dwelling units and biomedical waste separate from other waste reduction strategies.

**8. NEWMARKET EAC MINUTES – MARCH 5, 2014 – ITEM 8  
NEIGHBOURHOOD COMMUNITY GARDENS**

John Birchall spoke with representatives from the York Region Food Network who advised that the community garden could be expanded this year to include an additional two rows of plots without any requirement for a water line expansion. Volunteers would mark the gardens, using wood chips to delineate each plot. He presented a video prepared by the York Region Food Network on upStream Aquaponics project. The business operates a water based method of growing fresh produce in a closed loop system using tilapia and vermin composting.

**Moved by John Birchall  
Seconded by Wes Guldemond**

**The Environmental Advisory Committee recommends to Council:**

**Whereas there is no additional requirement for water to be provided at the existing community gardens.**

**Therefore be it resolved that Council authorize an extension of two rows at the existing community gardens;**

**AND THAT NEAC contribute a maximum of \$500.00 toward plowing and site preparation.**

**CARRIED**

**9. NEWMARKET EAC MINUTES – MARCH 5, 2014 – ITEM 9  
EVENTS UPDATE**

Community Garage Sale

The Committee set Saturday, May 31, 2014 as the event date. The Chair suggested that NEAC invest in new signs.

Moved by John Birchall  
Seconded by Dayna Laxton

**THAT the Committee authorize an expense up to \$600 from the NEAC budget for the purchase of new signs for the Community Garage Sale.**

**CARRIED**

Earth Hour

John Birchall advised that Earth Hour is March 29, 2014. The theme is 'Keep Your Parents in the Dark'. Newmarket Hydro has donated 500 t-shirts and there will be an event on March 22, 2014 from 12:30 p.m. to 1:30 p.m. at the Magna Centre to engage children in the cause.

E-Waste Challenge

The E-Waste Challenge will take place on September 27, 2014 from 9:00 a.m. to 3:00 p.m. at Upper Canada Mall.

**10. NEWMARKET EAC MINUTES – MARCH 5, 2014 – ITEM 10  
APPLICATION FOR OFFICIAL PLAN AMENDMENT, ZONING BY-LAW  
AMENDMENT, DRAFT PLAN OF CONDOMINIUM AND DRAFT PLAN OF  
SUBDIVISION - SILKEN LAUMANN DRIVE - NEAC COMMENTS**

John Birchall advised that NEAC's comments on the proposed Silken Laumann Drive development were received at the Public Meeting held on February 24, 2014. Planning staff expressed their thanks for the in-depth review and comment submission.

**11. NEWMARKET EAC – MARCH 5, 2014 – ITEM 11  
TRAIL MAP UPDATE**

Trail map update deferred to the April 2, 2014 meeting.

**12. NEWMARKET EAC – MARCH 5, 2014 – ITEM 12  
ATTENDANCE**

Staff are in receipt of the notice of resignation from Stacey Tidman. The resignation will be received at the April 2, 2014 meeting.

**13. NEWMARKET EAC – MARCH 5, 2014 – ITEM 13  
NEW BUSINESS**

None.




Moved by Dayna Laxton  
Seconded by Wes Guldemond

THAT the meeting adjourn.

CARRIED

There being no further business, the meeting adjourned at 8:31 p.m.

April 2, 2014  
Date

  
Doug Jagger, Meeting Chair

Next Meeting Date: Wednesday, April 2, 2014 beginning at 6:30 p.m. in the Mulock Room.  
Meeting Chair – Wes Guldemond

Item 6 of the Environmental Advisory Committee Minutes of March 5, 2014 regarding Environmental Vision Follow-up.

The Operational Leadership Team recommends:

THAT the following matter be referred to staff as part of the overall Committee review to be undertaken in the 2014-2018 term of Council.

The Environmental Advisory Committee recommends to Council:

a) THAT Council direct staff to find a dedicated staff resource to coordinate environmental matters, establish environmental priorities based on best practice guidelines, seek appropriate funding and provide environmental accountability reporting within the Town of Newmarket;

b) AND THAT an environmental accountability report be prepared each year for presentation to Council and the public;

c) AND THAT Council reaffirm the 2008 draft environmental vision statement pending the preparation of a draft Community Environmental Plan;

d) AND THAT Council recommend to the new council that budget priority be given in the next term of Council to fund the PCP Community Environmental Plan.

Item 7 of the Environmental Advisory Committee Minutes of March 5, 2014 regarding Garbage/Waste By-law Review.

The Operational Leadership Team recommends:

THAT the following resolution as submitted by the Newmarket Environmental Advisory Committee with respect to Garbage/Waste By-law Review be referred to staff.

The Environmental Advisory Committee recommends to Council:

Whereas staff and NEAC recommended approximately four years ago a plan to reduce the amount of garbage bags picked up at curbside; and

Whereas Council decided that more time was needed before making a change; and

Whereas green bin success continues to reduce the need for actual garbage to be picked up; and

Whereas there have been successful programs to use clear plastic bags with Aurora being the first to proceed in the N6 municipalities;

a) It is therefore recommended that Council direct staff to prepare a report on waste reduction and curbside garbage pickup;

b) AND THAT such report addresses the waste strategy and communication implementation plan;

c) AND THAT NEAC be consulted on any recommendations included in the plan;

d) AND THAT the report be presented to Council in the first quarter of 2015.

Item 8 of the Environmental Advisory Committee Minutes of March 5, 2014 regarding Neighbourhood Community Gardens.

The Operational Leadership Team recommends:

THAT staff consult with representatives of the York Region Food Network and if agreeable, that staff be authorized to undertake the referenced works.

The Environmental Advisory Committee recommends to Council:

Whereas there is no additional requirement for water to be provided at the existing community gardens.

Therefore be it resolved that Council authorize an extension of two rows at the existing community gardens;

AND THAT NEAC contribute a maximum of \$500.00 toward plowing and site preparation.





Newmarket Public Library Board  
Regular Board Meeting  
Wednesday, February 19, 2014  
Newmarket Public Library Board Room

**Present:** Joan Stonehocker – Chair  
Tara Brown  
Tom Hempen  
John Taylor

**Regrets:** Michael Castro  
Wes Playter  
Tom Vegh – Vice Chair

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

**Guest:** Chris Rickett, Manager, Strategic Economic Initiatives, Economic Strategy,  
Office of the CAO, York Region (*arrived at 6:25 pm and left at 7 pm*)

**1. ACTIVE BOARD DEMONSTRATION**

The CEO provided a demonstration of the Interactive Whiteboard located in the Large Study Room on the lower level which is free to use and provides touch-screen interactivity.

The Chair called the meeting to order at 5:35 p.m.

**2. ADOPTION OF AGENDA ITEMS:**

- i) Adoption of Regular Agenda
- ii) Adoption of the Closed Session Agenda
- iii) Adoption of Consent Agenda items

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

**Motion 14.02.286**

**MOVED BY JOHN TAYLOR  
SECONDED BY TARA BROWN**

**THAT** Agendas i) to iii) be adopted as amended.

**CARRIED**

**3. DECLARATIONS**

None were declared.

#### 4. CONSENT AGENDA ITEMS:

- i) Adoption of the Regular Board Meeting Minutes for Wednesday, January 15, 2014
- ii) Strategic Operations Report for January, 2014
- iii) Library Statistical Data
- iv) Monthly Bank Transfer

**Motion 14.02.287**

**MOVED BY TARA BROWN**

**SECONDED BY JOHN TAYLOR**

**THAT** Consent Agenda Item i) to iv) be received as presented.

**CARRIED**

#### 5. MOTION TO CONVENE INTO A CLOSED SESSION

There were no Closed Session items.

#### 6. REPORTS

- i) Community Information Policy: Collecting Funds and Goods

The Library Board reviewed the report regarding the request to allow the Library to accept donations on the behalf of ARCH (Architecture, Recreation, Culture and Heritage) Committee as part of its ongoing rotating historical displays in the Library in conjunction with the Elman W. Campbell Museum. In addition, the Board was asked to approve several historical arrangements for donations of goods that have not been specifically approved by the Board.

**Motion 14.02.288**

**MOVED BY JOHN TAYLOR**

**SECONDED BY TARA BROWN**

**THAT** the Library Board approve the collection of donations or goods by the Library on behalf of the Architecture, Recreation, Culture, and Heritage Committee, the Newmarket Food Pantry, Lions Club International and Raw Materials Corporation Inc.

**CARRIED**

- ii) **2014 Business Plan**

The Library Board reviewed the 2014 Business Plan. Explore 3D Printer Program is to be added and business plan item regarding expanding activities within current partnerships is to change to "expand partnership activities".

**Motion 14.02.289**

**MOVED BY JOHN TAYLOR  
SECONDED BY TOM HEMPEN**

**THAT** the Library Board receive the 2014 Business Plan as amended.

**CARRIED**

**7. BUSINESS ARISING**

i) Action List

The Board reviewed and updated the Action List. Library Board Advocacy Committee is to be added under Library Board Ambassador Campaign.

*At 6:45 pm quorum was lost.*

**8. NEW BUSINESS**

i) 2014 Newmarket Chamber of Commerce Home Show

The Library will have a booth at the Newmarket Chamber of Commerce Home Show which is from Friday, March 28<sup>th</sup>, Saturday, March 29<sup>th</sup> and Sunday, March 31<sup>st</sup>. A sign-up schedule will be circulated for Board members to volunteer to help out if they are available.

ii) York Region Broad Band Strategy Presentation

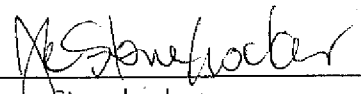
Chris Rickett, Manager, Strategic Economic Initiatives, Economic Strategy, Office of the CAO, York Region provided a presentation to the Library Board on York Regions Broadband Strategy and Library specific priorities to expand education and research opportunities. The Library Board was asked to consider providing a letter of support highlighting the Board's interest in the Strategy as well as highlighting specific interest in certain actions. The CEO will draft a letter and bring it to the Library Board at the next regular meeting.


**9. DATE(S) OF FUTURE MEETINGS**

The next regular Library Board meeting will be Wednesday, March 19, 2014 at 5:00 pm in the Library Board room

**10. ADJOURNMENT**

The Library Board meeting adjourned at 7:00 pm

  
Joan Stonehocker  
Chair

  
Todd Kyle, CEO  
Secretary/Treasurer



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www.newmarket.ca  
info@newmarket.ca  
905.895.5193

28/04/2014

**Corporate Services - Legislative Services  
and Corporate Policy Committee  
Joint Report – 2014-11**

TO: Committee of the Whole

SUBJECT: New Corporate Policy - Protection of Personal Information

ORIGIN: Legislative Services & Corporate Policy Committee

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**Recommendations**

THAT Legislative Services and Corporate Policy Committee Joint Report 2014-11 regarding the New Corporate Policy - Protection of Personal Information Policy CORP.1-08 be received and;

THAT the attached Protection of Personal Information Policy CORP.1-08 be approved.

**Comments**

Government organizations collect personal information as part of their role in providing services to the public. Individuals give their personal information to a government organization when they fill out an application for programs or services, apply for jobs etc. This personal information is protected under the Municipal Freedom of Information and Protection of Privacy Act (the Act). This policy outlines the standards and procedures for the collection, use and management of all personal information by all staff according to the principles of the Act.

**Business Plan and Strategic Plan Linkages**

The policy aligns with the Strategic Plan's key area of focus "Well Equipped & Managed". The collection, use and management of personal information in a responsible and transparent manner links directly to the Core Values of Accountability and Accessibility.

**Consultation**

The Legislative Services Department prepared the Protection of Personal Information Policy CORP.1-08 in consultation with staff from various departments who collect, use and manage personal information, and circulated the policy to the Corporate Policy Committee for review and



comment as well as to ensure compliance/ co-ordination with current Town policies and practices. The attached policy incorporates the comments of the committee.

The research conducted in drafting the policy and procedures included consultation with other municipalities and in consideration of the principles of the Information and Privacy Commissioner of Ontario.

### **Human Resource Consideration**

The recommendations in this report have no impact on staffing levels.

### **Budget Impact**

The adoption of this policy has no direct impact on the Operating or Capital budget.

### **Contact**

For more information on this report contact Sarah Niezen, Records and Projects Coordinator, Legislative Services at 905-953-5300 ext. 2213 or [sniezen@newmarket.ca](mailto:sniezen@newmarket.ca) or Cindy Wackett, Strategic Initiatives at 905-953-5300 ext. 2048.



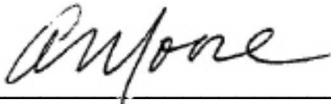
Sarah Niezen, Records and Projects Coordinator, Legislative Services



Cindy Wackett, Corporate Policy Committee



Andrew Brouwer, Director of Legislative Services/Town Clerk, Legislative Services



Anita Moore, Commissioner, Corporate Services



## CORPORATE POLICY

Sub Topic: Protection of Personal  
Information

Policy No. CORP. 1-08

Topic: Corporate Records

Applies to: All Employees

Section: Legislative Services

Council Adoption Date: May 5, 2014

Effective Date: May 5, 2014

Revision No:

Date:

### Policy Statement & Strategic Plan Linkages

The collection and use of personal information about Newmarket residents and other members of the public is a necessary part of the Town's regular business processes. Part II of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) requires institutions to use appropriate methods for the collection, use, retention and disposition of personal information.

This Policy relates to the key area of focus: "Well-Equipped and Managed" of the Strategic Plan. The collection, use and management of personal information in a responsible and transparent manner links directly to the Core Values of Accountability and Accessibility.

### Purpose

In order to provide greater accountability and to protect the privacy of staff and the public, this policy outlines the standards and procedures for the collection, use and management of personal information by all Town employees. This policy applies to all personal information, personal health information and personal information banks which are collected and maintained by the Town of Newmarket.

### Definitions

Personal information

Personal Information Bank (PIB)

Personal Health Information

Privacy Audit

Privacy Breach

Privacy Impact Assessment (PIA)

Records

## Procedures

1. Personal information will be collected, used and retained in accordance with MFIPPA and other privacy legislation and all related procedures attached as Appendix B.
2. A privacy audit will be conducted for the Corporation every two to three years by the Legislative Services Department to evaluate employee knowledge and execution of the Town's privacy related policies and procedures. Interim audits will be conducted on an as needed basis for individual departments or business units. The Audit will be conducted according to the procedures attached as Appendix C.
3. All privacy complaints and either suspected or evident privacy breaches will be reported immediately according to the procedures in Appendix D.
4. All personal information about Town employees will be collected used and retained in accordance with Appendix B and Appendix F.

## Responsibilities of Employees

All Town of Newmarket employees shall take all reasonable measures to protect against theft, loss, unauthorized use, and unauthorized disclosure of any personal information.

All employees shall ensure that all records containing personal information are disposed of in a safe and secure manner and in accordance with the Records Retention Policy CORP.1-06.

Employees who do not comply with this policy may be subject to progressive discipline up to and including termination of employment.

## Responsibilities of Management

All supervisors, managers, directors, and commissioners must maintain all personal information of staff and the public in accordance with the established procedures in this policy.

## Cross-References

Alternative Work Arrangement Policy HR.2-07

Employee Code of Conduct Policy CAO.3-01

Municipal Freedom of Information and Protection of Privacy Act, R.S.O., 1990, C. M.56

Personal Information Protection and Electronic Documents Act S.C. 2000, c.5

Records Retention Policy Corp.1-06

Routine Disclosure and Active Dissemination Policy (TBD)

Risk Management Policy (TBD)

Video Surveillance System Policy (TBD)

Use of External and Mobile Devices Policy (TBD)

**Appendices** (which may be amended from time to time)

Appendix A - Definitions

Appendix B - Procedures for the Collection, Retention and Disclosure of Personal Information

Appendix B.i - Privacy Impact Assessment Form

Appendix B.ii - Privacy Impact Assessment Guidelines

Appendix B.iii - Notice of Collection Template

Appendix B.iv - Personal Information Bank Listing - Town of Newmarket (TBD)

Appendix C - Privacy Audit Procedures

Appendix D - Privacy Breach/Complaint Procedures

Appendix E - Website Privacy Policy

Appendix F – Procedures for Staff Access to Human Resources Personal Information



**Appendix A – Definitions  
To  
Town of Newmarket  
Protection of Personal Information Policy CORP.1-0x**

**Personal information** means recorded information about an identifiable individual, including,

- a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- c) any identifying number, symbol or other particular assigned to the individual,
- d) the address, telephone number, fingerprints or blood type of the individual,
- e) the personal opinions or views of the individual except if they relate to another individual,
- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- g) the views or opinions of another individual about the individual, and
- h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

(Municipal Freedom of Information and Protection of Privacy Act)

**Personal Information Bank (PIB)** means a collection of personal information that is organized and capable of being retrieved using an individual's name or an identifying number or particular assigned to the individual; (Municipal Freedom of Information and Protection of Privacy Act)

**Personal Health Information** means identifying information about an individual in oral or recorded form, if the information,

- a) relates to the physical or mental health of the individual, including information that consists of the health history of the individual's family,
- b) relates to the providing of health care to the individual, including the identification of a persona as a provider of health care to the individual,
- c) is a plan of service within the meaning of the Home Care

(Personal Health Information Protection Act, 2004 S.O. 2004 C.3 Sched. A, section 4)

**Appendix A – Definitions  
To  
Town of Newmarket  
Protection of Personal Information Policy CORP.1-0x**

**Privacy Audit** means an assessment or examination of current policies, procedures and practices related to the collection, use, retention, and disclosure of personal information in any format or medium;

**Privacy Breach** occurs when personal information is collected, retained, used or disclosed in a way that is not in accordance with MFIPPA;

**Privacy Impact Assessment (PIA)** is a process that helps determine whether new technologies, information systems, and proposed programs or policies meet basic privacy requirements;

**Records** means any recorded information, whether in printed form, on film, by electronic means or otherwise, including: correspondence, memoranda, plans, maps, drawings, graphic works, photographs, film, microfilm, microfiche, sound records, videotapes, e-mail, text message, machine readable records, and any other documentary material regardless of physical form or characteristics, and including “official records” and “transitory records”;

**Appendix B - Procedures for the Collection, Retention and  
Disclosure of Personal Information  
to  
Town of Newmarket  
Protection of Personal Information Policy CORP.1-0X**

**Collection of Personal Information**

1. Personal information will not be collected by Town staff unless essential for business purposes or authorized for collection under legislation, or Town bylaw;
2. A Privacy Impact Assessment (PIA) will be conducted for:
  - any new administrative program or new type of municipal service collecting, storing or using personal information;
  - significant changes made to an existing program or service such as conversion from a paper to electronic system or changes to the type or amount of personal information collected etc; and
  - significant changes to technology based business applications or implementation of new systems, which collect or retain personal information;
    - a. The privacy impact assessment will be completed by staff implementing the program or service and reviewed by the supervising Manager or Director;
    - b. The completed PIA will be provided to the Records and Projects Coordinator;
    - c. See Appendix B.i for the Privacy Impact Assessment form and Appendix B.ii for the guidelines for completing the assessment;
3. When personal information is collected there will be a 'notice of collection' statement setting out: the legal authority for collection, the principle purpose of collection, the title, business address, and contact information of the responsible employee or department. See Appendix B.iii for the Notice of Collection Template.
  - a. This statement will be provided on all written or electronic forms collecting personal information, will be available upon request when personal information is collected verbally, and will be clearly posted in municipal facilities where necessary;
4. Personal information will not be collected without the knowledge or consent of the individual to whom the information relates except in certain exceptions under s. 29 of the *Municipal Freedom of Information and Protection of Privacy Act* or when providing emergency care or treatment;
5. Personal information of minors (under 16) will not be collected without express or implied authorization of a parent / guardian except in the case of providing emergency treatment; and
6. All personal information collected will be complete and accurate.

**Appendix B - Procedures for the Collection, Retention and  
Disclosure of Personal Information  
to  
Town of Newmarket  
Protection of Personal Information Policy CORP.1-0X**

**Retention of Personal information**

1. Personal Information will be retained for one year after it is collected or used unless authorized under another retention period in the Classification and Retention Schedule (Appendix F of the Records Retention Policy CORP. 1-06); and
2. All personal information whether in paper or electronic form will be retained in a safe and secure manner.

**Use and Disclosure of Personal Information**

1. All personal information banks maintained by the Town will be kept as accurate and up to date as is reasonably possible. All personal information banks will be identified and the resulting listing shall be made available to all employees and the public upon request. See Appendix B.iv;
2. Personal information will only be used for the purpose for which it was collected unless for a 'consistent purpose' the individual to whom the information relates might reasonably expect, or unless authorized under statute or policy;
3. The use and disclosure of personal information for any purpose other than the one for which it was collected will only be permitted with the consent of the individual to whom the information relates, or in accordance with the provisions of s. 31 and s. 32 of the *Municipal Freedom of Information and Protection of Privacy Act*;
4. Access to personal information will be restricted to only those employees requiring access in order to carry out their duties;
5. Personal information will not be left exposed or visible on desks or computer screens;
6. Records containing personal information shall not be removed from the workplace unless authorized under another policy or statute. External and mobile devices containing or accessing personal information will be kept secure and managed according to data security and governance policy; and
7. Sensitive, personal or confidential information should wherever possible, be sent by regular mail or courier. If transmitting such information by email or fax, addresses and fax numbers must be verified to ensure that they are accurate.



# Privacy Impact Assessment

**Appendix B.i of Protection of Personal Information Policy CORP.1-0x**

Click here to enter a date.

Enter Program or Service

Enter Name of Author



## Privacy Impact Assessment

### 1. Introduction

#### a) Name of Program or Service

[Click here to enter text.](#)

#### b) Name of Department, Branch and Program Area

[Click here to enter text.](#)

#### c) Name of Program or Service Representative

[Click here to enter text.](#)

#### d) Key Program or Service Dates

[Click here to enter text.](#)

### 2. Description

#### a) Summary of the New Program or Service or Change

[Click here to enter text.](#)

#### b) The Intended Scope

[Click here to enter text.](#)

#### c) Conceptual Technical Architecture (if applicable)

[Click here to enter text.](#)

#### d) Description of Information Flow (include text and diagram to describe flow as necessary)

[Click here to enter text.](#)

### 3. Collection, Use and Disclosure of Personal Information

**NOTE: Tables would be helpful to organize the answers to (a), (b), (c), and (d)**

#### a) Authority for the Collection, Use and Disclosure of Personal Information

[Click here to enter text.](#)

**b) List of Personal Information to be Collected, Used and/or Disclosed, the Method of Collection and Disclosure, and the Rationale for each**

[Click here to enter text.](#)

**c) The Sources and Accuracy of the Personal Information**

[Click here to enter text.](#)

**d) The Location of the Personal Information**

[Click here to enter text.](#)

**e) The Retention Schedule and Method of Destruction or De-identification for Personal Information**

[Click here to enter text.](#)

**f) Identification of Consent Issues**

[Click here to enter text.](#)

**g) Users of Personal Information**

[Click here to enter text.](#)

**4. Access Rights for Individuals to their Personal Information**

[Click here to enter text.](#)

**5. Privacy Standards: Concerns and Security Measures**

**a) Security Safeguards**

[Click here to enter text.](#)

**b) Avoidance of Unintentional Disclosure**

[Click here to enter text.](#)

## 6. Conclusions

### a) An Assessment of the Impact on Privacy, Confidentiality and Security of Personal Information as a Result of the New Program or Service or Change

[Click here to enter text.](#)

### b) Strategy for Mitigation of Privacy Risks

[Click here to enter text.](#)

### c) Additional Comments

[Click here to enter text.](#)

**Approved By:**

---

**Employee (Author)**

---

**Manager / Director (or designate)**

---

**Town Clerk (or designate)**

Form to be submitted to Legislative Services for approval.



# **Guide for Completing a Privacy Impact Assessment**

**Appendix B.ii of Protection of Personal Information Policy CORP.1-08**



## Notes:

- This Guide is intended to assist you with the completion of the Privacy Impact Assessment.
- When completing the Assessment, keep in mind that not all questions will be relevant to your project at this time.
- If a question is not applicable, answer “Not applicable,” but do not delete the question from the Assessment.
- Add additional questions and/or explanations as required by your project.
- Attach any relevant documents.
- Where appropriate, provide information on both the current plan, and future intentions for the program/service.
- “Change” means a change to a program or service that affects the collection, use, disclosure or retention of personal information and includes the implementation of an information system.
- It is important to remember your audience for this assessment. It is not intended to be an assessment of the technical architecture of the system, but an assessment of privacy issues arising from a change. Make an effort to keep information straightforward and understandable by a reader who does not have expertise in information system technology, law, or the background to the system.
- Avoid jargon and acronyms unless they are explained.
- Explain any terms, positions and organizations that are not commonly understood.
- Although information must be comprehensive, make an effort not to include information that is not necessary to the reader’s understanding of the change and its impacts.

## 1. Introduction

- a) **Name of Program or Service**
- b) **Name of Department, Branch and Program Area**
- c) **Name of Program or Service Representative**
- d) **Key Program or Service Dates**

This may include program or service initiation date, implementation date(s), project completion date, and other key milestones, if applicable.

## 2. Description

### a) Summary of the New Program or Service or Change

#### i. General Description

Provide a brief explanation of the new program or service or change and include a brief explanation of the existing program, service or change.

#### ii. Purposes, Goals and Objectives

What are you trying to accomplish with this new program or service or change? For example:

- improving client services
- making program more efficient, saving on time and other resources
- improving protection of privacy
- standardization of a program component
- tracking incidence of a specific event
- obtaining sufficient information to administer the program

#### iii. The Need

Why are you making this new program or service or change?

Is it required by law, policy or standards?

Is it to fulfill a governmental/departmental commitment or mandate?

### b) The Intended Scope

Outline both the planned and anticipated scope of the program or service. The "scope" may include:

Conversion from a paper based information system to an electronic information system.

Who is able to use the system? (e.g. in the current plan, only Department of XXX staff will have access to the system. In future it is anticipated that other Departments will have access). Note that the identification of specific users (e.g. clerks) will be covered in question 3 (g).

Linkages with other systems or programs (e.g. an example of anticipated linkage is a plan to "link data collection system X with billing system Y by 2007").

The type of information collected (e.g. in the first year the system will collect only name, address and contact information; by year three the system will include additional identifiable financial information).

Future enhancements to the system (e.g. remote access).

Future uses of the information (e.g. secondary use of data research or analysis).

**c) Conceptual Technical Architecture (if applicable)**

Identify and describe the types of applications, platforms, and external entities involved in the information flow. Describe their interfaces, services, and the context within which the entities interoperate.

This document is not intended to assess the technical security aspects of an electronic system. This section should be brief and clear to all readers. It is not intended to be or to replace a Threat Risk Assessment if one is required.

**d) Description of Information Flow (include text and diagram to describe flow as necessary)**

This section should include a diagram, but also requires a written description of any manual procedures and an identification of the staff who will be users of the system or who will receive information from the system.

### **3. Collection, Use and Disclosure of Personal Information**

**NOTE: Tables would be helpful to organize the answers to (a), (b), (c), and (d)**

**a) Authority for the Collection, Use and Disclosure of Personal Information**

Is there a law, regulation or authorized policy that allows you to **collect** the personal information as outlined in the new service or program or change?  
Is there a law, regulation or authorized policy that allows you to **use** the personal information as outlined in the new program or service or change?  
Is there a law, regulation or authorized policy that allows you to **disclose** the personal information as outlined in the new program or service or change?

**b) List of Personal Information to be Collected, Used and/or Disclosed, the Method of Collection and Disclosure, and the Rationale for each.**

There must be a reason or intended use for each item of personal information.

List each item or field to be collected, and the reason or intended use for the collection.

For example:

Telephone number: To contact clients to update them on program changes

Financial information: To verify income

In general, good privacy principles mandate that the minimum amount of information necessary for the purpose is collected, used and disclosed. Is it necessary to collect each item of personal information to fulfill your purposes?

For example: do you need date of birth or would month and year of birth or age in years be sufficient?

In some cases it may be necessary to include information which may not appear to the writer to be “personal information”. This can be discussed with the reader; there may be information that in combination with other information would be categorized as “personal information”.

Do not exclude data elements on the basis that you think there are no privacy issues with the data elements. The data, in combination with other data held on this system or others may raise privacy issues.

Example of a table for this section:

<b>Data Element</b>	<b>Rationale for Collection, Use and/or Disclosure</b>	<b>Method of Collection and Disclosure</b>	<b>Comments</b>
Name	Collected to identify clients	<p>Provided by client on application form</p> <p>Disclosed by email to approved vendors</p>	

**c) The Sources and Accuracy of the Personal Information**

Who is providing the information – the individual or another source (e.g. another government department, a family member)?

Is the information as accurate and up to date as is necessary for the purposes for which it would be used and disclosed?

Are there any data quality issues that are linked to user and system performance?

**d) The Location of the Personal Information**

Is the information on servers or in a data repository? Will it be recorded on paper only and maintained in files?

Where will the information be located? List all locations

Will the information be stored in multiple locations? For example, will users be permitted to store information on other devices (e.g. laptops) or produce information from system (e.g. print and store in files)? If

“Yes”, do you have a policy on protection of information held on electronic devices?

Will the data be interfaced with data from other systems?

If there is a data repository, give the name, description and geographical location of the repository.



**e) The Retention Schedule and Method of Destruction or De-identification for Personal Information**

Is this information currently addressed in the Classification and Retention Schedule or is there a timetable for keeping the information in its identifiable form?

Is retention monitored for compliance to the schedule?

What is the plan and method of destruction (if any)?

**f) Identification of Consent Issues**

Are you required by law, regulation or policy to obtain consent for the collection, use or disclosure of personal information?

For example:

Sections 29, 31, 32 of MFIPPA outline the circumstances under which a municipality body may use and disclose personal information with and without consent.

Do any of these sections apply?

Please note that consent is not always required for collection, use and disclosure. It is important for you to confirm whether or not consent is required.

Has the individual consented to the collection, use and disclosure anticipated in the new program or service or change? If yes, what is the method of requesting consent? Attach any consent form(s), and outline the process for obtaining consent.

If consent has not been collected, have the subject individuals been notified (either specifically or generally) of the new program or service or change?

**g) Users of Personal Information**

List the users (positions, not names) who will have access to the information.

Describe the level of access each user group will have to personal information

Include a brief rationale for each user's need to access the information.

A table would be very helpful for completion of this section:

User Group	Level of Access	Rationale	Comments
Clerical Staff	Demographic information only (Name, Address)	To address Letters and forms to clients	

#### **4. Access Rights for Individuals to their Personal Information**

Will individuals have access to their personal information on the system?

Note: MFIPPA gives individuals the rights of access to their own personal information with certain restrictions.

If yes:

Describe your process for allowing individuals access to their personal information; and

Indicate if individuals will be informed of the following: the information source(s) of their personal information?

The uses and disclosures of their personal information? (see notice of collection template)

## **5. Privacy Standards: Concerns and Security Measures**

### **a) Security Safeguards**

#### **Administrative Safeguards**

Do contracts with external service providers contain privacy provisions, which meet or exceed the privacy standards of the Municipal Freedom of Information and Protection of Privacy Act? Has staff received training on privacy and confidentiality policies and practices?

Is access to the personal information restricted on a “need to know” basis? How is this determined?

What controls are in place to prevent and monitor misuse of the personal information)?

Is there a process in place for access or role changes for system users (e.g. users who leave employment or change jobs)?

Describe the process in case of a breach of privacy.

#### **Basic Technical Safeguards**

Note: This section is intended to capture information related to basic technical safeguards (e.g. passwords, security related to the location of the information (e.g. locked filing cabinets). It is not intended to capture and assess the security elements of an information system which would be more properly assessed in a Threat/Risk Assessment.

How is the personal information collected and transferred from the individual to the system/program?

For example: electronic, paper, fax, and courier

If the information is transmitted in electronic format, is it being transmitted within a secured server, is it encrypted?

Are all accesses to the system password protected?

Are all users trained on good password practices?

Is there an automatic prompt for users to change their passwords?

If yes, how often are they asked to change the password?

Is remote access to the information permitted? If yes, what is the method for access? Is the information secure on transfer?

Will the system be tested to ensure privacy controls are functioning?

Are fax machines located in a secure, private area?

Are paper files secured in a locked area with controlled access?

### **Auditing**

Does the level of sensitivity of the information require that use of this system be audited? If “No”, why not?

Does the system have the capability to audit access and/or view the system?

What is the level of information that audit can produce (e.g. can it identify individual patients/clients, pieces of information etc. that the user viewed)?

Does the audit always run, or is it a system that must be switched on and off?

Is there a limit to the time audit information is kept?

Will an auditing plan be developed?

Are resources being committed to the auditing and follow-up function?

### **b) Avoidance of Unintentional Disclosure**

Is the information reviewed prior to disclosure to prevent unintentional disclosure of personal information?

When statistical information about a small group of individuals is disclosed outside the Department, there is a risk that these individuals could be identified.

As a general guideline, do not disclose statistical information about groups (cells) containing less than 5 individuals.

Are small cell sizes (e.g. cells of less than five) disclosed?

If small cell sizes are to be disclosed, what is the rationale for doing so?

## **6. Conclusions**

### **a) An Assessment of the Impact on Privacy, Confidentiality and Security of Personal Information as a Result of the New Program or Service or Change**

Assess the privacy, confidentiality and security impact on personal information as a result of: The new program or service; Changes to the current program or service; Or anticipated future changes to the program or service. Discuss both negative and positive impacts

### **b) Strategy for Mitigation of Privacy Risks**

Outline any plans or proposals for reducing or eliminating any negative impacts on privacy.

### **c) Additional Comments**

Make any additional comments related to the privacy impact(s).

**Appendix B.iii – Notice of Collection Template**  
to  
Town of Newmarket  
Protection of Personal Information Policy CORP.1-0X

Please find below a template for wording that should be completed and placed on any form - paper or electronic that collects personal information. This must be available to the public either electronically or in hard copy. Please note that anything in yellow needs to be made applicable to each form. This is the minimum amount of information required. If there is additional information that can be provided this template can be modified. The template can be merged with a statement of waiver or confidentiality.

**Collection Notice:** The personal information collected on this form is collected under authority of **Municipal Act, 2001 or applicable legislation or bylaw.** This information will be used to **Insert Purpose for Collection and all possible uses.** Questions about the collection of personal information should be directed to the **Insert Position Title,** **395 Mulock Dr, or alternate address** or reached at 905-953-5300 ext. **phone extension .**

The contact information should refer to a manager or a supervisory position within the applicable department that can respond to specific questions regarding the use of the information. Questions specific to the Municipal Freedom of Information and Protection of Privacy Act, or relating to the disclosure of information can be directed to the Records and Projects Coordinator.

# **Personal Information Bank Listing Town of Newmarket**

(To be completed in 2014)

**Appendix B.iv of Protection of Personal Information Policy CORP.1-08**





**Appendix C - Privacy Audit Procedures**  
to  
Town of Newmarket  
Protection of Personal Information Policy CORP.1-0X

1. All privacy audits will be managed by the Town Clerk or designate. An audit may be conducted internally by town staff or through an outside consultant.
2. A privacy audit may consist of document reviews, software or hardware checks, site visits and/or inspections, interviews or surveys.
3. Prior to an audit staff will:
  - Define scope of audit and approach;
  - Identify stakeholders and their responsibilities;
  - Complete Audit Plan;
  - Develop audit criteria.
4. Notification will be provided to senior management prior to any site visits or inspections and will consist of the date and purpose of the visit or inspection. Communication to staff will be the responsibility of each department.
5. A public report will be provided to senior management on the results of the privacy audit. This report will present the results and recommendations.
  - a) If necessary any detailed observations or concerns may be presented to senior management in a separate confidential report outlining specific solutions to any identified problems.

**Appendix D - Privacy Breach / Complaint Procedures**

To

Town of Newmarket

Protection of Personal Information Policy CORP.1-0X

1. All privacy breaches and privacy complaints will be immediately reported to the supervisor / manager.
2. The supervisor / manager will call the Town Clerk or designate to report the complaint or breach.
3. The supervisor / manager will send an email to the Town Clerk or designate and their Director outlining in detail the circumstances of the breach or complaint, identifying all staff involved, and the personal information at issue.
4. The Records and Projects Coordinator will contact the staff involved directly if necessary for any questions or follow-up required.
5. The Records and Projects Coordinator will send a notification to all affected parties of a privacy breach. The notification will:
  - a. provide details of the extent of the breach and the specifics of the personal information at issue;
  - b. advise of the steps that have been taken to address the breach, both immediate and long-term; and
  - c. advise that the Information and Privacy Commissioner of Ontario has been contacted to ensure that all obligations under the Act are fulfilled.
6. The Records and Projects Coordinator will report all privacy breaches to the Information and Privacy Commissioner of Ontario and senior management.
7. All privacy complaints will be investigated and a report submitted to senior management. The report shall include:
  - a. A description of the circumstances of the complaint and the personal information involved; and
  - b. An analysis of the cause of the complaint, staff actions and procedures, and any recommended solutions.

**Appendix E - Website Privacy Policy**  
to  
Town of Newmarket  
Protection of Personal Information Policy CORP.1-0X

The Town of Newmarket is committed to providing our residents with information and services in a manner that respects and protects their privacy. This page summarizes the privacy statement and practices applicable to the interactions with the Town of Newmarket website.

We do not automatically gather any personal information from you unless it is supplied voluntarily. Any personal information you do provide is managed according to the Municipal Freedom of Information and Protection of Privacy Act (Ontario). We do use software to gather and store certain information about your visit to our web-site. This information does not identify you personally. We collect information such as the Internet domain used, the date and time of your visit, the pages visited and if you were referred to our site from another web site. This information is used to help us make our site more useful to visitors. Vendors of products and/or services may choose to register with the Town online which requires provision of personnel information. The Town of Newmarket does not and will not sell, rent, disclose, distribute or otherwise disseminate any information collected.

This site uses session-based (temporary) cookies that are created when you visit our site and last only for the duration of your visit. These are then automatically deleted. This generic session information is collected in a non-identifiable form to provide us with statistical information on pages visited.

The Town of Newmarket takes every precaution to protect your personal information on our website. We protect your account information by requiring you to enter a unique Login ID and password each time you want to access your account information. Your password should never be shared with anyone.

The Town of Newmarket uses SSL encryption technology to protect personal information (eg. credit card numbers, etc.) during transmission. A security icon will appear in your browser window to indicate that you are using a secure site. If you have any questions or concerns about the security at our website, you can send an email to [webmaster@newmarket.ca](mailto:webmaster@newmarket.ca)

The Town's website contains links to other sites. Please be aware that the Town of Newmarket is not responsible for the privacy practices of other sites. When you leave our site, we encourage you to read the privacy statement of each and every website that you visit before you provide any personal information. The Town's privacy statement applies solely to information collected on the Town's website.

If you have any questions or comments regarding this statement, please contact the Town Clerk, Town of Newmarket, 395 Mulock Dr., P.O. Box 328, Station Main, Newmarket, ON L3Y 4X7, telephone 905-895-5193, fax 905-953-5100.

**Appendix F - Procedures for Staff Access to Human Resources Personal  
Information  
Town of Newmarket  
Protection of Personal Information Policy CORP.1-0X**

All personal information maintained by Human Resources is collected, used and maintained in accordance with Appendix B and as outlined in the Consent to the Collection, Use and Disclosure of Personal Information Form. The following procedures outline how staff can access their personal information as maintained by the Human Resources Department.

1. Employees can request access to their own information by calling their Human Resources representative and making arrangements to access their personnel and medical files in Human Resources. The meeting must be scheduled in advance at a mutually agreeable time. (Human Resources may ask the employee to show identification if necessary.)
2. Employees shall be granted access to information contained within their personnel files except under certain limited circumstances.
  - a. A supervisor's notes may contain witness statements or other information for use in investigations.
  - b. In the case of a recruitment process, employees may request feedback from their HR representative.
3. Employees will not be provided access to:
  - a. Records dealing with Labour relations matters;
  - b. Records related to investigations.



DEVELOPMENT & INFRASTRUCTURE SERVICES – ENGINEERING SERVICES  
 TOWN OF NEWMARKET  
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 info@newmarket.ca  
 905.895.5193

March 13, 2014

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT  
 ENGINEERING SERVICES 2014-23**

TO: Committee of the Whole

SUBJECT: Millard Avenue - Parking Review – Forest Glen Road to Lorne Avenue - Update  
 File No.: T08 T.30 Millard Avenue

ORIGIN: Director, Engineering Services

**RECOMMENDATIONS**

THAT Development & Infrastructure Services Report – ES2014-23, dated March 13, 2014 regarding Millard Avenue – Parking Review – Forest Glen Road to Lorne Avenue Update, be received and the following recommendation(s) be adopted:

1. THAT Schedule X (No Parking) of the Parking Bylaw 1993-62, as amended, be amended by deleting the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	North	Church Street to Forest Glen Road	Anytime

2. AND THAT Schedule X (No Parking) of the Parking Bylaw 1993-62, as amended, be amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	North	Church Street to Lorne Avenue	Anytime

3. AND THAT the necessary Bylaws be prepared and submitted to Council for their approval.

**BACKGROUND**

At its regular meeting of Monday June 17, 2013, Town Council adopted a recommendation that stated:

***THAT staff review the parking restrictions currently in place on Millard Avenue between Lorne Avenue and Forest Glen with a view to implement a three hour limit and no overnight parking.***

In 2013, a report entitled "Development & Infrastructure Services Report – Engineering Services 2013-48" recommended that the "No Parking" restriction be removed from the north side of Millard Avenue between Forest Glen Road and Lorne Avenue. At its regular meeting of November 12, 2013, Town Council considered the report but referred it back to staff for further work. The main purpose of the referral was to determine the merits of a proposed alternative "split option", whereby the parking restrictions would be lifted on approximately half of the north section of Millard Avenue between Forest Glen Road and Lorne Avenue.



## **COMMENTS**

During its 2013 parking review, Engineering Services examined the traffic and parking operations along Millard Avenue. The purpose of that review was to ensure that the parking restriction changes being proposed would be safe and technically sound. The recommendations from last year's report were simply to amend incorrect signage that did not reflect the current by-law and that had been in place for several decades and to return the parking restrictions back to what they had been for years. However, recent concerns raised by a resident and by the Ward Councillor regarding safety resulted in staff taking another look at the situation.

Furthermore, at its regular meeting of November 5, 2012, Town Council received a report entitled "Development & Infrastructure Services - Engineering Services Report 2012-66", in which the traffic operations (volumes and speeds) on a number of streets in Ward 5, including Millard Avenue, were detailed. Some of the information that was contained in that November 2012 report needs to be reconsidered herein, as that information is relevant to today's study.

The 2012 report indicated that Millard Avenue, which is classified as a "Residential Minor Collector", had an average measured daily volume of 1,932 vehicles. This volume is below the capacity of a residential minor collector. The average daily volumes have fluctuated between a low of 1,635 vehicles per day in 2011, and a high of 2,185 vehicles per day in 2003. Police records indicated that, at the time of the 2012 report, there had been only one (1) recorded collision over a three (3) year period. This collision, which involved a parked vehicle, occurred on the section between Forest Glen Road and Lorne Avenue.

Evidence has shown that vehicle speeds on Millard Avenue have decreased slightly over time. However, speeds are still in excess of the policy threshold of 55 km/h. The geometrics of the roadway are good and visibility along Millard Avenue is unobstructed for some distance. This results in a condition that creates driver comfort along this section. In fact, conditions along this stretch are good enough for York Regional Police to have used it at one time as a testing and training site for their radar equipment.

Historical data shows very few incidents occurring over the many years that parking was allowed on the north side of Millard Avenue from Forest Glen Road to Lorne Avenue. Re-establishing the same parking conditions is not expected to create safety issues. In fact, re-establishing parking along this stretch of road may have the opposite effect by inciting drivers to slow down.

As per the Town's Parking Policy, Engineering Services used a majority vote system to allow the affected community to decide what parking conditions they would prefer. It was found that the majority of respondents wanted the parking restrictions removed on the north side of Millard Avenue.

Consistent with the will of the majority, it is therefore recommended that the "No Parking" zone on the north side of Millard Avenue between Forest Glen Road and Lorne Avenue be removed. The general prohibitions of the Parking Bylaw, such as no parking in front of a fire hydrant or in excess of three-hours, would still apply.

## **PUBLIC CONSULTATION**

On February 4, 2014, the Engineering Services Department sent a letter to all of the directly impacted residents of the Millard Avenue community requesting their input. As directed by Council, the option that was presented in the letter was a "split option" as proposed by a resident deputation. In this option, one half of the street would keep the "No Parking" restriction, whereas the other half of the street would have the restriction lifted.

The Town received responses from five (5) of the fifteen (15) households that would be directly impacted by the parking restriction changes (frontage and major flankage properties).

Results indicated that:

- Only one (1) of the 5 households was in favour of the "split option";
- Four (4) of the 5 households were NOT in favour of the "split option", with:
  - o Three (3) of the 4 households against the "split option" favouring an amendment to remove the restrictions on the north side (as per Engineering Services' original recommendation);
  - o One (1) of the 4 households against the "split option" preferring that the parking restrictions remain as they currently are (full "No Parking" restriction).

These results will be shared with the community and a copy of this report will be forwarded to affected residents prior to the Committee of the Whole Meeting so that residents may attend the Committee of the Whole meeting or present a deputation if they so wish.

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

- Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

### **HUMAN RESOURCE CONSIDERATIONS**

No impact on current staffing levels.

### **IMPACT ON BUDGET**

#### **Operating Budget (Current and Future)**

No impact on the Operating Budget.

#### **Capital Budget**


No impact on the Capital Budget.


### **CONTACT**

For more information on this report, please contact Mark Kryzanowski at 905-895-5193 extension 2508; [mkryzanowski@newmarket.ca](mailto:mkryzanowski@newmarket.ca).

Prepared by:

  
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Director, Engineering Services

  
for R. Prentice, Commissioner,  
Development & Infrastructure Services





- Proposed No Parking Zone to be removed
- Existing No Parking Zone to remain



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March 14, 2014

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT  
 ENGINEERING SERVICES 2014-24**

TO: Committee of the Whole

SUBJECT: Millard Avenue - Parking Review – Haskett Park  
 File No.: T08 T.30 Millard Avenue

ORIGIN: Director, Engineering Services

**RECOMMENDATIONS**

THAT Development & Infrastructure Services Report – ES2014-24, dated March 14, 2014 regarding Millard Avenue – Parking Review – Haskett Park, be received and the following recommendation(s) be adopted:

1. THAT Schedule X (No Parking) of the Parking Bylaw 1993-62, as amended, be amended by deleting the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	Both	East side of Queen Street to a point 700 feet easterly thereof	Anytime

2. AND THAT Schedule X (No Parking) of the Parking Bylaw 1993-62, as amended, be amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Millard Avenue	North	Queen Street to a point 40 metres easterly	Anytime
Millard Avenue	South	Queen Street to a point 210 metres easterly	Anytime

3. AND THAT the Parking Policy 2-year moratorium on amending the Parking Bylaw be lifted to accommodate the recommendations of this report;
4. AND THAT the necessary Bylaws be prepared and submitted to Council for their approval.

**COMMENTS**

At the regular Committee of the Whole meeting of Monday November 4, 2013, it was requested that parking along the north side of Millard Avenue in the immediate vicinity of Haskett Park be reviewed in terms of removing the "No Parking" restrictions to allow parking directly adjacent to the park.

Haskett Park has several soccer fields that are served by a parking lot off of Millard Avenue and a smaller parking lot off of Queen Street. Current parking restrictions prevent parking across the Haskett Park frontage starting at Queen Street. Please refer to the map on page 3.



Under normal use, the existing parking lots provide a sufficient supply for the parking demand. However during tournaments, or when multiple games are played on each field, the overlapping parking demand exceeds the available off-street supply. For this reason, it is recommended that the "No Parking" restriction be removed along the north side of Millard Avenue across the frontage of Haskett Park. The parking restrictions on the south side of Millard Avenue and the first 40 metres on the north side from Queen Street (to avoid a driveway) should not be changed to prevent pedestrians from having to cross the road.

As this is the removal of a long-standing restriction, it is further recommended that the Parking Policy's 2-year moratorium on re-visiting Parking Bylaw amendments be waved so that the 2014 summer soccer season can be accommodated and be monitored to ensure that no parking or traffic operations problems arise as a result of the amendments.

### **PUBLIC CONSULTATION**

No direct public consultation was undertaken in the preparation of this report. The Ward Councillor had requested this review based on several requests by residents and soccer club patrons.

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

- Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

### **HUMAN RESOURCE CONSIDERATIONS**

No impact to current staffing levels.

### **IMPACT ON BUDGET**

#### **Operating Budget (Current and Future)**

No impact to the Operating Budget.


#### **Capital Budget**

There is a small impact to the Capital budget (less than \$1,000.00) for the removal and re-posting the parking restriction signage.


### **CONTACT**

For more information on this report, please contact Mark Kryzanowski at 905-895-5193 extension 2508; mkryzanowski@newmarket.ca.

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 Director, Engineering Services

acting  
for

  
 R. Prentice, Commissioner,  
 Development & Infrastructure Services





- Existing No Parking Restrictions to  
Remain
- Proposed No Parking Restriction to  
be Removed

March 25, 2014

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT  
ENGINEERING SERVICES 2014-25**

TO: Committee of the Whole

SUBJECT: Rannie Road – Parking Restrictions  
File No.: T.30

ORIGIN: Director, Engineering Services

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**RECOMMENDATIONS**

THAT Development & Infrastructure Services Report - ES 2014-25, dated March 25, 2014 regarding “Rannie Road – Parking Restrictions” be received and the following recommendation(s) be adopted:

1. THAT Schedule X (No Parking) of the Parking Bylaw 1993-62, as amended, be amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Rannie Road	East	Clearmeadow Boulevard to a point 40 metres north of Rita's Avenue	Anytime

2. AND THAT the necessary Bylaw be prepared and submitted to Council for its approval.

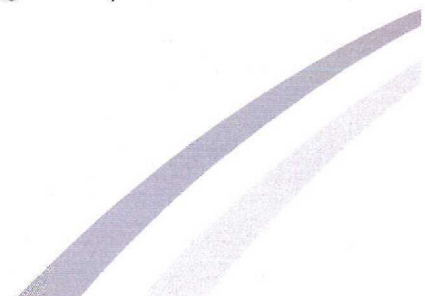
**COMMENTS**

Rannie Road is within the Landmark Estates subdivision and is subject to traffic management plans that designate No Parking zones. The Town's Corporate Parking Policy regarding New Development Areas with traffic management plans therefore apply.

Therefore, it is recommended that No Parking restrictions be implemented on the east side of Rannie Road from Clearmeadow Boulevard to a point 40 metres north of Rita's Avenue as dictated by the traffic management plans.

**PUBLIC CONSULTATION**

No public consultation was undertaken in the preparation of this report. This is essentially an administrative exercise as the approved subdivision plans contain the traffic management plans and a large number of homes are neither occupied nor built.





**BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

- Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

**HUMAN RESOURCE CONSIDERATIONS**

No impact on current staffing levels.

**IMPACT ON BUDGET****Operating Budget (Current and Future)**

No impact on the Operating Budget.


**Capital Budget**

There would be no impact on the budget since the developer is responsible for properly implementing subdivision signage.


**CONTACT**

For more information on this report, please contact Mark Kryzanowski at 905-895-5193 extension 2508; [mkryzanowski@newmarket.ca](mailto:mkryzanowski@newmarket.ca).

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R. Bingham, C.E.T., Manager  
Engineering & Technical Services

  
R. Prudhomme, M.Sc., P. Eng.  
Director, Engineering Services

  
R. Prentice, Commissioner  
Development & Infrastructure Services



Proposed No Parking Zone



Landmark Estates (approximate)





Development and Infrastructure Services - ENGINEERING SERVICES  
Town of Newmarket  
395 Mulock Drive  
P.O. Box 328, STN Main  
Newmarket, ON L3Y 4X7

www.newmarket.ca  
engineering@newmarket.ca  
T: 905 895.5193  
F: 905 953 5138

April 7, 2014

**DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – ES2014-26**

TO: Committee of the Whole

SUBJECT: Final Acceptance and Assumption of Underground and Aboveground Works for the Summerhill South Residential Subdivision –RP-65M-3648

ORIGIN: Director, Engineering Services

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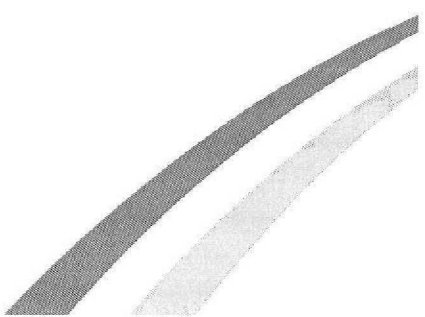
**RECOMMENDATIONS**

**THAT Development and Infrastructure Services Report – ES 2014-26 dated April 7, 2014 regarding the Final Acceptance and Assumption of Underground and Aboveground Works be received and the following recommendation(s) be adopted.**

- 1. THAT the request for final Acceptance and Assumption of Underground and Aboveground Works of the Summerhill South Residential Subdivision as shown on the attached map be finally accepted and assumed by the Town;**
- 2. AND THAT Mr. Paul Minz of Criterion Development Corporation, and Mr. John Kaczor, A.Sc.T., of MMM Group Limited be notified of these recommendations.**

**COMMENTS**

We are in receipt of an application from MMM Group Limited on behalf of Criterion Development Corporation, wherein a request for final acceptance and assumption of the Summerhill South Residential Subdivision is made.





The maintenance period for works and services has been satisfied and all requirements for assumption have therefore been met.

All required documentation has been provided and reviewed by our checking consultant, R.J. Burnside & Associates Ltd., who have provided their recommendation for final acceptance and assumption.

All other Departments with a vested interest in the development have confirmed all financial and legal obligations have been fulfilled.

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

- Well Equipped and Managed...provides a thorough and timely consideration of applications for development and redevelopment in accordance with all statutory requirements;
- Well Planned and Connected...continues to improve the quality of the road network within the Town of Newmarket.

### **CONSULTATION**

There is no public consultation with this recommendation.



### **BUDGET IMPACT**

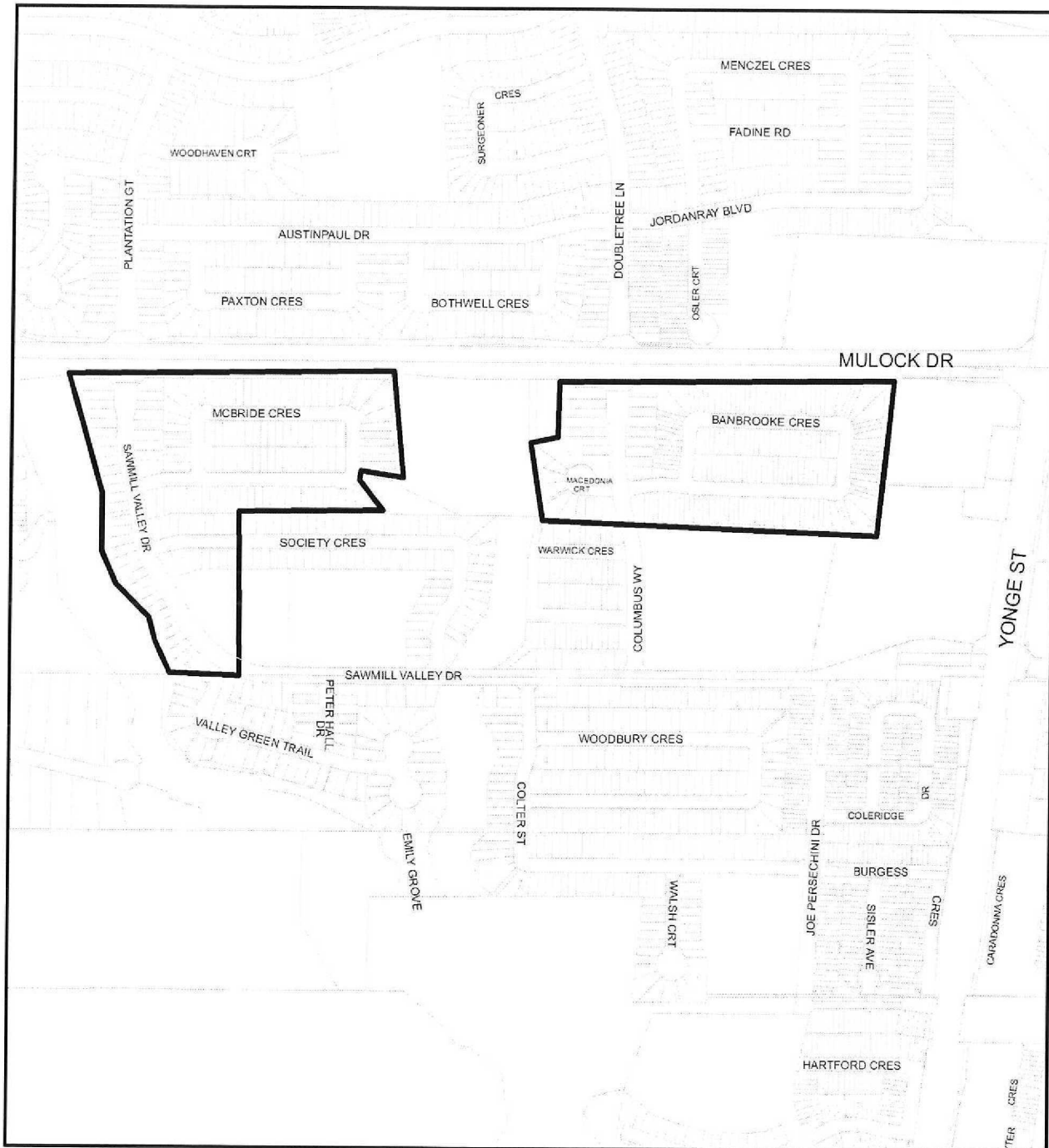
#### **Operating Budget (Current and Future)**

With this recommendation, the above captioned Summerhill South Residential Subdivision will now be under the Town's Operating Budget.

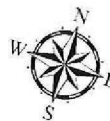
**CONTACT**

For more information on this report, contact Victoria Klyuev at 905-895-5193 extension 2513 or by e-mail at, [vklyuev@newmarket.ca](mailto:vklyuev@newmarket.ca)

  
\_\_\_\_\_  
V. Klyuev, C.E.T.,  
Senior Engineering Development Coordinator - Residential  
\_\_\_\_\_  
R. Bingham, C.E.T.,  
Manager, Engineering and Technical Services  
\_\_\_\_\_  
Rachel Prudhomme, M.Sc., P.Eng.  
Director, Engineering Services  
\_\_\_\_\_  
Rob Prentice  
Commissioner, Development and Infrastructure Services



Above Ground and Underground Assumption

Summerhill South Residential Subdivision  
PLAN 65M-3648

2013 Colour Ortho Imagery – First Base Solutions Inc. 2013 Orthophotography  
 Property Lines – © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY, 2013.  
 Road Limits – © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY, 2009.

DISCLAIMER: This document is provided by the Town of Newmarket for your personal, non-commercial use. Please mapping is based on the FOIARIS parcel fabric product compiled using latest Registry System records and recent surveys and control points where available. This parcel mapping is a representation of the earth's surface and provides estimates of area and distance. The information depicted on this map has been compiled from various sources. While every effort has been made to accurately depict this information, data mapping errors may exist. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.



## Planning and Building Services

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April 17, 2014

### DEVELOPMENT AND INFRASTRUCTURE SERVICES PLANNING AND BUILDING SERVICES - PLANNING REPORT 2014-19

TO: Committee of the Whole

SUBJECT: Medical Marijuana Legal Production in Newmarket

ORIGIN: New legislation and inquiries from the general public

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#### **RECOMMENDATIONS**

**THAT Development and Infrastructure Services/Planning & Building Services Report 2014-19 dated April 17, 2014 regarding medical marijuana be received and the following recommendation(s) be adopted:**

- a) **THAT staff be directed to start the public consultation process for a Zoning By-law Amendment which will consider appropriate locations and restrictions for commercial producers of medical marijuana;**
- b) **AND THAT following the public consultation and formal Public Meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulations, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;**
- c) **AND THAT the public consultation process takes the form of an Open House with various stakeholders, online feedback, and a formal Public Meeting.**

#### **INTRODUCTION**

Council may be aware that there is an emerging land use issue in Ontario; the Federal government has changed the legislation around who can produce medical marijuana. This report provides Council with a recommended approach for commercial producers of medical marijuana in Newmarket.

#### **BACKGROUND**

As outlined in Planning Report 2013-44, Planning Services received an inquiry regarding a business wanting to locate within the Town which would produce medical marijuana. At the same time staff became aware of changes to legislation regarding the production of medical marijuana. Many Ontario municipalities have been sharing information in light of the legislative changes.

In 2001, the federal government introduced legislation (called the Marijuana Medical Access Program) that allowed persons to produce medical marijuana in their homes. The program had grown exponentially from under 500 authorized persons to over 30,000. As a result of this growth the federal government revised the regulations for the production of medical marijuana and created new legislation called Marijuana for Medical Purposes Regulations (MMPR).

Under the old legislation, the Marijuana Medical Access Program (MMAP), qualified individuals were issued licenses to grow marijuana in their own home, or buy marijuana from Health Canada for medical purposes. Various stakeholders, including police, fire officials, and municipalities expressed concerns regarding public health, safety and security as a result of individuals producing marijuana in their homes.

In June 2013, the federal government released new legislation, Marijuana for Medical Purposes Regulations (MMPR), which limits the growing of medical marijuana to commercial producers only. Individuals would no longer be allowed to grow it in their homes, nor can it be purchased from Health Canada. Health care practitioners will sign a medical document enabling patients to purchase their marijuana directly from Licensed Producers. Health Canada licenses the commercial producers and they are required to comply with regulations regarding product quality, personnel, recording-keeping, safety and security, disposal and reporting.

Individual production was to have ceased April 1, 2014. However, in March, the courts granted an injunction which allows individuals to continue to produce medical marijuana until a hearing is held this summer. Individual producers are concerned that they won't be able to afford commercial producers' prices. The Federal government has appealed the injunction. At the time of writing this report, it is unknown what will happen to the legislation, however, it is probable that it will shift to commercial producers in some form and it is advisable that Newmarket be ready. It is understood that commercial producers are continuing to set up shop and are interested in locating in Newmarket.

## COMMENTS

In response to enquiries from businesses wishing to establish in Newmarket, Planning staff have reviewed the lists of permitted uses, definitions, and provisions from our current zoning by-laws. It is our interpretation that the commercial production of medical marijuana is not permitted in any of the zones.

Staff have contacted other municipalities in York Region and the wider GTA, some municipalities consider the commercial production of medical marijuana an agricultural use. Some municipalities have determined that the use is a type of manufacturing use and it is permitted in their employment/industrial zones.

As Newmarket does not have any agricultural zones, staff are proposing a process to consider an amendment to our industrial zones which would allow for the commercial production of medical marijuana under certain circumstances or within certain limitations.

It should be noted that while the Ministry of Health requires the commercial operators to contact and obtain permission from the municipality, a municipality cannot prohibit or outright forbid the establishment of a facility. The local level of government cannot frustrate a federally regulated industry.

Staff are proposing that Council initiate a Zoning By-law amendment process to review regulations for the commercial production of medical marijuana. The process would involve an Open House with various stakeholders (residents, producers, and community groups). The stakeholders could also be provided the opportunity to comment through the Town's website and perhaps an online survey. Staff propose to report back to Council with the preferred approach garnered from comments through the public consultation



process. Then staff would request Council schedule the formal Public Meeting on the amendment. The public would be contacted through information on the website, tweets, information on the Town Page in the Era Banner. It is suggested that the formal Open House and Public Meeting would not be scheduled until the new term of Council, in the meantime, staff will initiate a less formal public consultation process with the various stakeholder groups.

During the consultation phase staff will provide some preliminary information for discussion such as a proposed definition and some potential restrictions and limitations. On a preliminary basis, such restrictions could include:

- Placing a cap on the number of commercial producers.
- Restricting the location of commercial producers to certain zones.
- Limiting the size of the facility used by the commercial producer.
- Requiring a minimum distance between commercial producers.
- Requiring that any facility used for commercial production be a stand-alone building.
- Requiring odour control measures to prevent nuisance to surrounding properties.
- Planning restrictions on signage (i.e. no mention of the word marijuana).
- Requiring that the site be secured to prevent unauthorized entry.
- Requiring a minimum separation distance from residential areas, schools, playgrounds, community centres, etc.
- Requiring a building permit for any new construction or conversion of an existing building to ensure safety measures are in place for such a use.

Staff will collect the responses from the stakeholders and report back to Council with a preferred method for proceeding.

### **COMMUNITY CONSULTATION POLICY**

If approved by Council, staff will undertake a public consultation process as outlined above.

### **BUDGET IMPACT (CURRENT AND FUTURE)**

There will be costs associated with holding the community consultation process.

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

The Community Strategic Plan is supported by being *Well-Balanced* for the potential to encourage a strong sense of community through an appropriate mix of lands uses.


### **CONCLUSION**

Individual production of medical marijuana will probably be phased out by the Federal Government. Commercial producers are being licenced for the production of medical marijuana. The Minister of Health has stated that "municipal zoning by-laws will need to be respected." Staff propose to undertake a community consultation process and report back on a preferred type of Zoning By-law amendment with

recommendations on limitations and restrictions to address commercial production of medical marijuana in Newmarket.

### **CONTACT**

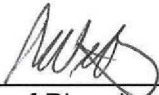
For more information on this report, contact: Meghan White, Planner at 905-953-5321, Extension 2458 or via email at [mwhite@newmarket.ca](mailto:mwhite@newmarket.ca).



Meghan White, Planner



Commissioner of Development and Infrastructure Services



Director of Planning and Building Services

**PLANNING AND BUILDING SERVICES**

Town of Newmarket

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April 17, 2014

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES  
REPORT 2014-17**

TO: Committee of the Whole

**SUBJECT: Application for Draft Plan of Subdivision and Zoning Bylaw Amendment  
19TN 2005 004 PHASE 2  
Part of Lot 29, Concession 11, E.Y.S.,  
Blocks 1 and 2 Registered Plan 65M-2559  
National Homes Inc.  
Files: D14-NP12 29/D12-NP12 29**

ORIGIN: Planning and Building Services

**RECOMMENDATIONS**

**THAT Development and Infrastructure Services/Planning and Building Services Report 2014-17 dated April 17, 2014 regarding Application for zoning bylaw Amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:**

- a) **THAT approval be given to Draft Plan of Subdivision 19TN-2005 004, Phase 2, subject to the schedule of conditions set out in Appendix "A" attached to and forming part of this Report;**
- b) **AND THAT staff be directed to prepare the necessary zoning bylaw amendment for Phase 2;**
- c) **AND THAT Servicing allocation for Phase 2 of this subdivision be granted in the amount of 11 single family units (36 population)**
- d) **AND THAT Mark Pavkovic 291 Edgeley Boulevard, Suite #1, Concord ON, L4K 3Z4 be notified of this action.**

**COMMENTS****Location**

Lands located at the terminus of Newpark Boulevard. (See Location Map attached)

**Proposal**

The applicant is proposing to rezone the subject property from the existing Transitional zoning to Residential Detached Dwelling R1-C (18m zone) and R1-D (15m zone) to permit a draft plan of

subdivision containing 11 single family units as a Phase 2 of the previously approved subdivision to the east.

### Background

Council, through Development and Infrastructure Services/Planning and Building Services Report 2013-49 dated October 10, 2013 approved Phase one of this subdivision at their November 12, 2013 Committee of the Whole meeting. The Phase one approval consisted of 131 single family units with frontages ranging from 10.7m to 15.24m, a park block and Open Space lands.

Originally, the applicant was pursuing the extension of Robellino Court as a proposed access to the lands forming Phase 2 of this development. The applicant subsequently revised the plan to detail a road connection from the Phase 1 lands, over the creek to access this parcel. Through the approval of Phase 1, a portion of the road on the phase one lands has been shown as a future road on the draft plan. At the time the Phase 1 plan was advanced enough to recommend draft plan approval, there were outstanding issues related to the road crossing and vegetative buffer on the east side of the creek.

The Lake Simcoe Region Conservation Authority have approved a 15 meter vegetative buffer for the west side of the creek (Phase 1) from the typical 30 metres required. The LSRCA have been reviewing the appropriateness of a reduction to the required buffer on the east side and have recently provided comments and draft plan conditions for approval of this Phase. The Phase 1 draft plan conditions have been reproduced for phase 2 with the required changes to the LSRCA conditions as per their comments. The proposed draft plan conditions for Phase 2 are attached as Appendix 'A'.

### Official Plan Considerations

The subject property is designated Emerging Residential in the 2006 Official Plan which permits single family detached dwellings. Section 3.3.2(3) of the residential policies of the Official Plan discuss compatibility requirements where new housing stock is proposed against existing residential stating that they should generally have a physical character similar to the existing neighbourhood in terms of density, lot sizes, maximum building heights and minimum setbacks. Where this proposal abuts existing residential lots, the lots being proposed are generally of a similar size or larger. The lots immediately abutting existing lots on Robellino Court are proposed with an 18m frontage with the remainder of the lots being 15.25m

The proposed rezoning and draft plan of subdivision application appears to conform with the purpose and intent of the Official Plan.

### Zoning Bylaw Consideration

The Subject Property is currently zoned Transitional by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Phase 2 lands to the Residential Detached Dwelling 15m (R1-D) zone and the Residential Detached Dwelling 18m (R1-C) zone to implement the plan for 11 lots. As the recommendations of this report propose to allocate servicing to this development, the Holding (H) provisions of the Planning Act will not be required in the event the property is rezoned.

If Council do not allocate servicing to the proposed development, the Holding provision will be utilized.

### **Statutory Public Meeting**

Council held the required statutory Public meeting on April 8, 2013 and public comments focused on the following which were addressed through Development and Infrastructure Services/Planning and Building Services Report 2013-49:

- Lotting is within the Regulatory area of the LSRCA for the lots east of the creek
- Traffic Issues: Entry points for the subdivision and emergency access; pedestrian safety; proper data collection coinciding with school peak activity times;
- Noise issues related to Bodycote
- Soccer club – there is a desire from the soccer club to ensure any new residents are aware that the soccer club is adjacent to the proposed development.

### **Servicing Allocation**

The Town currently has an uncommitted servicing allocation reserve of 4025 people. If the recommendations of this report are adopted, the Town will be left with an uncommitted reserve of 3989 people (4025 – 36) of which 1000 is to be dedicated to the urban centres as per the last assignment from the Region.

### **Other Community Benefits**

In addition to contributing to the development of the Town's trail system through the Servicing Allocation Policy's trail contribution program, the developer has also agreed to provide \$500 per lot towards the Town's Public Art Program, and to provide \$50,000 (through phase 1) to be directed to funding a new community sign to be located along Highway 404.

### **Provincial Policy Statement**

The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters "shall be consistent" with this policy statement. The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The proposed draft plan of subdivision is consistent with the PPS by providing an appropriate residential density in the settlement area of the Town of Newmarket that has been identified in the Official Plan for residential development.

This proposal appears to be consistent with the relevant provisions the Provincial Policy Statement (2005).



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

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

Living Well: protecting and enhancing environmentally sensitive features

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

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

## **BUDGET IMPACT**

### Operating Budget (Current and Future)

The appropriate planning application fees have been received for zoning bylaw amendment and draft plan of subdivision. The Town will also receive revenue from development charges and assessment revenue with the development of this subdivision.

### Capital Budget

There is no direct capital budget impact as a result of this report.

## **CONTACT**

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

## **Attachments**

- 1 - Location Map
- 2 - Proposed Draft Plan of Subdivision



Commissioner Development and Infrastructure  
Services



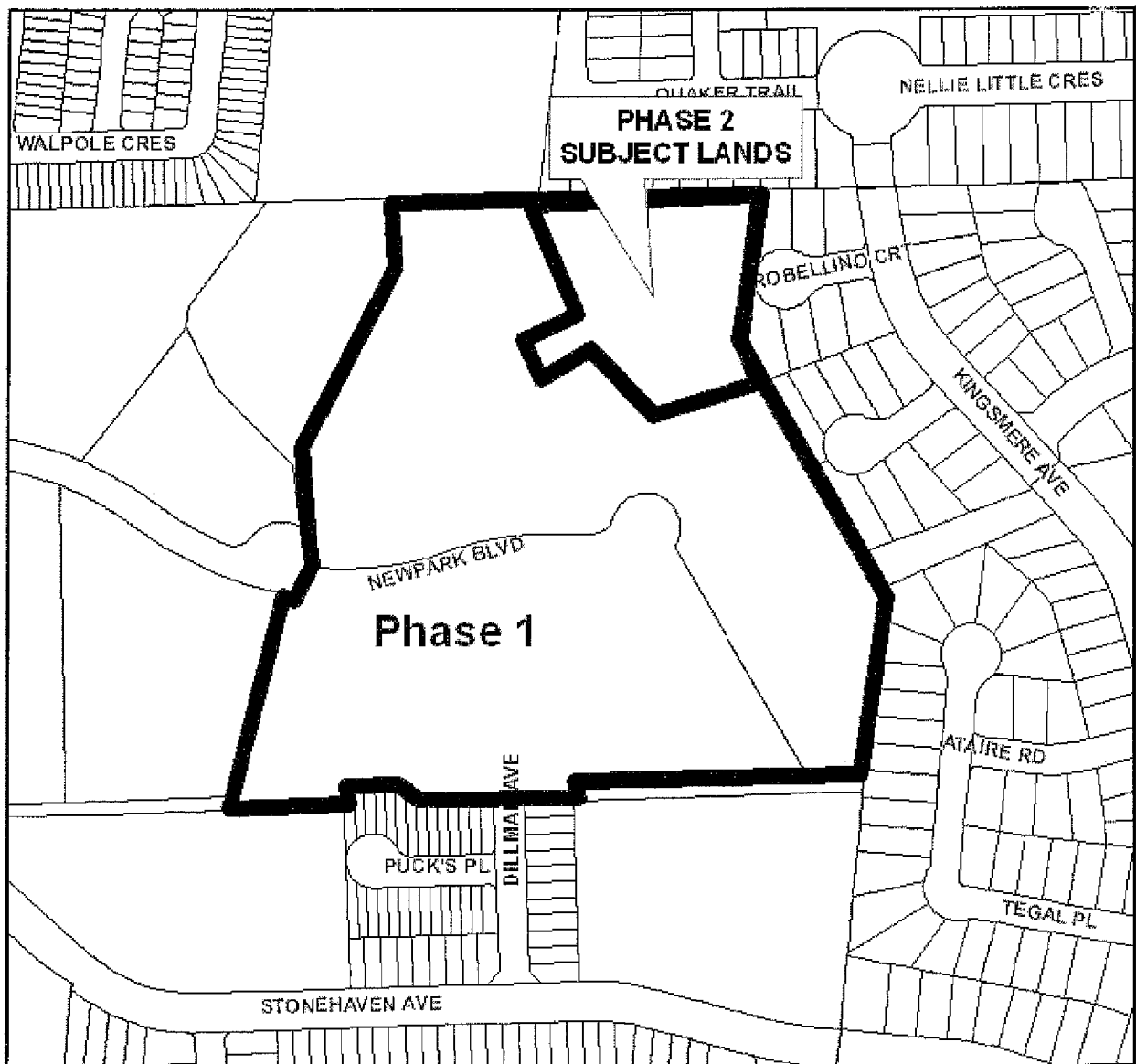
Senior Planner – Community Planning



Director of Planning and Building Services

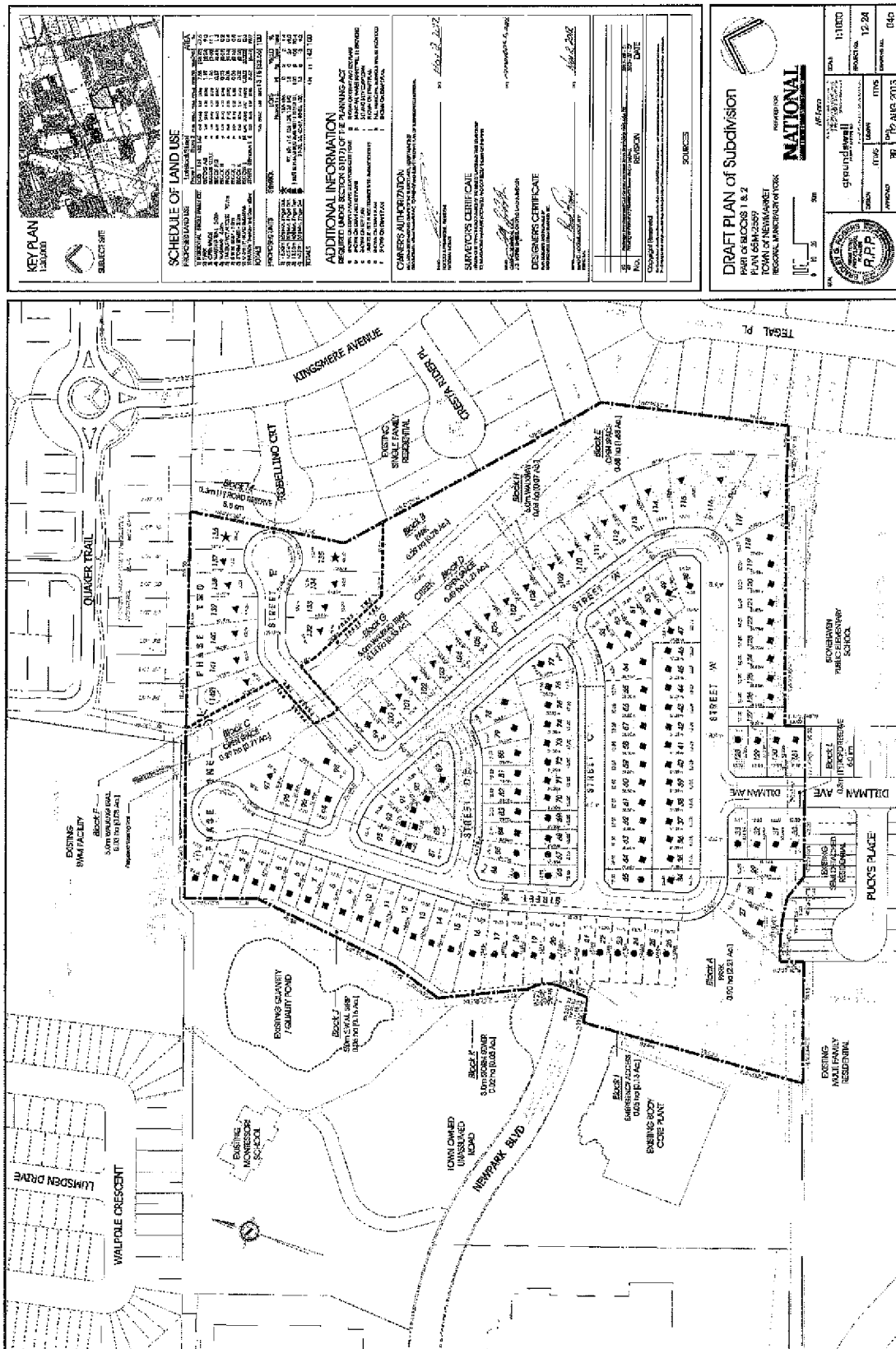
# LOCATION MAP

## Part of Lot 29, Concession 11, E.Y.S., Blocks 1 and 2 Registered Plan 65M-2559



TOWN OF NEWMARKET PLANNING DEPARTMENT

Designed & Produced by: Information Technology - GIS; Sources: 2007 Coburn Ortho Imagery - © J.D. Barnes Limited, 2007; Orthophotography; Land Parcel Boundaries - © Town of Newmarket and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2009; Municipal Boundary - Geographic Information Systems and Development Services Department; © The Regional Municipality of York, 2009.  
DISCLAIMER: This mapping is based on the POLARIS parcel fabric product supplied using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. It is not a substitute for a legal survey.



**140**  
**APPENDIX "A"**

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004 Phase 2  
National Homes (Newmarket) Inc.  
Page 1

**THE CONDITIONS OF THE COUNCIL OF THE TOWN OF NEWMARKET TO BE SATISFIED PRIOR  
TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION  
19TN 2005 004 ARE AS FOLLOWS:**

**General**

- (1) That draft approval shall relate to Phase 2 of the draft plan of subdivision prepared by Groundswell Urban Planners Inc., dated November 2, 2012 (revised August 20, 2013 showing Lots 132 through 142 inclusive for single detached units, Block N for a 0.3 metre reserve and Street E.
- (2) The road allowances included within this draft plan of subdivision shall be dedicated as public highways without monetary consideration and free of all encumbrances.
- (3) The road allowances included within this draft plan of subdivision shall be named to the satisfaction of the Town of Newmarket and the Regional Municipality of York.
- (4) Any dead ends or open sides of road allowances created by this draft plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Town of Newmarket, without monetary consideration and free of all encumbrances, to be held by the Town of Newmarket until required for future road allowances or the development of adjacent lands.
- (5) The Owner shall enter into a subdivision agreement with the Town of Newmarket, agreeing to satisfy all conditions, financial and otherwise, of the Town of Newmarket; prior to final approval, the subdivision agreement will be registered by the Town of Newmarket against the lands to which it applies as provided for in the *Planning Act*.
- (6) The Owner shall agree in the Subdivision Agreement that lot geometry and street alignments and the total number of lots may have to be varied or adjusted to accommodate the Subdivision design, to the satisfaction of the Town and all other authorities having jurisdiction in the matter. The Owner shall further agree that as a result of revisions to the Plan of Subdivision it

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004 Phase 2  
National Homes (Newmarket) Inc.  
Page 2

may be necessary to amend or revise the other conditions of draft approval accordingly.

- (7) The Owner shall agree in the Subdivision Agreement to convey to the Town, without monetary consideration and free of all encumbrances, the following lands: Block A for Parks purposes; Blocks B, C, D and E for Natural Heritage and Open Space purposes; Further, the Owner shall include a clause in all offers of purchase and sale and within the subdivision agreement, in wording acceptable to the Town, for all lots or blocks abutting said open space and Natural Heritage areas, advising of their function and that these areas will be left in their natural state to contribute to that function.
- (8) Prior to final approval the Owner shall demonstrate that arrangements for the provision of external roads and municipal services have been made to the satisfaction of the Director of Engineering Services and all other authorities having jurisdiction.
- (9) The Owner shall agree in the Subdivision Agreement to make payment to the Town for all applicable Development Charges, in accordance with the Town's Development Charges By-law which is in effect at the time.
- (10) Prior to final approval, arrangements shall be made to secure permanent access to a public highway to this draft plan of subdivision by way of a dedicated, constructed and paved public roadway, to the satisfaction of the Director of Engineering Services, the Municipal Solicitor and, if applicable, the Regional Municipality of York.
- (11) The lands within this draft plan of subdivision shall be appropriately zoned by a zoning by-law which has come into effect in accordance with the provisions of the *Planning Act*. The Holding provisions of Section 36 of the *Planning Act* may be used in conjunction with any zone categories to be applied to the subject lands in order to ensure that development does not occur until such time as the Holding "H" symbol is removed in accordance with the provisions of the *Planning Act*. The Zoning Bylaw Amendment shall specify the terms under which Council may consider the removal of the Holding "H" symbol, in accordance with Official Plan policy; said terms may include:
  - (i) Confirmation that there is sufficient servicing capacity to accommodate the draft plan or any phase thereof and that said servicing capacity has been allocated to the subject lands;



## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004 Phase 2  
National Homes (Newmarket) Inc.  
Page 3

- (ii) All required agreements between the Owner and the Town of Newmarket have been executed by both parties and can be registered on title;
- (iii) All necessary approvals have been received from all other agencies and/or government bodies;
- (iv) Represents a logical and orderly progression of development; and;

such other matters as may be deemed appropriate by the Council of the Town of Newmarket.

- (12) Such easements as may be required for public utility, servicing or drainage purposes shall be granted to the appropriate authority, without monetary consideration and free of all encumbrances.
- (13) Prior to Final Approval the Owner shall agree to prepare a Tree Preservation, Protection, Replacement and Enhancement Plan to the satisfaction and acceptance by the Town of Newmarket. The Owner shall further agree prior to Final Approval not to remove any trees without the written approval of the Director of Planning and Building Services of the Town of Newmarket, as directed by Council, and carry out or cause to be carried out the recommendations made in the said accepted Plan. In the event that a tree identified as "preserved" on the Plan is destroyed or irreparably damaged, as determined by the Town of Newmarket, as a result of construction, tree planting and/or other associated works, the Owner shall agree in the subdivision agreement to replace such a tree with one of suitable species, health and size to the satisfaction of the Town of Newmarket.
- (14) The Owner shall agree in the Subdivision Agreement that all lots or blocks to be left vacant for longer than a specified length of time, and all portions of public highways which are not paved, together with all drainage swales, shall be graded, seeded and/or sodded, and maintained to the satisfaction of the Director of Engineering Services. The Owner shall further agree in the Subdivision Agreement that the balance of lands subject to later phases of development shall be maintained in accordance with the Property Standards Policies and By-laws of the Town, and that such measures such as signage and/or fencing may be required to ensure no unauthorized dumping, filling or access in relation to the lands occurs.

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004 Phase 2  
National Homes (Newmarket) Inc.  
Page 4

- (15) Prior to final approval the Owner shall provide, to the satisfaction of the Town of Newmarket, comprehensive urban design/architectural design guidelines dealing with such matters as street furniture, streetscape, boulevard planting, pedestrian linkages, bicycle paths, entrance features and architectural compatibility within the development and with adjacent development.
- (16) The Owner shall agree in the subdivision agreement to establish an urban design/architectural review and implementation protocol to be carried out during the construction of the plan to the satisfaction of the Town of Newmarket
- (17) As part of the first Engineering Design Submission and prior to the registration of this draft plan of subdivision or any phase thereof, the Owner shall have a Professional Consulting Engineer submit to the Town of Newmarket for review and acceptance a report or reports describing the manner in which stormwater will be conveyed from the site.

The report shall address both water quantity and quality and shall include the lands which are subject to this draft plan of subdivision along with the lands in phase 2 located along Street E. The stormwater management design shall adhere to the Town Standards in effect at the time the design is submitted to the Town.

The report or reports shall confirm the expected water levels in the existing storm channel by modelling the catchment area with realistic impervious values.

The report or reports shall model the stormwater flows from this subdivision using a minimum impervious value of 50% (runoff coefficient of  $C = 0.55$ ) with 20% of the impervious area to be modelled as directly connected to the storm sewer system.

The grading and storm sewer designs shall provide conveyance of the minor and major storm events such that flows from all storms shall be conveyed and contained on public lands only. This may require oversizing of the storm sewers and inlets to convey the major storm. The design of emergency outlets to protect private property shall also be carried out.

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004 Phase 2  
National Homes (Newmarket) Inc.  
Page 5

The report or reports shall also detail the means whereby erosion and siltation and their effect will be minimized on the lands within this draft plan of subdivision both during and after the construction period. Further, the Owner shall agree in the subdivision agreement to carry out or cause to be carried out, the recommendations and measures of the said report(s), as accepted by the Town, and to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair, during the construction and maintenance period, in a manner satisfactory to the Town of Newmarket.

- (18) The Owner shall be responsible for all costs associated with the design and reconstruction of the existing stormwater management pond located immediately adjacent to and external to this subdivision as necessary to enable the pond to accept the flows from this development in accordance with current Town Standards.
- (19) The Owner shall be responsible for the all costs associated with the design and construction of a sanitary sewer system to accommodate flows from this development in accordance with Town Standards and shall construct all sewers required to divert flows from MH 3146 located in the proposed turning circle on Newpark Boulevard for the purpose of diverting flows from Dillman Avenue and Puck's Place to the Bogart Sanitary Pumping Station.
- (20) The Owner shall be responsible for all costs associated with the design and construction of a new turning circle on Newpark Boulevard immediately west of this plan of subdivision.
- (21) The Owner shall be responsible for all costs associated with the design and construction of a paved trail extending from existing Block 288 along Blocks F, G, H and I as shown on the Draft Plan of Subdivision, through the retrofitted stormwater management pond and connecting to the existing soccer club property.
- (22) The Owner shall agree in the subdivision agreement to include a clause on all offers of purchase and sale in wording acceptable to the Town of Newmarket for any lots or blocks abutting the stormwater management facilities, the prime purpose of which is water quality and quantity control, advising of the function of the area and that the area will be left in its natural state to contribute to that function.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004 Phase 2  
National Homes (Newmarket) Inc.  
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- (23) Prior to final approval a soils report shall be prepared, at the Owner's expense, to the satisfaction of the Town of Newmarket.
- (24) The Owner shall agree in the subdivision agreement to have a professional Consulting Engineer prepare an Engineering Report or Reports, to the satisfaction of the Town of Newmarket, identifying the specific means by which water distribution, sanitary drainage, including storm water management and overland flow routes, grading, roads and sidewalks will be provided, including the identification of any blocks and/or easements that will be required for municipal servicing and/or storm drainage. A water distribution analysis shall be included to confirm that flows and pressures in accordance with the Town of Newmarket Standard will be attained for all lots and blocks in this plan of subdivision. The report shall also analyse water quality and make recommendations regarding watermain sizing and looping required to ensure that potable water is available at all times once the watermain is commissioned in this subdivision. Further, the Owner shall agree in the subdivision agreement to be responsible, financially and otherwise, for the implementation of all recommendations set out in the said reports, as accepted, including any lot redesign that may be necessary, to the satisfaction of the Town of Newmarket and all other authorities having jurisdiction.
- (25) Prior to final approval, the Owner shall have a Professional Consulting Traffic Engineer prepare, to the satisfaction of the Town of Newmarket and the Regional Municipality of York, a Traffic Report and Impact Study. The report shall address the internal and external traffic implications of this development, including but not limited to the functional classification and design of roadways proposed within this draft plan of subdivision and confirmation that the proposed road configuration can safely provide for vehicular, transit and pedestrian traffic. The report shall identify any external road improvements required for this subdivision, make recommendations for on-street parking locations and prohibitions, and provide an analysis of sight distances and stopping distances. Further, the Owner shall agree in the subdivision agreement to carry out or cause to be carried out the recommendations and measures of the said Traffic Report and Impact Study as accepted by the Town of Newmarket.
- (26) The Owner shall agree in the subdivision agreement to have a qualified consultant prepare, to the satisfaction of the Town of Newmarket, a Noise Impact and Attenuation Study. Further, the Owner shall agree in the subdivision agreement that any noise attenuation measures including warning clauses and any noise control features, including landscaping,

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berming and/or screening for aesthetic purposes, which are recommended by the said approved study and as accepted by the Town, shall be implemented at the Owner's expense.

- (27) Prior to commencement of the construction including grading or pre-servicing of this plan or any portion thereof, the Owner shall submit to the Town of Newmarket a report from a Qualified Person (QP) as defined by the Ministry of the Environment, stating that to the best of the QP's knowledge all lands within the Plan of Subdivision, including all lands and easements to be conveyed to the Town and/or other public authority, and any lands to be used for development purposes or retained in private ownership, are free of any Hazardous Substance, as defined by the Town. A Phase 1 Environmental Site Assessment (ESA) specifically addressed to the Town, together with any subsequent Assessments as are required may be considered acceptable. The aforementioned Phase 1 ESA and related work shall be completed as per O. Reg. 153/04 as amended or a successor thereto. The Environmental Certification shall be accepted by the Town, and any other authority having jurisdiction in the matter, prior to the commencement of any development or construction on the lands, including any grading, pre-servicing, and/or model homes.
- (28) In the event that the Phase 1 ESA identifies the potential for any Hazardous Substance on, near or adjacent to the Plan, prior to Final Approval a Phase 2 Environmental Site Assessment, and/or a complete, full depth, "pristine state" clean-up of the site, including the preparation of and carrying out of a remediation/restoration plan for the Property or any affected lands nearby, and/or any other measures as deemed appropriate, shall be done to the satisfaction of the Town and any other governmental body having jurisdiction. Where a Phase 2 Environmental Site Assessment is required, it shall be done to CSA Standard CAN/CSA-Z769-00 under O.Reg. 153/04, or a successor thereto. The Owner shall agree in the Subdivision Agreement to implement such measures and/or any site clean-up and any related studies, reports and remediation plans and other requirements in accordance with all applicable Environmental Law, and at the Owner's sole expense.
- (29) The Owner shall agree in the Subdivision Agreement that where a Phase 1 ESA has been undertaken within the Plan, that did not identify any potential for any Hazardous Substance but where subsequent investigations identify Hazardous Substances on the lands within the Plan, a Phase 2 Environmental Site Assessment, and/or a complete, full depth, "pristine state" clean-up of the site, including the preparation of and carrying out of a



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remediation/restoration plan for the Property shall be carried out at the sole expense of the Owner, and to the satisfaction of the Town prior to any transfer of the lands and/or construction or development.

- (30) The Owner shall agree in the Subdivision Agreement that all Environmental studies, reports, assessments and certifications shall be subject to Peer review by the Town, at the Owner's expense.
- (31) The Owner shall agree in the Subdivision Agreement that in the event that a Hazardous Substance has been determined to exist on, or adjacent to, any portion of the Property intended to be conveyed to the Town, the Town, without relieving the Owner of the requirement to complete the transfer, may in its sole discretion instruct the Owner to do, one or more of the following:
- (i) defer the transfer of some, or all, of the Property until such time as the clean-up requirements or other measures described herein have been completed to the Town's satisfaction;
  - (ii) provide a cash payment or other additional securities to guarantee the clean-up of the Property;
  - (iii) issue a stop work order on all construction and development related to a portion of, or the entire Plan of Subdivision;
  - (iv) undertake a Risk Assessment and/or provide a Record of Site Condition, in accordance with Ontario Regulation 153/04 under the Environmental Protection Act or a successor thereto;
  - (v) defer registration of a portion of, or the entire Plan of Subdivision;  
and
  - (vi) amend the Draft Conditions of Approval for the Plan of Subdivision to deal with any unforeseen environmental issues,

Further, the Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out any of the foregoing, as may be directed by the

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Town. The Owner further agrees to cooperate with the Town in regards to their implementation.

- (32) Prior to any site grading and prior to final approval, a Study shall be prepared by a from a Qualified Person (QP) as defined by the Ministry of the Environment, that identifies and documents all sites and buildings of historical and/or archeological significance, and specifies preservation strategies for such sites and buildings within the Plan. This Study shall be prepared to the satisfaction of the Director of Planning and Building Services, in consultation with the Ministry of Tourism, Culture and Sport. Where suitable, such sites and/or buildings shall be incorporated into the development in a manner appropriate to their historical and/or archeological significance. The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the recommendations and measures contained within the said Study, as accepted by the Town.
- (33) Prior to final approval, the Owner shall prepare, to the satisfaction of the Town of Newmarket, any additional studies as may be required.
- (34) The Owner shall agree in the subdivision agreement that the location and design of the construction access for the subdivision work shall be provided only as approved by the Town of Newmarket and, if applicable, the Regional Municipality of York.
- (35) Such lands as may be required for temporary road construction, permanent walkways and utility corridors and storm drainage shall be conveyed to the Town of Newmarket without monetary consideration and free of all encumbrances.
- (36) Prior to final approval and the commencement of construction, the Owner shall agree to provide to the Director of Engineering Services, for its review and acceptance, engineering drawings for, and to construct to the satisfaction of the Director Engineering Services, planned road works, watermain, sanitary and storm sewers, and stormwater management works, including approved connections to existing systems, both within and external to this draft plan of subdivision. In addition, the engineering drawings shall include site grading, construction access location(s), mud mat design, utility location plans and landscape plans. The designs contained within said engineering drawings shall be consistent with all Town accepted reports, studies, plans and recommendations, as contemplated in the other draft conditions contained herein. Such engineering designs shall also identify any lands external to this

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plan which are required to be conveyed or dedicated as easements to the Town of Newmarket either of a permanent or temporary nature.

Further, the Owner shall agree in the Subdivision Agreement to be responsible, financially or otherwise, for the construction of the above noted works. The said Subdivision Agreement shall also establish a mechanism, to the satisfaction of the Director of Engineering Services and the Municipal Solicitor, for any conveyances or dedications. Further, where any engineering infrastructure is required in environmental and/or open space areas, the Owner's consultant shall submit for the review and approval of the Town of Newmarket or any affected regulatory agency, alternative proposals which identify and evaluate the advantages and disadvantages of each alternative. Mitigation methods shall be considered and proposed which reduces impacts of the proposed works. The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the Town accepted recommended proposals.

- (37) The Owner shall agree in the subdivision agreement that roads, services, and other works installed by the Owner shall be in accordance with the standards and specifications of the Town of Newmarket, and shall include watermains, sanitary sewage works, storm sewage works, adequate pavement width for roadways, curbs, gutters, street lighting, regulatory signs, street signs, transit facilities, community mail boxes, intersection design including daylighting or sight triangles and 0.3 metre reserves, temporary turning circles, and any other services or facilities as required.
- (38) The Owner shall provide a report to the satisfaction of the Director of Engineering Services and the Chief Building Official that confirms how adequate road access, sanitary sewers, storm drainage facilities and in particular, water supply and storage have been provided for to support the issuance of building permits and ultimately occupancy permits. Further, the Owner shall agree in the Subdivision Agreement that no building permits will be applied for, or issued, until the Director of Engineering Services and the Chief Building Official is satisfied that such services are available to service the proposed development, have been allocated by the Town, and such as has been confirmed by any other agency having jurisdiction.
- (39) The Owner shall agree in the subdivision agreement to grant access, on reasonable terms and conditions, to any telecommunications service provider indicating an interest to locate within a municipal right-of-way.

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- (40) Prior to final approval, any telecommunications service provider intending to locate within a municipal right-of-way shall enter into a Municipal Access Agreement with the Town of Newmarket to satisfy all conditions, financial and otherwise, or shall have made arrangements satisfactory to the Town of Newmarket for the execution of a Municipal Access Agreement.
- (41) The Owner shall agree in the subdivision agreement to make available to all perspective purchasers of residential units within the subdivision, and to display in a prominent location within the sales office, the following:
  - (a) the latest version of the approved draft plan;
  - (b) the proposed location of any and all sidewalks, street furniture, community mail boxes, parks (including all recreational facilities to be provided), schools, open space areas, environmental protection areas, stormwater management facilities, landscaping, entranceway features, special features such as tiered retaining walls or similar structures, special lot grading, noise attenuation measures (both internal and external to the dwelling unit), erosion control facilities, buffer areas, watercourses, accurate representations of proposed and existing surrounding land uses within 150 metres of the boundaries of the draft plan, and any proposed warning clauses or restrictive covenants to be registered on title;
  - (c) a copy of the approved zoning by-law for the lands, together with the subdivision agreement (when approved by the Town of Newmarket); and
  - (d) any other requirements as may be set out in the Subdivision Agreement.

Further, the Owner shall agree to keep all of the above material up-to-date, and reflect the most current approvals, and/or submissions regarding the plan, and/or engineering design drawings. Prior to final approval, the owner shall provide a copy of all sales material and promotional literature currently used at the sales office, along with a letter from the Owner/Developer confirming that the sales and promotional literature complies with all Agency and Departmental approvals obtained to date to the Director of Planning and Building Services.

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- (42) The Owner Shall Agree in the Subdivision Agreement to abide by any servicing allocation policy as approved by the Town and amended from time to time.
- (43) Prior to final approval, the York Region District School Board shall have confirmed to the Town of Newmarket that pupil places exist within the Town of Newmarket for all pupils emanating from the subdivision.
- (44) The Owner shall agree in the Subdivision Agreement to prepare, to the satisfaction of the Town, a Homeowner's Manual which shall be distributed to all purchasers which outlines:
  - (a) the Town's waste diversion and recycling programs and proper usage of the bins;
  - (b) the environmental sensitivity of the open space areas and trail systems and provides educational material regarding disturbances from residential development and the role that individual homeowners can have such as yard waste composting, reduced fertilizer and pesticide use, natural area re-vegetation, impacts of noise and lighting, domestic pet impacts and controls, invasive plant spreading and discharge of swimming pool water.
- (45) The Owner shall agree in the Subdivision Agreement to pay the Town the cost for the recycling containers (three recycling containers, one Blue box, one Green Bin and one Kitchen collector) required for the Plan of Subdivision and provide said containers to each purchaser at the time of occupancy.
- (46) The Owner shall include a clause in all offers to purchase and sale and within the Subdivision Agreement, in wording acceptable to the Town, for all lots or blocks which contain slopes in rear yards or side yards of 3:1 or steeper, advising of the impacts on the lot useable amenity areas.
- (47) Where required by the Town, the Owner shall agree in the subdivision agreement, where applicable, to cause warning clauses, in wording satisfactory to the Town, to be included in all offers of purchase and sale, and to be registered on title, for all lots or blocks within the Plan of Subdivision affected by the following matters:
  - (a) Mail from a Community Mailbox;
  - (b) Street trees;
  - (c) Traffic Calming Measures;
  - (d) Lots fronting on a collector road;
  - (e) Transit Routes;



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- (f) Temporary Cul-de-sacs and Turning Circles;
  - (g) Proximity to Active Farms and Agricultural Uses;
  - (h) Stormwater Management Facilities;
  - (i) Subdivision Design Features and Landscaping Features and/or Special Features;
  - (j) Noise;
  - (k) Illumination of Athletic Fields;
  - (l) Lands abutting a trail system;
  - (m) Open Space Lands to remain in their natural state;
  - (n) Extended Footings and Engineered Fill;
  - (o) Lot Grading and Preservation of Existing Vegetation;
  - (p) Basement Walk-outs and Access to Rear Yard;
  - (q) Rear Lot Catch basins;
  - (r) Private Gates to Open Space Areas and Stormwater Management ponds; and
  - (s) Carbon Monoxide Detectors.
  - (t) Lands in proximity to Industrial Uses
- (48) The Owner shall agree in the Subdivision Agreement to provide to all potential purchasers and future landowners, appropriate notice, warnings, and/or restrictions, in wording acceptable to the Town, where the Plan, or implementing design thereof, requires the construction or installation of any subdivision or landscape design features, special features and/or special landscape features, such as retaining walls, tiered retaining walls or similar structures, entrance features, special fencing, other special features or devices, special lot grading, excessive lot grading or the construction of other landforms. The manner of such notice, warnings, and/or restrictions, as determined by the Town, shall be set out in the Subdivision Agreement, and shall fully disclose the details of the said Features for all affected and/or abutting lots or blocks. The Owner shall agree in the Subdivision Agreement to guarantee the perpetual maintenance of the said Features, where required by the Town, with respect to the cost of maintenance and periodic renewal/replacement of such Features, and to provide for or maintain such Special Features in perpetuity. The Owner shall further agree in the Subdivision Agreement to provide easements in favour of the Town, for the purposes of maintenance, where required.

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**Regional Municipality of York Conditions**

- (49) The road allowances included within this draft plan of subdivision shall be named to the satisfaction of the Town of Newmarket and York Region.
- (50) Prior to final approval York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the Town of Newmarket for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- (51) The Owner shall agree in the Subdivision Agreement that the Owner shall save harmless the Town of Newmarket and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- (52) Prior to final approval, a functional servicing report that includes water and wastewater servicing and drainage plans shall be submitted to York Region for review. The wastewater servicing plan shall clearly identify any external areas services by the proposed development and the water servicing plan shall clearly identify any pressure reducing valves, if required.
- (53) Prior to final approval, the General Plan of services drawing shall be submitted to the Capital Planning and Delivery Branch for review.
- (54) The Owner shall agree in the Subdivision Agreement that any direct connection to a York Region water or wastewater system required Regional approval prior to construction. Engineering drawings showing details of the connection shall be submitted for approval.
- (55) Prior to final approval, should any of the following land uses be proposed in association with the draft plan of subdivision application, York Region requires the completion and submission of a Risk Determination and Risk Management Plan to the Water Resources Branch of the Environmental Services Department. These land uses include the storage or manufacture or use of:
  - a. Petroleum-based fuels and or solvents;
  - b. Pesticides, herbicides, fungicides or fertilizers;

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- c. Construction equipment;
- d. Inorganic Chemicals;
- e. Road salt and contaminants as identified by the Province;
- f. The generation and storage of hazardous waste or liquid industrial waste, and waste disposal sites and facilities;
- g. Organic soil conditioning sites and the storage and application of agricultural and non-agricultural source organic materials; and,
- h. Snow storage and disposal facilities.

The Risk Assessment and Risk Management Plan documents must follow the York Region document *Guidance for Conducting Risk Assessments and Preparing Risk Management Plans for Source Water Protection (May 2011)*.

- (56) Given the proximity of the subject site to York Region municipal production wells, prior to final approval, the Owner shall conduct a subsurface investigation to identify any need for dewatering and/or groundwater depressurization, and where applicable, submit a detailed dewatering plan prepared by a qualified professional to the Region for approval.
- (57) Prior to final approval, the Owner shall provide a copy of the subdivision agreement to the Transportation and Community Planning Department, outlining all requirements of the Transportation and Community Planning Department.
- (58) The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law #2012-36.

**Lake Simcoe Region Conservation Authority**

- (59) Prior to final Plan approval and any major site alteration, the following shall be prepared to the satisfaction of the Lake Simcoe Region Conservation Authority and the Town of Newmarket:
  - A detailed Stormwater Management Report
  - A Low Impact Development Report providing enhanced water treatment;
  - A detailed Erosion and Sedimentation Control Plan
  - A detailed Grading and Drainage Plan
  - A detailed phosphorus budget and water balance fulfilling Designated Policy 4.8(d)(e) of the LSPP

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- A detailed Planting Plan for the entire riparian buffer area (including the site of the fish barrier removal), park block and relocated stormwater outfall channel to Bogart Creek
  - A detailed design for the relocated stormwater outfall channel, including a plunge pool/wetland area and its confluence with Bogart Creek.
- (60) The Owner shall agree in the subdivision agreement to carry out or cause to be carried out the recommendations and requirements contained within the plans, reports and studies set out above as approved by the LSRCA.
- (61) The Owner shall agree in the subdivision agreement to retain a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports and specifications, as approved by the LSRCA.
- (62) The Owner shall agree in the subdivision agreement to maintain all existing vegetation up until a maximum of 30 days prior to any grading of construction on-site in accordance with 4.20b.-DP of the Lake Simcoe Protection Plan.
- (63) The Owner shall agree in the Subdivision Agreement that any easements required for stormwater management purposes shall be granted to the Town of Newmarket.
- (64) Prior to any site alteration, proper erosion and sediment control measures must be in place in accordance with approved Grading and Drainage Plan, and Erosion and Sediment Control Plan.
- (65) That prior to any site alteration and grading within the area regulated under Ontario Regulation 179/06 of the Conservation Authorities Act that a permit from LSRCA be obtained.
- (66) That Prior to final approval, the Owner shall pay all development fees to the LSRCA in accordance with the approved fees policy, under the *Conservation Authorities Act*.

**Newmarket Hydro**

- (67) The Owner shall agree in the subdivision agreement to make such arrangements as are satisfactory to Newmarket Hydro for the provision of hydro-electric servicing, both overhead and underground and to convey such

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lands and/or easements as may be required, at no cost and free from encumbrances.

**Bell**

- (68) The Owner agrees to provide one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunications facilities are located to the street line.

**Canada Post**

- (69) The Owner shall agree in the subdivision agreement to consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
- (70) The Owner shall agree in the subdivision agreement to include in all offers of purchase and sale a statement advising prospective purchasers that mail delivery will be from a designated Community Mailbox and to include the exact locations (list of lot numbers) of each of these Community Mailbox locations.
- (71) The Owner shall agree in the subdivision agreement to provide the following for each Community Mailbox site and to include these requirements on appropriate servicing plans:
- (a) an appropriately sized sidewalk section (concrete pad), as per Canada Post specifications to place the Community Mailbox;
  - (b) any required walkway across the boulevard, as per Town of Newmarket standards; and
  - (c) any required curb depressions for wheelchair access.
- (72) The Owner agrees in the subdivision agreement to determine and provide a suitable temporary Community Mailbox location(s) to be "fit up" prior to first occupancy, which may be utilized by Canada Post until the criteria identified in Condition No. 71 is completed at the permanent Community Mailbox site location(s).

**Other**



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- (73) Final approval for registration may be issued in phases provided that:
- a) phasing is proposed in an orderly progression; and
  - b) all agencies agree to registration by phases and provide clearances as required in Conditions 75 to 79 inclusive, for each phase proposed for registration by the Owner. The required clearances may relate to lands not located within the phase sought to be registered.
- (74) The Town of Newmarket shall advise that Conditions 1 to 48 inclusive and Conditions 73 to 79 inclusive have been satisfied.
- (75) The Region of York shall advise that Condition 3 and Conditions 49 to 58 inclusive have been satisfied.
- (76) The Lake Simcoe Region Conservation Authority shall advise that Conditions 59 to 66 inclusive have been satisfied.
- (77) Newmarket Hydro shall advise that Condition 67 has been satisfied.
- (78) Bell shall advise that Condition 68 has been satisfied.
- (79) Canada Post shall advise that Conditions 69 to 72 inclusive have been satisfied.

ISSUED at Newmarket this     day of                     , 2014.

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Richard Nethery, B.E.S., M.C.I.P., R.P.P.  
Director of Planning and Building Services

**NOTES:** WHERE FINAL APPROVAL FOR REGISTRATION HAS NOT BEEN GIVEN WITHIN THREE YEARS AFTER THE DATE UPON WHICH APPROVAL TO THE PROPOSED PLAN OF SUBDIVISION WAS GIVEN, THE TOWN OF NEWMARKET MAY, AT ITS

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DISCRETION, AND PURSUANT TO THE PLANNING ACT, R.S.O. 1990,  
WITHDRAW ITS APPROVAL TO THIS PROPOSED PLAN OF SUBDIVISION,  
UNLESS APPROVAL HAS BEEN SOONER WITHDRAWN, BUT THE TOWN OF  
NEWMARKET MAY FROM TIME TO TIME EXTEND THE DURATION OF THE  
APPROVAL.

THE LAKE SIMCOE REGIONAL CONSERVATION AUTHORITY WILL REQUIRE A  
COPY OF THE EXECUTED SUBDIVISION AGREEMENT; COPY OF THE DRAFT M-  
PLAN; A LETTER FROM THE DEVELOPER'S PLANNING CONSULTANT DETAILING  
HOW EACH LAKE SIMCOE CONSERVATION AUTHORITY CONDITION OF DRAFT  
PLAN APPROVAL HAS BEEN FULFILLED PRIOR TO ISSUANCE OF A CLEARANCE  
LETTER.

**PLANNING AND BUILDING SERVICES**

Town of Newmarket

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April 17, 2014

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES  
REPORT 2014-18**

TO: Committee of the Whole

**SUBJECT: Application for Official Plan and Zoning Bylaw Amendment and  
Draft Plan of Subdivision  
955 and 995 Mulock Drive  
North Side of Mulock Drive, West of Leslie Street  
Lorne Park Gardens Inc.  
D9-NP 13 28, D12-NP 13 28, D14-NP 13 28**

ORIGIN: Planning and Building Services

**RECOMMENDATIONS**

**THAT Development and Infrastructure Services/Planning and Building Services Report 2014-18 dated April 17, 2014 regarding Application for Official Plan Amendment, zoning by-law amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:**

- a) THAT the Application for Official Plan Amendment, zoning by-law amendment and Draft Plan of Subdivision, as submitted by Lorne Park Gardens Inc. for lands being composed of part of Lot 31, Concession 2 E.Y.S., Municipally known as 955 and 995 Mulock Drive be referred to a public meeting.**
- b) AND THAT the public meeting be scheduled at such time as issues of tree preservation and road access have been further advanced.**
- c) AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.**
- d) AND THAT Jim Levac, Weston Consulting, 201 Millway Avenue, Suite 19 Vaughan, ON L4K 5K8 be notified of this action.**

**COMMENTS****Location and Surrounding Land Uses**

The Subject Lands are located on the north side of Mulock Drive, west of Leslie Street (See Location Map attached). The property has an area of approximately 2 hectares and has a frontage

on Mulock Drive of approximately 124 metres. The properties are municipally known as 955 and 995 Mulock Drive.

The subject properties currently contain two single family dwellings with various accessory structures. The following are the adjacent land uses:

North: Existing Townhouse Condominium dwellings (Creekfront Way)

South: Existing Single and Semi detached dwellings (Foxcroft Blvd.)/Fernbank Community Gardens/open space

East: Existing Townhouse Condominium dwellings (On Bogart Circle)

West: Newmarket High School/existing hydro substation

### **Proposal**

The applicant is proposing to amend the existing Stable Residential designation to allow for the proposed townhouse dwelling type. The application also proposes to rezone the subject lands from the Residential Detached Dwelling 60m zone (R1-A) to the Residential Townhouse Dwelling 3 (R4-R) zone to permit a common element condominium consisting of 85 at grade townhomes within 13 townhouse blocks on the subject lands. The access is proposed to a single full turn access to and from Mulock Drive located on the east side of the site. The development proposal as shown would remove approximately 0.49 hectares of woodland and preserve approximately 0.28 hectares at the north end of the site.

### **Preliminary Review**

#### **Official Plan Considerations**

The subject property is designated Stable Residential on Schedule "A" Land Use Plan in the 2006 Official Plan. The Stable Residential permitted uses include single and semi detached dwellings, but would preclude townhomes. The applicant is applying to amend the existing designation on the subject lands to permit ground related townhomes.

Section 3.9 of the Official Plan regarding intensification in stable residential areas indicates that the creation of new lots for the purposes of infilling shall be permitted subject to compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill housing, availability of hard services and road access requirements.

The proposed development is generally compatible with the surrounding uses being townhome dwellings to the immediate north and east; Newmarket High School to the west and a development of single and semi detached dwellings on the south side of Mulock Drive, a regional road.

With regard to the physical suitability of the site to accommodate the proposed development, the lands drop significantly from Mulock Drive to the rear limit of the proposed development requiring a number of retaining walls which, while permitted, the Town attempts to minimize the amount and



heights of retaining walls as they are a maintenance burden for Town, and if on private property, the homeowner would be required to maintain at their cost. If this proposal is approved, Engineering Services have indicated any walls should be part of the condominium common elements to be the responsibility of the future condominium corporation. The plan as proposed would require the removal of a significant amount of the existing woodlot on the property. The preservation of the woodlot is discussed further in this report.

The availability of hard services to accommodate the development is discussed further in this report under Sanitary Sewage, Water Distribution, and Storm Drainage respectively.

Road access is also discussed further below under Roads and Traffic.

#### Zoning Bylaw Consideration

The Subject Property is currently zoned Residential Detached Dwelling 60m zone (R1-A) by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to the Residential Townhouse Dwelling 3 (R4-R) to implement the plan. The applicant has also requested additional relief from the R4-R performance standards that will continue to be reviewed as we proceed through the process.

Staff will utilise Section 16.1.1, policy 3 in the Town's Official Plan with regards to the Zoning By-Law Amendment:

- "3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:
- a. the proposed change is in conformity with this Plan;
  - b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;
  - c. potential nuisance effects upon adjacent uses are mitigated;
  - d. adequate municipal services are available;
  - e. the size of the lot is appropriate for the proposed use;
  - f. the site has adequate road access and the boundary roads can accommodate the traffic generated;
  - g. the on-site parking, loading and circulation facilities are adequate; and,
  - h. public notice has been given in accordance with the *Planning Act*."

As this development proposal does not have servicing allocation, the Holding (H) provisions of the Planning Act will be required in the event the property is rezoned.

#### Woodlot Preservation

As noted above, the applicant is proposing to retain 0.28ha and remove 0.49ha of the woodlot located on the northern portion of this property. The applicant has provided information through an Environmental Impact Study and the Planning Justification Report that would indicate the woodlot is not significant in terms of the Lake Simcoe Protection Plan and as the lands are not designated Natural Heritage in the Official Plan; the removal of the woodlot is permitted.

Section 9.3.2, under the Natural Heritage policies, includes the following provisions that would apply town wide.



*Council shall promote and establish programs to increase the tree cover of the entire Town from its current level of 9% to 12%. The means to achieve this target include:*

- a. active tree planting, particularly within Town-owned parks and undeveloped portions of the East Holland River and Bogart Creek Floodplains;*
- b. infilling gaps within and between existing woodlots; and,*
- c. allowing natural vegetation succession to occur selectively within undeveloped areas.*
- d. continue to contribute to the environmental protection of Lake Simcoe and the East Holland River Watershed by maintaining partnerships with the Lake Simcoe Region Conservation Authority (LSRCA) and non-government organizations; and,*
- e. encourage a program of tree planting and tree preservation in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy so that all residential areas are provided with a sufficient number of trees to maintain a high standard of amenity and appearance.*

The Lake Simcoe Region Conservation Authority have provided comments in relation to the woodlot, indicating that this woodlot could meet the criteria to be considered significant (under the Region of York Official Plan and the Provincial Policy Statement) as there is no gap in the canopy and it is greater than 4 hectares in size. The LSRCA recommend that the EIS reassess the evaluation of the woodlands significance on this property and address the policies related to the presence of significant woodlands as part of this development proposal.

Region of York – the town has not yet received comments from the Region of York. As the LSRCA are suggesting the woodlot may be considered significant under the Region of York Official Plan, comments from the region are required to further advance the analysis of the woodlot.

As there are outstanding issues in relation to woodlot preservation that could have considerable impact on the design of the plan, staff are recommending that the required statutory public meeting not be scheduled until such time as the discussion regarding the preservation requirements for the woodlot be advanced.

#### Parkland

No parkland dedication is proposed for this development. While there are significant recreation facilities on the south side of Mulock Drive at the Magna Centre, there are no town parks within close proximity to this site. The closest being College Manor Park at the north end of College Manor Drive. Private outdoor amenity space should be considered for this development.

#### Roads and Traffic

Mulock Drive is a Regional Road under the jurisdiction of the Region of York. At the time of writing this report, comments from the Region have not been received.

Comments from the Town's Engineering Services have requested further clarification on items contained in the Traffic Impact Study. The submitted Traffic Impact Study indicates that site lines are adequate for full turning to and from the property. Engineering Services require further

explanation on this issue as the development on the south side of Mulock Drive did not have sufficient sight lines for an intersection at this location.

Engineering Services also note that the proposed driveway is proposed to operate at a poor level of services (LOS F) in the future. The report notes, but does not undertake a gap analysis to determine if appropriate gaps are available. It is suggested that a gap study be undertaken to determine if sufficient gaps are available to accommodate the development traffic.

As the Region of York have not provided comments and there are significant outstanding issues relating to access to the site, it is recommended that the required public meeting not be scheduled until staff have a better understanding of the traffic implications and impacts on and from the proposed development.

#### Sanitary Sewage

Sanitary sewage from the proposed development will discharge to the existing stub sewer located in the neighbouring On Bogart Pond development. Engineering services have confirmed the flow from this proposed development was allowed in the design for the existing development. The applicant is to confirm ownership of the stub sewer and provide confirmation that they have legal permission to access this sewer located on neighbouring lands. The developer of the neighbouring lands will be seeking to obtain reimbursement from this developer for sewer oversizing costs incurred to accommodate this development.

#### Water Distribution

The water supply section of the FSR has been reviewed by MMM Group on behalf of the Town. A number of issues have been identified that are to be addressed prior to the application being recommended for approval.

#### Storm Drainage

Stormwater from the proposed development will be controlled on site and will discharge in the neighbouring On Bogart Pond development. Engineering services are satisfied that the measures proposed can provide adequate quantity and quality controls. The applicant is to provide confirmation that legal access is available to the storm sewer located in the neighbouring property.

#### Grading

Engineering Services note that the grades on site drop in excess of 10m from Mulock Drive northerly to the rear limit of the proposed development. A significant amount of retaining walls will be required to achieve reasonable internal road grades. The maintenance of these walls should not lie with the individual home owners but be included as common elements and be maintained by the future condominium corporation.

#### Noise analysis

The noise report has indicated that noise mitigation in the form of a 2.2m noise attenuation fence is required where there are proposed dwelling side yards are exposed to Mulock Drive. The analysis also requires an upgrade to the current noise mitigation barrier on the adjacent Hydro



lands of 5.5m being a combination of berm and fence. It is unclear at this point how the mitigation will be constructed. Staff will require hydro's comments and approval for this proposal.

### **Servicing Allocation**

Servicing allocation has not been granted for this proposed draft plan of subdivision.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

Section 2.1.4 of the PPS under the Natural Heritage Section indicates that development shall not be permitted in significant woodlands south and east of the Canadian Shield. Significant, in regard to woodlands, means "...an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history".

As noted above, and specifically in the comments from the Lake Simcoe Region Conservation Authority, the applicant is to reassess the evaluation of the woodlands significance on this property and address the policies related to the presence of significant woodlands as part of this development proposal.

### **Departmental and Agency Comments**

**Engineering Services** have provided comments on the submitted reports outlined above.

### **Agency Comments**

The Town has also received comments from various agencies that will be addressed throughout the planning process.

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

This application has linkages to the Community Strategic Plan as follows:

**Well-equipped and Managed:** by providing opportunities for varied housing types, affordability and densities

### **COMMUNITY CONSULTATION POLICY**

The recommendations of this report refer the applications to the statutory public meeting as required by the Planning Act.

### **BUDGET IMPACT**

#### **Operating Budget (Current and Future)**

The appropriate planning application fees have been received for Official Plan amendment, zoning bylaw amendment and draft plan of subdivision. The Town will also receive revenue from development charges and assessment revenue with the development of this subdivision in the event the applications are approved.

#### **Capital Budget**

There is no direct capital budget impact as a result of this report.

### **CONTACT**

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

### **Attachments**

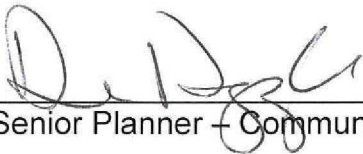
- 1 - Location Map
- 2 - Proposed site plan



Commissioner Development and Infrastructure  
Services



Director of Planning and Building Services



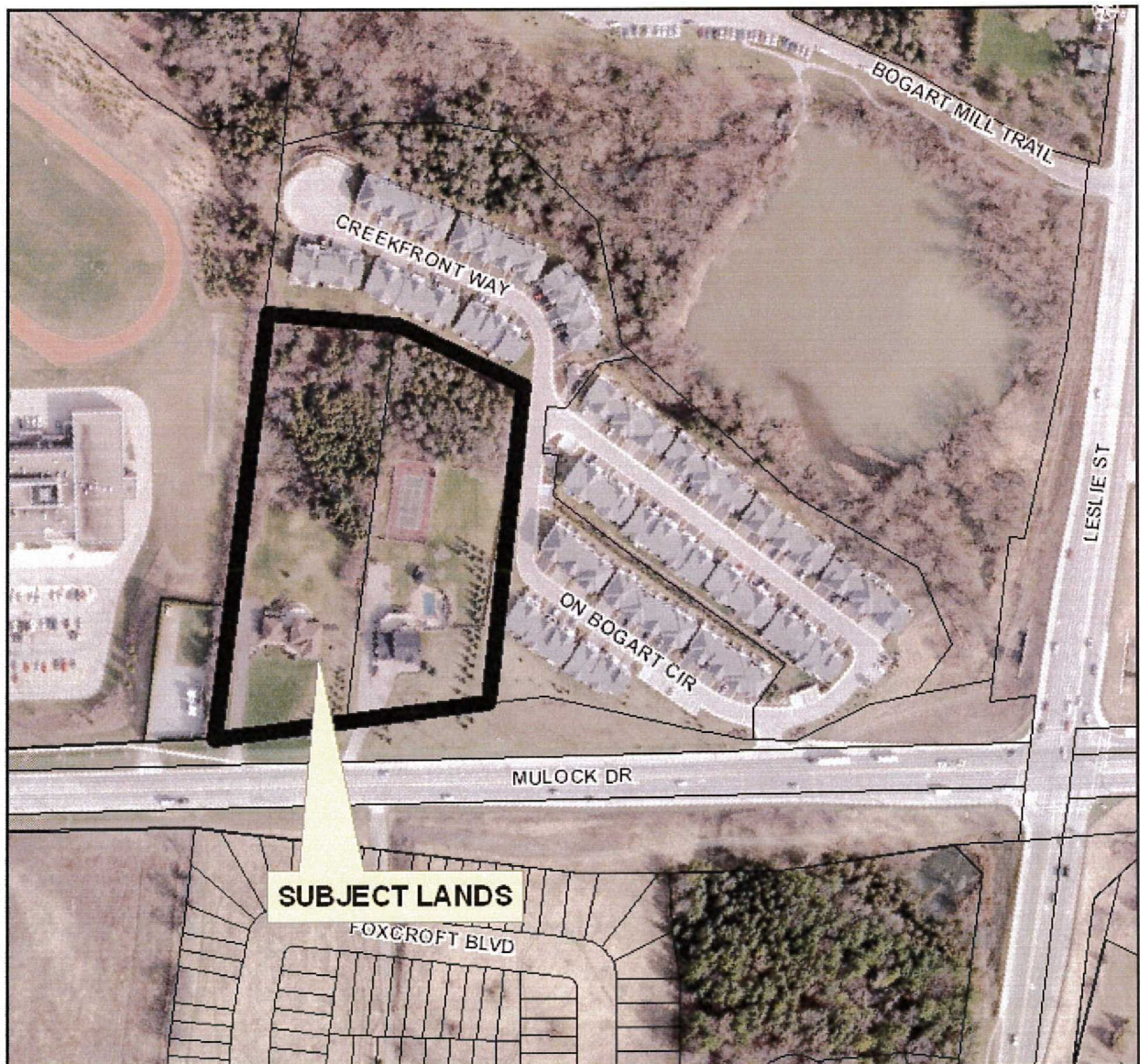
Senior Planner – Community Planning



## LOCATION MAP

### 955 and 995 Mulock Drive

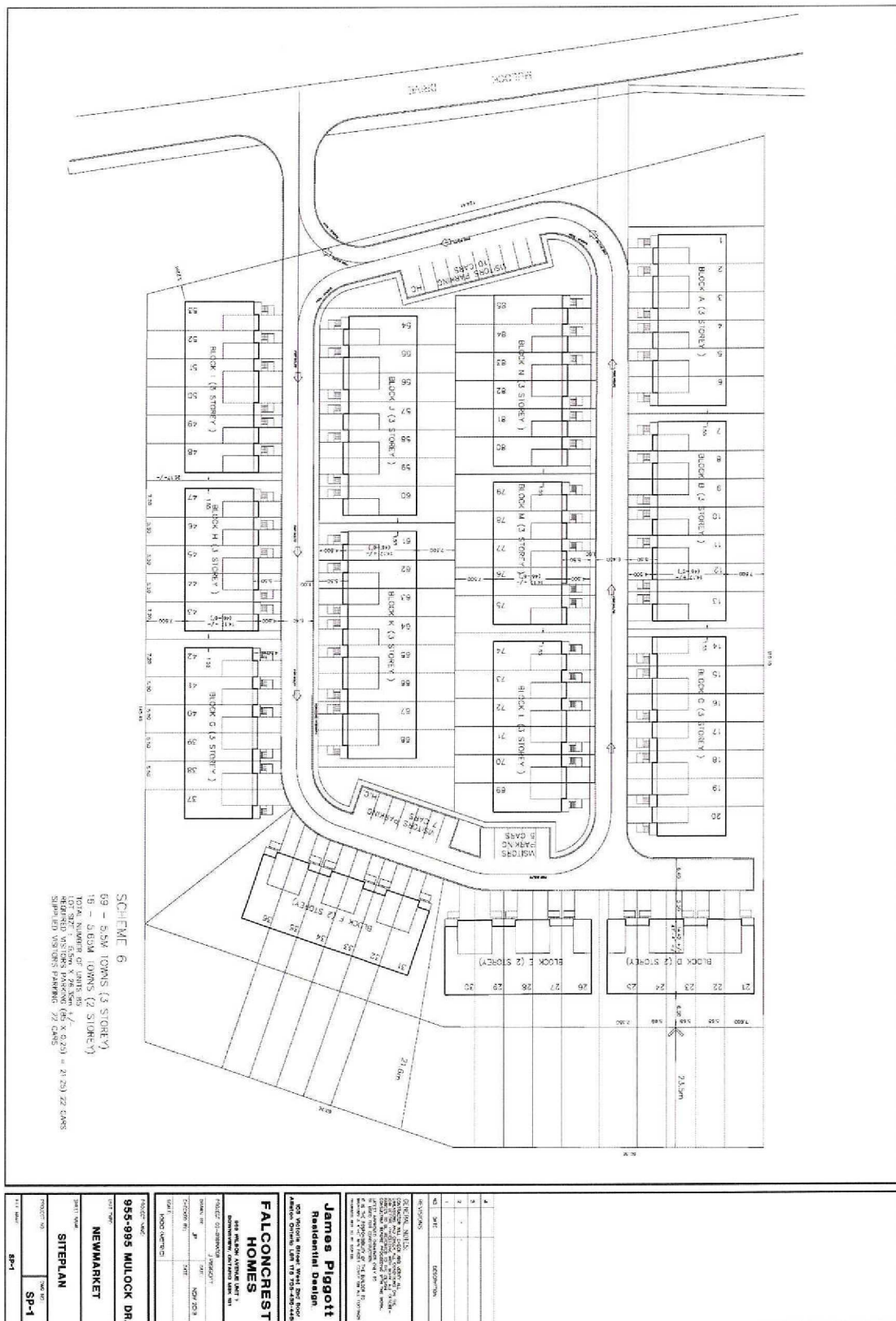
### North Side of Mulock Drive, West of Leslie Street



TOWN OF NEWMARKET PLANNING DEPARTMENT

Designed & Produced by: Information Technology - GIS Sources: 2007 Coburn Ortho Imagery - © J.D. Santer, Limited, 2007 Orthophotography; Land Parcel Boundaries - © Terrestrial and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2009; Municipal Boundary - Geomatics Division, Planning and Development Services Department © The Regional Municipality of York, 2009.  
 DISCLAIMER: This mapping is based on the POLARIS parcel data products compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. It is not a substitute for a legal survey.







Corporate Services Commission  
 Legal Services Department  
*info@newmarket.ca*

April 17, 2014

**CORPORATE SERVICES COMMISSION  
 LEGAL SERVICES AND PROCUREMENT SERVICES  
 JOINT REPORT 2014-11**

TO: Committee of the Whole

SUBJECT: Procurement Processes

ORIGIN: Gord Sears, Manager, Procurement Services  
 Karen Reynar, Associate Solicitor

**RECOMMENDATION**

**THAT the Corporate Services Commission, Legal Services and Procurement Services, Joint Report 2014-11 dated April 17, 2014 regarding procurement processes be received for information.**

**COMMENTS**

On November 25, 2013, Committee of the Whole directed as follows:

1. THAT staff bring back a report within 120 days exploring a change to the Town's procurement process to include recognition/points in the Town's tendering process recognizing the environmental benefit of the bidders' proximity to Newmarket. The report should include any examples in Canada of municipalities currently engaged in recognizing the benefit of local procurement as well as an analysis of all relevant issues;
2. AND THAT information be provided to all Members of Council on an overall point system on various factors in regards to procurement;
3. AND THAT the memorandum dated January 2012 be referred back to staff to incorporate into the report back exploring a change to the procurement process;
4. AND THAT the motion report is circulated to the Chamber of Commerce, the Economic Development Advisory Committee and the Environmental Advisory Committee for input.

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 Direct Dial: 905-953-5335 General Information: 905-895-5193 Fax: 905-953-5137

(collectively, the **"COW Motion"**)

### ***(I) Background***

On January 24, 2012, Council received a joint information report from the Procurement and Legal Services Departments (the **"2012 Report"**) which provided information regarding the legislative requirements related to local procurement in place at that time, as well as the results of a survey of Ontario municipalities on this subject.

### ***(II) External Legal Review***

In preparation of this report, the Town retained an external lawyer who specializes in procurement law to review the matter and provide an opinion in response to the COW Motion. Staff has summarized the opinion received from external counsel (the **"External Report"**) below.

#### **(1) The Law Applicable to Local Procurement**

Section 270 of the Municipal Act, 2001, S.O. 2001, Chapter 25, requires "that a municipality adopt and maintain policies with respect to ...[the] procurement of goods and services". Newmarket's procurement policies are found in By-law 2011-74 (the **"Procurement Bylaw"**).

External counsel confirmed that there has not been any change to the legislative or regulatory framework applicable to the Procurement Bylaw. External counsel also confirmed that because the Procurement Bylaw contains provisions that incorporate the Agreement on Internal Trade (the **"AIT"**), the Town is legally required to adhere to the provisions of the AIT.

The AIT is a trade agreement in Canada which is applicable to municipalities. In addition to promoting open, fair and transparent procurement, the AIT prohibits the adoption of local or geographical preferences (Article 504 4. of Chapter 5 on Procurement). Specifically, Item 4 of the AIT states that no Party shall impose or consider, in the evaluation of bids or the award of contracts, local content or other economic benefits criteria that are designed to favour:

- a) the goods and services of a particular Province or region, including those goods and services included in construction contracts; or
- b) the suppliers of a particular Province or region of such goods or services.

#### **(2) Update on the Ontario Government's Feed in Tariff (FIT) Program**

The 2012 Report advised that the Ontario Government's Feed in Tariff (FIT) program under the Green Energy Act (which required 60% domestic content) was being

challenged by Japan, the US and the EU through the World Trade Organization Dispute Resolution Body, but that a decision was not yet available. By way of update, the three-person WTO Panel unanimously found that the Minimum Required Domestic Content Level prescribed under the FIT program was in violation of applicable trade agreements. Canada's appeal of this decision was unsuccessful and Canada was ordered to bring itself into compliance with the recommendations and ruling of the dispute settlement body.

### **(3) Examples in Canada of Municipalities Currently Engaged in Local Procurement**

In addition to opining on the law applicable to local procurement, staff provided external counsel with the COW Motion and asked for a review of other Canadian municipalities currently engaged in local procurement as well as an analysis of all relevant issues.

The City of Toronto's 2008 decision to adopt a Local Food Procurement Policy, as well as a trend by Canadian universities to implement local and sustainable food initiatives on their campuses, were both considered in the External Report. Ultimately, however, our external counsel concluded that while the foregoing examples all start from worthy policy objectives, there is no underlying legal analysis in support of such policy initiatives. More specifically, our external counsel found that in the absence of special circumstances, such policies would almost certainly run afoul of the obligations set out in the AIT.

This conclusion from the External Report is consistent with the 2012 Report. With respect to the trend by Canadian Universities and some municipalities, to the extent that their policies are targeted at the food served in their cafeterias and/or extended care facilities, it is possible that they are relying upon Article 507 of the AIT which allows for an exception from the rules for "procurement of goods intended for resale to the public". Unfortunately, the vast majority of the Town's procurement is not related to goods intended for resale to the public, and therefore this exception would not justify a local procurement policy for these type of goods at the Town.

In January 2014, the City of Toronto surveyed over thirty (30) Canadian municipalities, including Newmarket on the following question:

***Do your Procurement policies include a Canadian Content or Local Preference type policy either general in nature (all contracts) or specific to certain types of procurement (i.e. food policy)?***

#### **Summary of responses:**

- None of the municipalities that responded had a local preference type policy
- Only one had a Canadian content policy
- Two municipalities responded they either have or will be adopting a local food policy.

- One municipality has a policy which states "In order to better ensure open, fair and competitive practices amongst entities who are part to various trade treaties, the Purchasing Agent may elect to designate jurisdictions that impose local trade restrictions and companies from those jurisdictions shall be ineligible to submit Bids in respect of City Procurement Processes or otherwise conduct business with the City".

#### **(4) Implementation of Creative Procurement Strategies**

Notwithstanding the foregoing, there are a number of creative procurement practices which may assist with the achievement of the proposed change in the Town's policy while navigating the quagmire of risks associated with the process.

##### *(A) Proximity or Freshness as an Evaluated Factor*

Perhaps the most effective technique to make proximity a factor in procurement is to prescribe services or performance specifications that make timely responsiveness or freshness a high priority. For example, where the Town requires information technology services, it would not be unreasonable to prescribe that the service provider be onsite within 30 minutes of a breakdown, thereby increasing the chances, for objective and defensible reasons, that the successful proponent will be a local company. In this way, the bidders most likely to score well in the competition may do so in part because they are located within a reasonable distance from the Town or inside the Town. This procurement approach, however, does not explicitly exclude any potential participant from the competition.

This strategy has already been implemented for over five years, by the Town's Procurement Services Department in two ways:

- i. by drafting bid specifications for service contracts which include timely responsiveness as an evaluated factor; and
- ii. by requiring the fees submitted by Bidders to be based on "productive time at the work site". In other words, time spent for travel, mileage, truck charges must be included in their hourly rate.

This approach provides local bidders with an advantage without explicitly providing them with points based on their location alone.

##### *(B) Recognition/points in the Town's tendering process recognizing the environmental benefit of the bidders' proximity to Newmarket*

On the face of it, making proximity an evaluated factor for the purpose of recognizing an environmental benefit seems attractive, since the presumption is that a bidder located in or close to the Town would drive a shorter distance to perform its contractual



obligations, such that the amount of greenhouse gases released into the environment would be reduced. On a closer look, however, one can see how an unsuccessful bidder could argue that the successful bidder's vehicles are much older, and therefore much less environmentally friendly than the newer vehicles operated by the unsuccessful bidder. In addition, it is possible that vendors which are not strictly considered to be local vendors, may have service representatives that live or operate in the Newmarket area. Likewise, local vendors may have service representatives that live outside the Newmarket area and need to travel some distance to complete work in the Town. As such, adding environmental points as an evaluated factor to the procurement process may not ultimately result in an advantage to local bidders, or in the favourable environmental impact that was intended.

Introducing environmental points as an evaluated factor would also impose new administrative costs on suppliers to prepare their bids and would add complexity to the preparation and evaluation of bid call documents. The resulting added subjectivity may result in legal exposure if the Town is asked to substantiate a decision to award to a particular Proponent on the basis of the environmental aspects of their proposal. Finally, the introduction of points recognizing the environmental benefit of a bidders' proximity to Newmarket would almost certainly lead to legal challenges from bidders who would see the reference to "environmental benefit" in this context as a veil designed to prefer local suppliers in contravention of the AIT.

It should be noted that the Town's bid documents do provide for an alternative "green" bid in addition to, or in place of, a regular bid, where a bidder has a product or service that can meet the same technical specifications required by the Town, but in a more environmentally friendly manner. It is the opinion of staff that this current approach achieves the Town's objectives of environmental responsibility without offending the AIT and exposing the Town to liability.

### ***(III) General Discussion on the Use of Requests for Tender versus Requests for Proposal***

Some members of Council raised concern about Newmarket's procurement practice of awarding bids to the lowest bidder. The actual fact is that the majority of the Town's procurement of goods and services over \$100,000.00 has been performed using the Request for Proposal process which is evaluated by Town staff on several qualitative evaluation factors, of which the price factor is typically less than 30% of the overall evaluation scoring. The other qualitative factors evaluated through the Request for Proposal process include quality of proposed goods, methodology, warranty, etc. The criteria and weighting of the evaluation factors is included in the issued Request for Proposal document and the award is made to the Proponent achieving the highest evaluation based on group consensus scoring.

Type of Bid	Dollar Value	2012	2013
Quotations	Over \$ 100,000.00	11	10
RFP	Over \$ 100,000.00	36	39
Tenders	Over \$ 100,000.00	25	23
Total Bids by Procurement Services	Over \$ 100,000.00	72	72
Percentage of Bids through RFP process	Over \$ 100,000.00	50%	54%

In addition, if Council adopts the new Contractor Performance policy which is a companion report to the April 28 Committee of the Whole, as part of the new Procurement bylaw, staff will be required to complete a contractor performance evaluation at the completion of each publicly bid contract. The performance forms will be used to determine if a Contractor is a "Responsible Bidder" (see definition below) for future Town bids which are based solely on price and will also be a part of the evaluation process for future Request for Proposal solicitations. The proposed policy also includes the introduction of probation and/or suspension of bidding privileges for poor performance and an incentive of extra year(s) added to an existing term contract, up to two (2) years, for good performance.

**"Responsible Bidder"** means a Bidder whose reputation, past performance, and business and financial capabilities are such that the Bidder would be judged by the Owner to be capable of satisfying the Owner's needs for a specific Contract. Only Responsible Bidders are permitted to bid on Town work.

***(IV) Comments from the Chamber of Commerce, the Economic Advisory Committee and the Environmental Advisory Committee***

The Manager, Procurement Services has distributed a draft version of this report to all three bodies for comment. To date, the following comments have been received:

Date received	Feedback	Staff Comment/Response
April 15	Supportive of the Contractor Performance procedure but had a concern if there was an appeal process.	An appeal process is part of the Contractor Performance Procedure. Upon confirmation of the above, the Manager, Procurement received this reply back: <b>It is a sound plan to have a formal evaluation policy for contractors with an appeal process.</b>
April 16	<ol style="list-style-type: none"> <li>1. Information was received on: Province of Nova Scotia Sustainable Procurement policy</li> <li>2. Not supportive of Green Alternatives in bid documents</li> <li>3. Sustainability criteria should be a critical part of the procurement evaluation process and as such local criteria will probably be higher value. If the criteria is public then the challenges to it should be minimal to non-existent.</li> </ol>	<p>One of the goals of the proposed Procurement bylaw, is as follows;</p> <p>To promote Responsible Purchasing which encourages procurement practices which encompass social, ethical and environmental considerations when acquiring goods, services and construction.</p> <p>The Procurement Department staff will work with Town departments to promote the above where possible in future solicitations and a possible Responsible Purchasing policy may be developed in the future.</p>

Any further comments received will be provided through an Addendum report or by verbal update by the Associate Solicitor or Manager, Procurement Services at Committee of the Whole.

***(V) Conclusion***

As a result of the AIT, there is very little flexibility available to municipalities in Ontario to develop and implement local preference procurement policies. That said, the Town can and does include specifications within its request for proposal bid documents which require timely responsiveness and disallow additional charges for travel or mileage. These specifications provide local bidders with an advantage, while still maintaining a process which is fair to all bidders and obtains the best value for the taxpayers' money. Staff therefore recommend that the Town's procurement processes remain "as is" to ensure transparency and impartiality in awarding bids.

**BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report aligns with the Well-Equipped and Managed branches of the Vision by implementing policy and processes that reflect sound and accountable governance.

**CONSULTATION**

This report has been completed in collaboration by the Manager, Procurement Services and the Associate Solicitor. External Legal Counsel has been consulted.

**HUMAN RESOURCE CONSIDERATIONS**

Staffing levels are not impacted as a result of the recommendations in this report.

**BUDGET IMPACT****Operating Budget (Current and Future)**

If the recommendation in this report is adopted there will be no budget impact. Should Council determine otherwise, there could be financial implications that staff would report further on, if necessary, during the 2015 budget process.

**Capital Budget**

None

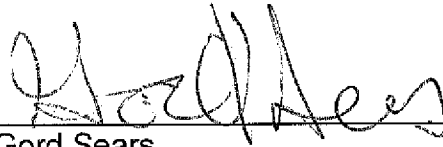
**CONTACT**

For more information on this report, contact Gord Sears, Manager, Procurement Services (905) 953-5300 ext. 2351; [gsears@newmarket.ca](mailto:gsears@newmarket.ca).

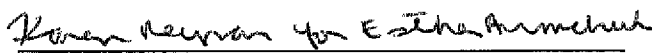
Respectfully submitted,



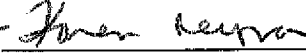
Anita Moore  
Commissioner of Corporate Services



Gord Sears  
Manager of Procurement Services



Esther Armchuk  
Director of Legal Services/Municipal  
Solicitor



Karen Reynar  
Associate Solicitor





Corporate Services Commission  
Procurement Services Department  
*info@newmarket.ca*

April 14, 2014

**CORPORATE SERVICES COMMISSION  
PROCUREMENT SERVICES DEPARTMENT  
REPORT 2014-18**

TO: Committee of the Whole  
SUBJECT: New Procurement Bylaw  
ORIGIN: Manager, Procurement Services

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**RECOMMENDATIONS**

**THAT Corporate Services - Procurement Services Department Report # 2014-18 dated April 14, 2014 regarding the new Procurement Bylaw be received and the draft Procurement Bylaw, attached as Schedule "B", be forwarded to Council for approval.**

**COMMENTS**

Over the last year, the Manager, Procurement Services and the Associate Solicitor have obtained input from staff, Operational Leadership Team, Strategic Leadership Team and external Legal Counsel on the proposed changes to the Procurement bylaw.

This bylaw introduces several new initiatives to ensure the Town of Newmarket is obtaining goods, services and construction in an Accountable, Ethical, Impartial, Professional and Transparent procurement process.

The Manager, Procurement Services has provided an attached Schedule "A" that highlights the changes and the following narrative rationale provides additional background content for the recommended major changes.

1. The Procurement Services Department has been posting our procurement bid documents to our Bid Opportunity website, in an electronic only format for the last four (4) years and this bylaw, specifically, Schedules B and C for Bid Irregularities for E-Bidding will support the next phase of Electronic procurement, the receipt of bids electronically which is planned to commence, June of 2014. This next phase will include an opportunity for Vendors and specifically,

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Newmarket Chamber of Commerce businesses, to attend information sessions on electronic bidding and the ability to participate in a mock electronic bid submission exercise.

2. A formalized Contractor Performance Evaluation Policy that will require Town staff to complete a Contractor Performance evaluation form for all publicly bid contracts. This policy will assist the Town in several ways, including but not limited to:
  - Recognizes and rewards a Bidder's documented positive performance for multi-year contracts, with additional year(s) extensions.
  - Prevents the award of contracts to Bidders, where the Town has documented cautionary performance concern(s) or the Bidder is on probation and cannot demonstrate a positive change in area(s) of concern, in the sole opinion of the Town.
  - Suspended Bidders will not be eligible for the award of contracts for a period of two (2) years or indefinitely (subject to being able to demonstrate a positive change in area of concern,), except for the exceptions, as noted in the Procurement bylaw.

In addition, to the past performance on Town contracts, the Town has the right to consider other factors in the award of a contract, including but not limited to; third party references, ability to meet specifications, etc.

3. Increase delegation limits to staff:

<b>Municipality</b>	<b>Delegated Limit to staff for use of P-Card of Low Value Purchase</b>	<b>Delegated Bidding Threshold for all departments to release their own bid solicitations</b>
Town of Newmarket Current limits	Up to \$ 5,000.00 and some staff exceptions may be higher	Up to \$ 5,000.00
Town of Newmarket Recommended limits	Up to \$ 10,000.00 and some staff exceptions may be higher	Up to \$ 10,000.00 Staff can still utilize Procurement Department services to issue bids up to this (\$) amount, if they request.

**Other Municipal delegation limit examples:**

City of Barrie	\$ 10,000.00	\$ 100,000.00
City of Markham	\$ 5,000.00	\$ 25,000.00
Town of Milton	\$ 10,000.00	\$ 10,000.00
Town of Halton Hills	\$ 5,000.00	\$ 25,000.00
Town of Oakville	\$ 5,000.00	\$ 25,000.00
Town of Aurora	\$ 5,000 and some staff exceptions are higher	\$ 30,000.00

**BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

- Well-Equipped & Managed
- Well-Planned & Connected
- Well-Respected

**CONSULTATION**

This recommended Procurement bylaw has been made in consultation with:

- Strategic Leadership Team (SLT)
- Operational Leadership Team (OLT)
- Procurement Bylaw Staff Task Force
- Contractor Performance Staff Task Force
- The Associate Municipal Solicitor
- External Legal Counsel

**BUDGET IMPACT**

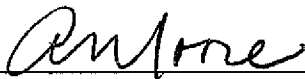
No impact

**CONTACT**

For further information on this report, please contact Gord Sears, Manager, Procurement Services extension 2351.



Gord Sears, CPPB, CPPO,  
Manager Procurement Services



Anita Moore  
Commissioner, Corporate Services

gs [Typist Initials]

Schedule “A” Proposed Major Changes to the Procurement Bylaw

Bylaw Item Number or Schedule Reference	Current Bylaw	New Bylaw	Rationale for recommended change
Item 1. Purposes, Goals and Objectives of Bylaw	New Item	To promote Responsible Purchasing which encourages procurement practices which encompass social, ethical and environmental considerations when acquiring goods, services and construction.	This will promote awareness and promotion of social, ethical and environmental, in bid solicitations, wherever possible, in collaboration with Town departments.
6.3The C.A.O. has the authority to:	Bid Irregularity and/or Bid Challenge – that the Bid Review Panel has been unable to make a determination.  Current bylaw – this matter goes to Council	This responsibility shall be assigned to the C.A.O. and applicable Commissioner.	That the matter be referred to C.A.O., this is supported by Bellamy Enquiry recommendations as follows:  Councillors should separate themselves from the procurement process. They should have no involvement whatsoever in specific procurements. They have the strongest ethical obligation to refrain from seeking to be involved in any way.  Members of Council should not see any documents or receive any information related to a particular procurement while the procurement process is ongoing.
9 Bid Review Panel	Review and makes determinations on Bid Irregularities	Expanded role of the Bid Review Panel	Addition responsibilities: Reviewing Final Contractor Performance Evaluations which staff recommend Probation or Suspension and will also review appeals by Contractors.
13.10 Non-Binding Request for Proposal		New Item not in current bylaw	Permits the Manager, Procurement to utilize a non-binding RFP which permits more flexibility in sourcing for example: High Dollar IT Software or Services
15 Contract Execution		New paragraph: The award of a Contract may be made by way of an agreement and/or a Purchase Order in accordance with Schedule “D” Thresholds of this bylaw. The Manager, Procurement Services shall have the sole discretion to decide whether the terms and conditions between the selected Bidder and the Owner are to be set out in a Purchase Order and/or in a written agreement.	That a Purchase Order Terms and Conditions can be used instead of a formal contract for straight forward purchases as per amounts stated in Schedule “D” of bylaw
16 Contractor Performance		Formalized Procedure which includes placing Contractors on Probation or Suspension from bidding for poor performance and also may recognize good performance by an extension of the contract term. See Schedule “F” of this bylaw for the Procedure document	This supports the Purposes, Goals and Objectives of the Procurement bylaw which includes: To make goods, service(s) and construction Contractors to be accountable to the Owner and the public
22 Contractor Integrity		New Item	Allows the Town to reject Bids or terminate contracts for reasons such as: Bidder be suspected or convicted of corruption, collusion, etc.
23 Litigation /Probation /Suspension	Currently addresses Litigation only	Additional language	Added Probation or Suspension in accordance with new Contractor Performance Procedure
26 Incentive / Liquidated Damages		New Item	Allows the Manager, Procurement Services, in agreement with the Director or Commissioner to add both an Incentive/Liquidated Damage clauses in bids where for example a contract has been completed prior to the requested completion date and may provide the Contractor an Incentive bonus
28 Bid Dispute Resolution		New Item	Agreement on Internal Trade requires municipalities to have a Bid Dispute Resolution process this will be documented in the Procurement Department Procedural manual.

Bylaw Item Number or Schedule Reference	Current Bylaw	New Bylaw	Rationale for recommended change
Schedule “A” Exceptions to Procurement Process Item 4d		New Item – see new item 4d on Schedule “A” of bylaw.	Fees for Professional Witnesses - appearing on the Owner’s behalf at the administrative Court Hearings
Schedule “A” Exceptions to Procurement Process Item 14		New Item – see new item 14 on Schedule “A” of bylaw.	Investments, as recommended by the Treasurer and/or C.A.O.
Schedule “A” Exceptions to Procurement Process Item 15		New Item – see new item 15 on Schedule “A” of bylaw.	Any additional Exceptions, expressly permitted in the Agreement on Internal Trade, as amended.
Schedule “B” Bid Irregularities and Schedule “C” Proposal Irregularities		New Item:  The Procurement Department will be introducing the Electronic submission of bids. Procurement will be accepting most bid opportunities in the future Electronically and may have a few Paper bids only. Procurement will <b>not</b> run two separate processes (electronic and paper) at the same time for a solicitation. Each bid will identify the process used.	Both Schedules “B” and “C” have two separate Schedules”  i. Irregularities for Hard Copy Bidding ii. Irregularities for Electronic Bidding
Schedule B – Hard Copy Bidding  Item 17 and applicable to all Schedules in B and C		New Item: Bid received by a Bidder serving a Suspension Period, in accordance with the Contractor Performance Procedure Schedule “F” of this by-law.  Outcome:  Automatic rejection unless, at the Owner’s sole discretion, it is subject to the exceptions stated in the Owner’s Procurement by-law.	Supports the new Contractor Performance Procedure Schedule “F”
Schedule B – Paper Based  Item 18 and applicable to all Schedules in B and C		New Item: Bid received by a Bidder who has served the Suspension Period and the Bidder cannot provide, in the Owner’s sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule “F” of this by-law.  Outcome:  Automatic rejection unless, at the Owner’s sole discretion, it is subject to the exceptions stated in the Owner’s Procurement by-law.	Supports the new Contractor Performance Procedure Schedule “F”



Bylaw Item Number or Schedule Reference	Current Bylaw	New Bylaw	Rationale for recommended change
Schedule B – Hard Copy Bidding Item 19 and applicable to all Schedules in B and C		<p>New Item: Bid received by a Bidder that has been issued an active Probation letter or has received a Cautionary rating by the Owner and the Bidder cannot provide, in the Owner’s sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule “F” of this by-law</p> <p>Outcome:</p> <p>Automatic rejection unless, at the Owner’s sole discretion, it is subject to the exceptions stated in the Owner’s Procurement by-law.</p>	Supports the new Contractor Performance Procedure Schedule “F”
Schedule B Hard Copy Bidding Item 21 and applicable to all Schedules in B and C	The Bidder shall be given three working days to provide the correct amount or the bid shall be rejected	New language for Insufficient Bid deposit funds	Automatic Rejection, unless in the opinion of Bid Review Panel, the insufficiency in the Bid Deposit is trivial or insignificant.
Schedule B and C Schedules Entitled Applicable to Electronic Bidding Only		<p>These schedules are both new to permit the receiving of Bids Electronically.</p> <p>Benefits:</p> <p>System will automatically not accept bids after closing time and date</p> <p>System will automatically do all math calculations for the Bidder</p>	
Schedule “D” Table 1 Delegated Authority for Low Value Purchases	Current delegation is up to \$ 5,000.00 with the exception of the positions stated in Schedule “E” of the bylaw	Manager, Procurement recommends current delegation be increased up to \$ 10,000.00 with the exception of the positions stated in Schedule “E” of the bylaw	This will allow Procurement Services staff to concentrate on higher value items and new policies such as; Contractor Performance. A good process is in place for the monitoring of these Low Value purchases through the P-Card program as these staff purchases are approved by their one up authority approver. The Procurement department also audits a sampling of cardholders on a monthly basis.
Schedule “D” Table 3 Emergency Purchases		Add new line: Or Managers with the prior written approval of their Director or Commissioner.	Ensures Emergencies can be dealt with efficiently but still provides accountability.
Schedule ‘D’ Table 4 Municipally declared Emergencies		New Table: The C.A.O. or Commissioner or Director may authorize the Manager, Procurement Services to increase staff Delegated Authority limits for low value purchases and/or Authority limits upon the declaration of a Municipal Emergency by the Mayor and/or C.A.O.	Directors, Managers and Field staff may require a higher delegation limit during a Municipal Emergency. These limits (if requested) shall be determined in advance by the C.A.O., Commissioner or Director

Bylaw Item Number or Schedule Reference	Current Bylaw	New Bylaw	Rationale for recommended change
Schedule D Table 6. Consulting Services	Current delegation is \$10,000.00	Manager, Procurement recommends that this limit be increased to \$ 20,000.00.	Several reasons for rationale: More efficient process to obtain consulting service for low value projects Inflation Merging of Consulting Services has limited the market in engineering services
Schedule “F” Contractor Performance Procedure		New Schedule to Bylaw – “New” Contractor Procedural Document – see separate PDF	
Schedule “G” P-Card Procedure		New Schedule to Bylaw – this updated procedure was effective June 2013 and has been reviewed by our Internal Auditor.	



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**The Corporation of the Town of Newmarket**

**Procurement By-Law # 2014-XX**

**A BY-LAW TO DEFINE THE PROCUREMENT POLICIES FOR THE CORPORATION OF THE TOWN OF NEWMARKET**

WHEREAS Section 270 of the *Municipal Act, 2001, as amended* provides that a municipality shall adopt and maintain policies with respect to its procurement of goods and services.

AND WHEREAS Council enacted By-law Number 2011-74 to define the Procurement policies and procedures for the Corporation of the Town of Newmarket, herein after, called "the Owner" and it is now deemed necessary to enact a new by-law and to repeal By-law Number 2011-74;

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

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## 1. PURPOSES, GOALS, AND OBJECTIVES OF THIS BY-LAW

The purposes, goals, and objectives of this by-law, and of each of the methods of procurement authorized, herein are:

- a) To encourage competition among Bidders;
- b) To make goods, service(s) and construction Contractors to be accountable to the Owner and the public;
- c) To provide the highest level of government service at the least possible cost;
- d) To ensure fairness and objectivity amongst Bidders during the procurement process;
- e) To ensure openness, accountability and transparency while protecting the financial best interests of the Owner;
- f) To obtain the Best Value for the Owner when procuring goods and service(s) and construction;
- g) To avoid conflicts between the interests of the Owner and those of the Owner's employees and elected officials;
- h) To ensure compliance with applicable International, national and Inter-Provincial Trade treaties or agreements, as amended;
- i) To promote Responsible Purchasing which encourages procurement practices which encompass social, ethical and environmental considerations when acquiring goods, services and construction.
- j) To contribute to the reduction of waste, toxic or harmful emissions and substances and to increase the development and awareness of environmentally responsible procurement, the Governments Incorporating Procurement Policies to Eliminate Refuse (GIPPER) Guide, as amended may be referenced in acquiring goods and services and/or other best green procurement practices available when developing the Bid Call Document for goods, services and construction. It is recognized that a product and cost analysis may be required;
- k) To promote, where applicable, the requirements of the *Ontarians with Disabilities Act* (ODA) and the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), as amended in procurement activities of the Owner as well as any requirements contained in other legislation (either provincial or federal) which may impact the procurement activities of the Owner.

## 2. PROCUREMENT PRINCIPLES AND PRACTICES

Public Procurement affects and is affected by the public sector organization as a whole, and the community it serves, whether at the local, provincial, or national level. Therefore, the Corporation of the Town of Newmarket (the Owner) has adopted the Public Procurement Principles and Practices, as amended, as follows;

### **Accountability:**

Taking ownership and being responsible to stakeholders for our actions. This value is essential to preserve the public trust and protect the public interest.

### **Ethics:**

Acting in a manner true to these values. This value is essential to preserve the public's trust.

### **Impartiality:**

Unbiased decision-making and action. This value is essential to ensure fairness for the public good.

**Professionalism:**

Upholding high standards of job performance and ethical behavior. This value is essential to balance diverse public interests.

**Service:**

Obligation to assist stakeholders. This value is essential to support the public good.

**Transparency:**

Easily accessible and understandable policies and processes. This value is essential to demonstrate responsible use of public funds.

### 3. DEFINITIONS OF THIS BY-LAW

**“Advanced Contract Award Notice” (ACAN)** means a public notice, advertised in accordance with Schedule “D” Thresholds, and the estimated project cost (to be released, at the discretion of the Owner), indicating to Suppliers that the Owner intends to award a goods, services or construction Contract to a pre-identified Supplier, thereby allowing other Suppliers to signal their interest in bidding by submitting a statement of capabilities. If no other Supplier submits a statement of capabilities that meets the requirements set out in the ACAN, on or before the closing date stated in the ACAN, the Manager of Procurement may then proceed with the award of the contract. If other Supplier(s) do submit a statement of capabilities that meet the requirements set out in the ACAN, the Manager, Procurement Services may then proceed with a solicitation in accordance with Schedule “D” Thresholds.

**“Agreement on Internal Trade” (AIT)** means an intergovernmental trade agreement signed by Canadian First Ministers that came into force in 1995. Its purpose is to reduce and eliminate, to the extent possible, barriers to the free movement of persons, goods, services, and investment within Canada and to establish an open, efficient, and stable domestic market.

**“Authority” or “Authorized”** means the legal right to conduct the tasks outlined in this by-law as directed by Council and delegated through the office of the C.A.O. to the Commissioners and subsequently to the Manager, Procurement Services. Authorized purchases are those that have prior approval of Council either through resolution or through the departmental budget.

**“Award or Acceptance”** The notification to a bidder of acceptance of a bid, which brings a contract into existence

**“Best Interest”** means the discretion the Owner has to take the most advantageous action on behalf of the Owner.

**“Best Value”** means the best combination of price, technical merit, and quality, as determined by the Owner. The best value might not be the lowest cost.

**“Bid”** means a Tender, Proposal or Quotation submitted in response to a solicitation from the Owner.

Solicitations for Bids may be in the form of an Informal Quick Bid (Request for Quotation (QB) or Quick Bid Request for Proposal (QBRFP)), Request for Tender (RFT), Request for Proposal (RFP) or Sale (S).

**“Bid Bond”** means a bond given to guarantee entry into a Contract. This bond is given to indemnify the Owner against increased costs if the Bidder does not carry out the specified undertaking to enter into a Contract. A bond given by a Bidder to guarantee entry into a Contract if the Contract is awarded to that Bidder

**“Bid Deposit”** means a deposit by the Bidder to the Owner of a sum of money, a cheque or other acceptable cash alternative such as an irrevocable letter of credit or a guarantee that the Bidder will enter into a Contract with the Owner if the Bid is accepted. The Bid Deposit may also be in the form of a Bid Bond issued by a Surety and deposited with a procurement activity

guaranteeing the Bidder will not withdraw for a specified period of time, will furnish Bonds or Letter of Credit as required, and will accept a Contract if awarded, or forfeit the Bid Deposit.

**“Bid Call Document”** means the Owner’s solicitation document which may be in the form of an Informal Quick Bid (Request for Quotation (QB) or Quick Bid Request for Proposal (QBRFP)), Request for Tender (RFT), Request for Proposal (RFP) or Sale (S).

**“Bid Dispute Resolution”** means a provision in the Procurement Policies and Procedures manual, which outlines procedures to ensure that a protest to a bid is handled in an ethical, fair, reasonable and timely fashion.

**“Bid Irregularity”** means any defect or non-compliance contained within a Bid or the Bidding process. Schedule “B” Bid Irregularities of this by-law establishes the action that shall be taken.

**“Bidder”** means any Person who submits a response to a Solicitation. For clarity, for this by-law only; the word “Bidder” shall also include “Proponent” and “Offeror”.

**“Bid Review Panel”** means two or more persons appointed pursuant to this by-law to review Bid Irregularities or other issues pertaining to a Bid including, a Bid Protest, in accordance with the Owner’s Procurement Policies and Procedures, or to review matters involving Contractor Performance, in accordance with the Contractor Performance Procedure, Schedule “F” of this By-Law.

**“Black-Out Period”** means the period of time from when the Bid Call Document is issued and when the agreement is signed by the Owner and the selected Proponent.

**“Bond”** means a form of financial protection against non-performance, a binding agreement executed by a Contractor and a 3<sup>rd</sup> party (Surety) to guarantee the performance of certain obligations or duties to the Owner. See Labour and Material and Performance Bond.

**“C.A.O.”** means the Chief Administrative Officer of the Corporation of the Town of Newmarket or designate.

**“Calendar Days”** means any day of the week, Monday through Friday, including Saturday and Sunday and any recognized statutory holidays.

**“Comprehensive Economic and Trade Agreement” (CETA)** is a proposed free trade agreement between Canada and the European Union

**“Commissioner”** means a person appointed by C.A.O. with administrative responsibilities for a group of departments or designate.

**“Conflict of Interest”** means a real or seeming incompatibility between one’s private interests and one’s public or fiduciary duties.

**“Construction”** means the process of utilizing labour to build, alter, repair, improve or demolish any structure, building or public improvement and generally does not apply to routine maintenance, repair or operations of existing real property.

**“Consultant Services”** means services of an advisory nature required to support policy development, decision making, administration, or management of a business or public entity, generally provided by individuals or organizations who possess specific knowledge, technical skills or unique abilities not usually available in-house or from the entity.

**“Contract”** means a Purchase Order and/or the agreement in writing between the Owner and the Contractor in respect of the Goods and/or Services to be provided under a Bid Call Document.

**“Contractor”** means the selected Bidder that has a Contract with the Owner to perform the Work and/or Services described in a Bid Call Document. For clarity, for this by-law only, “Contractor” includes “Consultant” and “Supplier”.

**“Contractor Performance Procedure”** means the policy provided in Schedule “F” of this by-law, which provides a framework for the Owner to evaluate and improve the performance of all Contractors awarded Town Contracts by (i) pro-actively managing the performance of Contractors during the term of awarded Contracts, and (ii) creating a record of past performance for use as an evaluation tool in future Solicitations.

**“Co-operative Purchasing”** means; a) the action taken when two or more entities combine their requirements to obtain advantages of volume purchases including administrative savings and other benefits. b) a variety of arrangements whereby two or more public procurement entities purchase from the same Contractor(s) using a single Solicitation.

Cooperative purchasing efforts may result in a contract that other entities may Piggyback.

**“Council”** means the elected Council for the Corporation of the Town of Newmarket, or Local Boards.

**“Debriefing”** means a practice used primarily during the Request for Proposal process, whereby the Owner’s Procurement representative for a Solicitation will meet in person, but typically telephonically with those parties requesting a debriefing, whose proposals were not deemed appropriate for award. It is viewed as a learning process for Proponents who may gain a better understanding regarding perceived deficiencies contained within their submitted proposal.

**“Department”** means a department or commission of the Town.

**“Designate”** means a person authorized by the C.A.O., Commissioner, Director, Assistant Director or Manager to act on his/her behalf, for the purpose of this by-law.

**“Director”** means the title provided to a senior Town staff official responsible for the operational department.

**“Electronic Bidding (Facsimile, Email or Internet)”** means a method of issuing Solicitations and/or receiving written Bids where the process of issuing and/or receiving Bids by facsimile, email or internet is considered appropriate.

**“Emergency”** means an event or circumstance where the immediate purchase for goods or service(s) or the entering into of a construction contract is essential or necessary to prevent or alleviate serious delay, a threat to public health, safety or welfare, the disruption of essential services or damage to public property or any other expenditure that is necessary to respond to any emergency of the Owner.

**“Emergency (Municipally declared)”** means an event or circumstance where the Mayor or the Chief Administrative Officer of the Town declare that an emergency exists in the Town or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the Owner and to protect property and the health, safety and welfare of the inhabitants of the emergency area or as required under the *Emergency Management and Civil Protection Act* (as amended).

**“Emergency Management Purchasing Card”** - The Manager, Procurement Services, the Director, Finance or their designates may utilize this card to acquire goods, service(s) or construction, in response to a Municipally declared emergency.

**“Evaluation Committee”** means a component of the Request for Proposal process, whereby a committee is established to conduct proposal evaluations, interviews and negotiations during Proposal evaluation for goods, service(s) or construction. It is usually comprised of three or more persons from the functional area identified in the scope of work and chaired by a member of the Procurement Services Department.

**“Ghost Card”** means; a) a single Purchasing Card account number that is assigned to a Contractor for high volume purchases; b) a payment method for utility services and leases or

for acquiring goods and/or services off an established contract; c) a single Purchasing Card account number for use during a declared Municipally Emergency.

No actual Purchase Card is produced. Responsibility for monitoring and reconciliation of the account usually rests with the user department. A ghost card account resembles a charge account.

**“Goods”** means anything purchased other than Services or Real Property.

**“Letter of Credit”** means a document issued by a bank authorizing the bearer to draw a specified amount from that bank or its agent; a letter or similar statement extending credit up to a given amount at a Canadian Chartered bank for a person who has paid or guaranteed that amount to the issuing bank, may be considered in lieu of a performance or labour and material bond.

**“Labour and Material Bond”** means a bond given to guarantee payment, as required to all persons supplying labour or material for the completion of work under the Contract. The Labour and Material Bond shall be from an Ontario based Surety

**“Litigation”** means any formal dispute between the Owner and any other party, including third party and cross claims, where a legal proceeding has been commenced for an injunction, a mandatory order, a declaration, or the recovery of money, or an arbitration proceeding.

**“Local Board”** means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

**“Low Value Purchase”** (LVP) means a purchase for goods, service(s) or construction, which is not included as part of an existing contract and is not available out of the Owner’s inventory, and which authority has been delegated to Town staff up to the amount stated in Schedule “D” Thresholds of this by-law (excluding taxes), except for the position(s) stated in Schedule “E” Position Exceptions.

**“Manager”** means a Town staff member responsible for oversight of a business unit or functional cluster.

**“Manager, Procurement Services”** means the Manager of Procurement Services or designate who is responsible for the Town’s centralized procurement function and is hereby authorized to act as an agent in all such matters pertaining thereto.

**“May”** means the permissive in a contract clause or specification. Also see “Shall”.

**“Multi-Step Bid Call”** means a method of source selection involving two competitive steps. The first step may require the submission of technical and price Bids with only the technical Bid being evaluated and scored. The second step involves the opening of price Bid(s) of those Bidders which have achieved the highest or have met or exceeded the stated minimum technical score(s).

**“Municipal Solicitor”** means the Director, Legal Services of the Corporation of the Town of Newmarket or designate.

**“Offeror”** means a Person that makes an offer in response to a sale of Personal or Real Property. Also see the definition of “Bidder”.

**“Owner”** means the Corporation of the Town of Newmarket and its local boards.

**“P-Card”** means Purchase Card.

**“P-Card Policy”** means Schedule “G” of this by-law.



**“Performance Bond”** means a Bond given to guarantee the performance or completion of a contract in accordance with its terms and conditions.

The performance bond shall be from an Ontario based Surety

**“Performance Review Forms”** has the meaning given to such term in the Owner’s Contractor Performance Procedure (Schedule “F” of this by-law).

**“Person”** means and includes any natural person, corporation, company, limited liability company, trust, joint venture, association, incorporated organization, partnership, governmental authority or other entity, and shall be construed to include such Person’s successors and permitted assigns.

**“Personal Property”** means tangible or intangible property, other than real property. Movable property subject to ownership, with exchange value.

**“Piggyback”** means a form of intergovernmental cooperative purchasing in which the Owner will be extended the pricing and terms of a contract established by another entity. Generally a larger entity will competitively award a contract that will include language allowing for other entities to utilize the contract which may be to their advantage in terms of pricing, thereby gaining economies of scale that they normally would not receive if they competed on their own. The Owner may participate with other government agencies or public authorities in co-operative purchasing where it is in the best interests of the Owner to do so. The Owner will have a Piggyback clause in most Solicitations, which permits the Owner to extend the pricing, terms and conditions of a Contract to other government entities, upon approval of the Contractor.

**“Privilege Clause”** means a standard clause used in the Owner’s Bid Call Document and Bid advertisement. The privilege clause may include such language as “reserves the right to accept or reject all or part of any Bid and also reserves the right to accept other than the lowest Bid and to cancel this Bid at any time”. For a proposal, the privilege clause may include such languages as “The Owner reserves the right to: accept or reject any Proposal, to award in whole or in part, to award to the proposal that is in the Best Interest of the Owner and the right to cancel this Proposal call at any time without obligation”. For a sale, the privilege clause may include such language as “reserves the right to award to other than the highest offer or and to reject any or all offers.

**“Procurement”** means; a) purchasing, renting, leasing or otherwise acquiring any goods, service(s) or construction; includes all functions that pertain to the acquisition, including the description of requirements, preparation, solicitation, selection and award of contract and all phases of contract administration. b) The combined functions of purchasing, inventory control, traffic and transportation, receiving, inspection, storekeeping, salvage and disposal operations.

**“Professional Services”** means any professional or general service work performed which does not result in the delivery for goods or materials.

**“Project Evaluator(s)”** means one or more person(s) from the Town’s functional area identified in the Solicitation scope of work user department(s) that will be evaluating the Contractor’s performance by completing Performance Review Forms in accordance with Schedule “F” the Contractor Performance Procedure.

**“Proponent”** means one who submits a response to a Request for Proposal (RFP) or Quick Bid Request for Proposal (QBRFP). For clarity, for this by-law only, “Bidder” shall also include “Proponent”. Also see the definition of “Offeror”

**“Proposal”** means a document submitted by a Proponent in response to a Request for Proposal (RFP) or Quick Bid Request for Proposal (QBRFP) to be used as the basis for negotiation or for entering into a contract. For clarity, for this by-law only, Bid shall also include “Proposal”.

**“Proposal Irregularity”** means any defect or non-compliance contained within a Proposal or the Bidding process. Schedule “C” Proposal Irregularities of this by-law establishes the action that shall be taken.

**“Purchase”** means the act and function of responsibility for the procurement for goods, service(s) or construction.

**“Purchase Card”** (see also Ghost Card) means a payment method whereby employees of the Town authorized by C.A.O., Commissioner and/or Director are empowered to deal directly with Contractors for LVP purchases, subject to the exceptions stated in both Schedule “E” Position Exceptions, using a credit card issued by a bank or major credit card provider. Generally, a pre-established credit limit is established for each card issued. The cards enable e-Procurement and facilitate on-line ordering, frequently from pre-approved Contractors under contracts. The Purchase Card may be used for additional usage, in addition to Low Values Purchases, as described in the Purchase Card Program Policies and Procedures.

**“Purchase Order”** means; a) the Owner’s written document to a Contractor formalizing all the terms and conditions of a proposed transaction, such as a description of the requested items, delivery schedule, terms of payment and transportation. b) The Purchase Order (hard copy or verbal) issued by the Procurement Services Department or Low Value Purchase Orders issued by individuals authorized by the Commissioner and/or Director, to a Contractor as a written or verbal acceptance of an offer received in accordance with this by-law. A Purchase Card or Ghost Card may also be used in lieu of a Purchase Order to acquire goods, services or construction and/or a payment method.

**“Procurement Services”** means the department responsible for procurement for goods, service(s), and construction and the purchase and disposal of real and personal property for the Owner.

**“Quick Bid (QB)”** means a Solicitation document used to solicit bids for low dollar value requirements estimated to be up to the amount stated in Schedule “D” Thresholds of this by-law (excluding taxes), from one or more suppliers. It is a request to Bidders, which is evaluated with the objective of accepting the lowest-priced responsive quotation from a Responsible Bidder.

**“Quick Bid Request for Proposal (QBRFP)”** means a Solicitation document used to solicit proposals for low dollar value requirements estimated to be up to the amount stated in Schedule “D” Thresholds of this by-law (excluding taxes) from Proponents. Price is usually not the primary evaluation factor. A QBRFP may provide for negotiation of all terms, including price prior to contract award. A QBRFP may include the provision for the negotiation of best and final offers and may be a single step or multi-step process.

**“Real Property”** means Land and its permanently affixed buildings or structures. Any property which is not personal property.

**“Request for Information” (RFI)** means a non-binding method whereby the Owner states its need for input from interested parties for a possible upcoming Solicitation. A procurement practice used to obtain comments, feedback or reactions from potential Bidders prior to the issuing of a Solicitation. Generally price or cost is not required. Feedback may include best practices, industry standards, technology issues, etc.

**“Request for Pre-Qualification” (RFPQ)** means a document used to screen potential Bidders in which factors such as financial capability, reputation, and management are considered in order to develop a list of qualified Bidders who may then be allowed to submit Bids.

**“Request for Proposal” (RFP)** means the document used to solicit proposals for goods, service(s) or construction. Price is usually not the primary evaluation factor. An RFP may provide for negotiation of all terms, including price prior to contract award. An RFP may include the provision for the negotiation of best and final offers and may be a single step or multi-step

process, as per the thresholds stated in Schedule "D" Thresholds of this by-law (excluding taxes).

**"Request for Tender"** (RFT) means a Solicitation document used to solicit for bids for the provision of goods, service(s) or construction to the Owner, with the objective of accepting the lowest-priced responsive bid from a Responsible Bidder, as per the thresholds stated in Schedule "D" Thresholds of this by-law (excluding taxes).

**"Respondent"** means the legal entity submitting a response to a Request for Pre-Qualification or Request for Information.

**"Responsible Bidder"** means a Bidder whose reputation, past performance, and business and financial capabilities are such that the Bidder would be judged by the Owner to be capable of satisfying the Owner's needs for a specific Contract. A Bidder, as the context requires, that is fully capable to meet all the requirements of the Solicitation or other process and subsequent contract. Such Bidder shall possess the full capability, including financial and technical capability, satisfactory past performance, including a satisfactory Owner's Contractor Performance Review Form (where applicable) to perform as contractually required and shall be able to fully document the ability to provide good faith performance.

**"Responsive Bidder"** means Bidder that has complied in all material respects with the requirements of the Bid Call Document.

**"Responsible Purchasing"** means utilizing procurement practices that encompass social, ethical and environmental considerations when acquiring goods, services and construction.

**"Reverse Auction"** means an online auction in which Bidders bid against each other to win the Owner's business. Typically used to purchase commodities from multiple pre-qualified providers. Also referred to as eAuction.

**"Sale"** means the act of selling Owner property or Real Property that is no longer needed by the Owner and is designated for disposal outside of the government organization.

**"Service"** means a Solicitation for a contractor's time and effort, and can include Professional Services. The furnishing of labour, time or effort by a contractor, which may involve to a lesser degree, the delivery or supply of products.

**"Shall"** means the mandatory requirements or specifications. Also see "May".

**"Single Source"** means a procurement decision whereby purchases for goods, service(s) or construction are directed to one source because of standardization, warranty, or other factors, even though other competitive sources may be available.

**"Sole Source"** means a situation created due to the inability to obtain competition. May result because only one contractor possesses the unique ability or capability to meet the particular requirements of the solicitation.

**"Solicitation"** means the Owner's Bid Call Document. Also see definition of "Bid".

**"Spending Authority"** means the authority assigned to the Town staff by the C.A.O., or Commissioner or Director to incur expenditures, including advance and progress payments on behalf of the Owner.

**"Strategic Leadership Team"** means a senior leadership team consisting of the C.A.O. and Commissioners.

**"Supplier"** means a supplier of goods and services. Distinguished from a "Contractor".

**"Surety"** means a pledge or guarantee by a (Surety) Insurance company or Canadian Chartered Bank, authorized by law to do business in the Province of Ontario and acceptable to the Owner on behalf of the Bidder which protects against default or failure of the Bidder/Contractor to satisfy the contractual obligations.

**“Suspension Period”** means a period of two years, during which a Supplier’s Bid will not be considered in accordance with the Owner’s Contractor Performance Procedure (Schedule “F” of this by-law).

**“Term Contract”** means a type of contract in which a source of supply is established for a specified period of time for specified services or supplies, usually characterized by an estimated or definite minimum quantity, with the possibility of additional requirements beyond the minimum, all at a predetermined unit price.

**“Procurement Representative”** means the Procurement Representative of the Corporation of the Town of Newmarket (the Owner), specified in the Bid Call Document.

**“Procurement Value”** means the estimated total financial cost of the procurement including all forms of remuneration such as premiums, fees and commissions over the life of the commitment. (Excluding taxes).

**“Tie Bid”** means two or more Bids from Responsive and Responsible Bidders that are equal in all respects after evaluation, including price for goods, service(s), sale of real or personal property or construction.

**“Town”** means the Corporation of the Town of Newmarket and its local boards. Herein called “the Owner”.

**“Town Clerk”** means the Director, Legislative Services or designate.

**“Undertaking to provide a Bond or Letter of Credit”** means a pledge or guarantee by an insurance company, bank, individual or Owner on behalf of the Bidder which (the Surety) protects against default or failure of the principal to satisfy the obligations of a contract.

**“Unsolicited Offer / Proposal”** means an offer/proposal submitted by a contractor or consultant in the absence of a solicitation from the Owner, which may be submitted in response to a perceived need but not in response to a Solicitation.

**“Probation Letter”** has the meaning given to such term as stated in the Owner’s Contractor Performance Procedure (Schedule “F” of this by-law).

**“Working Day”** means Monday through Friday, excluding any recognized statutory holiday.

To establish the definition of any other procurement terms not herein included, reference may be made to the latest edition of the Institute for Public Procurement (NIGP) Public Procurement Dictionary of Terms and/or, the Government of Canada Supply Manual Glossary.

## 4. INTERPRETATION

Unless otherwise expressly stated, any reference within this bylaw to a statute, an agreement, an instrument or any other document, shall be construed in each case as referring to such statute, agreement, instrument or other document as from time to time amended, supplemented, replaced or otherwise modified.

## 5. APPLICATION

This by-law shall apply to all departments of the Town and public agencies and local boards prescribed in this by-law;

No purchase for goods, service(s) or construction or disposal of Personal Property and Real Property shall be authorized unless it is in compliance with this procurement by-law.

This by-law does not apply to those items listed in Schedule “A” Exceptions to this by-law.

## 6. RESPONSIBILITIES

6.1 **Commissioner and/or Directors shall be responsible for:**

- a) The responsibility and authority for all department procurement activity within the prescribed limits of this by-law;
- b) Delegating spending authority limits to staff in compliance with this by-law and all applicable policies;
- c) That all of Section 1 Purposes, Goals, and Objectives of this by-law are complied with;
- d) That all procurement activities and decisions shall be authorized by this bylaw and shall be carried out within the financial and other limits set out in Schedule "D" Thresholds of this by-law;
- e) That no procurement activity or decision shall be contrary to this by-law;
- f) That monitoring of all contract expenditures and financial limitations have been complied with;
- g) That all accounts are paid within the times set out in the contract (provided the contractor has met all conditions of the contract) this precludes any processes undertaken by the Accounts Payable department;
- h) That all goods, service(s) or construction contracted for have been received;
- i) That all authority to award a contract is subject to the identification and availability of sufficient funds in appropriate accounts within Council approved budgets or that the required funding can reasonably be expected to be made available in the current, or future years; and
- j) That contracts are monitored and documented in compliance with the Owner's Contractor Performance Procedure (Schedule "F" of this by-law) are followed for all publicly bid contracts. The Manager, Procurement Services shall be notified if action is to be taken to correct the performance of a contractor where it falls below the standard required by the contract.

**6.2 The Manager, Procurement Services shall be responsible for:**

- a) Providing procurement advice and services to each department, the C.A.O., Council, Local Boards and public agencies for the purposes of fulfilling the procurement needs of the Owner;
- b) All aspects for the Solicitation process and ensuring compliance to the terms and conditions of the Bid Call Document;
- c) Ensuring the Owner's staff compliance with this by-law and reporting non-compliance, in writing, to the appropriate Commissioner, Director, the Commissioner of Corporate Services and the C.A.O.;
- d) The standardization of all goods and service(s) where appropriate and possible, in collaboration with the user department(s);
- e) The disposal of Personal Property which has been declared surplus by a Commissioner and/or Director;
- f) The disposal of Real Property which has been declared surplus by Council;
- g) Participating in co-operative purchasing with other levels of government, municipalities, boards, agencies, commissions, or private sector entities where it is in the best interests of the Owner. The Owner will abide by the calling agency's terms and conditions;
- h) Compliance with Section 1 Purposes, Goals, and Objectives of this by-law;



- i) If a Bid has been approved by Council and awarded to the selected Bidder and the selected Bidder fails to enter into a contract, the Manager, Procurement Services shall be granted the authority to proceed to the next lowest responsive and responsible Bidder or the next highest evaluated responsive and responsible Proponent for a Proposal, for the award of the contract, without going back to Council for approval, providing the requirements remain unchanged and the new contract is within budget. The approval shall be obtained from the Director, Commissioner and C.A.O. The Director shall prepare a report to Council for information purposes; and the Bidder that refused to enter into a contract with the Owner may be placed on a two (2) year suspension, subject to the procedure set out in the Owner's Contractor Performance Procedures (Schedule "F" of the by-law).
- j) In cooperation with the user department ensuring the procedures set out in the Owner's Contractor Performance Procedures (Schedule "F" of the by-law), are followed for all publicly bid contracts.

### 6.3 The C.A.O. has the Authority to:

- a) Authorize the Manager, Procurement Services, to award and execute Contracts as a result of Solicitation without seeking Council authority, provided the award is within the scope and budget approved by Council.
- b) Instruct Commissioners and/or Directors not to award contracts, and to submit recommendations to Council for approval, and may provide additional restrictions concerning procurement where such action is considered necessary and in the Best Interest of the Owner.
- c) Award contracts during the time that regular Council meetings are suspended, during a period of recess, or for an emergency, the C.A.O. shall be authorized to award contracts as a result of a Solicitation that normally would require Council approval, provided that a report is submitted to Council, as soon as reasonably possible, setting out the details of any contract awarded pursuant to this authority.
- d) Delegating spending authority limits to staff in compliance with this by-law and all applicable policies.

Despite any other provision of this by-law, the following contracts require the approval of the C.A.O. and the Commissioner(s) responsible for the user department(s), prior to award.

- a) Where a Bid in response to a Solicitation contains an irregularity not resolved by the Bid Review Panel; and
- b) Where there has been a challenge submitted, in accordance the Owner's Bid Dispute Resolution procedures that has not been resolved by the Bid Review Panel.

## 7. RESTRICTIONS AND EXCEPTIONS

- a) The open and competitive procurement procedures set out in this by-law shall not apply to the purchase of those items listed in Schedule "A" Exceptions to this by-law or Low Value Purchases, or as otherwise listed in this by-law.
- b) No contract for goods, service(s) or construction may be divided into two or more parts to avoid the application of the provisions of this by-law.
- c) No personal purchases shall be made by the Owner for members of Council or any appointed member of a Local Board or for corporate employees or their families with the exception of corporate sponsored employee programs.
- d) No employee, member of Council or local board member of the Owner shall personally obtain any real or personal property that have been declared surplus unless it is obtained through a public process.

- e) No employee or member of Council shall purchase, on behalf of the Owner, any goods, service(s) or construction, except in accordance with this by-law.
- f) All procurement undertaken by the Owner shall be undertaken in accordance with the Owner's code of conduct, policies and procedures manual, as amended and in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50, as amended.
- g) Where an applicable national (i.e.: Agreement on Internal Trade (AIT)) or international (i.e. Comprehensive Economic and Trade Agreement (CETA)) trade agreement is in conflict with this by-law, the trade agreement shall take precedence.
- h) The Owner may use the Privilege Clause contained in the Owner's Bid Call Documents for consideration of the acceptance or rejection of any Bid received by the Owner pursuant to this by-law; and
- i) The Owner may consider, amongst other items during the consideration of award of Owner contracts, previously completed Contractor Evaluations to determine if a Bidder is responsible.

## **8. PRESCRIBED COUNCIL APPROVAL**

Despite any other provision of this by-law, save and except for the circumstances in Section 6.3 Authority, the following contracts require Council approval, prior to award:

- a) Any contract requiring approval from the Ontario Municipal Board;
- b) Any contract prescribed by statute to be made by Council;
- c) Any contract prescribed by a court order;
- d) Where the procurement by-law is being waived;
- e) Where the cost amount proposed for acceptance is higher than the Council approved budget and the necessary adjustments cannot be made;
- f) Where authority to approve has not been expressly delegated;
- g) Any contract having a Procurement Value, requiring Council approval in accordance with Schedule "D" Thresholds of this by-law;
- h) Any Single or Sole Source contract having a Procurement Value exceeding the threshold dollar limit, stated in Schedule "D" Thresholds of this by-law.

## **9. BID REVIEW PANEL (BRP)**

- a) There shall be a Bid Review Panel hereinafter referred to as "BRP" composed of the following members of the Town's staff:
  - The Manager, Procurement Services or designate;
  - A Solicitor from Legal services;
  - (And if required) a representative from the Department requesting the procurement of the goods, service(s) or construction; and
  - Any other party deemed appropriate by the BRP.
- b) THE BRP's responsibilities include, but are not limited to reviewing and making decisions on;
  - Bid Irregularities or other issues pertaining to a Bid;
  - Bid challenges, and/or:

- Matters involving Contractor performance or appeals, in accordance with the Contractor Performance Procedure, Schedule “F” of this By-Law.
- c) The BRP shall use Schedule “B” Bid Irregularities to this by-law, to determine the action that shall be taken if a Bid Irregularity exists, except for Proposal Irregularities, which shall be determined in accordance with Schedule “C” Proposal Irregularities to this by-law.
- d) The BRP shall follow the procedure outlined in the Corporate Services – Procurement Services Department Procedures Manual and the Contractor Performance Procedure, Schedule “F” of this By-Law.

## 10. OPERATING AND CAPITAL BUDGET FINANCIAL CONTROLS

Operating and Capital Budget Financial Controls shall be in accordance with the Corporate Policy Operating and Capital Financial Policy, as amended.

## 11. PROCUREMENT PROCESS

Where applicable each of the procurement methods set out below shall be undertaken in compliance with the following process:

- a) The scope of the goods, service(s) or construction shall be clearly and extensively defined by the Bid Call Document;
- b) The Bid Call Document shall be, to the extent possible, standardized using common forms and processes;
- c) The Solicitation shall be advertised (except for Low Value Purchases (LVP) and Informal Quick Bid (Request for Quotation (QB) or Request for Proposal (QBRFP)) which may be advertised to ensure the best, most comprehensive and competitive response to the Solicitation, at the discretion of the Manager of Procurement in compliance with Schedule “D” Thresholds;
- d) Advertising of a Solicitation shall be in compliance with the Agreement on Internal Trade (AIT) or other Agreements having jurisdiction, as amended;
- e) All Bids received by the Owner shall be kept together in a secure place until the time for opening. Solicitations requiring the submission of proprietary information or information containing intellectual property protected by law shall contain provisions for protecting the confidentiality of same, in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection and Electronic Document Act* and the *Personal Health Information Protection Act* as amended;
- f) The Owner may elect to receive Bids electronically and the procurement process will be stated in the Bid Call Document.
- g) Bids shall be reviewed and/or evaluated using an open, fair and transparent process within the circumstances of the particular Solicitation;
- h) For Proposals, the evaluation criteria and weighting shall be identified in the Proposal document and shall be evaluated based on those criteria and weighting, subject to amendments to the same released by an Addendum
- i) All Bid Call Documents shall clearly set out the requirements for the price element of the Bid Call Document, specifying whether the bid price is submitted on a unit price or subtotal or total price basis and whether it is net of any taxes, or may include provision for early payment discounts, premiums, financing charges, administrative costs, cost of living or other escalations, contingencies or other deductions or additions and how any contract extras shall be dealt with;
- i) Bids shall be awarded based on the terms and conditions clearly specified in the Owner’s Bid Call Documents;

- j) Bid records shall be filed and shall not be destroyed for seven (7) years or in accordance with the Owner's record retention procedures, as amended, following the completion of the procurement contract;
- k) All selected Bidders shall, where required by this by-law, be required to comply with the contract preparation and execution requirements of Section 15 Contract Execution; and
- l) Contracts shall be monitored and documented by the Commissioner and/or Director in accordance with Section 16 Contractor Performance and the Contractor Performance Procedure, Schedule "F" of this by-law.

## **12. STANDARD PROCUREMENT METHODS**

The method of procurement for goods, service(s) and construction shall be in accordance with the methods described in this section, (as recommended by the Manager, Procurement Services) and shall be advertised, reported, approved and the contract executed in accordance with Schedule "D" Thresholds of this by-law.

### **12.1 REQUEST FOR INFORMATION (RFI)**

A request which will be used as a general market research tool to determine what goods and service(s) are available which will meet business or operational requirements and acquisition strategies and/or may occasionally request project estimate costs for the purpose of developing a Solicitation.

### **12.2 REQUEST FOR PRE-QUALIFICATION (RFPQ)**

A Request for Pre-Qualification (RFPQ) may be conducted for any goods, service(s) or construction to select the number of qualified Bidders that may bid on the subsequent procurement process by the Owner, under any of the following circumstances:

- i. The work is considered "high risk" with respect to regulations governed under the Occupational Health and Safety Act, as amended;
- ii. The work is such that contract administration costs (work inspection, follow-up, extra fee negotiations) could result in a substantial cost to the Owner if the work is not satisfactorily performed the first time;
- iii. The goods or equipment to be purchased shall meet national safety standards or demonstrate an acceptable level of performance;
- iv. The work involves complex, multi-disciplinary activities; or
- v. Wherever the Manager, Procurement Services deems appropriate.

When the Request for Pre-Qualification (RFPQ) is utilized, a Pre-Qualification Document shall be provided to the potential Respondents setting out the evaluation criteria and weighting for pre-qualification and may be advertised in accordance with the advertising procedure, set out in Schedule "D" Thresholds.

The selection of qualified Bidders following a pre-qualification process does not create any contractual obligation between the Owner and the pre-qualified Respondents(s). Pre-qualification may be made a specific pre-condition of any other procurement procedure utilized by the Owner.

Advertisement of the Pre-Qualification shall be based on the estimated contract value, in accordance with Schedule "D" Thresholds of this by-law.

### **12.3 LOW VALUE PURCHASE (LVP)**

A Low Value Purchase (LVP) shall be conducted for the procurement for goods or service(s), which is not covered by a term contract or cooperative contract, having an estimated contract value as stated in Schedule "D" Thresholds of this by-law, as amended. These purchases may

be made utilizing a Purchase Order or a corporate Purchasing Card. The C.A.O., Commissioner and/or Director may appoint individuals and assign a limit of spending authority to make low value purchases. These purchases are within the discretion of the Commissioner and/or Director. The Commissioner and/or Director are responsible to ensure only purchases, which can be demonstrated to have been made at fair value, shall be made. This acquisition process can be performed by the Department, or if they so desire, by the Procurement Services Department. Advertising is not required.

The only exception to the threshold limits for low value purchases shall be for those position(s) or policy stated in Schedule "E" Position Exceptions of this by-law.

At the discretion of the Director, the selected Bidder may be subject to the requirements set out in Section 16 Contractor Performance and the Contractor Performance Procedure, Schedule "F" of this by-law.

## **12.4 QUICK BID (REQUEST FOR QUOTATION (QB) or QUICK BID REQUEST FOR PROPOSAL (QBRFP)**

An informal Quick Bid shall be conducted for the procurement for goods, service(s) or construction having an estimated contract value as stated in Schedule "D" Thresholds of this by-law.

The Bid may be done on an invitational basis and/or advertised as stated in Schedule "D" Thresholds of this by-law.

Advertising of the Solicitation is not required.

Any irregularities in the Bid shall be dealt with in accordance with Schedule "B" Bid Irregularities or Schedule "C" Proposal Irregularities of this by-law, as amended and in compliance with the procedures stated in this by-law.

The selected Bidder shall be required to comply with the contract requirements set out in Section 16 Contractor Performance and the Contractor Performance Procedure, Schedule "F" of this by-law.

## **12.5 REQUEST FOR TENDER (RFT)**

A Request for Tender (RFT) shall be conducted for the procurement for goods, service(s) or construction having an estimated contract value as stated in Schedule "D" Thresholds of this by-law, and where all the following criteria apply:

- i) Two or more sources are considered capable of supplying the goods, service(s) or construction;
- ii) The specifications for goods, service(s) or construction can be adequately defined; and
- iii) The market conditions are such that Bids can be submitted on a competitive pricing basis.
- iv) It is intended that the lowest cost Responsive Bid from a Responsible Bidder(s) shall be accepted.

The Bid shall be advertised. In the case of a pre-qualified Solicitation, only the selected pre-qualified Respondents shall be notified and shall be eligible to submit a Bid.

Any irregularities in the Bid shall be dealt with in accordance with Schedule "B" Bid Irregularities of this by-law, and in compliance with the procedures stated in this by-law.

The selected Bidder shall be required to comply with the contract requirements set out in Section 16 Contractor Performance and the Contractor Performance Procedure, Schedule "F" of this by-law.



## 12.6 REQUEST FOR PROPOSAL (RFP)

Price is usually not the primary evaluation factor. An RFP Bid Call Document may provide for negotiation of all terms, including price prior to contract award. An RFP may include the provision for the negotiation of best and final offers and may be a single step or multi-step process.

The goal of an RFP is to implement an effective, objective, fair, open, transparent, accountable and efficient process for obtaining unique proposals designed to meet broad outcomes to a complex problem or need for which there is no clear or single solution. To select the Proposal that earns the highest score and meets the requirements specified in the competition, based on qualitative, technical and pricing considerations.

This method of acquisition for goods, service(s) or construction can be used for any dollar value, when the requirements cannot be definitely specified. An RFP may be conducted for the procurement for goods, service(s) or construction when; any of the following criteria apply:

- i) The selection of the Proponent depends more upon the effectiveness of the proposed solution, than the price alone;
- ii) It is expected that negotiation with one or more Proponents may be required with respect to any aspect of the Contract; and
- iii) The precise goods, service(s) or construction, or the specifications therefore are not known or are not definable and it is expected that the Proponent will further define them.

Advertising of the RFP shall be in accordance with Schedule “D” Thresholds of this by-law. In the case of a pre-qualified RFP, only the selected pre-qualified Proponents shall be notified.

Any irregularities in the Proposal submitted in response to an RFP shall be dealt with in accordance with Schedule “C” Proposal Irregularities of this by-law and in compliance with the procedures stated in this by-law.

The selected Proponent shall be required to comply with the contract requirements set out in Section 16 Contractor Performance and the Contractor Performance Procedure, Schedule “F” of this by-law.

## 13. ALTERNATIVE PROCUREMENT METHODS

### 13.1 MULTI-STEP BID CALL

A “Multi-Step Bid Call” is a bidding procedure consisting of two stages:

Step 1 consists of a request for technical Bid, evaluations and discussion without pricing requirements and the selection of responsive and responsible Bidder(s) whose requirements are considered most acceptable; and

Step 2 consists of reviewing sealed Bid prices from only those Bidder(s) whose technical requirements have been rated most acceptable in Step 1.

The Bid shall be advertised in accordance with Schedule “D” Thresholds. In the case of a pre-qualified Bid, only the selected pre-qualified Respondents shall be notified.

### 13.2 UNSOLICITED BIDS

Unsolicited bids received by the Owner shall be reviewed by the Commissioner and/or Director and the Manager, Procurement Services.

Any procurement activity resulting from the receipt of an unsolicited bid shall comply with the provisions of this by-law pertinent thereto, including the Owner’s Contractor Performance Procedure, Schedule “F” of this by-law.

Where a contract resulting from an unsolicited bid is awarded on a noncompetitive basis, the single or sole source purchase provisions of this by-law shall apply; or

Instead of the above process, the Manager, Procurement Services may utilize an Advanced Contract Award Notice (ACAN).

### 13.3 NEGOTIATION

Negotiation may be used for the procurement for goods, service(s) or construction or for the sale of Personal or Real Property for any contract when any of the following criteria apply:

- i. The goods, service(s) or construction are deemed necessary by the C.A.O., Commissioner and/or Director as a result of an emergency purchase which would not reasonably permit the use of any other prescribed procurement process;
- ii. After the Request for Proposal (RFP) process has closed, it may be necessary for discussion to clarify;
- iii. Due to abnormal market conditions, the goods, service(s) or construction required are in short supply;
- iv. Where competition is precluded or severely restricted due to the existence of any patent right, copyright, technical secret or control of raw material;
- v. Where there is a single or sole source of the goods, service(s) or construction which would be acceptable and cost effective;
- vi. Where only one proposal/bid is received and it exceeds the amount budgeted for the procurement, negotiations may be conducted; provided the Bidder is responsive and responsible;
- vii. With the highest Offeror in response to Sale of Personal or Real property;
- viii. With the highest evaluated responsive and responsible Proponent to a Request for Proposal. If a negotiated settlement cannot be reached, the Owner may proceed to negotiate with the next highest evaluated responsive and responsible Proponent;
- ix. Where the extension or reinstatement of an existing contract with Council approval would be more cost effective or beneficial to the Owner;
- x. Where, for security or confidentiality reasons, it is in the best interest of the Owner; or
- xi. Where authorized by Council to do so.

The selected Proponent shall be required to comply with the contract requirements set out in Section 15 Contract Execution, Section 16 Contractor Performance, and the Owner's Contractor Performance Procedure, Schedule "F" of this by-law.

### 13.4 EMERGENCY PURCHASES

Notwithstanding the provisions of this by-law, an emergency purchase shall be made, when an event occurs that is determined by the Mayor, the C.A.O. or the Commissioner and/or Director to be a threat to any of the following:

- i. Public health;
- ii. The maintenance of essential corporate services or to prevent the disruption of essential corporate services;
- iii. The welfare of persons or of public property; or
- iv. The security of the Owner's interests and the occurrence requires the immediate delivery for goods, service(s) or construction and time does not permit for competitive Bids.

When any of the above criteria are applicable the following process shall be conducted:

- A. Where it is estimated that the expenditure is within the authority of the Commissioner and/or Director as stated in Schedule "D" Thresholds of this by-law; the Manager, Procurement Services, upon the recommendation of the Commissioner and/or Director, shall secure any goods, service(s) or construction required, in an efficient, expeditious manner that is in the best interest of the Owner:
- i. A Purchase Order shall be issued or Purchasing Card or the Emergency Management Purchasing Card shall be used; and
  - ii. In case of an after hour emergency, a purchase order will be issued the next business day.
- B. Where it is estimated that the expenditure exceeds the authority of the Commissioner as stated in Schedule "D" Thresholds of this by-law, the prior approval of the C.A.O. shall be obtained; the Manager, Procurement Services, upon the recommendation of the C.A.O., the Commissioner and/or Director, shall secure any goods, service(s) or construction required; in an efficient, expeditious manner that is in the best interest of the Owner;
- i. An information report shall be submitted by the Commissioner and/or Director to Council explaining the actions taken and the reason(s) therefore;
  - ii. A Purchase Order shall be issued; or Purchasing Card or the Emergency Management Purchasing Card shall be used; or
  - iii. In case of an after hour emergency, if a Purchasing Card or Emergency Management Purchasing Card is not available, a Purchase Order shall be issued the next business day.

### **13.5 SOLE SOURCE**

A Sole Source purchase may be conducted for the procurement for goods, service(s) or construction of any contract value without the competitive Bid process, when any of the following circumstances apply:

- i. May be based on proprietary technology.
- ii. Copyright; or
- iii. A Supplier's unique capability.
- iv. And other exceptions, expressly permitted under the Agreement on Internal Trade, as amended.

Where possible a Sole Source purchase shall be arranged by the Procurement Services Department and shall be in compliance with Schedule "D" Thresholds of this by-law.

Sole Source purchases shall be required to comply with the contract requirements of Section 15 Contract Execution and Section 16 Contractor Performance of this by-law.

A semi-annual report of all Sole Source Purchases will be given to the C.A.O and the Commissioner of Corporate Services by the Manager, Procurement Services.

### **13.6 SINGLE SOURCE**

Single Source purchasing may be conducted for the procurement for goods, service(s) or construction of any contract value without the competitive Bid process, when any of the following circumstances apply:

- i. For reasons of standardization, warranty, function or service, such as: technical qualifications;
- ii. To obtain the services from a public utility;
- iii. Where compatibility with an existing product, equipment, facility or service is a paramount consideration;

- iv. Where a good is purchased for testing or trial use;
- v. Where the contractor possesses the unique and singularly available capability to meet the requirements, such as, skills related to and/or existing knowledge of the nature of the service;
- vi. Ability to deliver at a particular time;
- vii. Where the Owner has a rental contract and an offer to buy out the equipment or extend the rental contract which may be beneficial to the Owner;
- viii. For matters involving security, police matters, or confidential issues, a purchase may be made in a manner that protects the confidentiality of the contractor or the Owner. Such purchases may be made as a Single Source purchase;
- ix. An Emergency purchase situation;
- x. Notwithstanding anything in this by-law, where a purchase is determined by Council to be fair and reasonable and is made from a non-profit corporation supported by the Owner, the Owner may make such a purchase as a single source purchase; and
- xi. Where goods are offered for sale to the Owner by auction or negotiation, such purchase will be deemed to be a Single Source purchase and the C.A.O. may authorize the submission of a bid or the conduct of negotiations where he/she determines the purchase to be clearly in the best interest of the Owner.
- xii. And other exceptions, expressly permitted under the Agreement on Internal Trade, as amended.

Where possible a Single Source purchase shall be arranged by the Procurement Services Department and shall be in compliance with Schedule "D" Thresholds of this by-law.

Single Source purchases shall be required to comply with the contract requirements of Section 15 Contract Execution and Section 16 Contractor Performance of this by-law.

A semi-annual report of all Single Source Purchases will be given to the C.A.O and the Commissioner of Corporate Services by the Manager, Procurement Services.

### **13.7 CONSULTING SERVICES**

Where it is estimated that the expenditure for Consulting Services is within the monetary value stated in Schedule "D" Thresholds of this by-law; the Director or Commissioner or C.A.O. as applicable, will select and recommend approval of the choice of Contractor to perform the work, in consultation with the Manager, Procurement Services.

This process shall not be used to retain Consulting Services, where a short list of pre-qualified Bidders is in place for the services requested. The process stated in the pre-qualification process or subsequent Request for Proposal (if applicable) for specific consulting services shall be used to retain Contractors.

The acquisition of Consulting Services, exceeding the values stated in Schedule "D" Bid Threshold of this by-law, shall be performed by one or both of the following methods:

- i. Pre-Qualification process.
- ii. Request for Proposal process.

The selected Contractor shall be required to comply with the contract requirements set out in Section 15 Contract Execution, Section 16 Contractor Performance, and the Owner's Contractor Performance Procedure, Schedule "F" of this by-law.

### **13.8 CO-OPERATIVE PURCHASING AND PIGGYBACK**

The Owner may participate in Co-operative purchasing with other government agencies or public authorities where it is in the best interests of the Owner to do so.

The Owner may Piggyback on other government agencies or public authorities Contracts where it is in the best interests of the Owner to do so. The Owner may also allow other government agencies or public authorities to Piggyback contracts established by the Owner.

If the Owner decides to participate in a Co-operative Purchase or Piggyback contract, then the policies and procedures of the government agencies or public authorities calling the Bid on behalf of the participants are to be the accepted policies and procedures, even if they conflict with this By-law.

The terms of reference of the York Purchasing Co-operative and any other originating Co-operative shall form the basis of accepted policy and procedure when participating in, or calling, co-operative bids.

### **13.9 REVERSE AUCTIONS**

The Manager, Procurement Services may consider procuring goods, services and construction using Reverse Auction bidding strategies in situations where, in the opinion of the Manager, Procurement Services, it is in the best interest of the Owner. The Reverse Auction may be conducted online, at the discretion of the Manager, Procurement Services.

Advertising of the bid opportunity shall be done in compliance with Schedule “D” of this by-law. This may include a pre-qualification of Bidders, and the selected short-listed Bidders would be invited to participate in the reverse auction.

The Bidder shall be required to comply with the contract requirements set out in Section 15 Contract Execution, Section 16 Contractor Performance, and the Owner’s Contractor Performance Procedure, Schedule “F” of this by-law.

### **13.10 NON-BINDING REQUEST FOR PROPOSAL**

The Manager, Procurement Services, may utilize a non-binding Request for Proposal (RFP), where in the opinion of the Manager, Procurement Services, it is in the best interest of the Owner.

Advertising of the bid opportunity shall be done in compliance with Schedule “D” of this by-law. This may include a pre-qualification of Proponents, and the selected short-listed Proponents would be invited to participate in the proposal process.

It is not the intent of the Owner, nor the effect of this non-binding RFP to initiate or form contractual relations by the submission of a Proposal by any Proponent in response to this RFP. The RFP is merely a call for proposals and not a bid call intending to place legally binding obligations on the Owner or any Proponent to enter into a definite agreement or to be bound by any of the terms of this RFP, unless and until, the Owner had completed the evaluation, negotiation and finalization of a proposal satisfactory to both the Owner and the selected Proponent.

## **14. MATHEMATICAL ERRORS**

In compliance with Schedule “B” Bid Irregularities, the Manager, Procurement Services or designate will check and correct errors in any extensions. The unit prices shall govern as provided for in Schedule “B” Bid Irregularities of this by-law. The responsibility for checking and correcting mathematical errors may be delegated to the requisitioning department and/or consultant.

## **15. CONTRACT EXECUTION**

Selected Bidder(s) may be required to submit additional documentation prior to execution of the Contract, including but not limited to: a Bond, Letter of Credit, Certified Cheque, Money



Order, Insurance, a Certificate of Clearance from the Workplace Safety and Insurance Board (WSIB), the Contractor's Health & Safety policy and/or project schedule.

The award of a Contract may be made by way of an agreement and/or a Purchase Order in accordance with Schedule "D" Thresholds of this bylaw. The Manager, Procurement Services shall have the sole discretion to decide whether the terms and conditions between the selected Bidder and the Owner are to be set out in a Purchase Order and/or in a written agreement.

## **16. CONTRACTOR PERFORMANCE**

The Director and/or Manager shall be responsible for monitoring the performance of all procurement Contracts in accordance with the Owner's Contractor Performance Procedure, Schedule "F" of this by-law.

## **17. REPORTING TO COUNCIL**

Goods, service(s) or construction shall be awarded in accordance with Schedule "D" Threshold of this by-law.

The Manager, Procurement Services shall prepare a semi-annual Information Report to Council with the following information:

- i. All goods, service(s) or construction awarded in the amount of \$250,000.00 and over in accordance with Schedule "D" Threshold of this by-law.
- ii. All emergency purchases exceeding \$50,000.00 awarded in accordance with Schedule "D" Threshold of this by-law.
- iii. All Single and Sole Source purchases.

## **18. ACCESS TO INFORMATION**

The disclosure of information received relevant to the issue of Bids or the award of contracts shall be made by the appropriate officers in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*, as amended.

## **19. DISPOSAL OF PERSONAL PROPERTY**

19.1 The Commissioner and/or Director shall submit to the Procurement Services Department reports of furniture, vehicles, equipment, stocks of all supplies, and other goods and material, which are no longer used or which have become obsolete, worn out, or incapable of being used.

19.2 The Procurement Services Department staff shall first offer the surplus Personal Property to other departments or local boards. Any surplus assets not required by departments or local boards shall be offered through the York Purchasing Cooperative consisting of Municipalities, the Region, School Boards, Libraries and Hydro Corporations in York Region. The Manager, Procurement Services Department will determine the value of the asset. Any Personal Property still available after the provisions of subsection 19.2 have been carried out shall be disposed of by one of the following methods:

- a) Sale: If it is determined by the Manager, Procurement Services that the highest return for personal property is by a Sale Solicitation, a Sale Solicitation shall be issued and advertised on an electronic tender system or daily newspaper. Offers shall be submitted by facsimile, electronically or sealed bid, as determined by the Manager, Procurement Services; or
- b) Public auction: If it is determined by the Manager, Procurement Services that the highest return for Personal Property is by public auction, the Manager, Procurement Services shall arrange for the Personal Property to be sold at auction. A minimum bid may or may not be set and shall be determined by the Manager, Procurement Services, the Commissioner and/or Director; or

- c) Return to the original Supplier: If it is determined by the Manager, Procurement Services that a higher return net of disposal cost can be achieved by Sale or Trade-in of the Personal Property to the original Supplier or Suppliers in that line of business, the Manager, Procurement Services shall sell such Personal Property at the highest return.

No employee, member of Council or board member of the Owner shall personally obtain any Personal Property that has been declared surplus unless it is obtained through a public process.

Any Personal Property still available after the provisions of subsection 19.2 (a to c) have been carried out shall be disposed of by one of the following methods:

- a) The Manager, Procurement Services shall notify community interest and/or non-profit agencies for relevant items of the Owner's disposal intent. These agencies shall submit to the Manager, Procurement Services in writing a letter of interest.
- b) Where Personal Property has little or no value, the Manager, Procurement Services may dispose of the items in an alternative manner; for example; as scrap metal.

## **20. DISPOSAL OF REAL PROPERTY**

See the Corporation of the Town of Newmarket By-law number 2013-06, as amended for the Sale of Real Property owned by the Owner.

No employee, member of Council or board member of the Owner shall personally obtain any Real Property that has been declared surplus unless it is obtained through a public process.

## **21. TIE BIDS RECEIVED**

In the case of tie bid between two or more Responsive and Responsible Bidders and where multiple awards are not possible, the Owner shall determine the selected Bidder by the following method:

Where an Owner's Contractor Performance Evaluation rating is on file for each of the Bidders, the Bidder with the best evaluation rating shall be selected.

If the above procedure cannot determine the selected Bidder;

In the case of a tie bid between two Responsive and Responsible Bidders and multiple awards are not possible a coin toss as prescribed in the Procurement Services Department Procedures Manual, shall be conducted by the Manager, Procurement Services.

In the case of tied bids between three or more Responsive and Responsible Bidders and multiple awards are not possible, the Owner shall determine the selected Bidder by a lottery draw as prescribed in the Procurement Services Department Procedures Manual.

The complete Tie Bid procedure to be conducted is outlined in the Corporate Services – Procurement Services Department Procedures Manual.

## **22. CONTRACTOR INTEGRITY**

The Owner may reject Bids and/or terminate existing Contracts for reasons including but not limited to circumstances where a Contractor:

- a) has been suspected or convicted of; corruption, collusion, bid-rigging any other anti-competitive activity or any other offence under the Criminal Code;
- b) the Owner is likely to incur increased staff legal costs in the administration of the Contract if it is awarded to the Bidder;
- c) has failed to satisfy an outstanding debt to the Owner or one of its local boards or corporations; or
- d) There are reasonable grounds to believe it would not be in the Best Interests of the Owner to enter into a contract with the Bidder.

Notwithstanding the foregoing, in cases where the basis for rejection or termination, as set out above is with respect to an individual who is currently an owner or member of the board of directors of the Contractor, and the individual resigns or is dismissed within a reasonable period of time, the Owner may continue or award the Contract or supply arrangement with heightened scrutiny.

The Owner may, within the limits of the law, have to contract with a Supplier who has been convicted of an offense, when required to do so by law or legal proceedings, or when the Owner considers it necessary to the public interest for reasons which include, but are not limited to the exceptions, set out in Section 23 Litigation / Probation / Suspension.

## **23. LITIGATION/PROBATION/SUSPENSION**

The Bid Review Panel shall reject a Bid from any Bidder or any other party (including any related or affiliated entities and any principal thereof) who is in unresolved litigation with the Owner or who is currently serving a Suspension Period, in accordance with Schedule "F" Contractor Performance Procedure. Furthermore, the Owner shall retain the right to reject Bids which may have been received and/or awarded by the Owner, notwithstanding efforts by the Owner to screen the acceptance of Bids from parties engaged in unresolved litigation with the Owner or serving a Suspension period, once the Owner becomes aware of such unresolved litigation or Suspension period.

Notwithstanding the foregoing, where it is the Owner's best interest, the Owner may award a Contract to a Bidder who is:

- i. In unresolved litigation with the Owner or
- ii. Currently serving a Suspension Period, or is on Probation, in accordance with the Owner's Contractor Procedures.

In the following circumstances:

- i) Where there is only one Bidder/Contractor and the C.A.O. has approved the award;
- ii) In the case of an Emergency Purchase as outlined in this by-law;
- iii) Where there is a legal obligation on the part of the Owner to enter into the contract; or
- iv) Where the proposed Contract is pursuant to an inter-municipal or cooperative agreement and where another public agency has approved the award.

## **24. BLACK-OUT PERIOD**

The Black-Out Period begins when the Bid Call Document is issued and ends when the agreement is signed by the Owner and the selected Bidder. During the Black-Out Period, Bidders must conduct all communication about the procurement only with the Procurement Representative stated on the first page of the Bid Call Document.

Any communication initiated by a Bidder to elected officials or staff of the Owner other than to the Procurement staff during the "Black-Out Period" may be grounds for disqualifying the offending Bidder from consideration for contract award.

During the competitive period (Black-Out Period) Bidders may submit an emailed written question to the Procurement representative. The Procurement representative may issue a written addendum to provide clarification or modification to the Bid Call Document. The addendum will be published on the Owner's Bid Opportunities website.

## **25. LOBBYING PROHIBITED**

If any director, officer, employee, agent or other representative of a Respondent or Bidder, including any other parties that may be involved in a joint venture, consortium or similar business relationship with the Respondent or Bidder, makes, from the time the Bid Call Document is released, any representation or solicitation to any elected representative or employee or agent of the Owner including project consultants, or to the media, with respect to

the Bidder's Bid, the Owner will be entitled to reject the Bid. This requirement does not extend to any public deputations.

## **26. INCENTIVES AND LIQUIDATED DAMAGES**

The Manager, Procurement Services or designate, may utilize Incentive and Liquidated Damages clauses in any bid, with the approval of the Director or Commissioner or C.A.O., where it is in the best interest of the Owner.

The Incentive and liquidated damages clauses may be used where there will be a financial and/or operational benefit to the Owner if the project is substantially completed to the satisfaction of the Owner prior to a stated completion date and/or there will be a financial and/or operational liability to the Owner if the project is delayed past that stated date. Accordingly, the Contractor and the Owner agree that the Contractor should be rewarded for substantially completing the project expeditiously and the Contractor should be assessed damages if the project is delayed.

## **27. DEBRIEFING**

Upon request of a Proponent in accordance with the Instructions to Proponents, the Owner will provide such Proponent a debriefing of their Proposal submission. The debriefing shall not take place until after the Contract has been executed.

## **28. BID DISPUTE RESOLUTION**

Bidders shall advise the Procurement Representative, prior to the deadline of written questions, if a Bidder needs to address any discrepancies, errors, concerns and/or omissions in the Bid Call Document, or if they be in doubt as to any part thereof.

After the award of the Bid, Bid challenges pertaining to the above matters shall not be considered by the Owner.

The Owner may consider all bid challenges in accordance with the Procurement Services Department Policies and Procedures Manual.

## **29. BY-LAW REVIEW**

This Procurement By-law shall be reviewed to evaluate its effectiveness every five (5) years or earlier by the Manager, Procurement Services or if Council deems it appropriate.

## **30. AMENDMENTS**

Schedules "A" through "G" to this by-law may be amended from time to time upon the approval of the C.A.O or the Strategic Leadership Team in order to add or delete or modify matters listed.

## **31. SEVERABILITY**

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

## **32. SHORT TITLE**

The short title of this shall be the "Procurement By-law".

ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk



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**SCHEDULE "A" EXCEPTIONS TO BY-LAW 2014-XX**

The Procurement methods described in this by-law do not apply to the following items:]

1. Training and Education
  - a. Conferences, conventions, courses and seminars.
  - b. Magazines, books and periodicals.
  - c. Memberships.
  - d. Facilitators and Program Hosts.
2. Refundable Employees Expenses
  - a. Advances.
  - b. Meal allowances.
  - c. Travel.
3. Employer's General Expenses
  - a. Payroll deductions remittances.
  - b. Medical.
  - c. Licenses (vehicle, firearms, elevators, etc.).
  - d. Debenture payments.
  - e. Grants to agencies.
  - f. Damage claims.
  - g. Petty cash replacement.
  - h. Tax remittances.
  - i. Charges to and from other government bodies, including Crown Corporations.
  - j. Sinking fund payments.
  - k. Payments for employment.
4. Professional and Special Services
  - a. Committee fees.
  - b. Medical, laboratory, and pharmacy services.
  - c. Legal fees for expert or professional legal services for all Corporation of the Town of Newmarket requirements and Insurance matters.
  - d. Fees for Professional Witnesses - appearing on the Owner's behalf at the administrative Court Hearings
  - e. Medical fees.
  - f. Appraisal fees.
  - g. Honorariums.
5. Postage.

6. Commodities such as Electricity, Natural Gas, Fuel, etc, under the regulation O. Reg 653/05, as amended or replaced, is defined as "whether in the original or processed state, an agricultural product, a forest product, a product of sea, a mineral, a metal, a hydro-carbon fuel, electricity, a precious stone or other gem and other physical goods but does not include chattel paper, a document of title, an instrument, money or securities". – see Owner's Commodity Hedging Policy- Policies and Goals, as amended, for the consideration of commodity price hedging by the Owner.
7. Utilities (monthly charges, maintenance, utility relocations, construction, acquisition or where proprietary).
  - a. Water and Sewer.
  - b. Telephone (excludes cellular).
  - c. Cable Television.
8. Events supporting local non-profit organizations.
9. The purchase of Real Property.
10. Employee Purchase Plans (Corporate sponsored employee programs).
11. Licenses, Certificates and other approvals required.
12. Entertainers for theatre or special events.
13. Cost sharing agreements approved by Council.
14. Investments, as recommended by the Treasurer and/or C.A.O.
15. Any additional Exceptions, expressly permitted in the Agreement on Internal Trade, as amended.

**SCHEDULE “B” BID IRREGULARITIES - APPLICABLE TO HARD COPY BIDDING ONLY**

For the purposes of this by-law, the following actions shall be taken regarding Bid Irregularities, as defined in this by-law, excluding Proposal Irregularities.

<b>ITEM #</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1.	Late Bid	Automatic rejection
2.	Bid submitted in other than the original Bid Form format.	Automatic rejection
3.	Bid completed in other than ink or a typed format;	Automatic rejection
4.	Bid not legible.	Automatic rejection, unless; in the opinion of the Bid Review Panel, the illegibility is not pricing and is considered to be immaterial to the Owner which may upon request by the Owner, remedied by the Bidder, within five (5) Working Days or the Bid shall be rejected
5.	Bid Form not signed	Automatic rejection
6.	Incomplete Bid.	Automatic rejection, unless:  (i) it is stated in the Bid Call Document that partial Bids are acceptable, and the Bid is complete in respect of the portion of the scope of work or deliverable(s) bid upon; or  (ii) In the opinion of the Bid Review Panel, the omission is of a minor nature and is upon request by the Owner, remedied by the Bidder, within five (5) Working Days or the Bid shall be rejected. Incomplete pricing shall not be considered minor in nature and the Bid shall be rejected, with the exception of those irregularities stated in accordance with paragraphs 14 and 15 below. Failure to submit a Schedule of the List of Subcontractors (when required) shall not be considered minor in nature and the Bid shall be rejected.
7.	All Addendum(s) not acknowledged or enclosed in the Bidder's Bid.	Automatic rejection, unless the relevant addendum issued is solely for the purpose of revising a closing date and/or time and the Bid is received in accordance with the revised closing date and/or time.
8.	Bid submitted by a Bidder who is in unresolved litigation with the Owner.	Automatic rejection, unless it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.

**SCHEDULE “B” BID IRREGULARITIES - APPLICABLE TO HARD COPY BIDDING ONLY cont’d**

<b>ITEM #</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
9.	Alterations, additions, deletions or qualifying statements (referred to as a “variation”) made to or provided with the Bid Form.	Automatic rejection, unless in the opinion of the Bid Review Panel, such variation is considered to be immaterial to the Owner.
10.	Strikeouts, erasures, whiteouts or overwrites made to the Bid Form, not initialed by an authorized person.	Automatic rejection, unless in the opinion of the Bid Review Panel, the failure to initial is minor in nature and is capable of being remedied. Upon request of the Owner, the Bidder shall be given five (5) Working Days to initial, or the Bid shall be rejected, or, alternatively, the failure to initial is otherwise immaterial to the Owner. Un-initialed alterations to pricing information shall be dealt with in accordance with paragraphs 11 to 13 below.
11.	Mathematical errors which are not consistent with the Unit Price; Mathematical errors such as tax calculation errors.	Upon request of the Owner, Bidder shall accept and initial corrections made by the Owner within five (5) Working Days or the Bid shall be rejected.
12.	Unit Price in the Schedule of Prices which has been changed but not initialed and the Unit Price extension is consistent with the Unit Price as amended.	Upon request of the Owner, Bidder shall initial within five (5) Working Days or the Bid shall be rejected.
13.	Unit Price in the Schedule of Prices which has been changed but not initialed and the Unit Price extension is not consistent with the Unit Price as amended.	Automatic rejection.
14.	If a unit price has been given but the corresponding extended total has been omitted,	The extended total will be calculated from the unit price and the estimated quantity by the Owner
15.	If an extended total has been given but the corresponding unit price has been omitted,	The unit price will be calculated from the extended total and the estimated quantity by the Owner.
16.	Where there is a calculation error in the addition of individual lump sum prices into a subtotal price.	The Owner may make the appropriate mathematical correction to the subtotal price and/or subtotal contract price, as the case may be, so that the calculation is correct. The Bidder shall be given five (5) Working Days to accept and initial corrections made by the Owner.

**SCHEDULE “B” BID IRREGULARITIES - APPLICABLE TO HARD COPY BIDDING ONLY cont’d**

<b>ITEM #</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
17.	Bid received by a Bidder serving a Suspension Period, in accordance with the Contractor Performance Procedure Schedule “F” of this by-law.	Automatic rejection unless, at the Owner’s sole discretion, it is subject to the exceptions stated in the Owner’s Procurement by-law, Section 23 Litigation/Suspension/Probation.
18.	Bid received by a Bidder who has served the Suspension Period and the Bidder cannot provide, in the Owner’s sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule “F” of this by-law.	Automatic rejection unless, at the Owner’s sole discretion, it is subject to the exceptions stated in the Owner’s Procurement by-law, Section 23 Litigation/Suspension/Probation.
19.	Bid received by a Bidder that has been issued an active Probation letter or has received a Cautionary performance rating by the Owner and the Bidder cannot provide, in the Owner’s sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule “F” of this by-law.	Automatic rejection unless, at the Owner’s sole discretion, it is subject to the exceptions stated in the Owner’s Procurement by-law, Section 23 Litigation/Suspension/Probation.
20.	Failure to provide Bid Deposit and/or Undertaking to provide a Bond or Letter of Credit	Automatic rejection, unless; A copy of the Undertaking to provide a Bond or Letter of Credit is submitted with the Bid and the signature(s) shall be visible. Upon request by the Owner, five (5) Working Days shall be given to the Bidder to submit the original Undertaking to provide a Bond or Letter of Credit Form to the Owner or the Bid shall be rejected.
21.	Insufficient Bid Deposit	Automatic Rejection, unless in the opinion of Bid Review Panel, the insufficiency in the Bid Deposit is trivial or insignificant. Upon request by the Owner, five (5) Working Days shall be given to the Bidder to remedy.
22.	Bidder did not attend a mandatory site meeting.	Automatic rejection
23.	Other Bid Irregularities.	Referred to the Bid Review Panel for review, consideration, and determination. Upon Request of the Owner, the Bidder may be given five (5) Working Days to correct such Bid Irregularity



All Bid Irregularities (except late bids that were automatically rejected) shall be forwarded to the Bid Review Panel for review, consideration, and determination in accordance with Section 9 – Bid Review Panel of this by-law.

Where, at the request of the Owner, a Bidder has been given five (5) Working Days to correct an irregularity, should the Bidder fail to make the correction within that time period, then the Bidder shall be deemed to be in default and;

- the Bid shall be rejected and the Bidder's Bid Deposit (where applicable) shall be forfeited, retained and applied for use by the Owner and
- At the discretion of the Bid Review Panel, the Bidder may be suspended for a period of two years.

**SCHEDULE “B” BID IRREGULARITIES - APPLICABLE TO ELECTRONIC BIDDING ONLY**

For the purposes of this by-law, the following actions shall be taken regarding Bid Irregularities (as defined in this by-law, excluding Proposal Irregularities).

ITEM	DESCRIPTION	ACTION
1.	Late Bid	Automatic rejection. Electronic Bidding system shall not accept late Bid submissions.
2.	Bid submitted in other than the original Bid Form format.	Automatic rejection
3.	Bid Form not signed	Automatic rejection. The Electronic Bidding system shall not accept bids unless the Bidder has checked a box confirming authority to submit a bid on behalf of the Bidder.
4.	All Addendum(s) not acknowledged (if issued).	Automatic rejection. <ul style="list-style-type: none"> <li>i. A Bidder's submission shall not be accepted by the Electronic Bidding system without acknowledgement of Addendum(s).</li> <li>ii. Addendum(s) that are issued, after a Bidder has submitted their Bid, are automatically withdrawn by the Electronic Bidding system and the Bidder is required to acknowledge the new addendum(s) and re-submit their submission prior to the closing time and date.</li> </ul>
5.	Bid received by a Bidder who is in unresolved litigation with the Owner.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.
6.	Bid received by a Bidder serving a Suspension Period, in accordance with the Contractor Performance Procedure Schedule “F” of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law Section 23 Litigation/Suspension/Probation,
7.	Bid received by a Bidder who has served the Suspension Period and the Bidder cannot provide, in the Owner's sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule “F” of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law Section 23 Litigation/Suspension/Probation, .

**SCHEDULE “B” BID IRREGULARITIES - APPLICABLE TO ELECTRONIC BIDDING ONLY cont’d**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
8.	Bid received by a Bidder that has been issued an active Probation letter or has received a Cautionary performance rating by the Owner and the Bidder cannot provide, in the Owner’s sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule “F” of this by-law.	Automatic rejection unless, at the Owner’s sole discretion, it is subject to the exceptions stated in the Owner’s Procurement by-law, Section 23 Litigation/Suspension/Probation.
9.	Failure to provide Bid Deposit and/or Undertaking to provide a Bond or Letter of Credit	Automatic rejection.
10.	Insufficient Bid Deposit	Automatic Rejection, unless in the opinion of Bid Review Panel, the insufficiency in the Bid Deposit is trivial or insignificant. Upon request by the Owner, five (5) Working Days shall be given to the Bidder to remedy.
11.	The Owner is unable to verify Digital Bond(s).	Upon request by the Owner, the Bidder shall be given five (5) Working Days to either; remedy the verification to the Owner’s satisfaction or to submit the original Bid Deposit and/or Undertaking to provide a Bond or Letter of Credit form to the Owner or the Bid shall be rejected.
12.	Bidder did not attend the mandatory site meeting.	Automatic rejection
13.	Other Bid Irregularities.	Referred to the Bid Review Panel for review, consideration, and determination. Upon Request of the Owner, the Bidder may be given five (5) Working Days to correct such Bid Irregularity

All Bid Irregularities (except late Bids that were automatically rejected) shall be forwarded to the Bid Review Panel for review, consideration, and determination in accordance with Section 9 – Bid Review Panel of this by-law.

Where, at the request of the Owner, a Bidder has been given five (5) Working Days to correct an irregularity, should the Bidder fail to make the correction within that time period, then the Bidder shall be deemed to be in default and;

- the Bid shall be rejected and the Bidder’s Bid Deposit (where applicable) shall be forfeited, retained and applied for use by the Owner and
- At the discretion of the Bid Review Panel, the Bidder may be suspended for a period of two years.

**SCHEDULE “C” PROPOSAL IRREGULARITIES - APPLICABLE TO HARD COPY BIDDING ONLY**

For the purposes of this by-law, the following actions shall be taken regarding Proposal Irregularities (as defined in this by-law, excluding Bid Irregularities).

ITEM	DESCRIPTION	ACTION
1.	Late proposal.	Automatic rejection.
2.	Proposal completed in other than ink or a typed format.	Automatic rejection.
3.	Proposal not legible.	Automatic rejection, unless; In the opinion of the Bid Review Panel, the illegibility is not pricing and is considered to be immaterial to the Owner which may upon request by the Owner, remedied by the Proponent, within five (5) Working Days or the Proposal shall be rejected.
4.	Proposal not signed	Automatic rejection.
5.	All Addendum(s) not acknowledged or enclosed in the Proponent's Proposal (if issued).	Upon request of the Owner, the Proponent shall be given five (5) Working Days to acknowledge acceptance of the Addendum(s), provided such acknowledgement does not alter the Proponent's Proposal in any manner, apart from the acknowledgement of the Addendum /Addenda, otherwise the Proposal shall be rejected
6.	Proposal received by a Proponent who is in unresolved litigation with the Owner.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.
7.	Proposal received by a Proponent serving a Suspension Period, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.
8.	Proposal received by a Proponent who has served the Suspension Period and the Proponent cannot provide, in the Owner's sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule "F" of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law Section 23 Litigation/Suspension/Probation,

**SCHEDULE “C” PROPOSAL IRREGULARITIES- APPLICABLE TO HARD COPY BIDDING ONLY**  
**cont’d**

ITEM	DESCRIPTION	ACTION
9.	Proposal received by a Proponent that has been issued an active Probation letter or has received a Cautionary performance rating by the Owner and the Proponent cannot provide, in the Owner’s sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule “F” of this by-law.	Automatic rejection unless, at the Owner’s sole discretion, it is subject to the exceptions stated in the Owner’s Procurement by-law, Section 23 Litigation/Suspension/Probation.
10.	Failure to provide Proposal Deposit and/or Undertaking to provide a Bond or Letter of Credit	Automatic rejection, unless; A copy of the Undertaking to provide a Bond or Letter of Credit is submitted with the Proposal and the signature(s) shall be visible. Upon request by the Owner, five (5) Working Days shall be given to the Proponent to submit the original Undertaking to provide a Bond or Letter of Credit Form to the Owner or the Proposal shall be rejected.
11.	Insufficient Proposal Deposit	Automatic Rejection, unless in the opinion of Bid Review Panel, the insufficiency in the Proposal Deposit is trivial or insignificant. Upon request by the Owner, five (5) Working Days shall be given to the Proponent to remedy.
12.	Proponent did not attend a mandatory site meeting.	Automatic rejection
13.	Other Proposal Irregularities, including deviations in terms.	Referred to the Bid Review Panel for review, consideration, and determination. Upon Request of the Owner, the Bidder may be given five (5) Working Days to correct such Bid Irregularity

All Proposal Irregularities (except late proposals that were automatically rejected) shall be forwarded to the Bid Review Panel for review, consideration, and determination in accordance with Section 9 – Bid Review Panel of this by-law.

Where, at the request of the Owner, a Proponent has been given five (5) Working Days to correct an irregularity, should the Proponent fail to make the correction within that time period, then the Proponent shall be deemed to be in default and;

- the Proposal shall be rejected and the Proponent’s Proposal Deposit (where applicable) shall be forfeited, retained and applied for use by the Owner and
- At the discretion of the Bid Review Panel, the Proponent may be suspended for a period of two years.



# **SCHEDULE “C” PROPOSAL IRREGULARITIES -APPLICABLE FOR ELECTRONIC BIDDING ONLY**

For the purposes of this by-law, the following actions shall be taken regarding Proposal Irregularities (as defined in this by-law, excluding Bid Irregularities).

ITEM	DESCRIPTION	ACTION
1.	Late Proposal	Automatic rejection. Electronic Bidding system shall not accept late Proposal submissions.
2.	Bid Form not signed	Automatic rejection. The Electronic Bidding system shall not accept proposals unless the Proponent has checked a box confirming authority to submit a proposal on behalf of the Proponent.
3.	All Addendum(s) not acknowledged (if issued).	Automatic rejection.  iii. A Proponent submission shall not be accepted by the Electronic Bidding system without acknowledgement of Addendum(s). iv. Addendum(s) that are issued, after a Proponent has submitted their proposal, are automatically withdrawn by the Electronic Bidding system and the Proponent is required to acknowledge the new addendum(s) and re-submit their submission prior to the closing time and date.
4.	Proposal received by a Proponent who is in unresolved litigation with the Owner.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.
5.	Proposal received by a Proponent serving a Suspension Period, in accordance with the Contractor Performance Procedure Schedule “F” of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law Section 23 Litigation/Suspension/Probation, .
6.	Proposal received by a Proponent who has served the Suspension Period and the Proponent cannot provide, in the Owner's sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule “F” of this by-law.	Automatic rejection unless, at the Owner's sole discretion, it is subject to the exceptions stated in the Owner's Procurement by-law, Section 23 Litigation/Suspension/Probation.

**SCHEDULE “C” PROPOSAL IRREGULARITIES - APPLICABLE FOR ELECTRONIC BIDDING ONLY cont’d**

7.	Proposal received by a Proponent that has been issued an active Probation letter or has received a Cautionary performance rating by the Owner and the Proponent cannot provide, in the Owner’s sole opinion, satisfactory evidence of improvement in area(s) of concern as documented on the applicable Final Performance Evaluation, in accordance with the Contractor Performance Procedure Schedule “F” of this by-law.	Automatic rejection unless, at the Owner’s sole discretion, it is subject to the exceptions stated in the Owner’s Procurement by-law Section 23 Litigation/Suspension/Probation, .
8.	Failure to provide Proposal Deposit and/or Undertaking to provide a Bond or Letter of Credit	Automatic rejection.
9.	Insufficient Proposal Deposit	Automatic Rejection, unless in the opinion of Bid Review Panel, the insufficiency in the Proposal Deposit is trivial or insignificant. Upon request by the Owner, five (5) Working Days shall be given to the Proponent to remedy.
10.	The Owner is unable to verify Digital Bond(s).	Upon request by the Owner, the Proponent shall be given five (5) Working Days to either; remedy the verification to the Owner’s satisfaction or to submit the original Proposal Deposit and/or Contract Security to the Owner or the Proposal shall be rejected.
11.	Proponent did not attend the mandatory site meeting.	Automatic rejection
12.	Other Proposal Irregularities, including deviations in terms.	Referred to the Bid Review Panel for review, consideration, and determination. Upon Request of the Owner, the Proponent may be given five (5) Working Days to correct such Proposal Irregularity

All Proposal Irregularities (except late proposals that were automatically rejected) shall be forwarded to the Bid Review Panel for review, consideration, and determination in accordance with Section 9 – Bid Review Panel of this by-law.

Where, at the request of the Owner, a Proponent has been given five (5) Working Days to correct an irregularity, should the Proponent fail to make the correction within that time period, then the Proponent shall be deemed to be in default and;

- the Proposal shall be rejected and the Proponent’s Proposal Deposit (where applicable) shall be forfeited, retained and applied for use by the Owner and
- At the discretion of the Bid Review Panel, the Proponent may be suspended for a period of two years.

SCHEDULE “D” THRESHOLDS

The award amounts shall be within the scope and budget approved by Council					
Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra *see note	METHOD OF PROCUREMENT	ADVERTISING	Reporting	Authority	Contract Agreement Requirements  And Parties responsible for Contract Execution
TABLE 1. DELEGATED AUTHORITY FOR LOW VALUE PURCHASES					
Up to \$10,000.00	Low Value Purchase (LVP) By Department Staff or through Procurement Services.	Purchases made from the competitive marketplace where possible and practicable. Advertising not required.	Not Applicable	P-Card, or through a LVP Purchase Order by staff delegated by the Director or Commissioner or C.A.O.	No Agreement

The award amounts shall be within the scope and budget approved by Council					
Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra *see note	METHOD OF PROCUREMENT	ADVERTISING	Reporting	Authority	Contract Agreement Requirements  And Parties responsible for Contract Execution
TABLE 2. AUTHORITY FOR BID CALL PROCESS					
\$10,000.01 to \$ 50,000.00	QUICK BID (QB) or QUICK BID REQUEST FOR PROPOSAL (QBRFP) through Procurement Services.	Advertising is at the discretion of the Manager, Procurement Services.	Manager  A copy of the signed report shall be provided to all Directors, Commissioners and C.A.O.	Staff delegated by the Director, or Commissioner or C.A.O.  Purchase Order or P-Card to \$ 50,000.00 including taxes.	No Agreement
\$50,000.01 to \$ 99,999.99	QUICK BID (QB) or QUICK BID REQUEST FOR PROPOSAL (QBRFP) through Procurement Services.	Advertising is at the discretion of the Manager, Procurement Services but will be done in accordance with Trade Agreements.	Director  A copy of the signed report shall be provided to all Commissioners and C.A.O.	Director  Purchase Order or P-Card to \$ 99,999.99 including taxes.	Agreement optional  Manager, User Department & Manager, Procurement Services
\$100,000.00 to \$249,999.99	FORMAL BID:  REQUEST FOR TENDER (RFT) OR REQUEST FOR PROPOSAL (RFP) through Procurement	Advertising is required.	Commissioner  A copy of the signed report shall be provided to all Commissioners and C.A.O.	Commissioner  Purchase Order or P-Card to \$ 99,999.99 including taxes.	Agreement  Director & Manager, Procurement Services
\$250,000.00 AND OVER	FORMAL BID:  REQUEST FOR TENDER (RFT) OR REQUEST FOR PROPOSAL (RFP) through Procurement Services.	Advertising is required.	Council  OR C.A.O. subject to Section to 6.3 of this by-law A copy of the signed report shall be provided to all Commissioners and C.A.O.	Council  OR C.A.O. subject to Section 6.3 of this by-law A Purchase Order is required.	Agreement  Director & Manager, Procurement Services

\*For the Agreement on Internal Trade (AIT) - the “Procurement Value” definition differs in that the valuation includes taxes.  
Advertising of bids shall be done in accordance with AIT.

SCHEDULE “D” THRESHOLDS cont’d

Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra	METHOD OF PROCUREMENT	ADVERTISING	Report to	Authority	Contract Agreement Requirements  And Parties responsible for Contract Execution
TABLE 3. EMERGENCY PURCHASES					
Up to \$50,000.00	Not Applicable	Advertising not required	Not Applicable	Directors or Commissioner or C.A.O. Or Managers with the prior written approval of their Director or Commissioner.  A JD Edwards Emergency Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required
\$50,000.01 to \$99,999.99	Not applicable	Advertising not required	Not applicable	Commissioner or C.A.O.  A JD Edwards Emergency Purchase Order is generated by Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required
\$100,000.00 and over	Not applicable	Advertising not required	Information report shall be submitted by the Director and /or Commissioner to Council explaining the actions taken and the reason(s) therefore	C.A.O.  A JD Edwards Emergency Purchase Order is generated by the Procurement Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required

TABLE 4. MUNICIPAL DECLARED EMERGENCIES under the Emergency Management and Civil Protection Act, as amended	
The C.A.O. or Commissioner or Director may authorize the Manager, Procurement Services to increase staff Delegated Authority limits for low value purchases and/or Authority limits  upon the declaration of a Municipal Emergency by the Mayor and/or C.A.O.	



SCHEDULE “D” THRESHOLDS cont’d

Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra	METHOD OF PROCUREMENT	ADVERTISING	Reporting	Authority	Contract Agreement Requirements  And Parties responsible for Contract Execution
TABLE 5. SOLE OR SINGLE SOURCE PURCHASES					
Up to \$10,000.00	Not applicable	Advertising not required	Director	Director and in consultation with the Manager, Procurement Services.  A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required
\$10,000.01 to \$25,000.00	Not applicable	Advertising not required	Commissioner	Commissioner in consultation with the Manager, Procurement Services.  A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	No Agreement Required
\$25,000.01 to \$49,999.99	Not applicable	Advertising not required	C.A.O.	C.A.O. in consultation with the Manager, Procurement Services.  A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	Agreement optional  Director and Manager, Procurement Services.
\$ 50,000.00 and over	Not applicable	Advertising not required	Council	Council  A JD Edwards Single /Sole Source Purchase Order is generated by the Procurement Services Department or P-Card to \$ 99,999.99 including taxes.	Agreement optional  Director and Manager, Procurement Services.

Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra	METHOD OF PROCUREMENT	ADVERTISING	Reporting	Authority	Contract Agreement Requirements  And Parties responsible for Contract Execution
TABLE 6. CONSULTING SERVICES					
Up to \$ 20,000.00	Not applicable	Advertising not required	Not Applicable	Director or Commissioner Or C.A.O.  in consultation with the Manager, Procurement Services.  A JD Edwards Consulting Purchase Order is generated by the Procurement Services Department	Agreement Optional  Manager, User Department  Manager, Procurement Services

Estimated Procurement Value (Dollar) Threshold Applicable taxes are extra	METHOD OF PROCUREMENT	SOURCE OF BIDS/ ADVERTISING	Report to	Authority	Contract Agreement Requirements  And Parties responsible for Contract Execution
TABLE 7. REQUEST FOR INFORMATION					
N/A	RFI	Advertising not required.	Director and/or Commissioner and/or C.A.O. (where appropriate).	Not Applicable	Not Applicable

TABLE 8. REQUEST FOR PRE-QUALIFICATION					
N/A	PRE-QUAL	Advertisement of the Pre-Qualification shall be based on the estimated contract value, in accordance Schedule “D” Thresholds	Not Applicable	Pre-qualified Contractors approved by Evaluation Committee	Not Applicable

**SCHEDULE “E” POSITION EXCEPTIONS**

Position exemptions to the dollar value limit for Low Value Purchases

1. Fire Chief
2. Deputy Fire Chiefs
3. Manager, Facility Services
4. Manager, Parks and Property Services
5. Manager, Operations
6. Manager, Water and Waste Water
7. Fleet Supervisor
8. Mechanics
9. Procurement Systems Officer
10. For Financial Services staff to make a payment for a public bid up to \$99,999.99 (inclusive of taxes), where it is in the best interest of the Owner and approved by the Treasurer or
11. When a Emergency (Municipally declared) is declared by the Mayor and/or CAO, the limits for any or all Staff P-Cards will increase, as per the Procurement By-law Schedule “D”, or
12. Emergency Municipal P-Cards may be used by Procurement staff up to an unlimited value during an Emergency (Municipally declared), when pre-approved in writing, as per the Procurement By-law Schedule “D”, or
13. The Manager, Procurement Services may at the direction of a Director, Commissioner or C.A.O., add additional positions or permit temporary transaction increases to other positions, that are exemptions to the transaction dollar value of Low Value Purchases, where it is in the best interest of the Owner.

**SCHEDULE “F” CONTRACTOR PERFORMANCE**



# CONTRACTOR PERFORMANCE SYSTEM PROCEDURAL DOCUMENT

Revision date: April 16, 2014

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## 1. DEFINITIONS

**“Performance Evaluation Form”** has the meaning set out in Section 4.1 of this procedure document, as amended.

**“Project Evaluator(s)”** means one or more person(s) from the Owner’s user department(s) and/or a consultant to the Owner, that will be evaluating the Contractor’s performance by completing Performance Evaluation Forms in accordance with this procedural document, as amended.

All other initially capitalized terms not defined above shall have the meanings given to such terms in the Owner’s Procurement Bylaw #2014-XX, as amended.

## 2. PURPOSE

This procedure provides a framework for the Owner to evaluate and improve the performance of all Contractors awarded publicly bid Contracts by;

- (i) pro-actively managing the performance of Contractors during the term of awarded Contracts, and
- (ii) creating a record of past performance for use by the Manager, Procurement Services, in determining the award for future Solicitations.

Project Evaluator(s) may utilize this Contractor Performance Procedure for all other contracts including but not limited to; invitational bids, Single or Sole Source purchases, Emergency Purchases and wherever it is in the Best Interest of the Owner.

## 3. PROJECT EVALUATORS

- 3.1 Prior to participating in the evaluation of a Contractor, each Project Evaluator shall confirm that he or she does not have a Conflict of Interest.
- 3.2 Project Evaluators shall at all times abide by the Owner’s Employee Code of Conduct, as amended.

## 4. PROJECT EVALUATION FORMS

- 4.1 Project Evaluators are to use one of the following Project Evaluation Forms, as provided in Schedule “A” of this Procedural Document:
  - i. Infrastructure Consultant Project Evaluation Form
  - ii. General Consultant Project Evaluation Form
  - iii. Equipment/Vehicle Supplier Project Evaluation Form
  - iv. Supplier of Goods/Services Project Evaluation Form
  - v. Contractor Project Evaluation Form

## 5. FREQUENCY OF PERFORMANCE EVALUATIONS

- 4.1 The Procurement Services Department strongly recommends that Project Evaluators perform an **Interim Performance Evaluation** using the applicable form in Schedule “A” ( the “Performance Evaluation Forms”) of this procedural document, at least every 12 months for all Contracts with a term longer than one year. Additional Performance Evaluation Forms may be completed and discussed with the Contractor at any time throughout the term of the Contract as needed based on the Contractor’s performance.
- 4.2 It is good practice to keep the Procurement Representative assigned to the Solicitation informed throughout the course of a Contract of any performance concerns with the Contractor. Departmental project managers should not hesitate to contact the Procurement Representative for advice or assistance regardless of the significance of the problem or to attend a meeting with the Contractor.
- 4.3 Project Evaluators shall ensure that each completed Performance Evaluation Form is clearly marked as either “**Interim**” or “**Final**”.
- 4.4 Project Evaluators should complete a **Final Performance Evaluation** for all Contracts using the applicable form in Schedule “A” ( the “Performance Evaluation Forms”) of this procedural document, as amended, in a timely manner, preferably **within two weeks** of the following occurrences, depending on the type of good, service or construction:
  - (i) For Construction contracts; upon the issuance of a Certificate of Final Completion or
  - (ii) For Consulting contracts; upon completion of the Contract or
  - (iii) For Goods; upon delivery and inspection of goods and/or after the expiry of any applicable deficiency or
  - (iv) for Services, upon completion of services and/or after the completion of deficiencies or
  - (v) for Vehicles and Equipment; upon deliver and inspection and/or after the expiration of the warranty period or
  - (vi) upon termination of a Contract for any reason prior to the Contract end date.
- 4.5 Interim Performance Evaluation Forms with rating(s) of **CAUTIONARY AND BELOW** for the Contractor’s performance shall also request in writing, appropriate corrective action within an acceptable timeframe, in accordance with the Terms and Conditions of the Solicitation and failure of the Contractor do so, in the sole opinion of the Owner, may lead to termination of the Contract.
- 4.6 Project Evaluators are not obliged to complete Performance Evaluation Forms for Contracts obtained through a non-competitive procurement process, but may do so at their discretion.
- 4.7 Project Evaluators shall complete all Performance Evaluation Forms, for approval, by their immediate Supervisor and the Manager, Procurement Services. The approved Evaluation form will be sent to the Contractor by Procurement Services. The Manager, Procurement Services shall consider Owner’s options, with the Legal Services Department, in situations where, the Contractor receives a rating of “**NOT SATISFACTORY OR UNACCEPTABLE**” in any category on a Final Performance Evaluation Form.

## 6. RECOMMENDED STEPS TO RESOLVING CONTRACTOR PERFORMANCE

- 5.1 It is important to have open communication with the Contractor throughout the project and to inform the Contractor in writing when their performance is a concern and to request appropriate corrective action within an acceptable timeframe, in accordance with the Solicitation's terms and conditions. It is equally important to keep a written record of all correspondence with the Contractor.
- 5.2 If the Contractor's response or corrective action is still a concern, departmental staff should involve the Procurement Representative. Where it is deemed appropriate an Interim Performance Evaluation should be performed by the Project Evaluator(s) and provided to the Contractor by the Procurement Department. The Contractor will be held responsible for the performance of its sub-contractors.
- 5.3 If the Contractor's response or corrective action continues to be a concern, the terms and conditions of the contract regarding non-performance will be utilized by the Manager, Procurement Services.

## 7. RECORD RETENTION

- i) Project Evaluators shall maintain the following documents and Bid records for seven (7) years or in accordance with the Owner's record retention procedures, as amended, following the completion of the Project warranty or maintenance period as supporting rationale to augment the Performance Evaluation Form:
  - i. internal and external correspondence (e.g. emails, letters, telephone logs describing the issues discussed, copies of faxes);
  - ii. meeting minutes describing all issues discussed, decisions made, issues unresolved, and action items assigned;
  - iii. progress reports;
  - iv. project diaries which record significant daily events;
  - v. inspection and laboratory reports;
  - vi. photographs and video tapes; and
  - vii. rejected project deliverables.

## 8. PERFORMANCE EVALUATION SYSTEM

- 8.1 Project Evaluators shall assign Contractors one of the following ratings to each category set out on the Performance Evaluation Form. A critical aspect of the assessment rating system described below is the **second sentence** of each rating that recognizes the Contractor's resourcefulness in overcoming challenges that arise in the context of Contract performance.

Rating		Description of Rating
<b>A</b>	<b>Exceptional</b>	Performance <i>significantly exceeds</i> Contract requirements to the Owner's benefit, for example, the Contractor implemented innovative or business process reengineering techniques, which resulted in added value to the Owner. The contractual performance of the element or sub-element being assessed was accomplished with few minor

		problems for which corrective actions taken by the Contractor were highly effective.
<b>B</b>	<b>Good</b>	Performance meets contractual requirements and <i>exceeds in some area(s)</i> to the Owner's benefit. The contractual performance of the element or sub-element being assessed was accomplished with some minor problems for which corrective actions taken by the Contractor were effective
<b>C</b>	<b>Satisfactory</b>	Performance <i>meets</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear satisfactory, or completed corrective actions were satisfactory.
<b>D</b>	<b>Cautionary</b>	Performance did not quite <i>meet</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear to be a continued minor concern, or completed corrective actions were slightly below satisfactory.
<b>E</b>	<b>Not Satisfactory</b>	Performance <i>does not meet some</i> contractual requirements. The contractual performance of the element or sub-element being assessed reflects a serious problem for which the Contractor has submitted minimal corrective actions, if any. The Contractor's proposed actions appear only marginally effective or were not fully implemented.
<b>F</b>	<b>Unacceptable</b>	Performance <i>does not meet</i> contractual requirements and <i>recovery is not likely</i> in a timely or cost effective manner. The contractual performance of the element or sub-element contains serious problem(s) for which the Contractor's corrective actions appear or were ineffective.

## 9. IMPACT OF FINAL PERFORMANCE EVALUATIONS

### 9.1 The Owner, at its sole discretion, may;

- terminate a Contract prior to completion of a project or prior to the expiration of a Contract period term due to Contractor performance issues or
- if the Bid Call Document permitted, a Contract may be extended by the Owner, beyond the original contract term, up to a period of two (2) years, in accordance with this procedural document.
- Or take other action, in the Owner's best interest.

### 9.2 Final Performance Evaluation Forms shall be used by the Owner for consideration of award of Solicitations, (if a Final has not been performed at time a Solicitation award is under review, an Interim Evaluation, if available, may be used by the Owner to:

- i. determine if a Bidder submitting a Bid is a Responsible Bidder, and/or
- ii. Evaluate Past Performance in Proposal Solicitations.

### 9.3 A Contractor that has received an “**EXCEPTIONAL**” rating in the majority (50% or more) of the categories on the Performance Evaluation Form and at least a “GOOD” rating in all other categories;

- a) The Contractor may be considered a Responsible Bidder for future similar Bid submissions to the Owner,



- b) If permitted by the Solicitation document, the Contractor may be eligible for an additional two (2) year extension to the term of the current Contract, at the sole discretion of the Owner.
  
- 9.4 A Contractor that has received a **“GOOD”** rating or above in the majority (50% or more) of the categories on the Performance Evaluation Form and at least a **“SATISFACTORY”** rating in all other categories;
  - a) The Contractor may be considered a Responsible Bidder for future similar Bid submissions to the Owner, and
  - b) If permitted by the Solicitation document, the Contractor may be eligible for an additional one (1) year extension to the term of the current Contract, at the sole discretion of the Owner.
  
- 9.5 A Contractor that has received at least a **“SATISFACTORY”** rating or above in all categories of the Performance Evaluation Form;
  - a) The Contractor may be considered a Responsible Bidder for future similar Bid submissions to the Owner, and
  - b) is not eligible for extensions to its current Contract.
  
- 9.6 A Contractor that has received at least a **“CAUTIONARY”** rating in any category of the Performance Evaluation Form;
  - a) may or may **not** be considered a Responsible Bidder for future similar Bid submissions to the Owner, and
  - b) is not eligible for extensions to its current Contract.
  - c) Prior to awarding the Contractor any future Contracts, the Owner may request the Bidder to demonstrate in writing or by other acceptable means to the Manager, Procurement Services that the Contractor has corrected all previously documented areas of **“CAUTIONARY”** performance concerns to a standard satisfactory to the Owner. In addition, a list of new references may be required by the Owner in respect of work completed by the Contractor since the date of the Performance Evaluation Form where a rating of **“CAUTIONARY”** in any category was given. The Owner reserves the right, at its sole discretion not to award a Contract to any Contractor, for an indefinite period, that fails to provide satisfactory evidence of correcting any documented past performance concerns by the Owner.
  
- 9.7 A Contractor that has received a **“NOT SATISFACTORY”** rating in any one category on the Performance Evaluation Form;
  - a) The Contractor may **not** be considered a Responsible Bidder for future similar Bid submissions to the Owner;

- b) The Contractor will receive an active **"Probation Letter"** advising the Contractor that if a second **"NOT SATISFACTORY OR WORSE"** rating in any category is received on the next Final Performance Evaluation Form the Contractor may be subject to a Suspension Period.
- c) A Contractor receiving a **"NOT SATISFACTORY"** rating in any one (1) category on a Final Performance Evaluation is not eligible for extensions to its current Contract, and the Owner may terminate the current Contract due to poor performance.
- d) Prior to awarding the Contractor any future Contracts, the Owner may request the Bidder to demonstrate in writing or by other acceptable means to the Manager, Procurement Services that the Contractor has corrected all previously documented areas of **"NOT SATISFACTORY"** performance concerns to a standard satisfactory to the Owner. In addition, a list of new references may be required by the Owner in respect of work completed by the Contractor since the date of the applicable Final Performance Evaluation Form where a rating of **"NOT SATISFACTORY"** in any category was given. The Owner reserves the right, at its sole discretion not to award a Contract, for an indefinite period, to any Contractor that fails to provide satisfactory evidence of correcting any documented past performance concerns by the Owner.

9.8 A Contractor that has received (i) an **"UNACCEPTABLE"** rating in any one category on the Performance Evaluation Form, or (ii) a **"NOT SATISFACTORY"** rating in two or more categories, or (iii) a **"NOT SATISFACTORY"** rating in at least one category on two consecutive Final Performance Evaluations;

- a) The Contractor shall not be considered a Responsible Bidder and shall be Suspended for at least a **two-year period**
- b) A Contractor receiving this rating is not eligible for extensions to its current Contract, and the Owner may terminate the current Contract early due to poor performance.
- c) The Owner will issue a letter to the Contractor confirming the Suspension Period setting out the requirements for reinstatement, which shall include at a minimum;
  - i. Expiration date of the Suspension Period, and
  - ii. Prior to awarding the Contractor any future Contracts after the above expiration date, the Owner may request demonstration by the Bidder in writing or by other acceptable means to the Manager, Procurement Services that the Contractor has corrected all previously documented areas of **"NOT SATISFACTORY"** or **"UNACCEPTABLE"** performance concerns to a standard satisfactory to the Owner. In addition, a list of new references may be required by the Owner in respect of work completed by the Contractor since the date of the Performance Evaluation Form which resulted in the Suspension. The Owner reserves the right, at its sole discretion not to award a Contract, for an indefinite period, to any Bidder that fails to provide satisfactory evidence of correcting any documented past performance concerns by the Owner.

9.9 Any Bidder that refuses or fails to execute a Contract awarded to that Bidder by the Owner may be subject to a Suspension Period, at the discretion of the Owner based on the recommendation of the Bid Review Panel.

9.10 The Owner may apply the Suspension or Probation period, where it is in the best interest of the Owner, based either on:

- i. **Commodity Basis:** which will be specific to the commodity of good(s) and/or service or construction evaluated on the applicable Final Performance Evaluation or on a
- ii. **Blanket Basis:** which will cover all contracts regardless of the type of good, service or construction.

9.11 If a Bidder has multiple Performance Evaluation Forms on record with the Owner, the Owner will consider the most recent Final Performance Evaluation completed for similar contracted goods, services or construction.

Where a Bidder has a Performance Evaluation for an unrelated good/service/construction, the Owner reserves the right to consider this Evaluation amongst other sources in determining if a Bidder is Responsible.

Furthermore the Owner reserves the right to consider Interim Performance Evaluation(s), in determining if a Bidder is Responsible, if a Final Performance Evaluation has not been completed, or in addition to a completed Final Performance Evaluation.

Interim evaluations may be done by more than one department, facility etc, however Final Performance Evaluations shall be based on a consensus of all Project Evaluators.

## 10. APPEAL PROCESS

10.1 The Contractor may submit an appeal of the rating received on a Final Performance Evaluation Form to the Manager, Procurement Services, in writing, within ten (10) calendar days following receipt of the completed Final Performance Evaluation Form.

10.2 Within two (2) weeks of receiving an appeal letter in respect of a Final Performance Evaluation Form where the Contractor received a rating of “**CAUTIONARY**” or **better** in any or all categories, the Manager, Procurement Services and the head(s) of the functional area which worked directly with the Contractor shall have sole discretion to decide if any rating should be adjusted in any or all categories, based on information received in the appeal letter. The decision shall be final and binding on all parties.

10.3 Within two (2) weeks of receiving an appeal letter in respect of a Final Performance Evaluation where the Contractor received a rating of “**NOT SATISFACTORY**” or **below** in any or all categories, the Manager, Procurement Services will arrange a meeting with Bid Review Panel to review the appeal. The Owner may render a final decision based on the appeal information or request additional information of the Contractor. The Probation or the Suspension Period shall be upheld during any appeal under review by the Owner. The decision shall be final and binding on all parties.

## 11. OTHER INCENTIVES FOR CONTRACTORS

The Owner may consider other incentives in future bid projects to ensure satisfactory and above Contractor performance and/or to provide a financial bonus for completing a project on time. These types of incentives are to be used at the discretion of the Manager, Procurement upon approval of the Director or Commissioner or C.A.O., depending on the value of the incentive, in accordance with the Staff authority limits stated in the Procurement bylaw .

## **SCHEDULE A- PROJECT EVALUATION FORMS**

BID NUMBER:		PROJECT NAME:	
PROCUREMENT REPRESENTATIVE		DEPARTMENT REPRESENTATIVE(S)	
CONTRACT AWARD DATE		SUBSTANTIAL CONTRACT COMPLETION DATE	
CONSULTANT NAME		CONSULTANT CONTACT	
CONSULTANT ADDRESS			
CONSULTANT EMAIL			
FINAL OR INTERIM EVALUATION		DATE OF EVALUATION	
IF THIS IS A FINAL EVALUATION, HAS AN INTERIM EVALUATION BEEN PERFORMED	YES	NO	DATE OF INTERIM EVALUATION
NUMBER OF CHANGE ORDERS		FINAL CONTRACT COMPLETION DATE	
EVALUATION CRITERIA	EVALUATION ASSESSMENT		COMMENTS BY EVALUATOR
	Category Rating (Rating key on reverse of form)	Check Box	
Administration	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Timeliness to complete project	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Cost Control of project	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Contract Management	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Quality of Services Provided	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
TOWN STAFF GENERAL COMMENTS			
Staff Project Evaluator Name		Staff Project Evaluator Signature	
Staff Project Evaluator Supervisor Name		Staff Project Evaluator Supervisor Name	
Manager of Procurement Signature			

SEE REVERSE OF FORM (for Description of Ratings and Consultant response reply procedures)




Rating	Description of Rating
Exceptional	Performance <i>significantly exceeds</i> Contract requirements to the Owner's benefit. For example, the Contractor implemented innovative or business process reengineering techniques, which resulted in added value to the Owner. The contractual performance of the element or sub-element being assessed was accomplished with few minor problems for which corrective actions taken by the Contractor were highly effective.
Good	Performance meets contractual requirements and <i>exceeds in some area(s)</i> to the Owner's benefit. The contractual performance of the element or sub-element being assessed was accomplished with some minor problems for which corrective actions taken by the Contractor were effective
Satisfactory	Performance <i>meets</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear satisfactory, or completed corrective actions were satisfactory.
Cautionary	Performance did not quite <i>meet</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear to be a continued minor concern, or completed corrective actions were slightly below satisfactory.
Not Satisfactory	Performance <i>does not meet some</i> contractual requirements. The contractual performance of the element or sub-element being assessed reflects a serious problem for which the Contractor has submitted minimal corrective actions, if any. The Contractor's proposed actions appear only marginally effective or were not fully implemented.
Unacceptable	Performance <i>does not meet</i> contractual requirements and <i>recovery is not likely</i> in a timely or cost effective manner. The contractual performance of the element or sub-element contains serious problem(s) for which the Contractor's corrective actions appear or were ineffective.

A Consultant shall receive a Suspension letter if an “Unacceptable” rating is received in any category(s) for a final evaluation. A Consultant shall receive a Probation letter if a “Not Satisfactory” is received in any category(s) for a final evaluation.

The Consultant may comment on this evaluation and/or appeal any, “Probation” or “Suspension” to the Manager, Procurement Services ([gsears@newmarket.ca](mailto:gsears@newmarket.ca)), in writing, within ten (10) calendar days of receiving the Final Performance Evaluation form; otherwise the evaluation shall be final.

For further information on the Town of Newmarket’s Performance Evaluation Procedures (see Schedule F of the Procurement By-law, as amended).

CONSULTING FIRM NAME			
BID NUMBER:		PROJECT NAME:	
Consultant Representative Name		Consultant Representative Signature	
Consultant Comments on Evaluation (use separate form if necessary)			
Date of reply to Town Procurement Representative			

		245			
General Consultant Performance Evaluation					
BID NUMBER:		PROJECT NAME:			
PROCUREMENT REPRESENTATIVE		DEPARTMENT REPRESENTATIVE(S)			
CONTRACT AWARD DATE		SUBSTANTIAL CONTRACT COMPLETION DATE			
CONSULTANT NAME		CONSULTANT CONTACT			
CONSULTANT ADDRESS					
CONSULTANT EMAIL					
FINAL OR INTERIM EVALUATION		DATE OF EVALUATION			
IF THIS IS A FINAL EVALUATION, HAS AN INTERIM EVALUATION BEEN PERFORMED		YES	NO	DATE OF INTERIM EVALUATION	
NUMBER OF CHANGE ORDERS				FINAL CONTRACT COMPLETION DATE	
EVALUATION CRITERIA	EVALUATION ASSESSMENT		COMMENTS BY EVALUATOR		
	Category Rating (Rating key on reverse of form)	Check Box			
Administration	Exceptional				
	Good				
	Satisfactory				
	Cautionary				
	Not Satisfactory				
	Unacceptable				
Timeliness to complete project	Exceptional				
	Good				
	Satisfactory				
	Cautionary				
	Not Satisfactory				
	Unacceptable				
Cost Control of project	Exceptional				
	Good				
	Satisfactory				
	Cautionary				
	Not Satisfactory				
	Unacceptable				
Contract Management	Exceptional				
	Good				
	Satisfactory				
	Cautionary				
	Not Satisfactory				
	Unacceptable				
Quality of Services	Exceptional				
	Good				
	Satisfactory				
	Cautionary				
	Not Satisfactory				
	Unacceptable				
TOWN STAFF GENERAL COMMENTS					
Staff Project Evaluator Name			Staff Project Evaluator Signature		
Staff Director Name			Staff Director Signature		
Manager of Procurement Signature					

SEE REVERSE OF FORM (for Description of Ratings and Consultant response reply procedures)

Rating	Description of Rating
Exceptional	Performance <i>significantly exceeds</i> Contract requirements to the Owner's benefit. For example, the Contractor implemented innovative or business process reengineering techniques, which resulted in added value to the Owner. The contractual performance of the element or sub-element being assessed was accomplished with few minor problems for which corrective actions taken by the Contractor were highly effective.
Good	Performance meets contractual requirements and <i>exceeds in some area(s)</i> to the Owner's benefit. The contractual performance of the element or sub-element being assessed was accomplished with some minor problems for which corrective actions taken by the Contractor were effective
Satisfactory	Performance <i>meets</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear satisfactory, or completed corrective actions were satisfactory.
Cautionary	Performance did not quite <i>meet</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear to be a continued minor concern, or completed corrective actions were slightly below satisfactory.
Not Satisfactory	Performance <i>does not meet some</i> contractual requirements. The contractual performance of the element or sub-element being assessed reflects a serious problem for which the Contractor has submitted minimal corrective actions, if any. The Contractor's proposed actions appear only marginally effective or were not fully implemented.
Unacceptable	Performance <i>does not meet</i> contractual requirements and <i>recovery is not likely</i> in a timely or cost effective manner. The contractual performance of the element or sub-element contains serious problem(s) for which the Contractor's corrective actions appear or were ineffective.

A Consultant shall receive a Suspension letter if an “Unacceptable” rating is received in any category(s) for a final evaluation. A Consultant shall receive a Probation letter if a “Not Satisfactory” is received in any category(s) for a final evaluation.

The Consultant may comment on this evaluation and/or appeal any, “Probation” or “Suspension” to the Manager, Procurement Services ([gsears@newmarket.ca](mailto:gsears@newmarket.ca)), in writing, within ten (10) calendar days of receiving the Final Performance Evaluation form; otherwise the evaluation shall be final.

For further information on the Town of Newmarket’s Performance Evaluation Procedures (see Schedule F of the Procurement By-law, as amended).

CONSULTING FIRM NAME			
BID NUMBER:		PROJECT NAME:	
Consultant Representative Name		Consultant Representative Signature	
Consultant Comments on Evaluation (use separate form if necessary)			
Date of reply to Town Procurement Representative			



BID NUMBER:		PROJECT NAME:	
PROCUREMENT REPRESENTATIVE		DEPARTMENT REPRESENTATIVE(S)	
CONTRACT AWARD DATE		SUBSTANTIAL CONTRACT COMPLETION DATE	
VENDOR NAME		CONSULTANT CONTACT	
VENDOR ADDRESS			
VENDOR EMAIL			
FINAL OR INTERIM EVALUATION		DATE OF EVALUATION	
IF THIS IS A FINAL EVALUATION, HAS AN INTERIM EVALUATION BEEN PERFORMED	YES	NO	DATE OF INTERIM EVALUATION
NUMBER OF CHANGE ORDERS			FINAL CONTRACT COMPLETION DATE
EVALUATION CRITERIA	EVALUATION ASSESSMENT		COMMENTS BY EVALUATOR
	Category Rating (Rating key on reverse of form)	Check Box	
Administration	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Quality of Equipment/Vehicle for purpose of use	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Timelines	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Training	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
After Sales and Service Support	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
TOWN STAFF GENERAL COMMENTS			
Staff Project Evaluator Name		Staff Project Evaluator Signature	
Staff Director Name		Staff Director Signature	
Manager of Procurement Signature			

SEE REVERSE OF FORM (for Description of Ratings and Vendor response reply procedures)

Rating	Description of Rating
Exceptional	Performance <i>significantly exceeds</i> Contract requirements to the Owner's benefit. For example, the Contractor implemented innovative or business process reengineering techniques, which resulted in added value to the Owner. The contractual performance of the element or sub-element being assessed was accomplished with few minor problems for which corrective actions taken by the Contractor were highly effective.
Good	Performance meets contractual requirements and <i>exceeds in some area(s)</i> to the Owner's benefit. The contractual performance of the element or sub-element being assessed was accomplished with some minor problems for which corrective actions taken by the Contractor were effective
Satisfactory	Performance <i>meets</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear satisfactory, or completed corrective actions were satisfactory.
Cautionary	Performance did not quite <i>meet</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear to be a continued minor concern, or completed corrective actions were slightly below satisfactory.
Not Satisfactory	Performance <i>does not meet some</i> contractual requirements. The contractual performance of the element or sub-element being assessed reflects a serious problem for which the Contractor has submitted minimal corrective actions, if any. The Contractor's proposed actions appear only marginally effective or were not fully implemented.
Unacceptable	Performance <i>does not meet</i> contractual requirements and <i>recovery is not likely</i> in a timely or cost effective manner. The contractual performance of the element or sub-element contains serious problem(s) for which the Contractor's corrective actions appear or were ineffective.

A Vendor shall receive a Suspension letter if an "Unacceptable" rating is received in any category(s) for a final evaluation. A Vendor shall receive a Probation letter if a "Not Satisfactory" is received in any category(s) for a final evaluation.

The Vendor may comment on this evaluation and/or appeal any, "Probation" or "Suspension" to the Manager, Procurement Services ([gsears@newmarket.ca](mailto:gsears@newmarket.ca)), in writing, within ten (10) calendar days of receiving the Final Performance Evaluation form; otherwise the evaluation shall be final.

For further information on the Town of Newmarket's Performance Evaluation Procedures (see Schedule F of the Procurement By-law, as amended).

CONSULTING FIRM NAME			
BID NUMBER:		PROJECT NAME:	
Vendor Representative Name		Vendor Representative Signature	
Vendor Comments on Evaluation (use separate form if necessary)			
Date of reply to Town Procurement Representative			

BID NUMBER:		PROJECT NAME:	
PROCUREMENT REPRESENTATIVE		DEPARTMENT REPRESENTATIVE(S)	
CONTRACT AWARD DATE		SUBSTANTIAL CONTRACT COMPLETION DATE	
VENDOR NAME		CONSULTANT CONTACT	
VENDOR ADDRESS			
VENDOR EMAIL			
FINAL OR INTERIM EVALUATION		DATE OF EVALUATION	
IF THIS IS A FINAL EVALUATION, HAS AN INTERIM EVALUATION BEEN PERFORMED	YES	NO	DATE OF INTERIM EVALUATION
NUMBER OF CHANGE ORDERS			FINAL CONTRACT COMPLETION DATE
EVALUATION CRITERIA	EVALUATION ASSESSMENT		COMMENTS BY EVALUATOR
	Category Rating (Rating key on reverse of form)	Check Box	
Administration	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Quality of Goods/Services	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Timelines	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Cost Control	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Health and Safety	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
TOWN STAFF GENERAL COMMENTS			
Staff Project Evaluator Name		Staff Project Evaluator Signature	
Staff Director Name		Staff Director Signature	
Manager of Procurement Signature			

SEE REVERSE OF FORM (for Description of Ratings and Vendor response reply procedures)



Rating	Description of Rating
Exceptional	Performance <i>significantly exceeds</i> Contract requirements to the Owner's benefit. For example, the Contractor implemented innovative or business process reengineering techniques, which resulted in added value to the Owner. The contractual performance of the element or sub-element being assessed was accomplished with few minor problems for which corrective actions taken by the Contractor were highly effective.
Good	Performance meets contractual requirements and <i>exceeds in some area(s)</i> to the Owner's benefit. The contractual performance of the element or sub-element being assessed was accomplished with some minor problems for which corrective actions taken by the Contractor were effective
Satisfactory	Performance <i>meets</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear satisfactory, or completed corrective actions were satisfactory.
Cautionary	Performance did not quite <i>meet</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear to be a continued minor concern, or completed corrective actions were slightly below satisfactory.
Not Satisfactory	Performance <i>does not meet some</i> contractual requirements. The contractual performance of the element or sub-element being assessed reflects a serious problem for which the Contractor has submitted minimal corrective actions, if any. The Contractor's proposed actions appear only marginally effective or were not fully implemented.
Unacceptable	Performance <i>does not meet</i> contractual requirements and <i>recovery is not likely</i> in a timely or cost effective manner. The contractual performance of the element or sub-element contains serious problem(s) for which the Contractor's corrective actions appear or were ineffective.

A Vendor shall receive a Suspension letter if an “Unacceptable” rating is received in any category(s) for a final evaluation. A Vendor shall receive a Probation letter if a “Not Satisfactory” is received in any category(s) for a final evaluation.

The Vendor may comment on this evaluation and/or appeal any, “Probation” or “Suspension” to the Manager, Procurement Services ([gsears@newmarket.ca](mailto:gsears@newmarket.ca)), in writing, within ten (10) calendar days of receiving the Final Performance Evaluation form; otherwise the evaluation shall be final.

For further information on the Town of Newmarket’s Performance Evaluation Procedures (see Schedule F of the Procurement By-law, as amended).

CONSULTING FIRM NAME			
BID NUMBER:		PROJECT NAME:	
Vendor Representative Name		Vendor Representative Signature	
Vendor Comments on Evaluation (use separate form if necessary)			
Date of reply to Town Procurement Representative			

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Contractor Performance Evaluation

BID NUMBER:		PROJECT NAME:	
PROCUREMENT REPRESENTATIVE		DEPARTMENT REPRESENTATIVE(S)	
CONTRACT AWARD DATE		SUBSTANTIAL CONTRACT COMPLETION DATE	
CONTRACTOR NAME		CONSULTANT CONTACT	
CONTRACTOR ADDRESS			
CONTRACTOR EMAIL			
FINAL OR INTERIM EVALUATION		DATE OF EVALUATION	
IF THIS IS A FINAL EVALUATION, HAS AN INTERIM EVALUATION BEEN PERFORMED	YES	NO	DATE OF INTERIM EVALUATION
NUMBER OF CHANGE ORDERS			FINAL CONTRACT COMPLETION DATE
EVALUATION CRITERIA	EVALUATION ASSESSMENT		COMMENTS BY EVALUATOR
	Category Rating (Rating key on reverse of form)	Check Box	
Administration	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Execution of Project / Project Management	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Timelines	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Cost Control	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
Health and Safety	Exceptional		
	Good		
	Satisfactory		
	Cautionary		
	Not Satisfactory		
	Unacceptable		
TOWN STAFF GENERAL COMMENTS			
Staff Project Evaluator Name		Staff Project Evaluator Signature	
Staff Director Name		Staff Director Signature	
Manager of Procurement Signature			

Rating	Description of Rating
Exceptional	Performance <i>significantly exceeds</i> Contract requirements to the Owner's benefit. For example, the Contractor implemented innovative or business process reengineering techniques, which resulted in added value to the Owner. The contractual performance of the element or sub-element being assessed was accomplished with few minor problems for which corrective actions taken by the Contractor were highly effective.
Good	Performance meets contractual requirements and <i>exceeds in some area(s)</i> to the Owner's benefit. The contractual performance of the element or sub-element being assessed was accomplished with some minor problems for which corrective actions taken by the Contractor were effective
Satisfactory	Performance <i>meets</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear satisfactory, or completed corrective actions were satisfactory.
Cautionary	Performance did not quite <i>meet</i> contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which proposed corrective actions taken by the Contractor appear to be a continued minor concern, or completed corrective actions were slightly below satisfactory.
Not Satisfactory	Performance <i>does not meet some</i> contractual requirements. The contractual performance of the element or sub-element being assessed reflects a serious problem for which the Contractor has submitted minimal corrective actions, if any. The Contractor's proposed actions appear only marginally effective or were not fully implemented.
Unacceptable	Performance <i>does not meet</i> contractual requirements and <i>recovery is not likely</i> in a timely or cost effective manner. The contractual performance of the element or sub-element contains serious problem(s) for which the Contractor's corrective actions appear or were ineffective.

A Contractor shall receive a Suspension letter if an “Unacceptable” rating is received in any category(s) for a final evaluation. A Contractor shall receive a Probation letter if a “Not Satisfactory” is received in any category(s) for a final evaluation.

The Contractor may comment on this evaluation and/or appeal any, “Probation” or “Suspension” to the Manager, Procurement Services ([gsears@newmarket.ca](mailto:gsears@newmarket.ca)), in writing, within ten (10) calendar days of receiving the Final Performance Evaluation form; otherwise the evaluation shall be final.

For further information on the Town of Newmarket’s Performance Evaluation Procedures (see Schedule F of the Procurement By-law, as amended).

CONSULTING FIRM NAME			
BID NUMBER:		PROJECT NAME:	
Contractor Representative Name		Contractor Representative Signature	
Contractor Comments on Evaluation (use separate form if necessary)			
Date of reply to Town Procurement Representative			

SCHEDULE “G” P-CARD PROCEDURES





The Corporation of the Town of Newmarket

P-Card Policy

Revision Date: September 10, 2013

Procurement Services P-Card Staff and US Bank Contact Information:

Lead P-Card Coordinator	Lisa Gold, CPPB	Procurement Systems Officer Procurement Services 905-953-5300, press 2, ext. 2353 <a href="mailto:lgold@newmarket.ca">lgold@newmarket.ca</a>
Primary Backup P-Card	Christine Wood	Procurement Officer Procurement Services 905-953-5300, press 2, ext 2355 <a href="mailto:cwood@newmarket.ca">cwood@newmarket.ca</a>
Secondary Backup P-Card	Anne Sugar	Procurement Clerk Procurement Services 905-953-5300, press 2, ext 2352 <a href="mailto:asugar@newmarket.ca">asugar@newmarket.ca</a>
Lost or Stolen Card	US Bank	1-800-588-8065, then notify the Corporation's Lead P-Card Coordinator

## 1. THE CORPORATION'S P- CARD PROVIDER:

Royal Bank of Canada (RBC) has established a joint marketing agreement with U.S. Bank Canada to provide commercial cards to our Cardholders.

## 2. INTRODUCTION:

The purpose of this Policy is to communicate procedures for use of the Corporation's Procurement Card, hereafter called P-Card, to enable P-Card Cardholders to efficiently purchase goods, service(s) and construction, in compliance with this policy, as amended and the Procurement Bylaw, as amended:

- a) Valued up to \$ 5,000.00, or
- b) Where the Cardholder, Treasurer, Department Head or Commissioner have approved a temporary increase, where it is in the best interest of the Town.
- c) As per Schedule "E" Position Exceptions of the Procurement bylaw, as amended or
- d) For Financial Services staff to make a payment for a public bid up to \$99,999.99 (inclusive of taxes), where it is in the best interest of the Town and approved by the Treasurer or
- e) When a municipal emergency is declared by the Mayor and/or CAO and the limits for any or all P-Cards will increase, as per the Procurement By-law Schedule "D", as amended or
- f) Emergency Municipal P-Cards may be used by Procurement staff up to an unlimited value during a municipal emergency, when pre-approved in writing, by the Commissioner or CAO.

H.S.T. is additional to all transaction limits (except for item d above).

The Manager, Procurement Services may at the direction of a Department Head, Commissioner or C.A.O., add additional positions exceptions (Schedule "E" of the Procurement bylaw, as amended) that have higher transaction and monthly limits, where it is in the best interest of the Town.

In addition all corporate P-Cards have been blocked for the Standard Merchant Category Codes (MCC) and some P-Cards may be blocked from the Optional Merchant Category Codes (MCC) based on Cardholder application approved by the Department Head. See Appendices Form -07 for MCC categories.

All purchases made with the P-Card shall be on behalf of the Corporation. Purchasing on behalf of the Corporation requires special sensitivity on the part of the Cardholder to obtain fair and reasonable prices in accordance with this policy and adhering to ethical behavior.



Individual user profiles are established for each employee, hereinafter referred to as "Cardholder" for the P-Card program. Dollar limits are established for each Cardholder based on the nature of the work performed and as stipulated by their Commissioner and/or Director. There are two dollar limits established for all P-Cards:

- Total Cycle Dollar Limit per month.
- Maximum Dollar Amount per Transaction (not to exceed \$10,000.00 per transaction), except for the exemptions stated above.

Cardholders may use a P-Card for travel expenditures (with the permission of their Department Head or Commissioner).

### 3. OBTAINING A P-CARD:

A P-Card request form (see Appendices P-Card Form 01) shall be completed and authorized by the Department Head or Commissioner or C.A.O., (a request for a Department Head's P-Card shall be approved by their Commissioner, and a request for a Commissioner's P-Card shall be approved by the C.A.O.).

Before a Cardholder can receive a P-Card and be authorized to make purchases on behalf of the Corporation, the Cardholder shall attend a P-Card training class, read and understand this P-Card policy and sign a Cardholder Agreement. Signing of the Cardholder Agreement indicates that the employee understands and agrees to abide by the P-Card Policy.

### 4. P-CARD PROGRAM ROLES:

To ensure compliance when using the P-Card, the following roles were created:

- Cardholder:** The individual whose name appears on the P-Card and who is accountable for all charges made with the card. Cardholders are required to complete P-Card training when applying for their first P-Card, comply with the terms of the P-Card policy and sign the Cardholder Agreement Form (appendices Form-02). The Cardholder's name and the Corporate Logo will be embossed on their Corporate P-Card that is designed to prevent confusion with personal credit cards. It is suggested that P-Cardholders keep their P-Card in a separate section of their wallet to differentiate the corporate card from personal cards.
- Approver:** This is typically the person the Cardholder reports to, it is this person's responsibility to complete the administrative review of the Cardholder's statement and receipts. It is the responsibility of the Approver to address Cardholders about questionable transactions. After the review is completed and any questions have been answered, the Approver is required to sign the statement indicating approval of the reported transactions. Approvers are required to comply with the terms

of the P-Card policy and sign the Approver Agreement Form (appendices Form-03).

- c. **Reconciler:** The Cardholder or a staff person designated by the Cardholder's Department Head shall perform the monthly P-Card reconciliation. Reconcilers are required to comply with the terms of the P-Card policy and sign the Reconciler Agreement Form (appendices Form-04).

## 5. P-CARD OWNERSHIP- KEEPING THE CARD SECURE:

- The P-Card should be treated with the same security as a personal credit card:
- Keep it with you—do not lock it in a desk or file cabinet.
- Do not write any portion of the P-Card number down or share the number with others.
- Do not give the P-Card number to a merchant to “keep on file” or share your card and/or number with another staff member. This practice opens a greater window of opportunity for fraudulent activity to be placed on the card. A staff member that does not have a P-Card but their job function requires that person to make corporate purchases shall request a P-Card through their Department Head using Form-01 (see appendices)

## 6. CARDHOLDER TO OBTAIN DETAILED RECEIPTS

A proper detailed receipt shows the itemized description of the items purchased, the date of purchase, the amount paid, taxes paid and the method of payment. It is the Cardholder's responsibility to obtain detailed receipts and other documentation (i.e. warranty information) from the merchant(s) each time the Cardholder uses the P-Card.

It is vital that the detailed receipt be submitted, as it is required by the Financial Services Department to claim for the H.S.T. rebate (if applicable) for the purchase, otherwise the Cardholder's department will not receive these rebate funds. **IN OTHER WORDS, THE DEPARTMENT HAS LOST MONEY.**

The detailed receipt is also a good audit trail to prove that the purchase was made and what it was for.

## 7. ALCOHOL PURCHASES

Alcohol shall **not** be purchased on the P-Card, with the sole exception being, where the purchase has been pre-authorized in writing by the Manager, Procurement Services, or designate for purchase of alcohol for a corporate event.

The following positions are exempt from this restriction:

1. The Economic Development Officer, or designate
2. The Executive Assistant to the Mayor, or designate, with the authorization of the Mayor.
3. The Executive Assistant to the C.A.O., or designate, with the authorization of the C.A.O.
4. The C.A.O.

## 8. RECONCILER RESPONSIBILITIES

Each Cardholder **either** does their own reconciliation or the responsibility is assigned to a Reconciler by the Department Head. For the monthly P-Card reconciliation, the Reconciler:

- Checks receipts against transactions on statement to ensure the charges are correct.
- Verifies the dollar value for each transaction.
- Enters the following information:
  - General Ledger Account number(s)
  - Description of Purchase
  - For charges to conferences general ledger, the employee vendor type and number
  - The National Tax if it is not stated (this is the H.S.T. amount shown on the Cardholder's detailed receipt). The following list provides some examples (not an exclusive list) of purchases, where the National Tax (H.S.T) should be corrected:  
  
Grocery Store purchases  
  
Restaurants  
  
Any out of province purchases
  - If the National Tax amount stated is **not correct** for this purchase (**DO NOT** change it if the difference is **five cents or less**)
- Prints the P-Cardholder Activity Report after reconciling all transactions
- Assembles the P-Card statement and supporting documentation and forwards all to the Cardholder and/or Approver for review and signatures.

**Note:** The time constraints for submitting the reconciled statement to the Procurement Services Department, prior to the deadline makes it challenging to have the Cardholder sign off on the reconciled statement. It is permissible for the Reconciler, at the end of the billing cycle, to print the statement of purchases for that cycle for each Cardholder and have the Cardholder review all purchases to ensure accuracy, sign the statement and return it to their Reconciler promptly to include with the statement to be signed by the Approver.

If a Cardholder is on vacation or off due to illness – the Statement should be signed upon their return to work and submitted to Procurement Services.

#### **9. STAFF RESPONSIBILITIES FOR ORDERING LOW VALUE GOODS AND/OR SERVICES:**

Staff that are purchasing low value goods and services on behalf of the Town should at the time of ordering, provide the Vendor either:

**a. A P-Card or P-Card information if ordering by phone/web.**

Note: All existing processes for payment of term contracts paid by P-Card will remain status quo and are to be paid by the user department using their own P-Card or Ghost Card.

**b. A Low Value Purchase Order generated by the user in JD Edwards.** Staff shall instruct the Vendor to send the invoice directly to Financial Services – Accounts Payable and that the Low Value Purchase Order is referenced on the invoice.

Staff should obtain three quotations where ever possible.

Staff are to obtain both WSIB and Insurance from the Vendor when acquiring a service, failure to do so, may subject the Town to risk including but not limited to:

WSIB Act s.141 (6) If the person is not deemed to be the employer, the person shall ensure that the contractor or subcontractor complies with his, her or its obligations to make payments under the insurance plan. The person is liable to the extent that the contractor or subcontractor does not meet those obligations

**c. The Procurement Department staff, when bidding goods, services, construction up to \$ 99,999.99, will be asking bidders if they would accept visa for payment.** These bids will be paid by Financial Services – Accounts Payable staff using their P-Card, after the user department has approved the invoice for payment.

- d. **New Policy:** Financial Services will be returning all invoices for the purchase of goods and services that do not reference a low value purchase order to the user department to enter a low value purchase order.

## 10. USING THE P-CARD

The P-Card may be used to make transactions over-the-counter, by mail, via telephone, or over the Internet. The Cardholder has the responsibility to account for all transactions made using the P-Card. This includes maintaining detailed printed receipts including confirmations of Internet transactions.

## 11. CHOOSE THE APPROPRIATE BUYING METHODS

Before making a purchase with the P-Card, Cardholders should consider the following steps, which are presented in the order in which you should consider using them:

- a. **Internal Service Providers:** If a good or service is available through another department. For example:
  - Does another department have the tool or equipment that can be used, rather than renting or buying?
  - Can Town staff paint the office, instead of hiring an outside painter?
- b. **Formal Term Contracts:** Employees should utilize formal Term contracts with suppliers established by Procurement Services that support the procurement needs of the entire Corporation for specific goods or services. Cardholders are not responsible for obtaining Insurance and WSIB certificates for purchases made from Term contracts, as these forms are already on file with the Corporation. For example:
  - Office supplies
  - HVAC
  - Overhead Door repair

For a complete list of Town Term contracts visit the Town's TONI intranet at:

<http://toni/Page132.aspx>

**Corporate Term Contracts should be considered the primary sources for any purchase of goods or services.** If the required good or service is available through a Corporate Contract it should be purchased from that contract.

- c. All other Purchases for goods and/or services:

- After consideration of the first two buying options, Cardholders may purchase goods and/or services up to their transaction limit.
- If you are obtaining **a service** which is not available through the first two buying options, you are required to obtain the following documentation **prior** to the Contractor performing any service for you:
  - i. A faxed or emailed copy of the Contractor's current WSIB Certificate of Clearance
  - ii. The Contractor shall have their Insurance Company complete the Town Insurance Certificate form for the minimum following coverage. –link to <T:\Public\Procurement Services\Low Value Purchases>
    - (a) Comprehensive general liability insurance on an occurrence basis for an amount of not less than Two Million Dollars (\$2,000,000) and shall include the Owner, The Corporation of the Town of Newmarket, as an Additional Insured with respect to the Contractor's operations, acts and omissions relating to its obligations under this Agreement, such policy to include, but not be limited to, non-owned automobile liability; personal injury; broad form property damage; blanket contractual liability; owners and contractors protective liability; products and completed operations liability; contingent employers' liability; and, cross liability and severability of interest clauses.
    - (b) Automobile liability insurance for an amount not less than Two Million Dollars (\$2,000,000) on forms meeting statutory requirements covering all licensed vehicles used in any manner in connection with the performance of the terms of this Agreement.

Note: If it is a service that will be used more than once - contact the Procurement Services Department, as it may be more appropriate for the Procurement Services Department to bid the service and establish a formal term contract.

Once the service is completed, follow the steps stated on the Procedures for Receiving and Inspecting Goods Services Poster displayed at all Town facilities. If you obtained a service, the Contractor's WSIB Certificate and Insurance form shall be included in the Cardholder's P-Card Statement along with the detailed receipt/invoice.

## 12. DUPLICATION OF PAYMENT

Invoices that are received by the Town should either indicate the Purchase Order Number or if paid by P-Card the Invoice should state:

- Paid by P-Card and



- the Cardholders name

This will help ensure that invoices are not paid twice by the Corporation.

### **13. P-CARD STATEMENT OR SUPPORTING DOCUMENTATION**

If Cardholder's P-Card Statement is incomplete (e.g., the Cardholder has not signed the statement, or you have not provided all required receipts), the Approver will return the statement to you for correction. Once corrected, you must return the statement and supporting documents to the Approver to complete the review process. The completed and signed statements are then forwarded to Procurement Services Department (P-Card Coordinator) for review prior to payment. The P-Card Coordinator will advise both the Cardholder and Approver, to provide any missing information or to provide further clarification, prior to the closing date for statements. Failure to do so may result in progressive discipline, as detailed in this policy.

### **14. RETURNS, CREDITS AND DISPUTED ITEMS**

If you have a problem with a purchased item or with billing resulting from the use of the Corporate P-Card, you should first try to resolve the issue with the supplier that provided the item. In most cases, disputes can be resolved directly between the Cardholder and the supplier. The Cardholder must use the following guidelines when returning an item:

- The Cardholder must send the item back to the supplier in a manner agreed upon by the Cardholder and the supplier.
- Record the return on Cardholder P-Card Statement. The supplier should issue a credit to the Cardholder's P-Card for any item that has been agreed to for return. This credit will appear on a subsequent monthly statement.
- Documentation of the return (such as a credit receipt) should be issued by the supplier and kept on file by the Cardholder for reconciliation to the monthly statement. Cardholders must specifically request a credit to the P-Card for any return that was originally charged to the P-Card.
- If a supplier refuses to credit the Corporate P-Card, the Cardholder shall report this information to Corporate P-Card Coordinator at 905-953-5335.
- If you are unable to resolve a dispute with the supplier, contact the Corporate P-Card Coordinator at 905-953-5335. The card provider will investigate and assist in resolving the dispute on the Cardholder's behalf.

### **15. BILLING CYCLE**

The P-card cycle runs from the 16th of one month to the 15th of the following month. P-card transactions posted on-line can be reconciled on-line at any time throughout the month. Following the cycle close, an email is issued to all

cardholders as a reminder to complete their reconciliations and submit their signed cardholder activity statement to their Approver within 7 calendar days, but no later than the 22nd of the month. Once reviewed and approved by the Approver, the submission envelope will be forwarded immediately to the Procurement Services Department. The P-Card Coordinator will review all transaction summaries for accuracy and completeness. The accounts will lock in Access On-line at the end of the day on the 28th of the month and no further account coding can be done on-line. The Supplier of the Card Program will then send a file to be uploaded into the general ledger in JD Edwards on the 29th of the month. Any further adjustments to the account coding can only be done through a journal entry by the Financial Services Department staff.

## 16. INTERNAL AUDIT

On a monthly basis, approximately twenty (20) Town of Newmarket Cardholders will be audited and on a quarterly basis, approximately three (3) Newmarket Public Library Cardholders will be audited by Town staff to ensure compliance with this policy. Those Cardholders found to be non-compliant and if it is a 1<sup>st</sup> offense, a notice of the non-compliance will be issued by the Manager, Procurement Services to the following staff and the Cardholder's monthly statement will be audited for an additional consecutive three (3) month period.

NOTIFICATION TO BE SENT TO:	
Cardholder	
Cardholder Approver	

2<sup>nd</sup> Offenses will be escalated to the following staff and the Cardholder's monthly statement will be audited for an additional consecutive three (3) month period.

NOTIFICATION TO BE SENT TO:	
Cardholder	
Cardholder Approver	
Department Head	
Commissioner	

3<sup>rd</sup> Offenses will be escalated to the following staff and the Cardholder's monthly statement will be audited for an additional consecutive three (3) month period.

NOTIFICATION TO BE SENT TO:	
Cardholder	
Cardholder Approver	
Department Head	
Commissioner	
C.A.O.	
Director, Human Resources	
Treasurer	

In addition to the 3<sup>rd</sup> notification or at any time, depending of the severity of the non-compliance, the Manager, Procurement Services may suspend the Cardholder's card for a period of at least thirty (30) days and the Cardholder must attend a re-orientation session before the card is re-activated.

## P-CARD APPLICATION FORM

*P-Card Form-01*

*Return this completed form to the P-Card Coordinator  
Procurement Services Department*

First Name	Initial	Last Name
Employee Number	Commission	Department
Town Facility Office Location		Default Business Unit (i.e. 13-221)

The information provided herein is for the sole purpose of the financial institution security. This information is private and confidential and will not be released to other parties without prior written consent of the applicant.

Type	Description	Single Transaction Limit (STL) \$ Amount – H.S.T. is additional		Monthly Transaction Limit (MTL) \$ Amount – H.S.T. is additional	
Type 1	Basic Cardholder	Maximum:	\$	Maximum:	\$
Type 2	Ghost Card	Maximum:	\$	Maximum:	\$

All Corporate P-Cards will not be eligible to purchase from commodities/services listed in Standard Town Merchant Category Code (MCC) Restrictions, such as; (Services for Ambulance, Veterinary, Medical, Financial, Insurance, Legal, Taxes, and Counselling), for a detailed list see the P-card Policy Appendices Form-07.

Check if this Card should not be eligible to purchase from the ***Additional MCC Exclusions such as:*** (Airlines, Rail, Hotels, Entertainment, Amusement Recreation, Bars, Taverns, Vehicle Dealers, Barber/Beauty, Furriers)

☐

NOT ELIGIBLE

<b>Employee Signature</b>		Date:	
<b>Department Head or Commissioner Signature</b>		Date:	
<b>P-Card Coordinator</b>		Date:	
<b>Manager, Procurement Services Signature</b>		Date:	

1. The P-Card should arrive in approximately five (5) business days of the submitted request to US Bank.
2. The Cardholder will be notified by Procurement Services, when the P-Card has arrived and shall be required to attend a training session with a member of Procurement Services P-Card staff.

## Town of Newmarket P-Card Cardholder Agreement Form-02

You are being entrusted with a US BANK Purchase Visa Card ("the Card"). The Card is provided to you based on your need to purchase supplies and/or services for the Town of Newmarket. The Card is the property of the Town of Newmarket and use of the Card may be terminated at any time. Your signature below indicates you have read this Cardholder Agreement and will comply with the terms herein.

- I understand that I shall be making financial commitments on behalf of the Town of Newmarket and shall strive to obtain the best value for Town of Newmarket in any purchase I make.
- I shall obtain **detailed receipts** for all Card transactions (especially at Restaurants get the detailed receipt which shows the taxes paid). In order for the Town to receive a tax rebate, the Cardholder shall obtain a detailed receipt, indicating items purchased and the HST paid (where applicable).
- I or a department designate shall review my monthly P-Card statements and reconcile with my receipts.
- I shall follow the procedures and policies outlined for me in the use of the Card. Failure to follow these procedures and policies could be considered as misappropriation of Town of Newmarket funds. Failure to comply with this Cardholder Agreement may result in either revocation of my privileges or other corrective action, up to and including termination of my employment.
- I understand that **under no circumstances will I use the Card to make personal purchases**, either for myself or for others. Using the Card for personal charges could be considered misappropriation of Town of Newmarket funds and could result in corrective action up to and including termination of my employment.
- I agree that should I violate the terms of this Cardholder Agreement and use the Card for personal use or gain, I will immediately reimburse the Town of Newmarket for all incurred charges and any fees related to the collection of those charges.
- The Card is issued in my name and the name of the Town of Newmarket. **I shall not allow any other person or staff member to use the Card or its number.** I am considered responsible for any and all charges against the Card.
- **I shall not split a transaction** to remain under my transaction threshold.
- I shall not use the Card to purchase alcohol. When travelling on corporate business, I shall advise the P-Card Coordinator of my plans at 905-953-5335.
- I shall not purchase computer equipment or software, without the prior approval of the IT department.
- I shall not purchase office furniture, office equipment or corporate stationery (business cards, letterhead or envelopes), without the prior approval of the Procurement department.
- The Card is the property of the Town of Newmarket. I understand that I may be periodically required to comply with internal control procedures and audits designed to protect the funds of the Town of Newmarket.
- If the Card is lost or stolen, I shall immediately notify the US BANK Visa Business Card Group or US BANK Visa Customer Service at 1.800.588.8065 and the Town of Newmarket P-Card Coordinator at 905-953-5335 during business hours.
- I or my Reconciler will reconcile the statement and I will resolve any discrepancies with the supplier. I will submit all receipts and the transaction statement signed by me to my Department Head for authorization, who will then forward it to the Procurement Services Department.
- I agree to surrender the US BANK P-Card immediately at the request of the Manager, Procurement Services or upon termination of my employment.
- I have been provided a copy of the P-Card Policy and have received appropriate training.

<b>Cardholder Name</b>		<b>Cardholder Signature</b>	
<b>Date of P-Card Training Session</b>			

## Town of Newmarket P-Card Approver Agreement Form-03

The Town's P-Card program delegates both authority and responsibility for the purchase of low value goods and services to staff, up to the limits approved by the applicable Department Head and/or Commissioner. As the Approver of your staff(s) P-Card monthly statements, it is your responsibility to review and approve these purchases to ensure compliance with the P- Card Policy, as amended. This Agreement lists your primary responsibilities in the P-Card Program:

- I shall promptly obtain and review the monthly P-Card Statements and associated transaction records in my area. If all transactions are appropriate I will indicate my review and approval by signing the monthly statement and forward to the Procurement Services Department.
- I shall promptly report to the Town's P-Card Coordinator at 905-953-5335, any suspected misuse of the P-Card.
- I shall review transactions to ensure that:
  - All receipts are provided for all transactions.
  - In my opinion, the purchases represent the best value for the Town.
  - Transactions are not split.
  - Alcohol is not purchased, except where provided by this policy.
  - The g/l account assigned is accurate and complete.
- To reduce the chance of fraud, I shall endeavour that P-Card numbers are not written down and/or shared amongst staff.
- I shall ensure that Cardholders promptly report any lost or stolen P-Cards.
- I shall ensure that Cardholders who are leaving employment at the Town return their P-Card to the P-Card Coordinator for cancellation.
- I shall notify the P-Card Coordinator of any changes or deletions to the authorities delegated.
- I have been provided a copy of the P-Card Policy and have received appropriate training.

<b>Approver Name</b>		<b>Approver Signature</b>	
<b>Date of P-Card Training Session</b>			



**Town of Newmarket P-Card  
Reconciler Agreement Form-04**

I, the undersigned, hereby acknowledge that I will be responsible for the following:

1. Reviewing transactions in a timely manner and reallocating the purchases to appropriate G/L accounts with assistance from either the Cardholder or the Card Approver.
2. Verifying that receipts and other appropriate supporting documentation are attached for all purchases.
3. Notifying the Approver and P-Card Coordinator of any suspected inappropriate or fraudulent card use.
4. I have been provided a copy of the P-Card Policy and have received appropriate training.
5. As an authorized Reconciler I agree to comply with the terms and conditions of this Agreement and with the P-Card Policy.

<b>Reconciler Name</b>		<b>Reconciler Signature</b>	
<b>Date of P-Card Training Session</b>			

**P-CARD MAINTENANCE FORM**

(Changes required in card status, employee information, etc.) P-Card Form-05

☐ **TEMPORARY CHANGE**

<b>Effective Date</b>		<b>End Date</b>	
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☐ **PERMANENT CHANGE****NAME CHANGE IN CARD INFORMATION****CURRENT NAME INFORMATION**

<b>First Name</b>	<b>Initial</b>	<b>Last Name</b>

**REQUESTED NAME CHANGE INFORMATION**

<b>First Name</b>	<b>Initial</b>	<b>Last Name</b>

**CHANGES TO EMPLOYEE WORK AREA AND /OR REPORTING**

<b>Previous Commission</b>	<b>Previous Department</b>

<b>New Commission</b>	<b>New Department</b>
<b>New Cardholder Approver (who will be responsible for approving the Cardholder's P-Card Statement)</b>	<b>Effective Date:</b>

**CHANGES IN TRANSACTION LIMIT AND/OR MONTHLY LIMIT**

<b>Current Transaction Limit</b>		<b>Current Monthly Limit</b>	
----------------------------------	--	------------------------------	--

<b>Requested Transaction Limit</b>		<b>Requested Monthly Limit</b>	
------------------------------------	--	--------------------------------	--

**APPROVED BY**

<b>Cardholder Signature</b>		<b>Date</b>	
<b>Department Head or Commissioner Signature</b>		<b>Date</b>	
<b>Treasurer Signature (required for limit increases)</b>		<b>Date</b>	
<b>P-Card Coordinator Signature</b>		<b>Date</b>	
<b>Manager, Procurement Services Signature</b>		<b>Date</b>	

**P-CARD - NOTICE OF NON COMPLIANCE****NEWMARKET FORM-06****NOTICE OF NON-COMPLIANCE**

This Notice of Non-Compliance will be used by the Manager, Procurement Services to report non-compliance with P-Card policy.

P-Card activity and purchases will be monitored and each Cardholder will be audited at least once annually to ensure that the use of the P-Card and procedures are in compliance with P-Card Policy, as amended. Cardholders found to be non-compliant will be audited for an additional three month period to ensure compliance with P-Card Policy.

Detected non-compliance will be escalated and reported to higher senior management on each occurrence of non-compliance by P-Card User over a one (1) year period, or at the discretion of the Manager, Procurement Services, where it is in the best interest of the Town. Non-compliance may lead to:

- a. immediate and irrevocable forfeiture of the card and/or
- b. progressive discipline, up to and including termination of employment

**NON-COMPLIANCE ACTIVITY**

Transaction Date	State description of non-compliance

**NOTIFICATION**

1 <sup>ST</sup> Offense	NOTIFICATION TO BE SENT TO:	DATE OF NOTIFICATION
	Cardholder	
	Cardholder Approver	
	Internal Auditor	

2nd Offense	NOTIFICATION TO BE SENT TO:	DATE OF NOTIFICATION
	Cardholder	
	Cardholder Approver	
	Department Head	
	Commissioner	
	Internal Auditor	

3rd Offense card is re- activated	NOTIFICATION TO BE SENT TO:	DATE OF NOTIFICATION
	Cardholder	
	Cardholder Approver	
	Department Head	
	Commissioner	
	C.A.O.	
	Director, Human Resources	
	Treasurer	
	Internal Auditor	

In addition to the 3<sup>rd</sup> notification or at any time, depending of the severity of the non-compliance, the Manager, Procurement Services may suspend the Cardholder's card for a period of at least thirty days and the Cardholder must attend a re-orientation session before the card is re-activated.

<b>MCC CODE RESTRICTIONS – FORM 07</b>	
<b>MCC RESTRICTIONS – ALL CARDHOLDERS ARE RESTRICTED FROM PURCHASING</b>	
742	VETERINARY SERVICES
4119	AMBULANCE
4829	WIRE TRANSFER MONEY
5975	HEARING AIDS
5976	ORTHOPEDIC
6010	FINANCIAL - MANUAL CASH
6011	FINANCIAL - AUTO CASH
6012	FINANCIAL - INSTITUTIONS
6051	FINANCIAL - FOREIGN
6300	INSURANCE SALES
6381	INSURANCE PREMIUMS
6399	INSURANCE DEFAULT
7261	FUNERAL SERVICES
7273	DATING SERVICES
7276	TAX PREPARATION SERV
7277	COUNSELLING SERVICES
7297	MASSAGE PARLORS
7995	BETTING & CASINOS
8011	DOCTORS
8021	DENTISTS
8031	OSTEOATHS
8041	CHIROPRACTORS
8042	OPTOMETRISTS
8043	OPTICIANS
8044	OPTICAL GOODS
8049	CHIROPODISTS
8050	NURSING / PERSONAL CARD
8062	HOSPITALS
8071	MEDICAL / DENTAL LABS
8011	LEGAL SERVICES
8351	CHILD CARE SERVICES
9211	COURT COST/ALIMONY
9222	FINES
9223	BAIL & BOND PAYMENTS
9311	TAX PAYMENTS
<b>ADDITIONAL MCC RESTRICTIONS - OPTIONAL</b>	
ARIL	AIRLINES
7011	HOTELS/MOTELS/RESORTS
4011	RAILROADS
5681	FURRIERS
5698	WIGS
5921	BEER/WINE
7230	BARBER/BEAUTY
441	STEAMSHIPS
4457	BOAT RENTALS
4468	MARINAS
5271	MOBILE HOMES
5551	BOAT DEALERS
5561	TRAILER CAMPER DEALERS
5592	MOTOR HOME DEALERS
5598	SNOWMOBILE DEALERS



# SACRED HEART CATHOLIC HIGH SCHOOL

A Community Called to Share in the Development of the Whole Person

April 10, 2014

Mayor Tony Van Bynen and Members of Council

Town of Newmarket

**RE: Exemption from Noise By-Law for an event**

Dear Mayor Van Bynen and Members of Council:

I'm writing to you as the Staff Advisor for the Relay for Life Event to be held at Sacred Heart C.H.S. on behalf of the Canadian Cancer Society.

I am asking for an exemption to the Noise By-Law for our 2014 Relay for Life event, May 30<sup>th</sup> 11:30 am to May 30<sup>th</sup> 11:59 pm, at Sacred Heart.


I am writing to ask you to grant us permission to play music for the 12 hour time period. Since 2009, we have held this successful fundraising event at Sacred Heart Catholic High School.

Music is very important to the event as it helps keep our participants motivated and provides them with entertainment throughout the 12-hour event.

As always, we will do our best to ensure we do not disturb the neighbours. A letter will be hand delivered to the neighbours two weeks before the event. A copy of the letter is attached. We believe that Relay for Life is an important event. It will benefit the community at large as the funds that are raised in our community, stay in our community to support many services and educational initiatives.

Thank you for your support.

Sincerely,

  
Eugene Lee  
Staff Advisor  
Sacred Heart C.H.S.

  
Stephanie Ong  
Event Chair  
Sacred Heart C.H.S.



April 5<sup>th</sup>, 2014

**COMMUNITY SERVICES – RECREATION & CULTURE  
INFORMATION REPORT # 2014-12**

TO: Members of Council

COPY: Bob Shelton, CAO  
Anita Moore, Commissioner of Corporate Services  
Rob Prentice, Commissioner of Development and Infrastructure Services  
Members of OLT

SUBJECT: Newmarket Soccer Club Quarterly Update, Q1 2014

ORIGIN: Director of Recreation and Culture

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**COMMENTS**

The purpose of this report is to provide Council with a detailed update and address any previously submitted questions from Members of Council with respect the Newmarket Soccer Club. This report is in keeping with the commitment to provide written quarterly updates to Council. In accordance with the Procedure Bylaw, any member of Council may request an Information Report to be placed on an upcoming Committee of the Whole agenda for discussion.

***Inventory and Summary of Reports to Date on Newmarket Soccer Club (NSC)***

There have been five reports written to date regarding Newmarket Soccer Club, since the Club made the Town aware of their financial challenges at the end of July, 2013. Below is an inventory and summary of each of the reports:

Report # 2013-33 – Joint CAO and Commissioner, Community Services Confidential Information Report  
This report was distributed to Mayor and Members of Council on August 22, 2013. This report provided a recap of the presentation provided to Council by NSC at a Special Council Meeting on August 2, 2013. This information was provided in closed session as options considered included potential property matters. No decision was made through this report as it was strictly an information report to Council.

Report # 2013-34 – Community Services – Recreation & Culture Confidential Information Report  
This report was distributed to Mayor and Members of Council on August 26, 2013. This report provided a series of options to consider in response to the request of NSC. This information was provided in closed session as options considered included potential property matters. No decision was made through this report as it was strictly an information report to Council.

Report # 2013-36 Community Services – Recreation & Culture Closed Session Report  
This report was distributed to Mayor and Members of Council as part of the August 28<sup>th</sup> Committee of the Whole. This information was provided in closed session as options considered included potential property

matters. This report formally recommended three options for Council to consider. Each option was accompanied with detailed analysis of pros and cons as well as additional considerations if the option were selected. Based on the information provided and subsequent discussion that came out of that report the following resolution was adopted providing staff with direction to move forward:

### Town Council Electronic Extract - Date: September 9, 2013

49. COMMUNITY SERVICES – RECREATION AND CULTURE CONFIDENTIAL  
INFORMATION REPORT 2013-34 AND  
COMMUNITY SERVICES – RECREATION AND CULTURE (CLOSED SESSION) REPORT  
2013-36 – SOCCER CLUB MATTER  
*(PENDING ACQUISITION OF LAND BY THE MUNICIPALITY AND SECURITY OF THE  
PROPERTY OF THE MUNICIPALITY) WARD 1*

THAT Community Services – Recreation and Culture (Closed Session) Report 2013-36 dated August 28, 2013 and Community Services – Recreation and Culture Confidential Information Report 2013-34 dated August 26, 2013 and with respect to Newmarket Soccer Club be received and the following recommendations be adopted:

1. THAT the Town of Newmarket offer to pay out the existing \$2.5 million dollar loan between the Newmarket Soccer Club and Garont Investments Ltd. and enter into a loan agreement with the Newmarket Soccer Club for \$2.8 million at an interest rate of Prime +2%;
2. AND THAT the loan provide that interest payments only be made until the sale of the lands located at 17217 Woodbine Avenue ("Woodbine lands") is complete;
3. AND THAT the loan set out in Recommendation 1 be secured by a mortgage representing a first charge on both the Woodbine lands and lands located at 621 Newpark Boulevard ("Newpark lands");
4. AND THAT the Newmarket Soccer Club proceed expeditiously with the sale of the Woodbine lands while maximizing value; and that 80% of the proceeds of the sale of the Woodbine lands be directly applied to the loan in Recommendation 1;
5. AND THAT the Town of Newmarket negotiate a suitable access agreement for other community recreation users at Newmarket Soccer Club established rental rates;
6. AND THAT the Town of Newmarket negotiate a suitable access agreement for Town programming at specific times of day/year for other Town recreation and field users at no cost to the Town;

7. AND THAT the loan agreement contain provisions for a periodic review of payment terms in the event the Newmarket Soccer Club can secure a replacement lender once the operation has been in place to reflect actuals versus forecasts;
8. AND THAT any remaining issues, terms and conditions be delegated to staff to negotiate and finalize with the Newmarket Soccer Club as contained within Scenario 2 of the Closed Session report.

The following two reports, Reports #2013-44 and #2013-46 are available publicly:

Report # 2013-44 Community Services – Recreation & Culture Information Report

This report was distributed to Mayor and Members of Council on October 29<sup>th</sup>, 2013. This report outlined the terms of the loan; an update on the sale of the Woodbine Lands including Town involvement in the sale of the lands; clarification of the role of staff on the NSC Board; an update on total participation in 2013 for NSC; clarification around fees for NSC in 2014; repayment plans by NSC for outstanding field payments in 2013; information around the outstanding RInC funding provided to NSC; and an update on board participation by volunteers on the NSC Board.

Report # 2013-46 Community Services – Recreation & Culture Information Report

This report was distributed to Mayor and Members of Council on December 23<sup>rd</sup>, 2013. This report was a follow up to the last Information Report as a number of questions were raised that were answered in this report. This report also included the resolution from Council dated September 9, 2013 (as is included in this report as well). As well, all questions asked by Council were included in the report along with specific answers to the questions. This report also served as the first quarterly update for Council.

***Financial and Usage Terms of the Agreement***

The following outlines terms of the loan to NSC:

1. A loan for \$2.8 Million was extended at an interest rate of prime + 2 % (currently a total of 5%). The term of the loan is for three years with the Town having the option to renew for 2 additional 1 year periods, amortized over 25 years. Council has total discretion as to whether or not the loaned is renewed after 3 years. Most contracts the Town of Newmarket enters into do include options for renewal. This option was also included within the agreement should loan payments be made promptly as per the timeline, this loan represents a better return on investment than if this money were invested by the Town in a more traditional investment. Again, whether or not the loan is renewed is completely at the discretion of Council. This is an open loan, enabling NSC the opportunity to pay off the loan entirely at any time, with no penalty.
2. Monthly payments began in January. The agreement stipulates that payments are interest only payments until such time as the Woodbine lands are sold. NSC has made all required payments on the loan to date.
3. The loan is secured against both the Newmarket Soccer Centre and the Woodbine Lands. Both properties were independently appraised. The Newmarket Soccer Centre was appraised in 2013 by York Simcoe Appraisal Company at a value of \$3.9 Million. The Woodbine Lands were independently appraised by A.W.Garbens in July, 2010 at a value of

- \$875,000. Consequently, if NSC were to default on the loan, the Town of Newmarket would be in the first position to assume both properties.
4. NSC listed the Woodbine Lands property in September 2013. The agreement does specify that 80% of proceeds of the sale of the Woodbine Lands will be paid to the Town of Newmarket, applied against the loan.
  5. NSC has been renting to outside organizations including football and field hockey. The agreement stipulates that NSC would rent fields to other user groups – NSC is complying with the agreement. Additionally, the Town of Newmarket will be offering a summer camp at the Newmarket Soccer Club facility in 2014.

The following table demonstrates total amount of outstanding fees and status of payment from NSC to the Town of Newmarket:

SUMMARY OF AMOUNTS DUE FROM THE NEWMARKET SOCCER CLUB			
DESCRIPTION	ORIGINAL AMOUNT	CURRENT BALANCE (March 31, 2014)	NOTES
Loan - Indoor Facility Mortgage	\$ 2,800,000	\$ 2,800,000	Monthly interest-only payments are being made on schedule
Loan - Development Charges and Planning Fees (per Council directive on September 30, 2011)	\$ 89,768	\$ 67,326	NSC has provided post-dated cheques for 2014
2013 Field Fees	\$ 147,149	\$ 49,109	Balance is due by end of April
Interest on Field Fees	TBD	TBD	Interest to be invoiced in May, estimated to be \$6,800

#### ***Town Presence, Role of Staff and Representation on NSC Board***

Currently, the Director of Recreation & Culture attends and participates in all NSC Board Meetings as a non-voting member of the Board. In the event that this does not meet the needs of the Town, the Town has reserved the right to ask that NSC obtain approval from the membership to appoint a Town staff person to sit as a voting member on the Board – approval from the membership at a special general meeting is required to make such an appointment as per the NSC constitution.

The Director is privy to all board information and is apprised of all decisions made by the Board and has opportunity to speak to any issue. Specifically the Director monitors cash flow analysis and repayment of outstanding debts with the goal of ensuring that the investment of the Town of Newmarket is well protected. The Director is made aware of operating practices and policies but only comments on these policies and practices if it is deemed that they put the investment of the Town of Newmarket at risk.

It would be difficult for the Director of Recreation & Culture to serve as a full board member without giving NSC an advantage over other sport organizations. For example, all board members are required to source



potential sponsors for the club. The Director of Recreation & Culture refrains from involvement in such discussions so as to not provide an advantage to NSC that other organizations do not also obtain.

There are currently 11 positions on the NSC Board. At present 9 of 11 positions are filled. A recent application for a position has been received by NSC and will be filled shortly bringing the total to 10 of 11. In the 2011-2012 season, 7 of 11 positions were filled; in the 2012-2013 season, 8 of 11 positions were filled. It is not unusual for a community based sport organization to have some board positions vacant at any point in time.

### ***Sale of Woodbine Lands***

The Town requires that the land on Woodbine be sold, and that 80% of proceeds from the sale of the land go back to the Town to be applied against the loan. The property was listed for sale in September, 2013 at a price of \$43,500 per acre. Frequent showings have occurred; however; no written offers have materialized to date. NSC reduced the price to \$39,500 per acre in December, 2013. The Town of Newmarket is in regular communication with NSC around the strategy for sale of the land, ensuring that the land is sold for an appropriate price. It should be noted that in cases of farm land sales, the NSC is being advised by their realtor that it is typical that land will sit for a minimum of 3 to 6 months.

The CAO, Commission of Community Services and Director of Recreation & Culture will be meeting with representatives of NSC and their listing agent in April, 2014 to explore actions to date and discuss strategy to ensure the Newmarket Soccer Club proceeds expeditiously with the sale of the Woodbine lands while maximizing value. Outcomes of this discussion will be shared with Council.

### ***Repayment of 2013 Fees and Processes Moving Forward***

NSC were unable to pay the 2013 field fees due to their financial constraints at the time. One of the stipulations of the agreement in loaning NSC the \$2.8 million was that all fees from 2013 be paid prior to May 31<sup>st</sup>, 2014. As such, the unpaid fees are secured through the loan process.

The total outstanding fees from 2013 were \$147,148.84. NSC made a payment on February 28<sup>th</sup> in the amount of \$38,770.94 and another payment on March 28<sup>th</sup> totaling \$59,268.96. As such, the remainder owing as of April 5<sup>th</sup>, 2014 is \$49,108.94. NSC has indicated that they do not foresee an issue paying the remaining 2013 field fee balance in by month end. Outstanding fees from 2013 are subject to interest of 1.5% as per Town of Newmarket user fee schedule. Upon payment of the remaining balance, interest will be calculated and NSC will be billed accordingly.

All outstanding fees are currently showing as accounts receivable within the Town of Newmarket. As such repayment of these fees goes against the accounts receivable. Therefore these fees will not be placed in any reserve funds.

With user groups, the practice has been that groups are expected to pay before play occurs. Traditionally, major community sport user groups are billed at the month end for scheduled use the following month. It often does result in a short time lag between issue of the invoice and payment depending upon each organization's respective payment processing systems. As a matter of practice, staff work diligently with individuals and organizations to ensure payments are made within a 30 day time period. In the case of 2013 NSC field fees; staff had been seeking payment from the NSC. Prior to to the account becoming 90

days overdue, the Commissioner of Community Services was made aware on July 26<sup>th</sup>, 2013 that NSC had not been making payments and was in arrears for a total of \$98,025.40. That same day, the Commissioner of Community Services and the Commissioner of Development and Infrastructure Services met with representatives of the Newmarket Soccer Club. Following that, the CAO was alerted of the situation and the CAO subsequently sent an email informing all Members of Council on July 30<sup>th</sup>, 2013.

Although it has been the practice to work with organizations to ensure timely payment, through this experience and in keeping with the Town's focus on continuous improvement, Finance and Recreation & Culture staff have identified the need to review these practices in order to improve timing, communications, and follow up procedures. Specifically, the Director of Recreation & Culture and the Director of Financial Services/Treasurer are in the midst of working to revamp the process so that both are aware of any outstanding payment situations within 30 days and that appropriate actions are taken quickly. This will include a formal trigger process to alert Council of any issues in a timely manner. Once this process is finalized a joint information report from the Director of Recreation & Culture and the Director of Financial Services/Treasurer will be distributed.

#### ***Schedule of Reports Moving Forward***

As has been indicated previously, quarterly updates will be provided to Council. The quarter end dates are June 30<sup>th</sup>, September 30<sup>th</sup> and December 31<sup>st</sup>. Staff will endeavor to gather data and produce an update report within 15 business days of the end of each quarter.

In between quarterly updates, Members of Council are invited to ask questions. If questions can be answered via quarterly update, then they will be included within the update. If immediate attention is required then questions will be answered via information report. Information reports and quarterly updates will be available publicly.

#### ***Update from NSC on Indoor Season and Outdoor Registrations***

Please see Appendix A for an update provided directly by NSC on their indoor season, as well as other pertinent information.

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

#### **Living Well**

- Emphasis on active lifestyles and recreational opportunities

#### **Well Balanced**

- Arts, culture, entertainment and heritage preservation
- Events that help shape identity and contribute to community spirit

#### **Well Respected**

- Being tradition-based and forward thinking

### **BUDGET IMPACT**

There is no direct budget impact at this time.



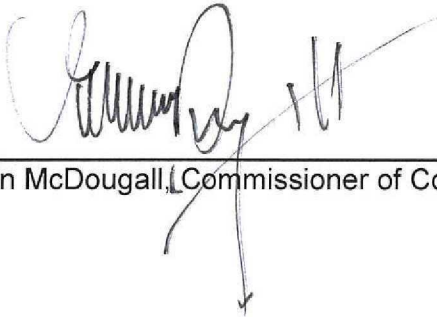
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**CONTACT**

For more information on this report, please contact Colin Service, Director of Recreation & Culture at [cservice@newmarket.ca](mailto:cservice@newmarket.ca) or at extension 2601.



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Colin Service, Director of Recreation & Culture

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Ian McDougall, Commissioner of Community Services

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Appendix A

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**How was the first Indoor season in the new facility?**

Simply stated - it surpassed our expectations - response from users and visitors alike was overwhelmingly positive!

Recreational League play and Skills development were well attended and achieved the conservative first year revenue targets we had established. On the Competitive side our programming introduced some new position specific training, which was highly acclaimed by players, parents and Technical Staff. We are enjoying a small increase in participation levels.

In addition, outside rentals and alternate sports usage have contributed to an increase over our first year expectations. Private users, independent leagues, neighbouring Soccer Clubs, local sports organisations and 7 or 8 different local schools (including every Newmarket high school) have used the facility for Rugby, Football, Baseball, Field Hockey and Ultimate Frisbee.

The Club realised just over \$500,000 in revenue from the first indoor season, which of course is a huge positive and has allowed us to make significant inroads in our accumulated liabilities. The Club has made good on its promise to repay all of the supplier & construction debts that were incurred and received tremendous good will in return.

**What's planned for the future?**

Learn from and improve on what we've done this year so far.

We believe service to our members has already improved, but we know there's more that can be done. In the months ahead, as current commitments expire, we will be free to explore new partnerships that can assist us in being more productive and provide better value.

We have an exciting Recreational Summer season planned – World Cup themed of course! Plans include supporting our Volunteer Coaches with Technical Staff assistance, practice plans and equipment and even gloves for their Goalkeepers this year!

Our Referees will have the opportunity to improve their skills and be more connected with the Club via on field visits from our new Head Referee (and experienced mentors), and the introduction of monthly play & learn sessions.

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**Appendix A**

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Next Indoor season we have plans to deliver improved value for Indoor Recreational League players, add extra spots for the sold out Skills program and further enhance the development for the Competitive group.

**What else is going at the Club?****Board members**

We're delighted to have progressed over recent years from 7 of 11 positions filled in 2012, 8 of 11 in 2013 to 9 of 11 in 2014. We'll probably be adding at least one more in the next few weeks to take us to 10 of 11. It's gratifying to see experienced individuals stepping up, eager to help and ensure the Club continues for another 50 years.

**Club operations**

We have restructured and have reduced the Full Time staff head count from 5 to 3 but by enhancing communications & opening hours, have continued to improve service to our members This includes introducing 3 email Hotlines for our members & volunteers so that if they have questions or concerns they can be dealt with more efficiently (Ask the Ref, Ask the Coach & Ask the General Manager).

**TOWN OF NEWMARKET**  
**Outstanding Matters**  
**Reviewed by Operational Leadership Team**  
**April 15, 2014**

Item Subject	Recommendation	Date to come back to Committee	Staff Comments
1. Committee of the Whole Minutes – August 30, 2010 – Item 41 Legal and Development Services Report – Joint Legal and Planning 2010-29; Ontario Municipal Board Appeals - Town of Newmarket Comprehensive Zoning By-Law 2010-40	<ul style="list-style-type: none"> <li>THAT staff seek clarification regarding Ontario Municipal Board hearing timelines and report back.</li> </ul>	Matter joint with Glenway matter	
2. Committee of the Whole Minutes – March 21, 2011 – Item 6 Community Services Report – ES 2011-15 Northwest Newmarket Quadrant – Traffic Monitoring Status Update	<ul style="list-style-type: none"> <li>THAT Engineering Services staff bring a report back to Town Council with the results of all studies including mitigation measures if required, and next steps.</li> <li>AND THAT the On-street Bicycle Lane Implementation Plan be brought back to Town Council for review and adoption including a phasing plan in consideration of budgetary requirements and implementation.</li> </ul>	Q2 2014	Waiting for report from NWQ developer's group Waiting for feedback from developer Part of Active Transportation Plan coordinated by Planning Dept.
Committee of the Whole Minutes – February 28, 2011 – Item 7 Community Services Report – ES 2011-07 Official Plan – Schedule D – Bicycle Lane Implementation Plan			
3. Committee of the Whole Minutes – April 30, 2012 – Item 16 Corporate Services Report – Legislative Services 2012-13 – Canadian Coalition Of Municipalities Against Racial Discrimination (CCMARD) Membership	<ul style="list-style-type: none"> <li>AND THAT staff report to Committee of the Whole with a draft Action Plan in support of the Ten Common Commitments.</li> </ul>	Q3 2014	

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

Last revisions made on April 15, 2014  
 (Updated and including Committee of the Whole Minutes of April 7, 2014)

Item Subject	Recommendation	Date to come back to Committee	Staff Comments
4. Committee of the Whole Minutes – February 25, 2013 – Item 16 Development and Infrastructure Services Report – Public Works Services 2013-09 Graffiti Removal Services – Update	<ul style="list-style-type: none"> <li>THAT staff continue to contract Graffiti removal services, in the amount of \$15,000 for 2013;</li> <li>AND THAT staff continue to evaluate the program's impact for 2013 and report back to Council on the effectiveness of the program in one year.</li> </ul>	May 2014	
5. Committee of the Whole Minutes – April 8, 2013 – Item 13 Community Services – Recreation and Culture Development and Infrastructure Services – PWS/ES Planning & Building Services Joint Report 2013-05 Future use of Fernbank Farmhouse	<ul style="list-style-type: none"> <li>THAT staff be authorized to issue a request for proposals with the intent of securing a suitable charitable and/or not for profit organization dedicated to serving Newmarket for use of the Fernbank Farmhouse;</li> <li>AND THAT staff report back recommending a tenant along with operating and capital projections.</li> </ul>	Q2 2014	Information Report circulated
6. Committee of the Whole Minutes – April 29, 2013 – Item 17 Hospital Parking Charges	<ul style="list-style-type: none"> <li>AND THAT the request to endorse the resolution regarding reduction and capping of parking charges be referred to staff to obtain feedback and input from Southlake Regional Health Centre and report back.</li> </ul>	Q3 2014	Hospital presentation to be scheduled
7. Committee of the Whole Minutes – June 10, 2013 – Item 24 – New Business f)  Committee of the Whole Minutes – November 4, 2013 – Item 13 - Development & Infrastructure Services Report – ES 2013-48 – Millard Avenue Parking Review – Forest Glen Road to Lorne Avenue	<ul style="list-style-type: none"> <li>THAT staff review the parking restrictions currently in place on Millard Avenue between Lorne Avenue and Forest Glen with a view to implement a three hour limit and no overnight parking.</li> <li>THAT Development &amp; Infrastructure Services Report – ES 2013-48 dated October 15, 2013 regarding Millard Avenue Parking Review – Forest Glen Road to Lorne Avenue be referred back to staff for further review.</li> <li>AND THAT staff authorize a peer review on the due diligence aspect of the project within a 120 day time frame.</li> </ul>	April 28, 2014	
8. Special Committee of the Whole – August 1, 2013 – Item 4 Development and Infrastructure Services Report – Commissioner 2013-34 Old Town Hall Renovations	<ul style="list-style-type: none"> <li>AND THAT staff authorize a peer review on the due diligence aspect of the project within a 120 day time frame.</li> </ul>	Q2 2014	RFQ is being awarded. Report to follow upon completion of review.

Item Subject	Recommendation	Date to come back to Committee	Staff Comments
<p>9. Committee of the Whole Minutes – November 4, 2013 – Item 12 Development &amp; Infrastructure Services Report – ES 2013 – 44 Davis Drive – VivaNext Construction Traffic Infiltration Status Report #2.</p>	<ul style="list-style-type: none"> <li>• THAT staff continue to work with York Region and VivaNext staff to address issues that arise from construction and continue to carry out traffic counts for Gorham St., Gladman Ave., Park Ave., Millard Ave., Carol St., Sandford St. and Berman Drive;</li> <li>• AND THAT town staff in coordination with York Region and York Regional Police; focus speed management program resources on the streets noted in Appendix A;</li> <li>• AND THAT a report on the town wide traffic mitigation policy come forth in the first quarter of 2014 with a feasibility study of an advanced green signal going south on Prospect St.</li> </ul>	Q2 2014	
<p>10. Committee of the Whole Minutes – November 25, 2013 – Item 24 – Motion</p>	<ul style="list-style-type: none"> <li>• THAT staff bring back a report to Committee of the Whole within 120 days exploring a change to our procurement process to include recognition/points in our tendering process recognizing the environmental benefit of the bidders' proximity to Newmarket.</li> <li>• AND THAT information be provided to all Members of Council on an overall point system on various factors in regards to procurement;</li> <li>• AND THAT the memorandum dated January 2012 be referred back to staff to incorporate into the report back exploring a change to the procurement process;</li> <li>• AND THAT the report be circulated to the Chamber of Commerce, the Economic Development Advisory Committee and the Environmental Advisory Committee for input.</li> </ul>	April 28, 2014	
<p>11. Corporate Services Commission - Procurement Services Development and Infrastructure Services Commission - Facility Services Joint Report 2014-05 dated February 3, 2014 regarding Ice Resurfacing Machines.</p>	<ul style="list-style-type: none"> <li>• THAT the matter of replacement of Ice Resurfacing Machines be deferred to be reported back within a 90 day time frame to obtain information on the differences between Olympia and Zamboni models (comparable units) and compare use of these models with other area municipalities.</li> </ul>	April 28, 2014	



Item Subject	Recommendation	Date to come back to Committee	Staff Comments
<p>12 Committee of the Whole Minutes – April 7, 2014 – Item 2 – Deputation – Newmarket Theatre</p>	<ul style="list-style-type: none"> <li>• THAT the deputation by Mr. John Dowson regarding the financial details associated with Newmarket Theatre and the Very Useful Theatre Company be received and referred to staff for a comprehensive review along with a comparison of how much sports facilities are subsidized;</li> <li>• AND THAT such review include consultation with key stakeholders including members of the theatre community to be reported back to Committee of the Whole within a 60 day time frame.</li> </ul>	June 2014	



DEVELOPMENT & INFRASTRUCTURE SERVICES – PUBLIC WORKS SERVICES  
TOWN OF NEWMARKET  
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info@newmarket.ca  
905.895.5193

March 21, 2014

## **DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT – PWS 2014-21**

TO: Committee of the Whole

SUBJECT: Sidewalk Snow Clearing Review

ORIGIN: Director of Public Works Services

### **RECOMMENDATION**

**THAT Development & Infrastructure Services Report – PWS 2014-21, dated March 21, 2014 regarding Sidewalk Snow Clearing Review be received and the following recommendations be adopted:**

- 1. THAT Council provides direction for staff, with a preferred option, to proceed with a comprehensive analysis for sidewalk, walkways and trail snow clearing guidelines**
- 2. AND THAT staff report back to Council with a detailed plan for sidewalk, walkway and trail clearing as part of the 2015 budget process.**
- 3. AND THAT the staff obtain comments from the Accessibility Advisory Committee on the sidewalk, walkway and trail clearing process.**

### **PURPOSE**

The purpose of this report is to outline our current snow clearing guidelines and service level and review alternative strategies for delivering sidewalk snow clearing services.

### **BACKGROUND**

**Newmarket currently clears approximately 65% of sidewalks, walkways and trails within 24 hours of a snowfall as per the Town guideline NMS-19. The remaining 35% are cleared by the adjacent property owner as outlined in bylaw number 1996-38.**

Municipal sidewalks, trails and walkways that are outlined in the Town of Newmarket 2013-2014 Sidewalk Snow Clearing map (see attached) are carried out in accordance with the current Town of Newmarket Winter Sidewalk & Walkway Maintenance guidelines NMS-19 (see attached). Of the approximately 340 km of sidewalk, walkways and trails, the Town currently clears approximately 220km of them.

The current sidewalk clearing guidelines (NMS-19) were originally issued in November of 2003 and most recently revised in December of 2009. The purpose and intent of this guideline is to ensure the Town can deliver the best winter sidewalk maintenance efforts given the resources available and average weather conditions. The guideline also states that snow removal operations will commence when the maximum new fallen or windblown snow accumulated on the sidewalk surface is 5.0cm (2 inches).

Arterial Roads, Primary and Minor Collectors as well as Local roads are to be cleared of snow within 24 hours after any snowfall. According to the guidelines, walkways and the Tom Taylor Trail are intended to be cleared after those priorities are in satisfactory condition. Over the years the processes have evolved and modified. Often due to implemented efficiencies, service levels have often exceeded the stipulations of the guideline. Trails and walkways have regularly been cleared within 24 hours. One of the primary reasons for this is the importance of walkways connecting to schools and the increased dependency on trails to be part of our active transportation system. In addition, there has been greater focus on the environmental and societal value of Pedestrian movement and alternative transportation systems that requires us to ensure our snow clearing services are in line with the needs of the community.

In 2010 the Town undertook a community survey. Sidewalk snowplowing was ranked second lowest in satisfaction among Town services, at 21.5%. Below is a breakdown of the number of calls related to sidewalk clearing since 2010.

- |                       |                         |
|-----------------------|-------------------------|
| • Nov 2010 - Apr 2011 | Total Calls: <b>84</b>  |
| • Nov 2011 - Apr 2012 | Total Calls: <b>28</b>  |
| • Nov 2012 - Apr 2013 | Total Calls: <b>111</b> |
| • Nov 2013 - Mar 2014 | Total Calls: <b>323</b> |

The 2013-2014 winter season and ice storm was among the most difficult winters on record and challenged our current process for clearing of sidewalks, walkways and trails. While this storm was difficult for the Town, this excessive stress on our practices, resources and processes helped illustrate the strengths and weakness of our current system. This provided staff with an opportunity to identify gaps for improvement or enhancement and better provide optimal snow clearing for sidewalks, walkways and trails.

The majority of complaints received during the storm were centered on the sidewalks adjacent to schools and Regional roads. The concerns raised often focused on the ability for these areas to be cleared in a reasonable amount of time. These areas primarily included schools, Regional roads and locations with regular senior pedestrians. Additional inquiries also focused on selection processes for which roads were done and which were not (Ex. Why is my sidewalk not being done?), as well as the quality of snow plowing and ice buildup.

There are approximately 30 schools located throughout the Town, but not all are located on primary roads. While our current guidelines indicate that sidewalks around schools are completed, those guidelines do not give priority to their sequence of clearing. The result is some local roads or curb faced sidewalks being done prior to a school or transit location. This also creates situations where a sidewalk fronting a school may be done after school

has concluded for the day, as it may be at the end of a sidewalk clearing route. Current practices for snow clearing focus on efficiency of routes (shortest route from beginning to end) and do not identify areas that may warrant higher levels of service and increased use.

## **ANALYSIS and PROPOSALS**

It is proposed that the following options be reviewed and given consideration for how the Town philosophically should be conducting clearing of sidewalks, walkways and trails. There are three options which include; 1) maintaining current service levels, 2) improved priority service to specific areas, and finally 3) clearing of all sidewalks owned by the Town. It is intended that once an option is selected, staff will conduct detailed costing. The results of the detailed analysis will be brought forward during the 2015 budget process, if approved, any changes would then be reflected in the Winter Sidewalk and Walkway Maintenance Guidelines (NMS-19).

### **OPTION 1: Maintain Current Service Levels**

#### **No change in current level of sidewalk snow clearing standards as per the guidelines NMS-19.**

This option would see current service levels for snow clearing remain the same. Currently there are 9 clearing routes that service sidewalks, walkways and trails. Sidewalk snow removal is completed on approximately 65% of Town sidewalks and the remaining 35% are cleared by property owners as per bylaw 1996-38.

Under this option, routes are defined by areas and the actual course of the route is designed for maximum efficiency given the resources available. The result is a route that moves equipment and staff through the sidewalks, clearing the most amount of sidewalk, as quickly as possible (ex. Local road may be done before the front of a school or higher traffic locations.). This approach results in the clearing being done as efficiently as possible and minimized the cost of labour and materials.

The financial impact of Option 1 would be only growth related. It is expected that additional resources will be required to maintain current levels, due to additional growth over the past 4 years. The additional route will be required due to an increase of 20.2 km of sidewalks, trails and walkways that have been added between the years of 2010 and 2013. This will be brought forward in the 2015 budget considerations.

### **OPTION 2: Improved Priority Service to Specific Areas**

#### **A specific priority approach would provide a higher level of service to schools, Main Street, regional roads and primary transit locations.**

This option would see current levels for areas such as schools, Main Street, Regional roads and primary transit locations serviced ahead of other roads. These areas often accommodate higher levels of pedestrian traffic (Ex. schools would service several hundred

students during a day, multiple times). Once these areas were completed and considered in suitable condition, secondary routes would be cleared. No additional sidewalks would be cleared in this option as it focuses on priorities and timing only.

The layout of the actual route traveled under this tiered approach, would sacrifice some overall efficiency in exchange focused and improved service to the critical priorities being completed first. During multiple day storms, the specific priorities would be cleared continuously until the sidewalk condition was satisfactory, however areas such as curb faced sidewalks may see service later in the clearing process.

This option will require additional resources (above any required to accommodate ongoing growth) in an attempt to maintain our current service level and timelines for clearing sidewalks, walkways and trails within 24 hours after an event. It is estimated that costs could be up to \$150,000, however a detailed cost estimate would be completed once the specific priorities, timelines and routes are more accurately defined.

### **OPTION 3: (Clearing of all Town Sidewalks, walkways and primary trails)**

**All sidewalks, walkways and paved trails would be cleared by the Town, and priority would be given to specific areas such as schools, Main Street, Regional roads and primary transit locations.**

This option would see all sidewalks, walkways and paved trails cleared by the Town and priority given to specific areas in Town. The intent with this approach would provide a highly visible and critical service to all residents and property owners in Town. Currently there is difficulty with residents understanding why certain sidewalks are eligible and others are not.

It has also been noted that any liabilities associated with a sidewalk, trails or walkway directly impact the Town, regardless of any bylaws outlining clearing requirements for property owners. The ability to clear all sidewalks ensures the Town can maintain and control a standard level of service. Often sidewalks are cleared by property owners, but the quality and timing of the service is inconsistent. AODA regulations are also requiring a standard of service that allows for free movement of those with disabilities, thereby increasing responsibilities for compliance.

This option will require additional resources (above any required to accommodate ongoing growth) in an attempt to maintain our current service level for clearing sidewalks, walkways and trails within 24 hours after a snowfall event. It is estimated that costs could be up to \$250,000-\$300,000, however a detailed cost estimate would be completed once the specific priorities, timelines and routes are more accurately defined.

## **ADDITIONAL CONSIDERATIONS**

Currently our Sidewalk Clearing bylaw (1996-38) provides residents with a notice to comply. Staff will be reviewing this bylaw in the fall of 2014 in an effort to generate greater compliance and strengthen our ability to enforce non-compliance. In addition to the current notice to comply, the Town is reviewing their ability to charge costs associated with clearing non-compliant sidewalks to property owners. Furthermore, there is also consideration for having property owners responsible to aid the Town in clearing sidewalks, even if the Town is clearing them.

All sidewalks that are Town owned are the responsibility of the Corporation. Their condition is generally considered the Town's responsibility. How and when they are cleared can provide the Town with a stronger defense if we substantiate and ensure our guidelines are met. Through enhancement of the bylaw and/or sidewalk clearing process, the Town can better manage the condition of the sidewalks and increase the safety and service levels for users.

## **COMMUNICATIONS**

Staff will also work with Corporate Communications and Customer Service to implement a detailed communication strategy for sidewalk, walkway and trail clearing, once the 2015 budget has been finalized with a selected option. The primary intention of the program would be to ensure residents and property owners are educated on the Town's responsibilities as well as property owner obligations pertaining to snow clearing.

## **FINANCIAL IMPACT**

All options will require additional resources as a result of ongoing growth, to maintain current levels for 2015. This will be included as part of the 2015 budget process as the Town has added 20.2 km of sidewalks, walkways and paved trails between the years of 2010 and 2014.

### **Option 1: Maintain Current Service Levels**

No financial impact above growth related, as current service levels would be maintained.

### **Option 2: Improved Priority Service to Specific Areas**

It is estimated there would be an additional annual operating impact of approximately \$125,000-150,000. These numbers would need to be further developed with a more detailed understanding of the specified priority areas, response times and the number of them.



**Option 3: Clearing of all Town sidewalks, Walkways and Primary Trails**

This option would see all sidewalks, walkways and primary trails have snow removal. This would also include improved priority service to specific areas. It is estimated that there would be an additional annual operating impact of approximately \$250,000-\$300,000 to accommodate this option.

**BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

*Living Well: Deliver efficient, effective and environmentally sound maintenance services to an appropriate level that achieves Council and/or Provincially mandated services levels, which meet public health and safety requirements and enhances quality of life while ensuring that system capital assets retain their value and are managed and funded according to sustainable, lifecycle based principles and practices.*

**BUDGET IMPACT**

The funding requirements will be brought forward as part of the 2015 budget process, once a detailed analysis of the preferred option is completed.


**CONTACT**

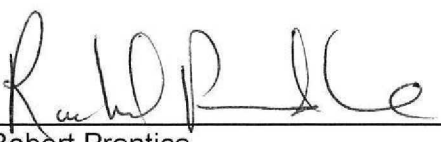
For more information on this report, contact: Mark Agnoletto, Manager, Parks & Property Services at extension 2581.

Prepared by:

  
\_\_\_\_\_  
Mark Agnoletto  
Manager, Parks & Property Services

Reviewed by:

  
\_\_\_\_\_  
Chris Kalimootoo, P.Eng  
Director, Public Works Services

  
\_\_\_\_\_  
Robert Prentice,  
Commissioner, Development and Infrastructure Services

acting for



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

www.newmarket.ca  
info@newmarket.ca  
905.895.5193

DATE: April 28, 2014

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT  
ENGINEERING SERVICES 2014-31**

TO: Committee of the Whole

SUBJECT: Yonge Street Sidewalk- Tom Taylor Trail to Savage Road

ORIGIN: Engineering Services

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**RECOMMENDATION**

THAT Development & Infrastructure Services Commission – Engineering Services Report 2014-31 dated April 28, 2014, be received and the following recommendations adopted:

1. THAT Council provide further direction to staff by considering options A or B for the Yonge Street Sidewalk – Tom Taylor Trail to Savage Road.

**Option A**

That the Yonge Street Sidewalk – Tom Taylor Trail to Savage Road be deferred until York Region urbanizes that section of Yonge Street.

**Option B**

That staff be directed to continue with the project and that additional funding of \$145,000 be provided from the reserves.

2. AND THAT if Option “A” above is selected, Council make a formal request asking York Region to help accelerate the urbanization of this portion of Yonge Street by making it a high priority.

**PURPOSE/BACKGROUND**

In 2013, Council requested and approved a \$100,000 budget for an interim sidewalk on the east side of Yonge Street from the Tom Taylor Trail to Savage Road.

The Town retained Stantec Consulting Ltd. at a cost of \$9,720 to complete a detailed design for the sidewalk in accordance with the Ontario Provincial Standard Specifications and Town of Newmarket standards. During the conceptual design process, it was determined that a major retaining wall would be required due to the steep slope of the east side of Yonge St. (see Appendix A). The retaining wall would be needed throughout the full length of the sidewalk. This was an unexpected element that increased the cost to construct the sidewalk by a significant amount. The construction estimate for this project as provided by Stantec, which includes the retaining wall and contingencies, is \$230,000. Additional engineering fees of \$4,100 will also be required by Stantec to design the retaining wall.

Staff has discussed the intention of urbanization for this section of road with York Region. Urbanization would eliminate the need for the retaining wall, thereby saving the initial high capital cost of the wall, as well as any future maintenance costs associated with the wall. At this time, the Region has no plan to urbanize this section of Yonge St. And even though plans for the urbanization of this section of Yonge Street as a future transit rapidway were identified at the vivaNext open house held on November 19 and 20, 2013, no timelines for the urbanization have been given. York Region is, however, planning to resurface Yonge Street in the summer of 2014. As part of the resurfacing work, York Region is including a 2.25m paved shoulder on the edge of the road (currently there is an existing 1.0m paved shoulder).

Staff is seeking Council direction on how to proceed. Seeing that there will be a 2.25 meter paved shoulder along the edge of the road as a result of York Region's resurfacing work this summer, Council may wish to defer the project until such a time that York Region urbanizes this section of road. The Town would then partner with York Region to build a proper sidewalk without needing a retaining wall. If this is the chosen option, Council could also formally request that York Region accelerate its plans to urbanize this section of Yonge Street. However, if Council chooses to direct staff to move ahead with the sidewalk project in 2014, an additional \$145,000 would have to be provided from the reserves to enable the sidewalk to be constructed due to the substantive retaining wall that will be required.

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

- Well-equipped & managed...Fiscal responsibility, clear vision of the future and aligned corporate/business plans.

#### **HUMAN RESOURCE CONSIDERATIONS**

No Impact to current staffing levels.

#### **BUDGET IMPACT**

##### Capital Budget

Pending council direction to defer this project, staff request that the budget for this project be returned to reserves. However, if Council would like to proceed with this project, additional budget funds of \$145,000 will be required from the reserves.

#### **CONTACT**

For more information on this report please contact Meredith Goodwin at 905-953-5300 extension 2518 or email, [mgoodwin@newmarket.ca](mailto:mgoodwin@newmarket.ca)



Meredith Goodwin, C.E.T.  
Manager of Capital Projects



Rachel Prudhomme, M.Sc., P.Eng  
Director, Engineering Services



R. Prentice  
Commissioner of Community Services



Appendix A- Existing site conditions



**From:** Murray, Darlene  
**Sent:** March-25-14 1:05 PM  
**To:** Moor, Linda  
**Subject:** FW: Bill 69 Motion

On Mar 25, 2014, at 11:29 AM, "Murray, Darlene" <[dmurray@newmarket.ca](mailto:dmurray@newmarket.ca)> wrote:

Councillor Emanuel:

Bill 69 – Prompt Payment Act, 2013 proposes legislation that restricts the ability of parties to negotiate payment terms and may have adverse consequences to owners of constructions projects, including municipalities, if it is passed.

The Bill will restrict the abilities of parties to a construction agreement to negotiate payment terms and would have adverse consequences on owners of construction projects, including municipalities abilities to exercise due diligence over the expenditure of public funds.

Motion

□

THAT due to potential costs to taxpayers and liability concerns that could be transposed by Bill 69 – Prompt Payment Act, staff provide an analysis and recommendations for a resolution.

**Darlene Murray**  
 Executive Assistant to the Councillors  
 905-953-5323  
 <image003.jpg> [dmurray@newmarket.ca](mailto:dmurray@newmarket.ca)  
[www.newmarket.ca](http://www.newmarket.ca)  
 Follow us on [Twitter](#) @townofnewmarket  
 Newmarket: A Community Well Beyond the Ordinary

"The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection of Privacy Act. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you."

That staff report back to council on the implementation of improved signage and advertising for notification regarding Official Plan and Zoning Bylaw amendments.



**From:** Murray, Darlene  
**Sent:** March-25-14 11:10 AM  
**To:** Moor, Linda  
**Subject:** FW: notice of motion

Councillor Sponga

That Staff report back in thirty days on the implementation of removable speed humps as a pilot project, for the purpose of mitigating excessive speed on Millard Ave West of Lorne Ave and East of Queen Street.



**Darlene Murray**  
 Executive Assistant to the Councillors  
 905-953-5323  
[dmurray@newmarket.ca](mailto:dmurray@newmarket.ca)  
[www.newmarket.ca](http://www.newmarket.ca)  
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**From:** Sponga, Joe  
**Sent:** March-25-14 10:34 AM  
**To:** Murray, Darlene  
**Subject:** notice of motion

"That Staff report back in thirty days on the implementation of removable speed humps as a pilot project, for the purpose of mitigating excessive speed on Millard Ave West of Lorne Ave and East of Queen St."  
 Thanks

# Renewing Newmarket

PLANNING YONGE &  
DAVIS URBAN CENTRES

## Newmarket Urban Centres Secondary Plan - Special Public Meeting

In response to public input on the Draft Newmarket Urban Centres Secondary Plan (October 2013), the Town has refined the Draft Plan and is asking once again for your feedback. The Revised Draft Secondary Plan makes modifications to a number of policies and maps and includes revisions to:

- Land use density, building heights and bonus provisions for developments
- Plan boundaries
- Height transitional policies to ensure compatibility with existing neighbourhoods
- Provisions for interim development at existing commercial sites
- Affordable housing

The Revised Draft Secondary Plan can be reviewed at the Municipal Offices at 395 Mullock Drive or on the Town's website, [www.newmarket.ca](http://www.newmarket.ca), by clicking on "I'd like to... learn more about the Secondary Plan (Phase 5)."

**Please provide your comments**  
in writing by April 28, 2014 to  
[mpaunt@newmarket.ca](mailto:mplaunt@newmarket.ca) or at the  
Special Public Meeting in Council  
Chambers on the same date

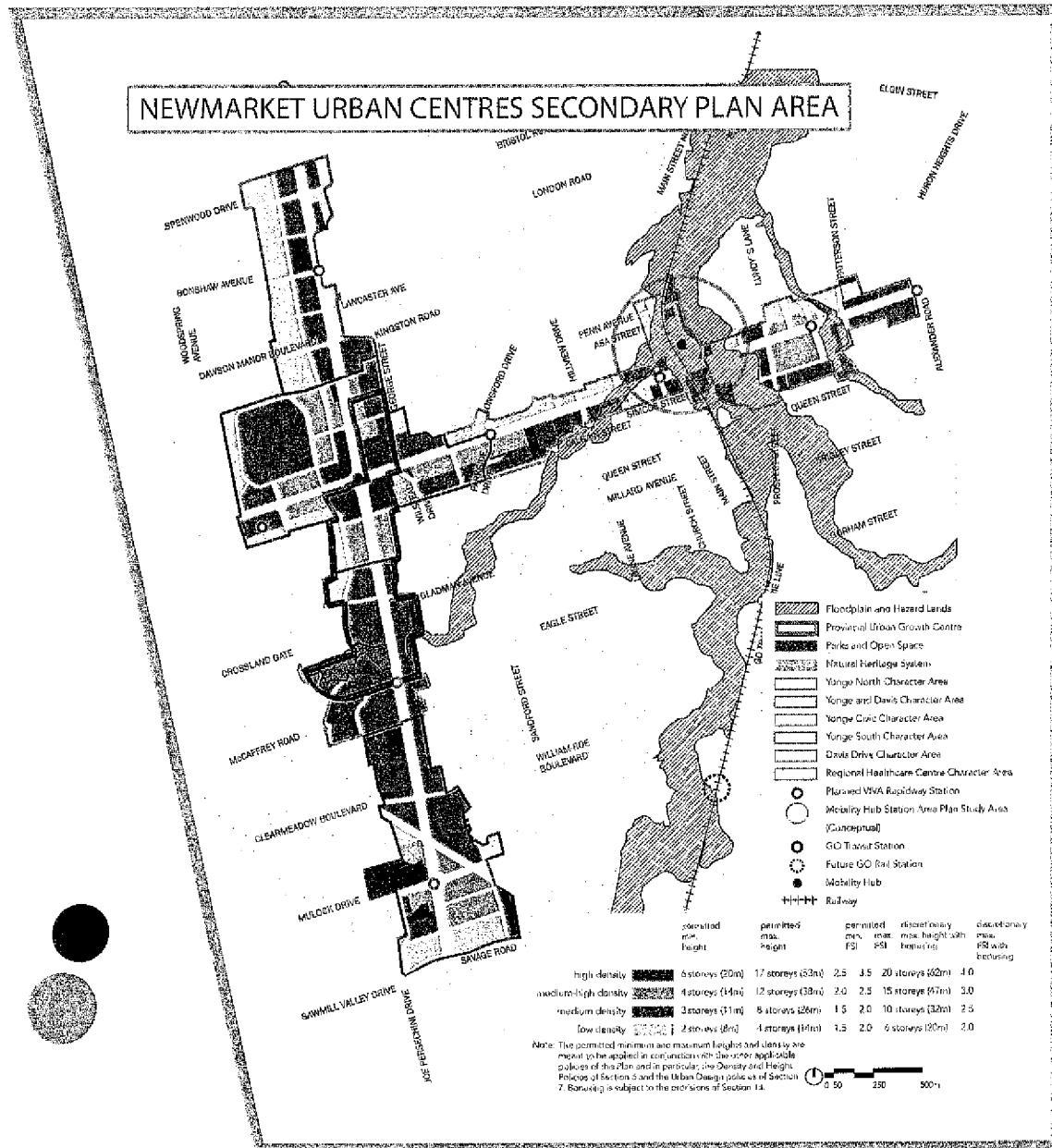
### Special Public Meeting

April 28, 2014 at 7 p.m.

Municipal Offices, 395 Mullock Drive

Council Chambers

Let us know what you think about future development in Newmarket's Urban Growth Centres.



For more information, visit [www.newmarket.ca](http://www.newmarket.ca) and click on "I'd like to... learn more about the Secondary Plan (Phase 5)."



Corporate Services Commission  
Procurement Services Department  
www.newmarket.ca

April 14, 2014

**Corporate Services Commission – Procurement Services  
Development and Infrastructure Services Commission – Facility Services**

**JOINT REPORT 2014-30**

TO: Committee of the Whole

SUBJECT: Report on Single Source Purchase  
Ice Resurfacing Machines  
Award to: Zamboni Company Ltd

ORIGIN: Director, Public Works Services  
Manager, Procurement Services

**RECOMMENDATIONS**

THAT Corporate Services Commission – Procurement Services and Development and Infrastructure Services Commission – Facility Services Joint Report 2014-30, dated April 14, 2014, regarding Single Source contract for Ice Resurfacers be received and the following recommendation be adopted;

THAT Council approve a five (5) year Single Source contract for the supply and delivery of Ice Resurfacers, as follows:

Estimated Delivery	Unit Cost	Quantity	Description	Extended Cost
2014	\$ 86,495.00	1	Zamboni 525	\$ 86,495.00
2015	\$ 88,000.00	1	Zamboni 525	\$ 88,000.00
2016	\$ 89,500.00	1	Zamboni 525	\$ 89,500.00
2017	\$ 90,750.00	3	Zamboni 525	\$ 272,250.00
2018	\$ 92,500.00	1	Zamboni 525	\$ 92,500.00
<b>SUB TOTAL SINGLE SOURCE CONTRACT</b>				<b>\$ 628,745.00</b>

**BACKGROUND**

Committee of the Whole deferred Joint Report 2014-05 during the March 17, 2014 meeting regarding a Single Sourcing of supply and delivery of Zamboni Ice Resurfacers.

In discussion on the Report, Committee asked for additional information on pricing of competitor Ice Resurfacers and more detailed technical background on the advantage of the Zamboni machines.

### **COMMENTS**

The Manager, Procurement Services supports the recommendation by the Manager, Facility Services and Fleet Supervisor that a single source contract be established with Zamboni Company Ltd for several reasons including but not limited to: both operators and mechanics would have to learn to operate and maintain two different manufacturer Ice Resurfacers, a second line of parts would need to be stocked and the Zamboni brand Ice Resurfacers has a hydrostatic transmission vs automatic transmission provided by competitors. Other reasons include quality and consistency of the ice, fuel savings, efficiency and timeliness of work and a history of proven support from the current manufacturer.

#### **Cost**

Through examination of recent tendering processes from other municipalities, the average cost of the Olympia similar to the model of Zamboni quoted above (model 525) was within \$100 or approximately equal. Seven Municipalities throughout Ontario, who recently purchased Ice Resurfacers were contacted. The quotes noted above were below those of tender prices for the other municipalities purchasing the same model. Therefore only the difference in the machines would be logistical and technical.

It should also be noted that the Zamboni machines have 3.0 litre, 4 cylinder engines that use significantly less fuel over the lifespan of the machines and minimize emissions in enclosed arenas when compared to the Olympias which have a 4.8 litre, 8 cylinder engine. This also saves maintenance and repair costs over the lifespan of the vehicle with fewer parts having to be replaced.

#### **Transmission – ease of use for operator**

A hydrostatic style transmission is hydraulically driven and the operator can infinitely vary the travel speed while maintaining a fixed engine speed along with other components such as the water pumps, hydraulic pumps and augers. With this design of propulsion, the auger speed is consistent, while still allowing the operator to slow the travel speed down to a crawl in the corners of the ice surface and increase the travel speeds while travelling the length of the ice surface.

With a constant auger RPM with varying machine speed the edges of the rink can be shaved down and the Ice Resurfacers can process the material with less jam ups. *This is similar to a snow thrower's auger that maintains its RPM even in heavy snow so that it consistently throws the snow even if the machine is moving at a slower pace.*

An automatic type transmission necessitates that the operator come to a complete stop before changing gears and move different levers and breaks, similar to a manual car. This need would add substantially to the time required to perform both routine ice maintenance and ice removal. The simplicity of the hydrostatic transmission is that all motor functions are controlled by the operator's right foot, similar to an automatic car. In the Zamboni model while operating at different speeds, the RPM of all associated equipment, augers, hydraulic and water pumps remain constant, no braking, stopping or shifting required. This also reduces the amount of parts that would be worn out through constant manual shifting and changing.

#### **Transmission – efficiency in work**

Programming often restricts the amount of time available for facility staff to perform ice maintenance, and the need to shift gears, while seemingly inconsequential, would play a detrimental role in the ability to meet timelines and maintain a consistently safe and operationally viable sheet of ice. Removing ice for the season is often a tedious and demanding process, which is often under tight timelines due to the scheduling of events. Using a machine with an automatic transmission would slow the ice removal process and make it more difficult to meet the timeframe.

#### **Quality of ice**

With an automatic transmission on an Ice Resurfacer, cutting the edges of the ice, where water builds up creating uneven surfaces and thicker ice is more difficult due to the fact that the geared components of the equipment slow down as the machine slows around a corner. The hydrostatic transmission maintains the RPM of the gears even when the Resurfacer slows down in the corners. This creates an even level throughout the entire surface area of the ice and minimizes the build-up of ice in the corners. Staff take drill samples and analyze the ice thickness in different areas of the skating surface on a weekly basis to ensure the best quality of product possible as this is an important safety consideration.

An overly thick layer of ice also leads to increased energy costs and poorer ice quality for user groups and takes more time to remove when required.

#### **Familiarity/Training**

Most current facility staff are unfamiliar with operation of any other type of Ice Resurfacing Units and would require extensive time and training to become competent on a different machine. Zamboni has been exclusively used in Newmarket for over 35 years. Mechanics would also require additional training and need to purchase specialized tools if a different type of machinery is procured. For a mechanic to become accustomed with a new piece of equipment such as an Ice Resurfacer, it typically takes a year before they are as efficient with the maintenance compared to equipment they are familiar with.



### **Replacements**

Although there is a tentative schedule for replacing each piece of equipment and Ice Resurfacer, it should be noted that they are always evaluated through maintenance records and visual inspections on an annual basis to determine if the machine life can be extended.

Older machines past their usable life are often traded back into the manufacturer for buy-back. The value of each machine is determined on a per vehicle basis depending on use, maintenance history and condition. Due to the close working relationship with Zamboni that Fleet Services has developed, Public Works Services is able to receive a favorable trade-in value with Zamboni over the past number of years. It is usually in the \$15,000 range. This value is not included in the prices above as it varies from machine to machine.

Procurement Services did publicly advertise a bid for one (1) Ice Resurfacer in 2004, which the Town did receive proposals from both, Zamboni and Resurface (Olympia) and the highest rated Proponent was Zamboni for this bid call. In 2005, Procurement Services did advertise a public bid this time for a **multi-year contract** (three (3) years with two (2) option years) for Ice Resurfacers, however the Town only received one proposal from Zamboni Company Ltd. The Manager, Procurement Services has compared the proposed costs with other municipalities and the costs are in line with that paid by other municipalities.

This recommendation is being classified as a Single Source purchase.

### **Single Source Purchase rationale:**

This purchase would be in accordance with Procurement Bylaw 2011-78, 12.6, items I and iii which states, a Single Source purchasing may be conducted for the procurement for goods, service(s) or construction of any contract value without the competitive Bid process, when any of the following circumstances apply:

- i. For reasons of standardization, warranty, function or service, such as: technical qualifications;
- ii. Where compatibility with an existing product, equipment, facility or service is a paramount consideration;

### **CONSULTATION**


Other municipalities and their operators were contacted to discuss the use of different types of Ice Resurfacers. The Manager of Facilities, Supervisor of Fleet and Manager, Procurement Services has been consulted and support the recommendation.

### **BUDGET IMPACT (CURRENT AND FUTURE)**


The 2014 Ice Resurfer is an approved capital budgeted for 2013. All future purchases under this contract are subject to budget approval.

### **CONTACT**

For more information on this report, contact: Gord Sears, Manager, Procurement Services at ext. 2351.

  
Gord Sears, CPPB, CPPO  
Manager, Procurement Services

 MR. CHRIS KALIMOOTOO  
Chris Kalimootoo, BA, P.Eng., MPA  
Director, Public Works Services

  
Anita Moore  
Commissioner, Corporate Services

  
Rob Prentice BA  
Commissioner, Development &  
Infrastructure Services

  
R.N. Shelton P.Eng  
Chief Administrative Officer

Return the signed report to the Procurement Services Department for filing under the public drive for reports.

---

**From:** Brouwer, Andrew  
**Sent:** April-24-14 9:13 AM  
**To:** Moor, Linda  
**Subject:** FW:

For the agenda. Thanks.

---

**From:** Bates, Tina **On Behalf Of** Mayor Van Bynen  
**Sent:** April-24-14 8:33 AM  
**To:** Brouwer, Andrew  
**Subject:** FW:

Andrew,  
Please see the request below. Thank you.

*Tina Bates*

Assistant to the Office of the Mayor  
ext. 2003

**From:** Ariel Amberg  
**Sent:** April 23, 2014 6:24 PM  
**To:** Mayor Van Bynen  
**Subject:**

Dear Mr. Mayor,

My name is Mrs. Ariel Ogison. I am writing to you to ask if you would be able to make a proclamation for the month of May in support of Ehlers Danlos Syndrome. I along with other EDS survivors from around Canada are asking our own hometowns to pitch in to raise awareness for this incurable, painful and debilitating rare genetic syndrome that affects the soft tissues, joints, organs, bones and digestive system. Our bodies produce faulty collagen causing things to dislocate, stretch, tear or break.

I would be forever grateful if you Mr. Mayor could help us bring light to our painful illness.

If you or your office has any questions about EDS please feel free to contact me at :

[ariel.amberg@gmail.com](mailto:ariel.amberg@gmail.com)

(905) 392-0616

L3Y 2M9

Thank you Mr.Mayor for your time and consideration.

Sincerely, Mrs.Ariel Ogison



Corporate Services Commission  
Procurement Services Department  
*info@newmarket.ca*

April 24, 2014

**CORPORATE SERVICES COMMISSION  
LEGAL SERVICES AND PROCUREMENT SERVICES  
JOINT REPORT 2014-12**

TO: Committee of the Whole

SUBJECT: New Procurement Processes and comments received from:  
Economic Advisory Committee  
Environmental Advisory Committee  
Newmarket Chamber of Commerce

ORIGIN: Manager, Procurement Services

**RECOMMENDATIONS**

**That the Corporate Services Commission, Legal Services and Procurement Services, Joint Report 2014-12 dated April 24, 2014 be received.**

**COMMENTS**

As set out in Legal Services and Procurement Services Joint Report 2014-11 (Item 26 of the Committee of the Whole agenda), staff had distributed for comments a draft version of the report to the Chamber of Commerce, the Economic Advisory Committee and the Environmental Advisory Committee. Subsequent to the comments outlined in the original report (#2014-11), the following comments were received and should any further comments be submitted prior to the deadline of April 25 staff will provide them verbally or via a walk-on addendum report.

Date received	Feedback	Staff Comment/Response
April 18	Staff report on Local Preference is correct in conclusion. Not supportive of a local preference.	No comment

April 18	Do any municipalities have a Tie Bid Policy that is decided by giving preference to the most Local Bidder?	See staff comment below (Comment #2)
April 22	Additional comment that the Town should develop a Sustainable Procurement policy.	See staff comment below (Comment #3)
April 23	Mixed opinion on Local Preference – likes the concept but not sure how it can be deployed in a fair manner.	Addressed in the original report (#2014-11) with further information provided herein.

### Response to Comment # 2:

Based on a poll conducted by the Procurement Services Department of Ontario municipalities, there are approximately five (5) municipalities in Ontario, that we are aware that utilize Local Preference as a factor in a tie break situation. One of these municipalities is in the process of removing it as a factor. The policy used by these municipalities does not have Local preference as the first deciding factor, which is typically Past Performance.

Our external Legal Counsel believes that local preference, if placed in the last series of tie break factors, would be very difficult to argue unfairness on the part of the municipality, particularly where the tie break procedure is fully described in the bid call document. If, the decision to favour a local supplier is ranked ahead of other deciding factors (such as lead time, past performance), the interest of local taxpayers is sacrificed to favour that of the local bidder and the decision becomes more difficult for the municipality to support.

Newmarket's first tie break deciding factor is Past Contractor Performance. The Bidder with the best Town performance appraisal would be the selected Bidder and if one of the Bidders does not have a Town performance appraisal, Town staff would proceed with the next step, a Coin Toss.

A companion procedure to the Procurement Bylaw is Newmarket's new formal Contractor Performance system and it is vital that Performance Forms be the primary factor in deciding Tie Bids, as we want to ensure that the Town is awarding a contract to the best performing Contractor.

Advocating Local Preference as a tie break factor will deter Bidders from bidding Newmarket projects and is not being recommended by the Manager, Procurement Services, as it is contrary to the purposes, goals, and objectives of the Procurement by-law and the Agreement on Internal Trade, which are:

- a) To encourage competition among Bidders;
- b) To make goods, service(s) and construction Contractors to be accountable to the Owner and the public;
- c) To ensure fairness and objectivity amongst Bidders during the procurement process;
- d) To ensure openness, accountability and transparency while protecting the financial best interests of the Owner.

The message that Newmarket should be communicating to Local Bidders, is that they presently enjoy distinct advantages that reduce their overhead costs when competing with non-local bidders. Local Bidders should factor these savings into the calculation of their bid cost:

- Reduced costs to transport workers and products to the job site;
- Lower costs to float equipment to the job site;
- Reduced travel time/costs for warranty or maintenance follow-up calls;
- Familiarity with local sub trades.

### **Response to Comment #3**

A new objective of the draft Procurement Bylaw (see page 167 of the agenda, Item 1. i) of the proposed bylaw) is:

“To promote Responsible Purchasing which encourages procurement practices which encompass social, ethical and environmental considerations when acquiring goods, services and construction.”

One of the first steps to support this objective is to introduce a Supplier Code of Conduct which Suppliers must agree and adhere to the Code of Conduct when performing contracts for the Town. This Code of Conduct will contribute to ensuring safe and healthy workplaces for the labour market that provide or make goods, construction and services for Newmarket. The following nine standards from the ILO International Labour Standards, which have been adopted by the Cities of Edmonton, Calgary and London, is being considered by Newmarket and will support the social and ethical aspects of the new objective and addresses of child and forced labour.



1. Forced Labour
2. Child Labour
3. Non-discrimination and Diversity
4. Health and Safety
5. Freedom of Association and Collective Bargaining
6. Wages and Benefits
7. Hours of Work for Goods and Services Produced in Canada
8. Hours of Work for Goods and Services Produced Outside of Canada
9. Overtime Compensation

In collaboration with Town staff and external bodies, where appropriate, a Responsible Purchasing policy and/or additional concepts may be introduced to support the Responsible Procurement objective.

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

- Well-Equipped & Managed
- Well-Planned & Connected
- Well-Respected

#### **CONSULTATION**

- Commissioner, Corporate Services
- Associate Solicitor
- External Legal Counsel

#### **BUDGET IMPACT**

The Responsible Purchasing objective may have an impact on cost of goods, services and construction, but this will be reviewed by and be the decision of the originating Department during evaluation of bids received.

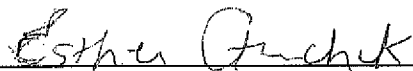
#### **CONTACT**

For further information on this report, please contact Gord Sears, Manager, Procurement Services extension 2351.

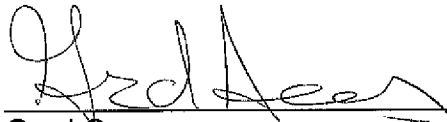
Respectfully submitted,



Anita Moore  
Commissioner of Corporate Services



Esther Armchuk  
Director of Legal Services/Municipal  
Solicitor



Gord Sears  
Manager of Procurement Services



Karen Reynar  
Associate Solicitor



**CORPORATE SERVICES – INFORMATION TECHNOLOGY**  
 TOWN OF NEWMARKET  
 395 Mulock Drive  
 P.O. Box 328  
 Newmarket, ON L3Y 4X7

www.newmarket.ca  
 info@newmarket.ca  
 905.895.5193

April 22, 2014

## **CORPORATE SERVICES REPORT – INFORMATION TECHNOLOGY – 2014-01**

TO: Committee of the Whole

SUBJECT: Shared Information Technology Services Project

ORIGIN: Director, Information Technology

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### **RECOMMENDATIONS**

**THAT Corporate Services Report – Information Technology - 2014-01 dated April 22, 2014, regarding an update on a shared services project with the Town of Aurora IT Department be received for information purposes.**

### **COMMENTS**

This report is intended to provide Council with an overview with respect to a review of the opportunity for a shared services project with the Town of Aurora IT Department. A follow-up report will be provided with the outcomes of the first phase of the project later in 2014.

In early 2013, the management team of the Town of Aurora and the Town of Newmarket IT Department's identified opportunities for collaborative projects. IT projects can be very costly and resource intensive. Both organizations have challenges in meeting the technical requirements of the many departments they service. The collaborative website design and implementation project was identified as a pilot project to determine if such collaboration was feasible and could deliver the expected outcomes. That project has gone very well, even with the challenges with having to change one of the vendor partners. The team moved forward and is now very close to delivering new websites for both organizations.

Building on the ease of working together, the IT Director/Manager reviewed other possible joint projects. It was realized there were many similarities, both in existing systems and for planned new projects. It was agreed that a more detailed assessment of further collaborative opportunities was warranted. To that end, a project plan was presented to the senior management of both organizations outlining a detailed assessment of both IT organizations with the view to identifying synergies and possible collaboration points. This assessment phase is expected to be completed before the fourth quarter of 2014 and will provide recommendations for moving forward.

The discovery and assessment phase of the project will look at all aspects of the IT service. This includes:

- hardware and infrastructure environments,
- software and applications,

- policies and procedures,
- current and future budgets,
- current and future staffing.

Following these assessments, the project team will identify potential opportunities for collaboration and shared service delivery. More detailed analysis will then be completed to identify full costs and benefits as well as measuring improvements to service delivery. Once the discovery and assessment phase is completed, a report of recommendations will be provided to Council.

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

The review of potential shared services is linked to our strategic focus area of being Well Equipped & Managed and Well Planned & Connected.

### **BUDGET IMPACT**

All costs for this phase of the project are accommodated through the respective existing budgets. Any future costs identified for the project would be considered as part of Council's annual budget process.

There is the potential for cost savings for both municipalities through the potential shared agreements and hardware or software resources. There is the greater likelihood of cost avoidance in the future along with the opportunities of projects that can be achieved together that would not be achieved on our own. These costs and opportunities will be addressed in future reports.

### **CONTACT**

For more information on this report, please contact Susan Chase, Director, IT at [schase@newmarket.ca](mailto:schase@newmarket.ca) or at extension 2301.

  
\_\_\_\_\_  
Director, Information Technology

  
\_\_\_\_\_  
Commissioner of Corporate Services

**A resolution to welcome the expansion of the Dortec Manufacturing plant**

WHEREAS Magna Closures, through its Dortec Manufacturing plant, has announced plans to reinvest in the Town of Newmarket through a \$1.5 million expansion and plans to hire 75 workers;

AND THAT statistics show that for every job created in Ontario auto manufacturing industrial sector has the potential to create nine other jobs in the local economy;

BE IT RESOLVED that the Town of Newmarket welcomes the news of the expansion of the Dortech Manufacturing plant and furthermore calls upon leaders in business, government, and labour to continue to work together, rallying to preserve and grow employment opportunities in Ontario's auto manufacturing industrial sector which remains critical to the local economy of our community.



# URBAN CENTRES SECONDARY PLAN

## Secondary Plan Public Meeting

April 28, 2014



# DEVELOPING THE SECONDARY PLAN

WE ARE  
HERE



MARCH 2010

MAY 2010

SEPT. 2011

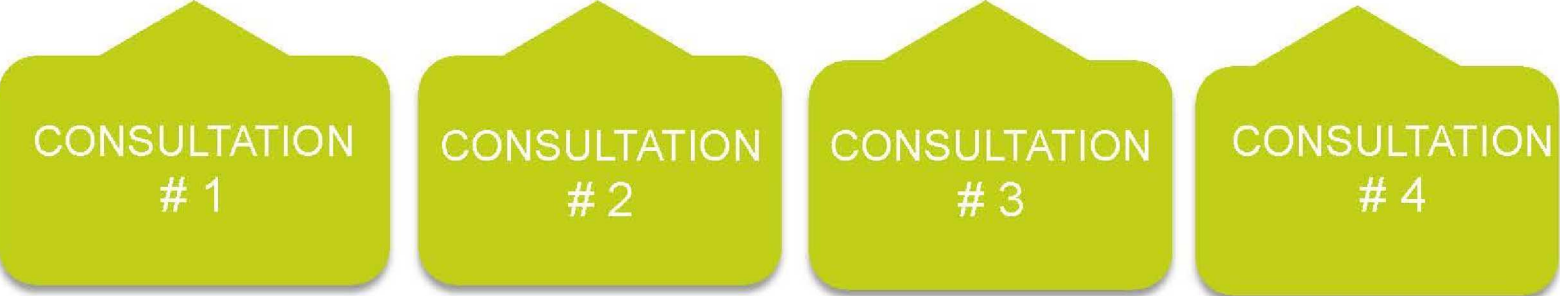
MAY-JUNE 2012

SEPT.-OCT. 2012

MAY 2013

FALL 2013

SPRING 2014



- Council Workshop
- COW for Directions for Public Notice
- Public Meeting
- COW

316

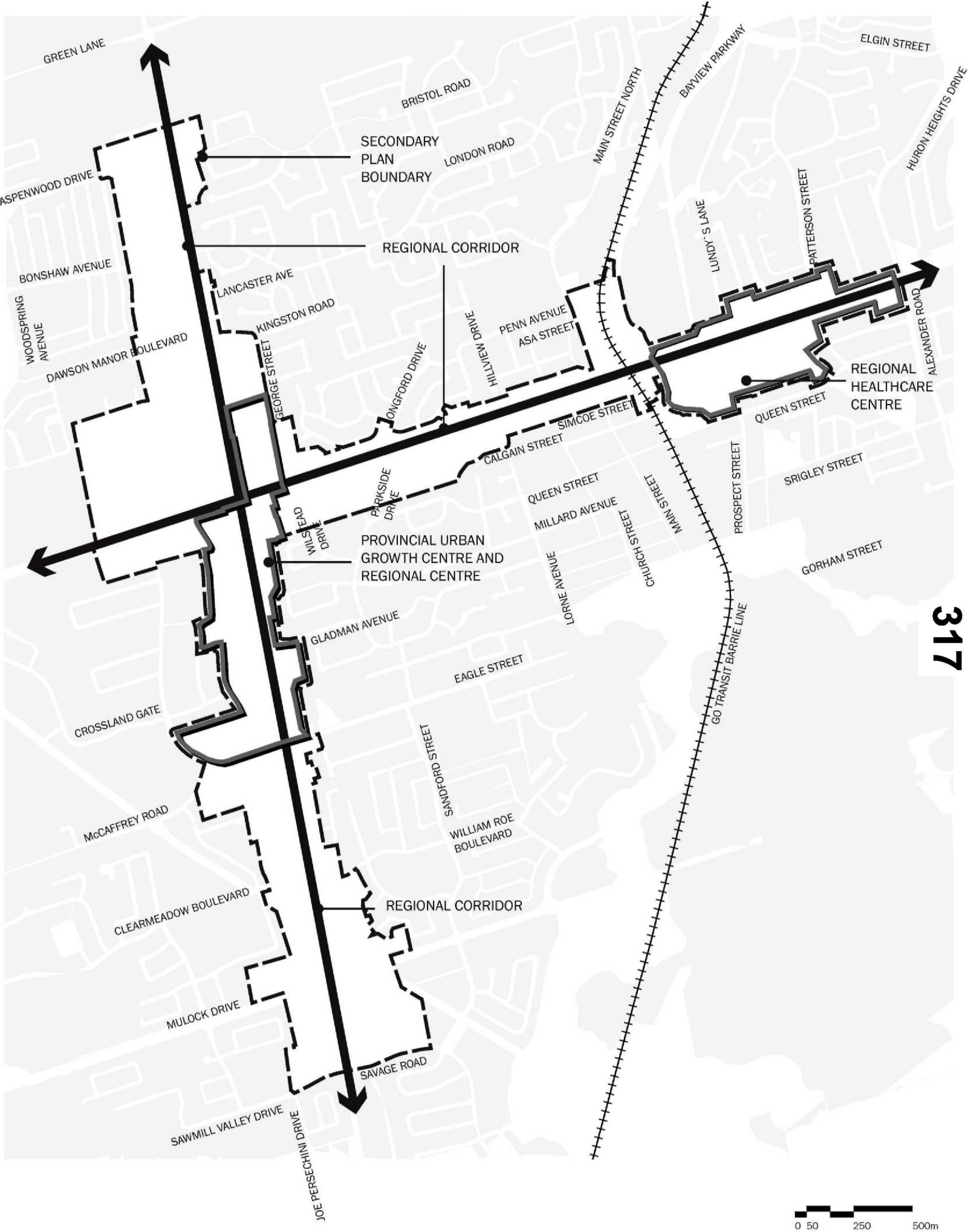


# THE URBAN CENTRES

Yonge-Davis Provincial  
Urban Growth Centre

Yonge Street Regional  
Centre

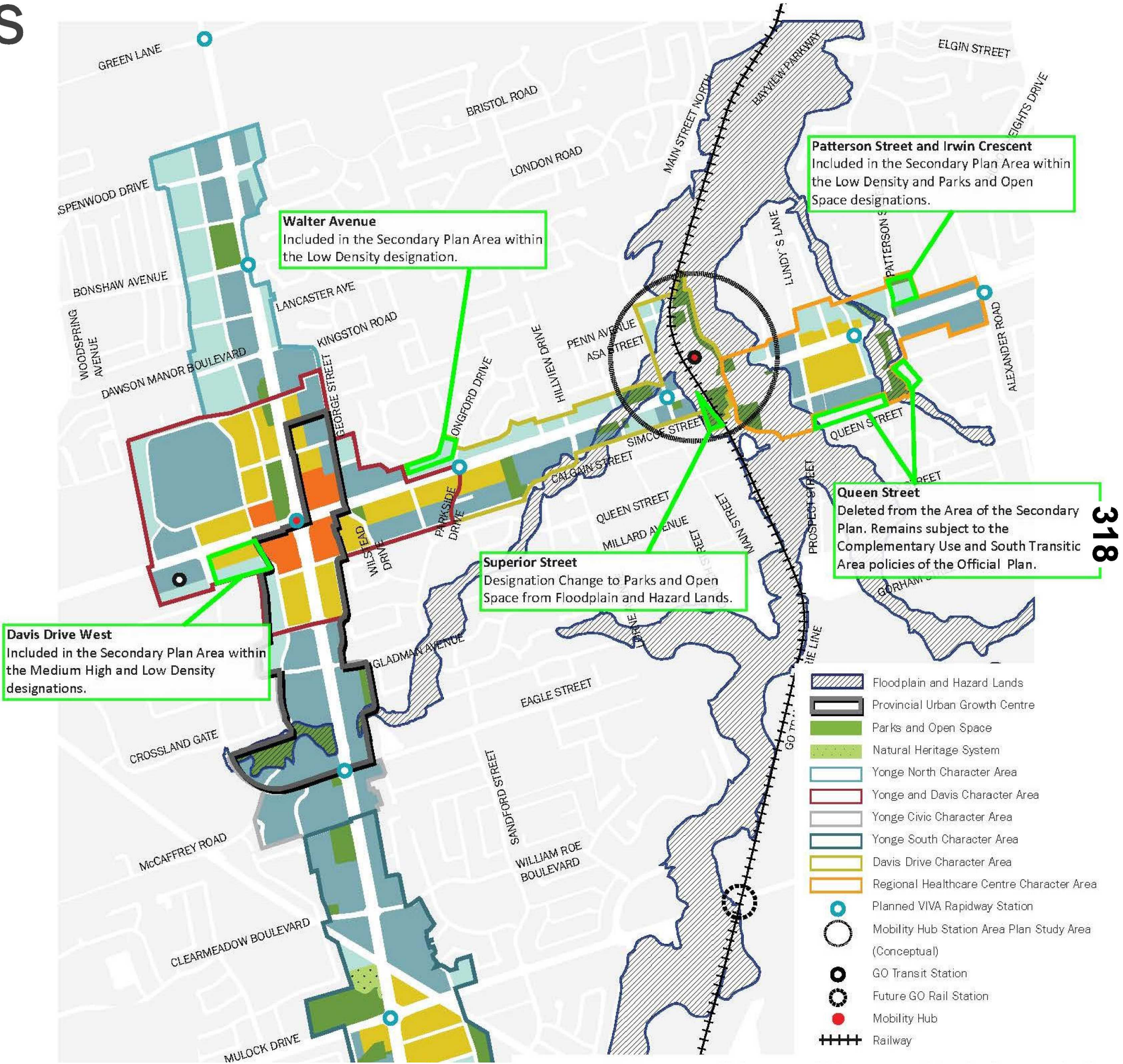
Regional Healthcare  
Centre





# THE URBAN CENTRES

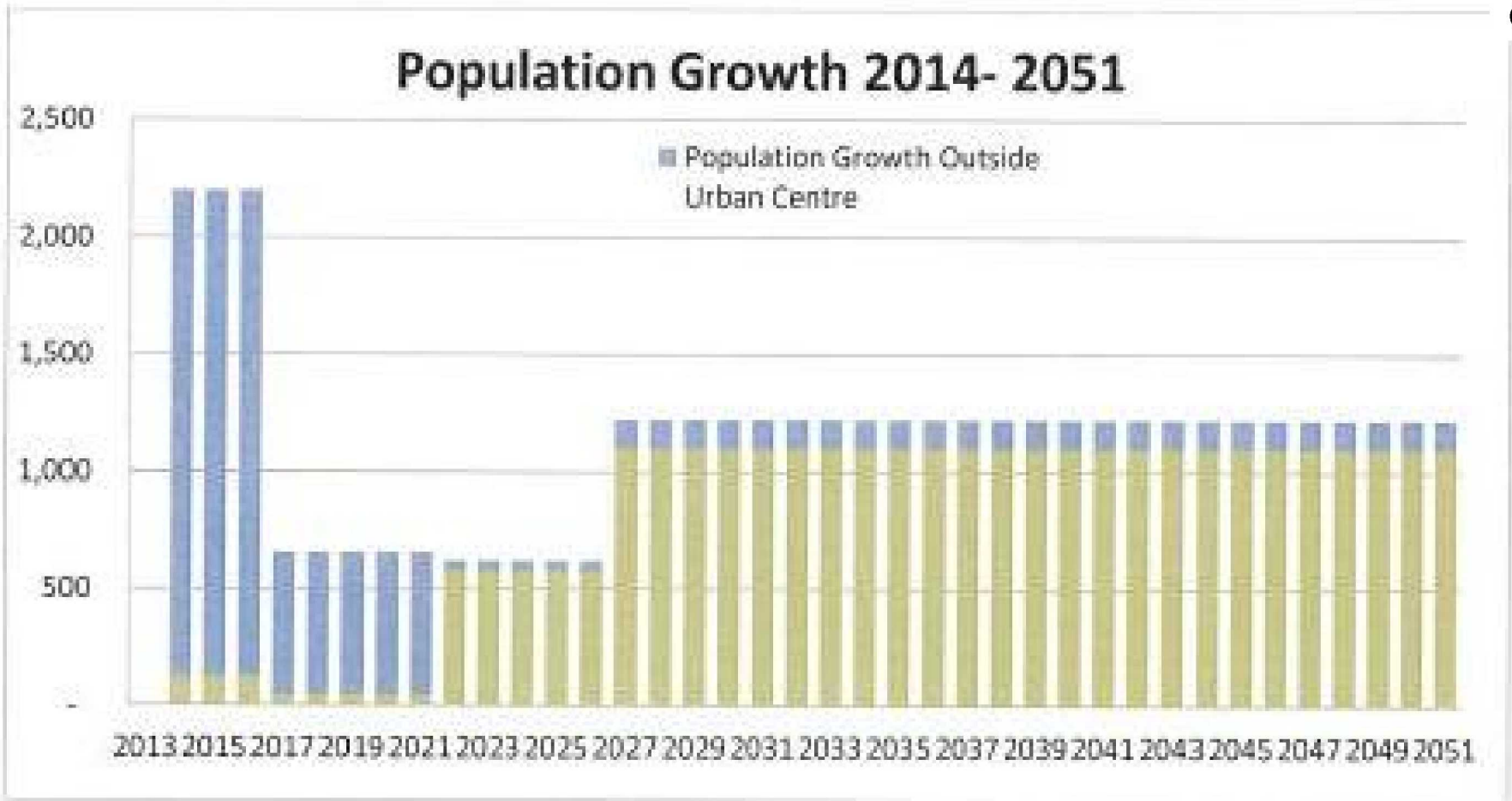
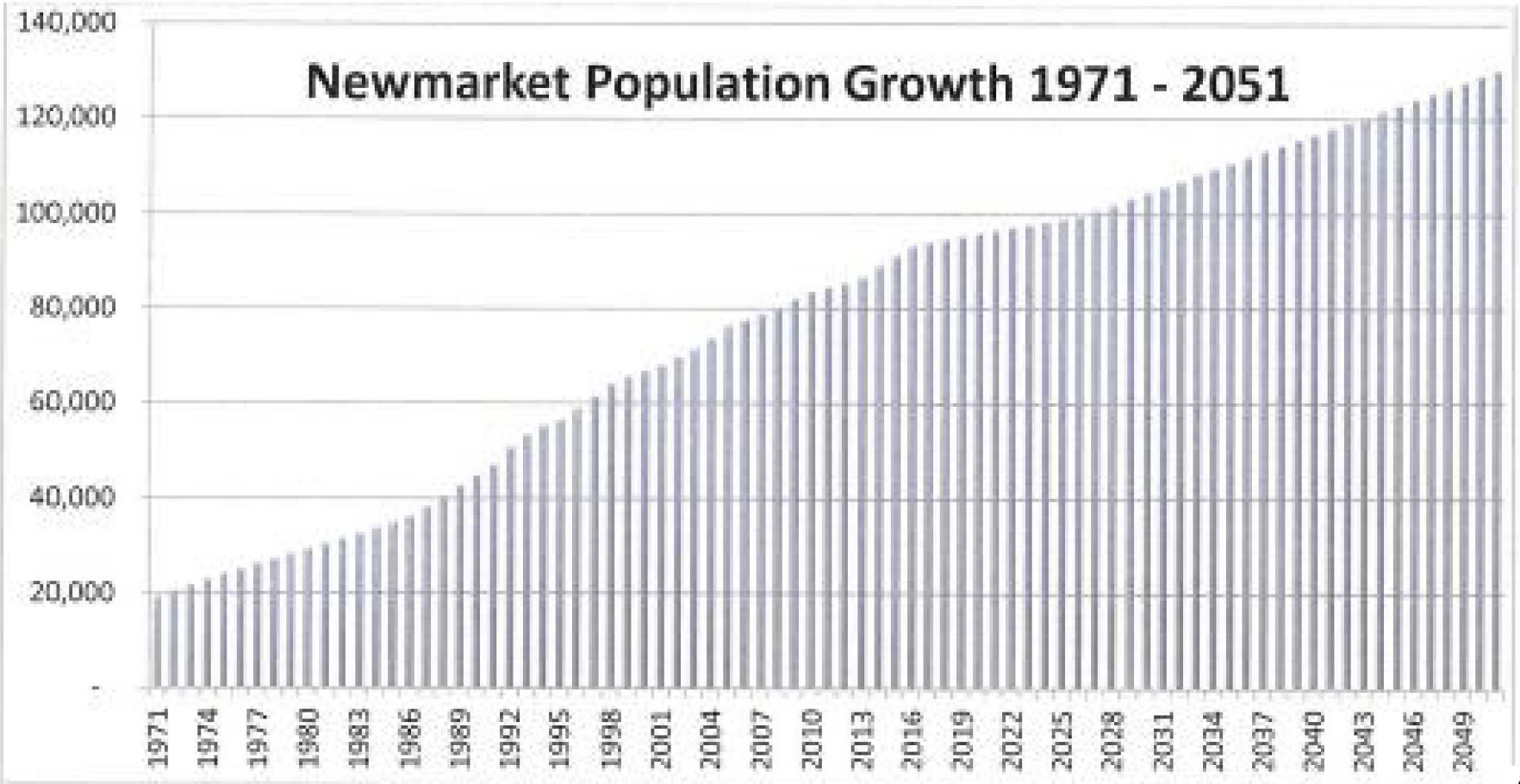
Walter Avenue  
Patterson and Irwin  
Superior Street  
Queen Street





# POPULATION GROWTH

Ultimate build-out of  
33,000 people and  
30,000 jobs



# SECONDARY PLAN POLICIES



# CHAPTERS

- 5.0 Land Use
- 6.0 Character Areas, Permitted Uses, Density, Height and Built Form
- 7.0 Urban Design and Sustainability
- 8.0 Block Structure and Street Network
- 9.0 Transportation and Mobility
- 10.0 Parks, Open Space and Natural Heritage
- 11.0 Community Facilities
- 12.0 Culture, Heritage and Public Art
- 13.0 Servicing
- 14.0 Implementation





# 5.0

## Land Use

# LAND USES

Mixed Use

Priority Commercial Areas

Major Institutional

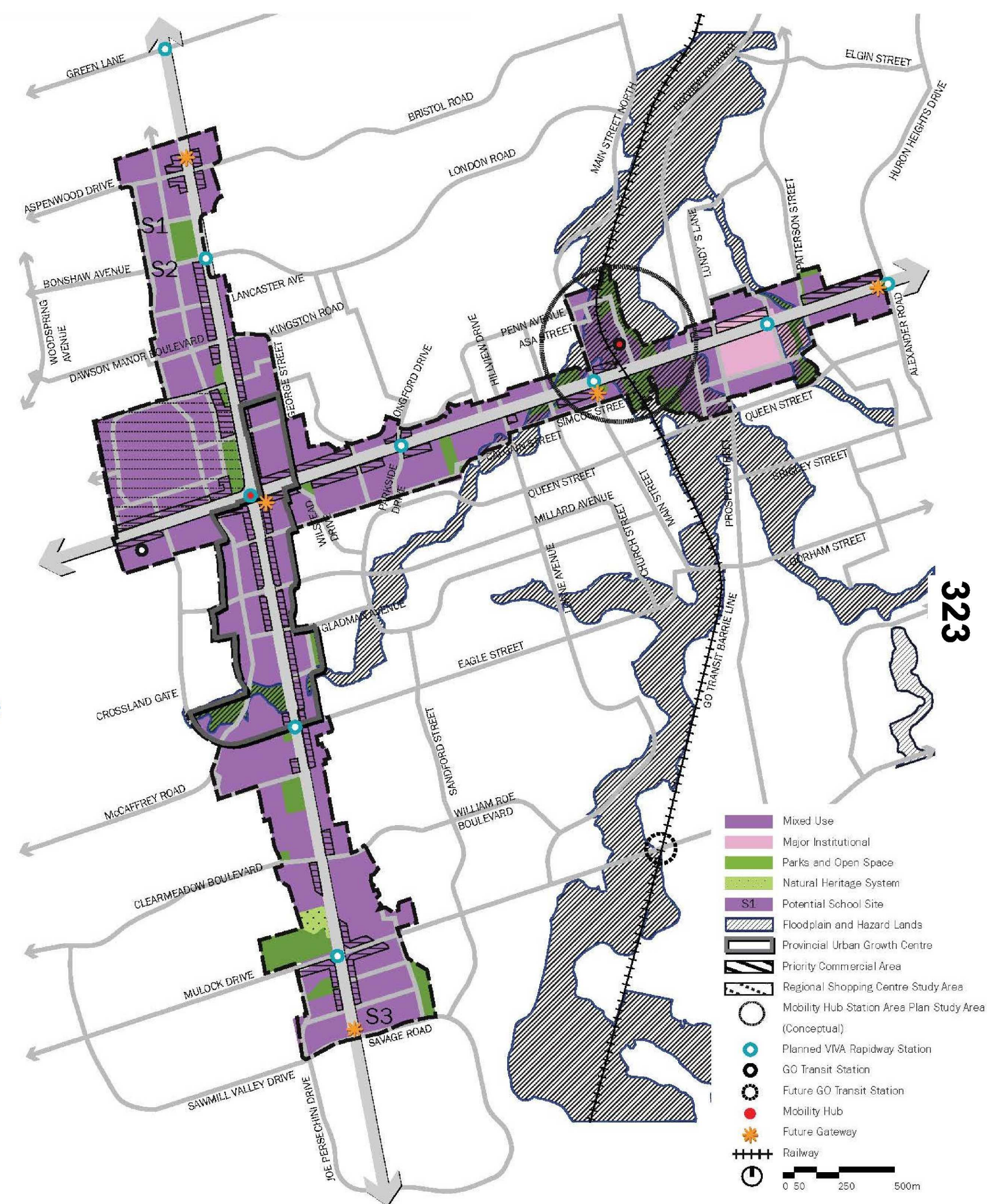
Regional Shopping Centre Study Area

Potential School Sites

Neighbourhood Parks and Open Space

Natural Heritage System

Floodplain and Hazard Lands



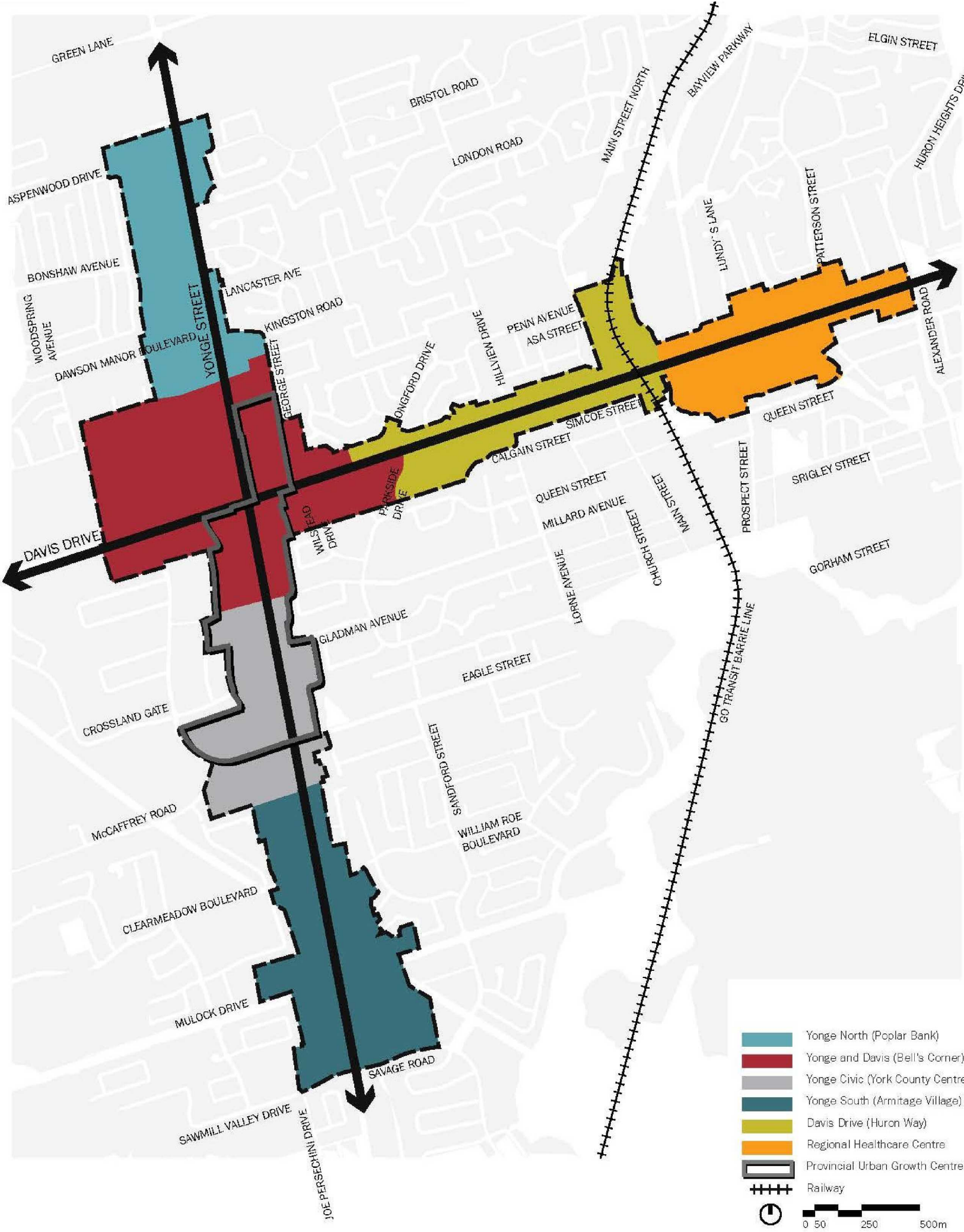
**6.0**

# **Character Areas, Permitted Uses, Density, Height and Built Form**



# Character Areas

- Yonge North
- Yonge and Davis
- Yonge Civic
- Yonge South
- Davis Drive
- Regional Healthcare Centre



# Character Areas

Character Area	Predominant Land Use	Residential (approx. % of total GFA)	Employment (approx. % of total GFA)	People	Jobs	FSI Range (FSI)
Yonge North	Mixed Use	70%	30%	6,000 residents	2,300 jobs	1.5 – 2.0
Yonge and Davis	Mixed Use	65%	35%	13,000 residents	11,000 jobs	1.5 – 3.5
Yonge Civic	Mixed Use & Major Office	40%	60%	1,500 residents	6,000 jobs	1.5 – 2.0
Yonge South	Mixed Use	80%	20%	6,500 residents	2,500 jobs	1.5 – 2.5
Davis Drive	Mixed Use	75%	25%	4,500 residents	1,500 jobs	1.5 – 2.5
Regional Healthcare Centre	Mixed Use & Major Institutional	20%	80%	1,500 residents	6,700 jobs	1.5 – 2.5
Total				33,000	30,000	



# Retail Policies

- Require ground floor commercial in Priority Commercial Areas.
- Design for ground floor commercial outside of Priority Commercial Areas on Yonge and Davis.
- 5 square metres of retail per person.
- No new drive through facilities in Priority Commercial Area fronting on Yonge or Davis, and discouraged elsewhere.

# Affordable Housing

- Minimum 35% of new units in the UGC and Regional Healthcare Centre.
- Minimum 25% of new units elsewhere in the Urban Centres.
- Retain existing affordable and rental housing.



# List of Major Issues

- Height, Density and Bonusing Policies
- Application of the Height and Density Policies
- Transition to Surrounding Neighbourhood
- Interim Development Policies

# Height and Density

- Height and density reduced from Draft Secondary Plan
- Height limits apply on a site specific basis.
- Minor reductions to minimum heights allowable in some circumstances.
- Minimum and maximum densities apply on the basis of the density designations.

	permitted min. height	permitted max. height	permitted min. FSI	permitted max. FSI	discretionary max. height with bonusing	discretionary max. FSI with bonusing
high density	6 storeys (20m)	17 storeys (53m)	2.5	3.5	20 storeys (62m)	4.0
medium-high density	4 storeys (14m)	12 storeys (38m)	2.0	2.5	15 storeys (47m)	3.0
medium density	3 storeys (11m)	8 storeys (26m)	1.5	2.0	10 storeys (32m)	2.5
low density	2 storeys (8m)	4 storeys (14m)	1.5	2.0	6 storeys (20m)	2.0





# Bonusing

➤ Increases to the heights and densities may be permitted at the discretion of the Town, subject to bonusing provisions and bonusing justification report.

- Cultural facilities
  - Additional parks or recreational facilities
  - Public art
  - Structured parking
- Streetscape improvements
  - Community facility upgrades
  - Energy or water conservation measures
  - Affordable or rental housing

330

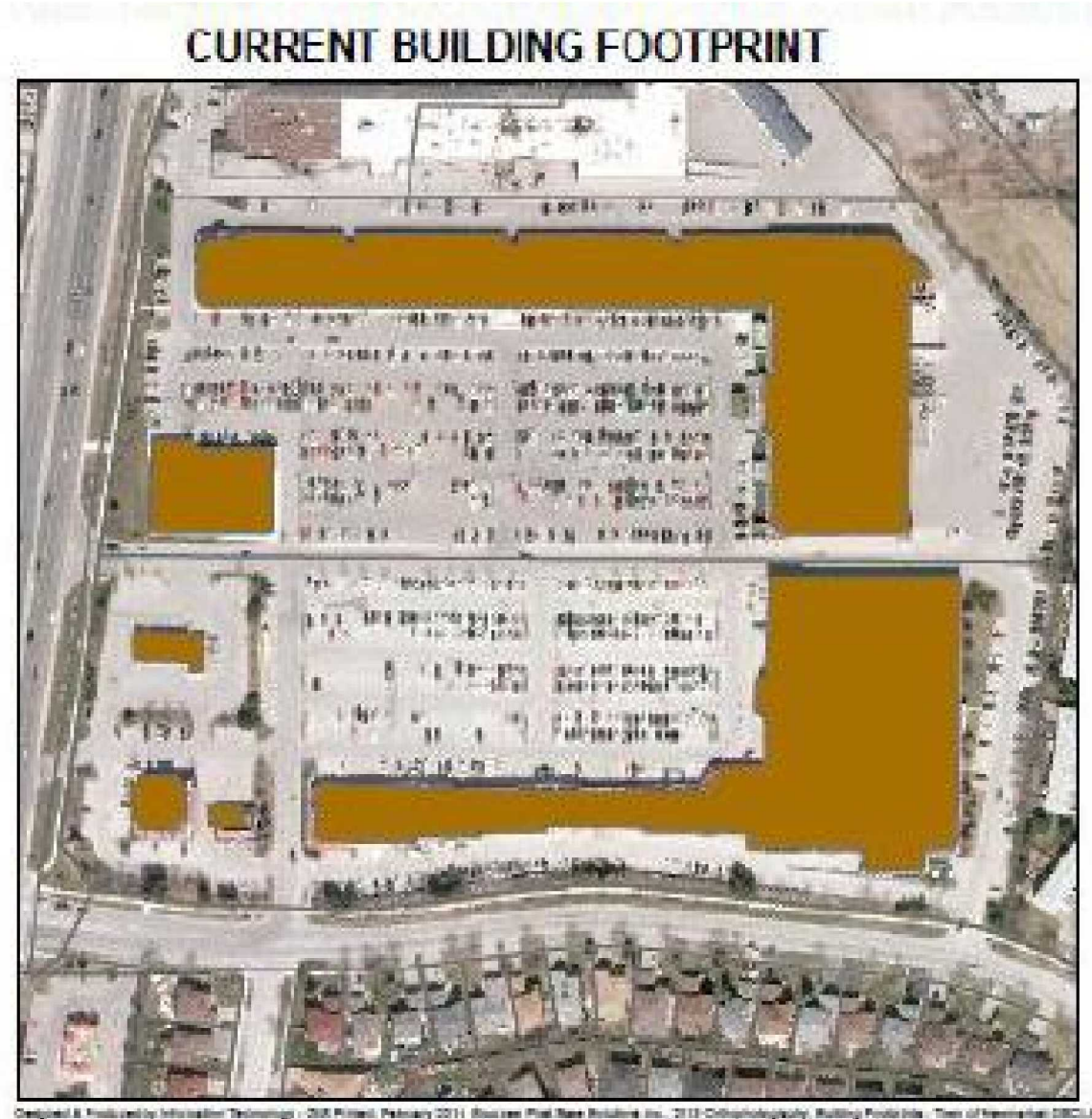
		permitted min. height	permitted max. height	permitted min. FSI	permitted max. FSI	discretionary max. height with bonusing	discretionary max. FSI with bonusing
high density		6 storeys (20m)	17 storeys (53m)	2.5	3.5	20 storeys (62m)	4.0
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medium density		3 storeys (11m)	8 storeys (26m)	1.5	2.0	10 storeys (32m)	2.5
low density		2 storeys (8m)	4 storeys (14m)	1.5	2.0	6 storeys (20m)	2.0



# Interim Development Policies

## ➤ Lower heights and densities permitted provided:

- Does not increase GFA by more than 10% and no more than two storeys
- Short-term development
- Does not preclude long term vision



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Copyright © 2011 by Information Technology - GIS, Inc. All Rights Reserved. This map is for informational purposes only. It is not a substitute for a legal survey.

**7.0**

# **Urban Design and Sustainability**

# General Massing and Built Form

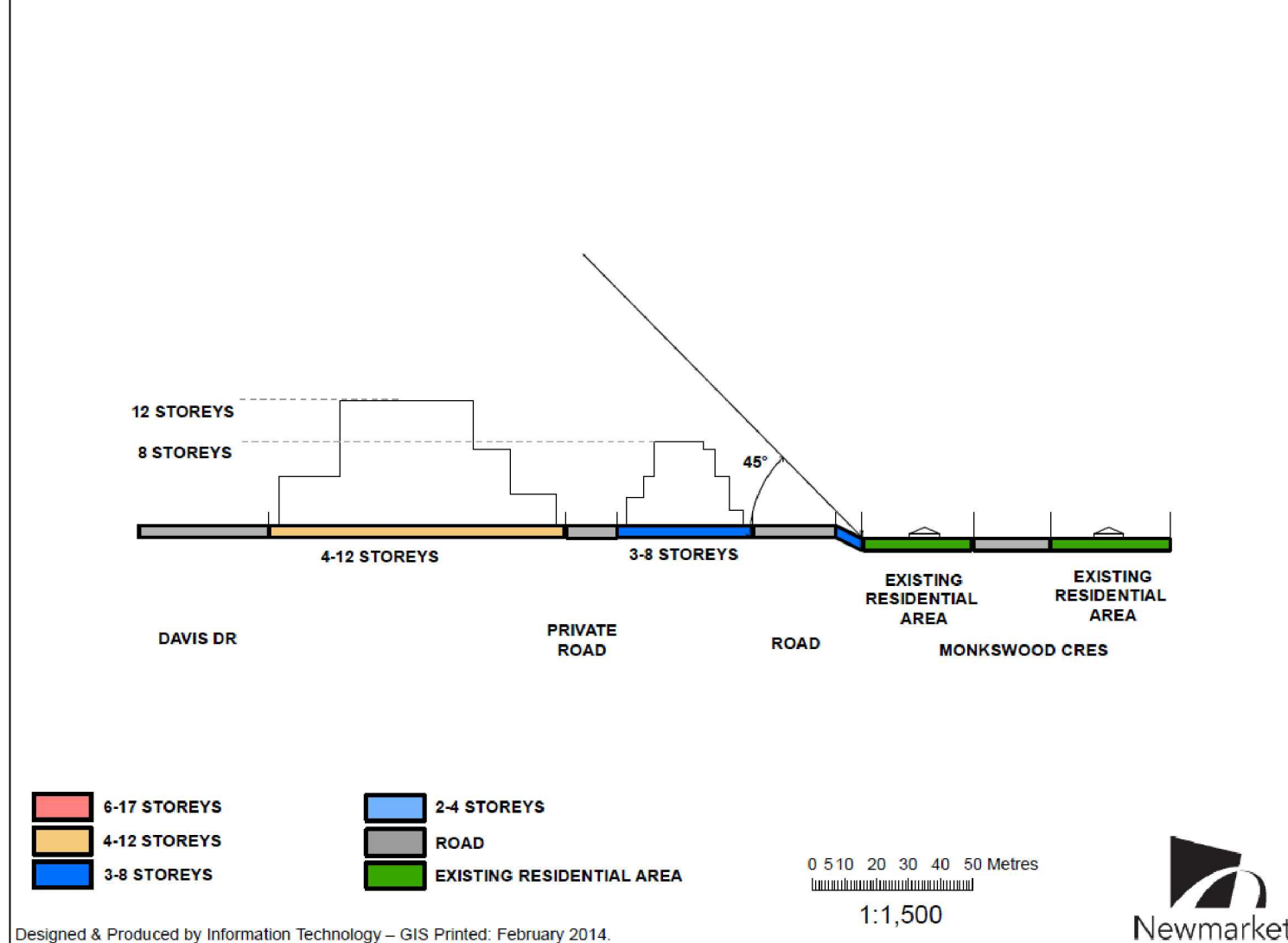
- Accessible to people with disabilities in accordance with AODA
- Fit harmoniously into planned context.
- Limit shadow and wind impacts.
- Buildings that address the street.
- Architectural features such as recesses, projections, awnings, colonnades that break up long facades.
- Highly transparent ground floors for non-residential uses.
- Discourage direct driveway access on Yonge and Davis.



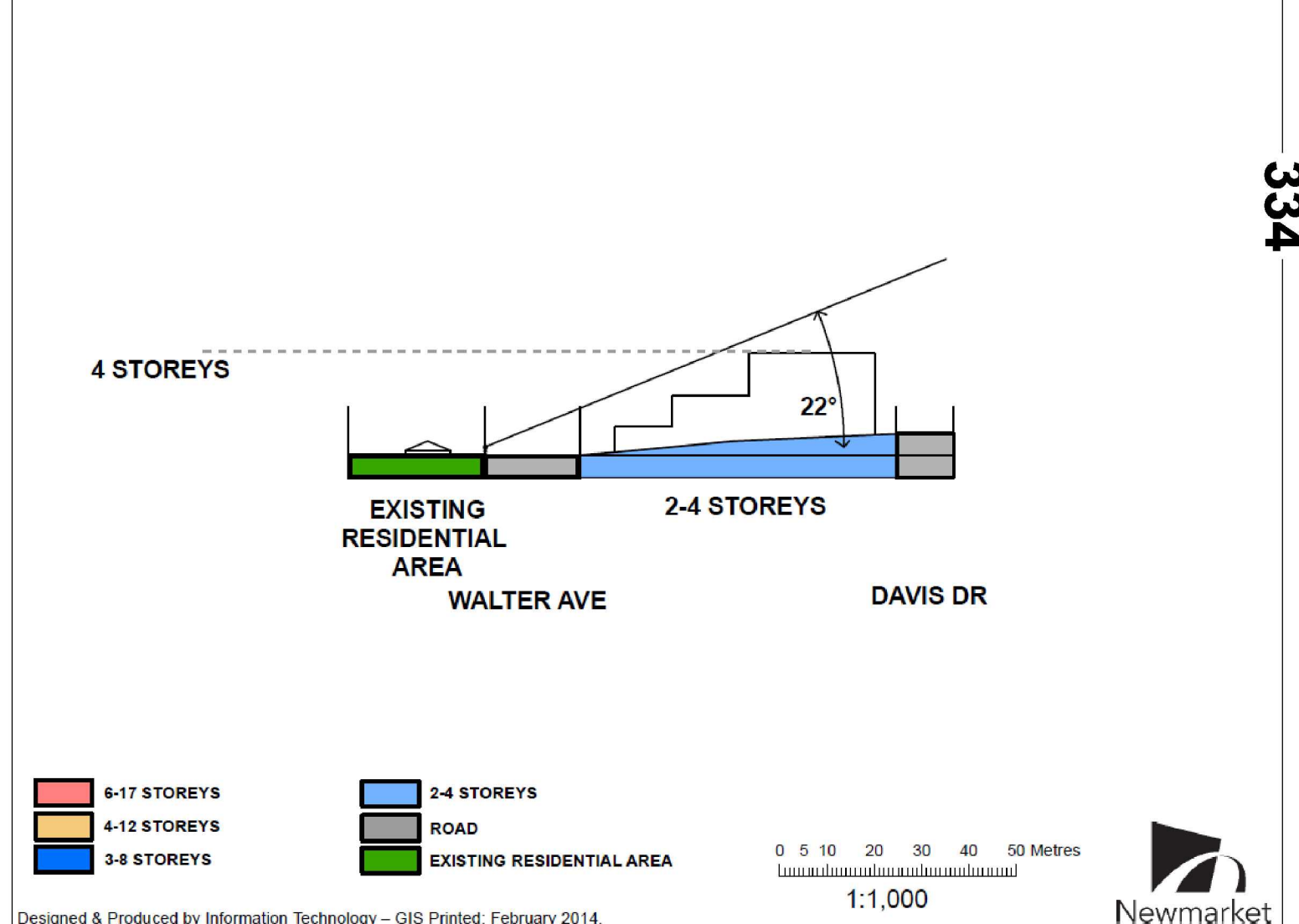
# Angular Planes

- To ensure new development is sensitive to and compatible with the existing or planned context, new development must fit within 45 degree angular plane.
- Within 22 degree angular plane for development fronting onto a public street shared on opposite side with low-rise residential development

TOWN OF NEWMARKET - ANGULAR PLANE - MONKSWOOD CRES TO DAVIS DR



TOWN OF NEWMARKET - ANGULAR PLANE - WALTER AVE TO DAVIS DR



# High and Mid-Rise Buildings

- Requirement for amenity space.
- Limitations on blank side walls.
- Buildings taller than 6 storeys required to have a podium.
- Transition to adjacent low rise uses.
- Floorplates of residential towers generally not exceed 750 square metres.
- Minimum 30 metres between towers.

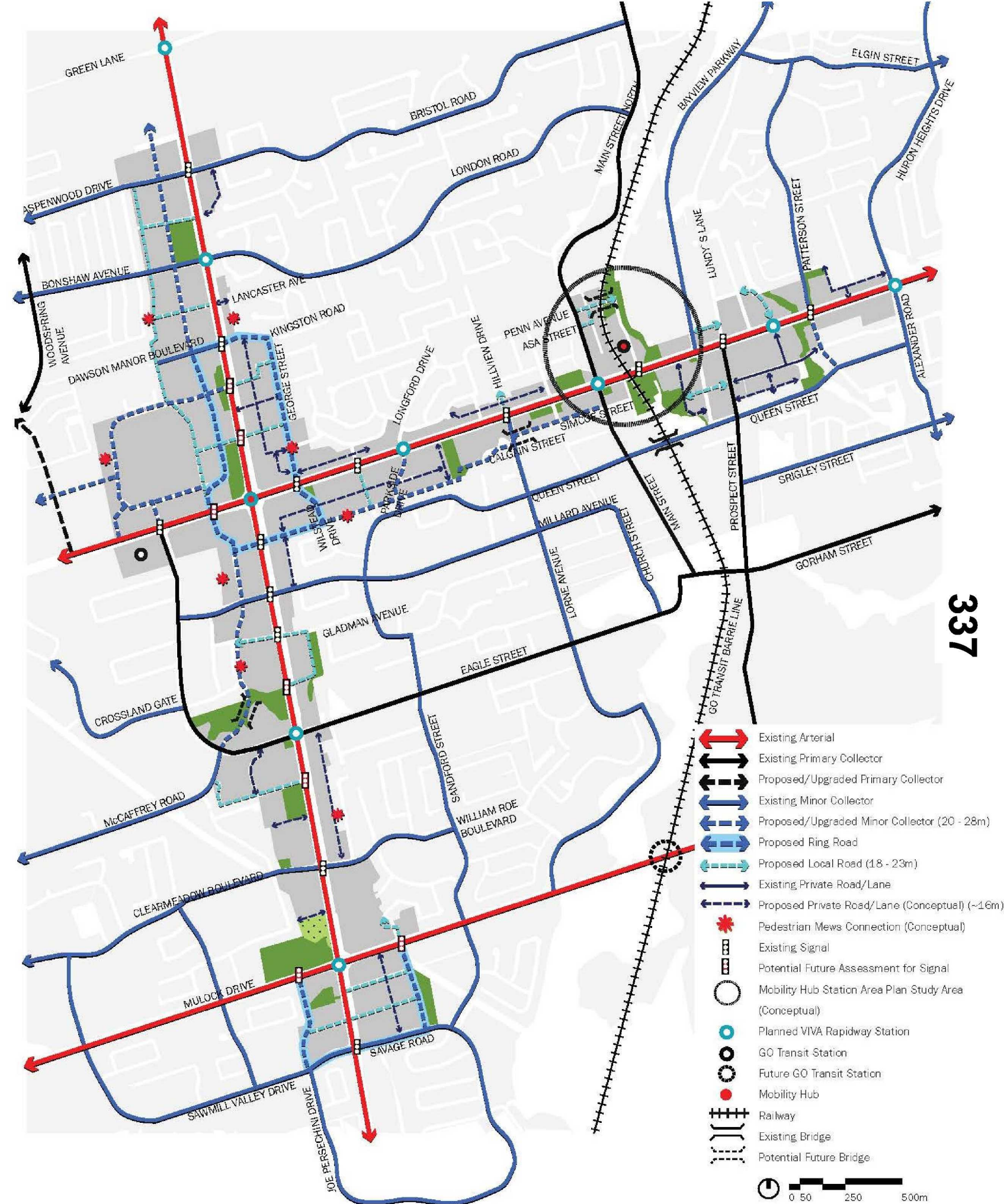
8.0

# Block Structure and Street Network



# Street Network

- Short, walkable blocks.
- Provide alternatives to Yonge and Davis.
- Ring road around Yonge-Davis and Yonge-Mulock intersections.
- Private streets and laneways designed to facilitate traffic circulation.
- Pedestrian mews to break-up long walking distances (> 400 m)
- Final locations and alignments to be determined at time of application.



9.0

# Transportation and Mobility



# Transit and TDM

- Target of 50% mode share for other than non single occupant vehicles during peak periods by 2031.
- Mobility Hub Station Area Plan for the Newmarket GO Station.
- TDM strategies required for all non-residential development and for residential development > 10 units:
  - Car share opportunities
  - Indoor bicycle parking
  - Preferential car pool parking
  - Transit incentive programs

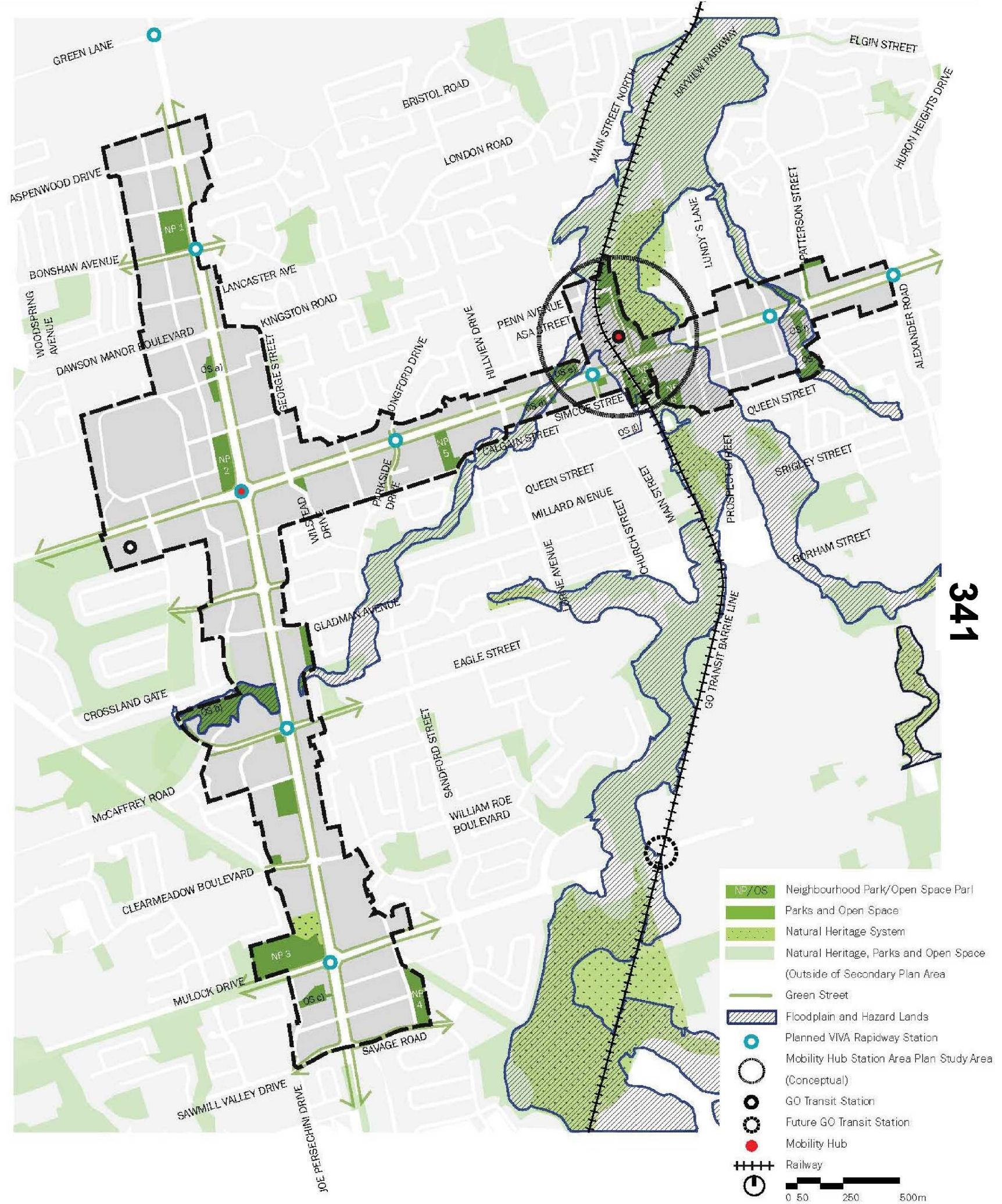
**10.0**

# **Parks, Open Space and Natural Heritage**



# Parks

- Goal of 0.7 ha of Neighbourhood Parks for every 1,000 residents.
- Goal of 23 ha of Neighbourhood Parks and Urban Squares and Plazas within or immediately adjacent to the Urban Centres.





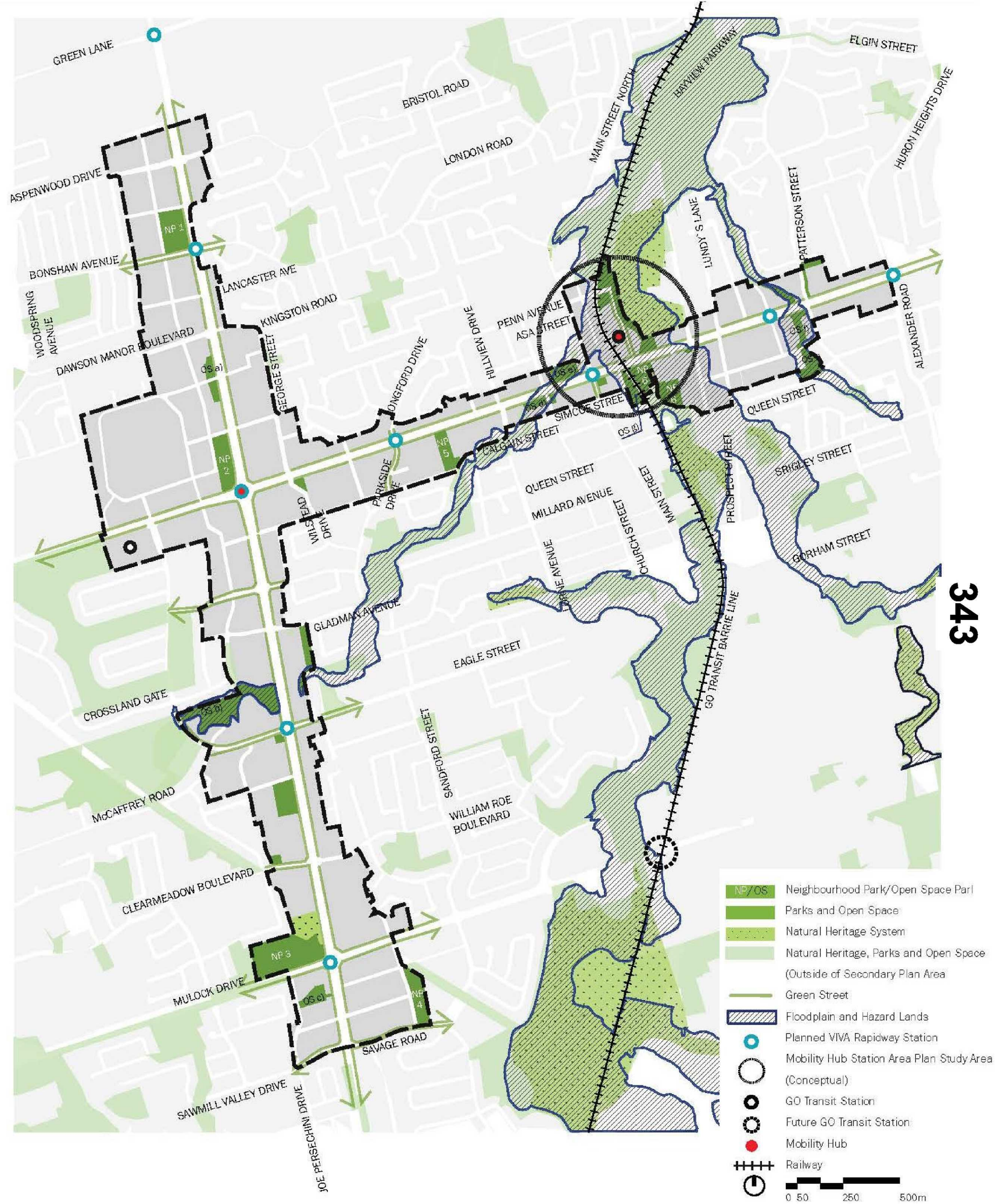
- North Yonge
- Yonge and Davis
- Mulock Farm
- Savage Road
- Davis Drive
- Holland River





# Open Spaces

- Yonge and Dawson Manor
- Eagle Street
- Mulock South Woodland
- Niagara Street West
- North Davis
- Regional Healthcare Centre
- Superior Street





# 11.0

## Community Facilities

# Community Facilities

- Regularly monitor development to assess thresholds / needs for new community facilities.
- Potential for need for up to two additional public elementary schools and one additional separate elementary school.
- Recreational facility needs to be addressed through the Town's Recreation Master Plan.
- Where appropriate, incorporate community facilities within public and private developments.

**12.0**

# **Culture, Heritage and Public Art**

# Culture, Heritage and Public Art

- Conserve and protect designated heritage buildings, structures and landscapes.
- Mulock Farm property a priority for protection as a park.
- New gateway features at entrance points into the Urban Centres.
- Public art contributions encouraged for all new private development (0.5% of construction value).

# 13.0

## Servicing

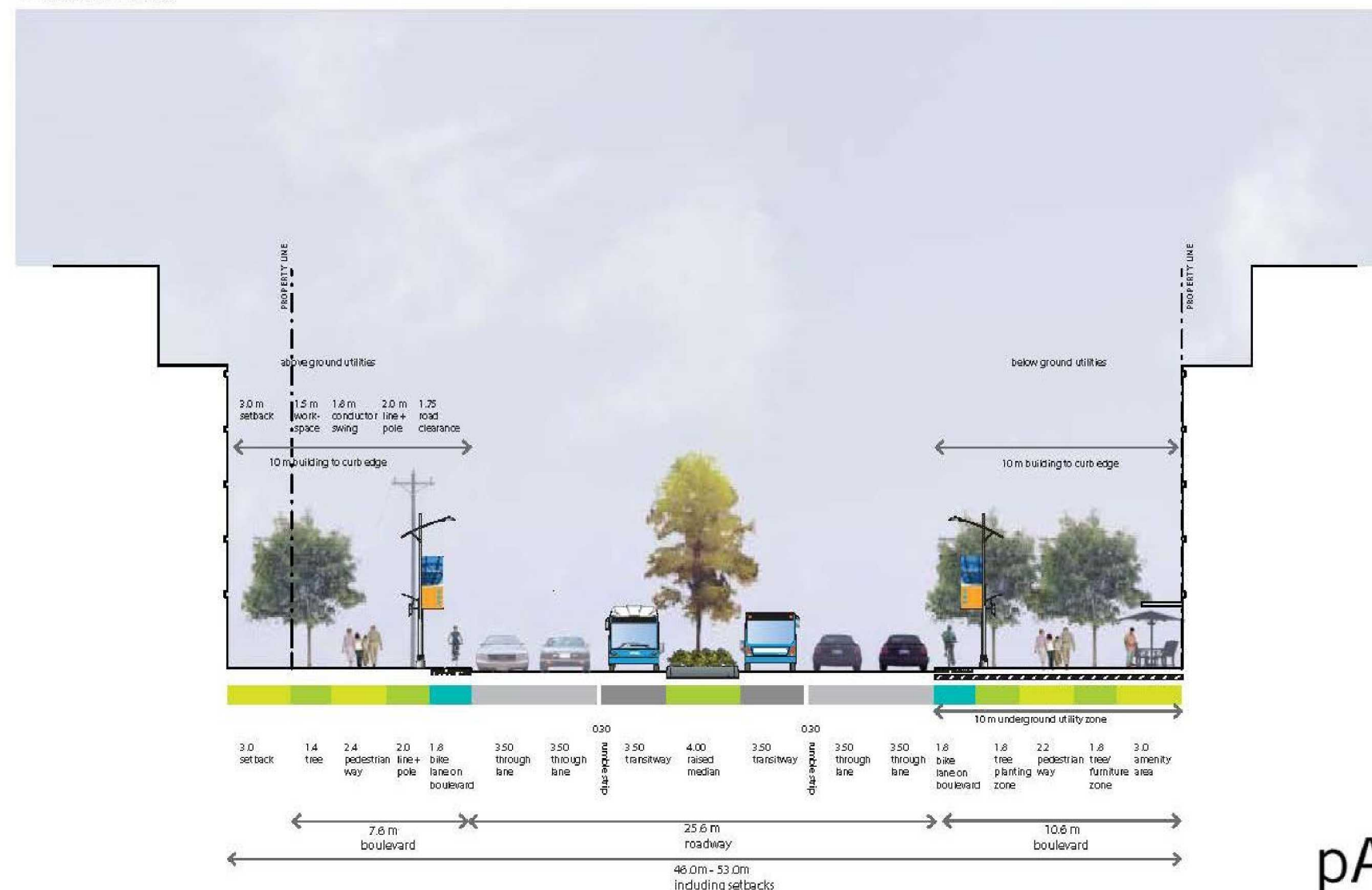


# Underground Utilities

- Plan for the future burying of hydro lines and associated utilities.
- Require up to an additional 5 metres of boulevard width on Yonge and Davis.
- Area dedicated to be part of the land area for purpose of calculating density.
- Consideration in Parkland Dedication By-law.

YONGE STREET AND DAVIS DRIVE CONCEPTUAL CROSS SECTION - MID BLOCK  
~ 46-53 m ROW

Corss Section #1



# 14.0

## Implementation

# Implementation

- New development to be phased with required infrastructure improvements.
- Zoning to be updated to implement the Secondary Plan.
- Town may consider Development Permit System.
- Town may establish a Design Review Panel.



Corporate Services Commission  
Procurement Services Department  
*info@newmarket.ca*

April 28, 2014

**JOINT CORPORATE SERVICES COMMISSION  
LEGAL SERVICES DEPARTMENT AND  
PROCUREMENT SERVICES DEPARTMENT  
REPORT 2014-23**

TO: Committee of the Whole

SUBJECT: New Procurement Processes and comments received from:  
Economic Advisory Committee  
Environmental Advisory Committee  
Newmarket Chamber of Commerce

ORIGIN: Manager, Procurement Services

**RECOMMENDATIONS**

Further to the Corporate Services Commission, Legal Services and Procurement Services, Joint Report 2014-23 dated April 28, 2014, (Item 26 on the Committee of the Whole Agenda) the following additional comment has been received.

**COMMENTS**

Date received	Feedback	Staff Comment/Response
April 28	<p>Comment on Procurement Process Local Preference</p> <p>Thanked the Town for investigating the issue and understands that no local procurement is possible.</p>	No comment

**BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

- Well-Equipped & Managed
- Well-Planned & Connected
- Well-Respected

**CONSULTATION**

- Commissioner, Corporate Services
- The Associate Municipal Solicitor
- External Legal Counsel

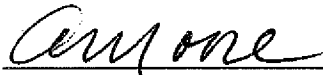
**BUDGET IMPACT**

The responsible Purchasing goal may have an impact on cost of goods, services and construction, but this will be reviewed by and be the decision of the originating Department during evaluation of bids received.


**CONTACT**

For further information on this report, please contact Gord Sears, Manager, Procurement Services extension 2351.

Respectfully submitted,



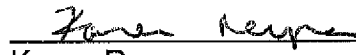
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