

Agenda

Corporate Services Committee

12th Meeting of the Corporate Services Committee

May 29, 2018, 12:30 PM

Council Chambers

Members

Councillors J. Helmer (Chair), J. Morgan, P. Hubert, M. van Holst, J. Zaifman, Mayor M. Brown

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Alex Meilutis (Active Community Planting Group) Alex Morrison (Local Business Association/Tree Related Business) Sonja Teichertt (Forestry Expertise)	
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Manmohan Bhavra	
5. Deferred Matters/Additional Business	
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6.1 Personal Matters/Identifiable Individual	
12:30 PM - A matter pertaining to personal matters about an identifiable individual, including communications necessary for that purpose, as it relates to interviews for nomination to the London and Middlesex Housing Corporation Board of Directors.	

6.2 Land Acquisition/Solicitor-Client Privileged Advice

A matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a lease amendment; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed lease amendment; commercial and financial information supplied in confidence pertaining to the proposed lease amendment, the disclosure of which could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed lease amendment whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed lease amendment whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed lease amendment.

7. Adjournment

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON MAY 29, 2018
FROM:	BARRY CARD MANAGING DIRECTOR, LEGAL & CORPORATE SERVICES AND CITY SOLICITOR
SUBJECT:	RESTRICTED ACTS OF COUNCIL AFTER NOMINATION DAY AND VOTING DAY

RECOMMENDATION

That, on the recommendation of the City Solicitor's Office, the attached proposed by-law BE INTRODUCED at the Municipal Council meeting of June 12, 2018, to delegate certain authorities should the Municipal Council's acts be restricted after Nomination Day or Voting Day 2018.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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April 3, 2018. Report to Corporate Services Committee from Cathy Saunders, City Clerk: Restricted Acts of Council after Nomination Day and Voting Day

BACKGROUND

Provincial Legislation

On June 9, 2016 the *Municipal Elections Modernization Act, 2016* (MEMA) received Royal Assent. One component of the changes contained in the MEMA relates to the Nomination Period for candidates. Specifically, Nomination Day (the deadline to file as a candidate) is now July 27, 2018 for the 2018 Municipal Election, as compared to September 12 in the case of the 2014 Municipal Election. This represents an almost seven week extension to the period during which a Council could have its acts restricted, for a total period of approximately 4 months.

The *Modernizing Ontario's Municipal Legislation Act* has amended the start date for a new term of Council to November 15 following a Municipal Election to shorten the period during which Council may have its acts restricted. However, for the 2018 Municipal Election there is a transition rule under section 1.1 of the Act which keeps December 1 as the start date for the 2018 Council term, with November 15 to be the start date for the 2022 Council term.

There are two events that can trigger restrictions on certain acts of Council. Firstly, if, following Nomination Day (July 27, 2018), the Clerk can determine with certainty that the incoming council will include less than three quarters of the members of the outgoing council, then certain acts of council are restricted as of July 28, 2018. If the restrictions are not triggered following Nomination Day, they could potentially be restricted following Election Day (October 22, 2018), again, if the Clerk determines with certainty that the incoming council will include less than three quarters of the members of the outgoing council. Under either scenario, the restricted acts would continue until the new Council takes office.

The following acts of Council could be subject to restriction, pursuant to subsection 275(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("the Act"):

- (a) the appointment or removal from office of any officer of the municipality;
 - (b) the hiring or dismissal of any employee of the municipality;
 - (c) the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
 - (d) making any expenditures or incurring any other liability which exceeds \$50,000.
- 2001, c. 25, s. 275 (3); 2006, c. 32, Sched. A, s. 114 (1).

Section 275 then provides exceptions to the restricted acts, namely, that the disposition restriction in (c) and the expenditure/liability restriction in (d) is permitted if the disposition or liability was included in the most recent budget adopted by council prior to Nomination Day. Further a council is expressly not restricted by anything in section 275 in the event of an emergency, pursuant to subsection (4.1), and finally, subsection 275(6) provides that nothing in section 275 prevents a delegation by council to a person or body for the purpose of exercising the authority of a municipality, provided the delegation occurs before nomination day.

Because Council may delegate authority in advance of nomination day, the City Solicitor's Office is recommending that the Council enact a by-law that will temporarily delegate specific acts that may be restricted after Nomination Day or Voting Day 2018, to the City Manager. This will ensure that the business interests of the Corporation can be protected and decisions critical to business operations can continue to be made in the event that Council's acts are restricted after Nomination Day (July 27, 2018) and/or Voting Day (October 22, 2018).

Municipal Act, 2001, S.O. 2001, c. 25 ("the Act") Rules Regarding Delegation

The Act, in subsection 23.1(1), provides the ability for Council to delegate its authority, with certain restrictions. This delegation is prohibited with respect to the following actions:

1. The power to appoint or remove from office an officer of the municipality whose appointment is required by this Act.
2. The power to pass a by-law under section 400.1 and Parts VIII, IX, IX.1 and X.
3. The power to incorporate corporations in accordance with section 203.
4. The power to adopt an official plan or an amendment to an official plan under the Planning Act.
5. The power to pass a zoning by-law under the Planning Act.
6. The powers to pass a by-law under subsections 108 (1) and (2) and 110 (3), (6) and (7).
7. The power to adopt a community improvement plan under section 28 of the Planning Act, if the plan includes provisions that authorize the exercise of any power under subsection 28 (6) or (7) of that Act or under section 365.1 of this Act.
8. The power to adopt or amend the budget of the municipality.
9. Any other power or duty that may be prescribed. 2006, c. 32, Sched. A, s. 15; 2017, c. 8, Sched. 19, s. 2.

The proposed delegation does not engage any of the restricted delegations, and as such, is in accordance with the Act.

Council Policy

The Municipal Council has adopted various policies which relate to the Council acts that may be restricted if any of subsections 275(1)1, 275(1)2 or 275(1)3 apply. The applicable policies are noted below:

Procurement of Goods and Services Policy

The City's Procurement of Goods and Services Policy contains various provisions regarding what contracts, tenders, awards, professional consulting and other procurement situations (e.g. sole source and single source, contract amendments, etc.) that require Committee and Council approval.

Sale and Other Disposition of Land Policy

The City's Sale and Other Disposition of Land Policy details, amongst other things, the approvals required for the sale and disposition of land.

The Civic Administration By-law and Appointments Requiring Council Approval

The Municipal Council’s Appointments Requiring Council Approval and/or Consultation Policy details the various positions that require the approval of, or consultation with, Committee and Council.

ANALYSIS

A list of acts that could be restricted after Nomination Day and/or Voting Day, classified by service area, has been developed and are set out below, as well as in the proposed by-law, along with recommendations on which of those acts the Council may wish to delegate for the purposes of ensuring decisions critical to business operations can continue to be made.

The proposed by-law would be enacted for a temporary and specific period of time, and upon the new Council taking office, would cease to be in effect.

Section 275(3)(a) The appointment or removal from office of any officer of the municipality

Pursuant to the Civic Administration By-law A-44, “appointed officer” shall mean: the City Manager, a Service Area Lead, any officer of the Corporation required to be appointed by statute, and any officer of the Corporation appointed by By-law. Further, the “Appointments Requiring Council Approval and/or Consultation” policy requires that the following positions require Council approval: City Manager, Deputy City Manager, Department Heads, Statutory Officers appointed by By-law, Sub-department heads (example – Fire Chief).

Given that the proposed delegation of Council acts that may be restricted after Nomination Day and/or Voting Day is to the City Manager, and the City Manager’s appointment or removal requires Council approval, the recommendation does not provide a delegation with respect to the removal or appointment of the City Manager.

Officers whose appointment is required by the Act are the Clerk and the Treasurer. The Fire Chief is also required to be appointed by Council, pursuant to the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4. Neighbourhood, Children & Fire Services has identified that they will require the appointment of a Fire Chief, two Deputy Fire Chiefs, and four Platoon Chiefs. The Fire Chief appointment will require delegation as that is currently an appointment by Council. With respect to the Deputy Chiefs and Platoon Chiefs, no delegation is required, as those positions are filled administratively.

The attached proposed by-law delegates authority for the appointment of a Fire Chief to the City Manager. No other changes to officers requiring Council approval are anticipated at this time, and as such, no additional delegation is being recommended.

Section 275(3)(b) The hiring or dismissal of any employee of the municipality

Excluding the officers noted above, the hiring and dismissal of employees is currently conducted by the Civic Administration and does not currently require Council involvement or approval.

As such, the recommended by-law does not provide a delegation with respect to the hiring or dismissal of any employees.

Section 275(3)(c) The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal

The disposition of real and personal property of the municipality is currently governed by By-law A-1, as amended, being “A by-law for the Execution of Certain Documents”, Schedule “A” to Council Policy By-law A.-6151-17 “Sale and Other Disposition of Land Policy,” and Schedule “C” to Council Policy By-law A.-6151-17 “Procurement of Goods and Services Policy.”

The proposed by-law would effectively permit the City Manager to approve the disposition of any real or personal property of the City during a period when Council would have been restricted from such acts in accordance with section 275 of the *Municipal Act, 2001*. For dispositions governed by the Sale and Disposition of Land policy, the recommendation is to substitute the City Manager for City

Council with respect to approval of those dispositions. Additionally, several projects have been identified as potentially requiring some form of “disposition” and as a result, delegation to the City Manager. These projects are:

- Transfer of assets to Housing Development Corporation, London;
- Western Fair property agreement;
- Transfer Payment Agreements for funding to the City (Federal or Provincial);
- Promissory Note for London Public Library;
- Sale of Old Victoria Hospital Lands to Medallion Corporation.

The approval of the City Manager for each of these items would be done in consultation with the City Solicitor’s Office.

This will ensure that the business needs of the Corporation can continue to be met in the event that such actions would have otherwise been restricted under section 275 of the *Municipal Act, 2001*.

Section 275(3)(d) Making any expenditure or incurring any other liability which exceeds \$50,000

This restriction has the potential to affect every service area. The proposed by-law addresses both specific items that have been identified, as well as budgeted procurement items that exceed the proposed budget, and the acquisition of land.

The proposed by-law would allow the City Manager to approve a contract that has been awarded as a result of the process outlined in the Procurement of Goods and Services Policy. While budgeted items are exempted from the section 275 restriction, the procurement process often results in situations where the bids are in excess of the budgeted amount, and as a result, a delegation to the City Manager is recommended to ensure that contracts are able to be awarded.

The proposed by-law also provides the City Manager with the ability to enter into agreements as specified in Schedule 2 to the by-law, in consultation with the City Solicitor’s Office.

Additionally, any property acquisition that would currently require the approval of Council, pursuant to By-law No. CPOL.-188-440 being “A by-law to revoke and repeal Council policy related to Real Property Acquisition Policy and replace it with a new Council policy entitled Real Property Acquisition Policy” is recommended to be delegated to the City Manager as the restricted acts would prevent any real estate transactions in excess of \$50,000.

The proposed by-law would effectively permit the City Manager to approve a procurement, or acquisition, or enter into an agreement, during a period when Council would have been restricted from such acts in accordance with section 275 of the *Municipal Act, 2001*. This will ensure that the business needs of the Corporation can continue to be met in the event that such actions would have otherwise been restricted under section 275 of the *Municipal Act, 2001*.

CONCLUSION

Given that the incoming Municipal Council will have the same number of members (i.e. fifteen) as the outgoing Municipal Council, at least twelve (12) of the candidates nominated on Nomination Day, would need to be members of the outgoing Municipal Council, in order for no Council acts to be restricted after Nomination Day (July 27, 2018). The City Clerk will review the list of candidates on Nomination Day to determine if the necessary threshold has been met.

The City Clerk will then have to review the Council’s status when Voting Day results are available, to determine if three-quarters (12) of the Council-elect are members of the outgoing Municipal Council, in order for no Council acts to be restricted after Voting Day (October 22, 2018).

The attached proposed by-law will ensure that in the event that the Municipal Council’s acts are restricted at either point in time, as outlined in section 275 of the *Municipal Act, 2001*, the business needs of the Corporation can continue to be met.

PREPARED BY:
AYNSLEY ANDERSON SOLICITOR II, CITY SOLICITOR’S OFFICE

RECOMMENDED BY:
BARRY CARD MANAGING DIRECTOR, LEGAL & CORPORATE SERVICES AND CITY SOLICITOR

Bill No.
2018

By-law No. A.-

A by-law to authorize the delegation of authority to the City Manager for certain acts of Council after Nomination Day for the 2018 Municipal Election should the City Clerk declare that the incoming Council will include less than three quarters of the members of the outgoing Council.

WHEREAS Section 275 of the *Municipal Act, 2001*, S.O. 2001, c. 25., as amended (the “*Municipal Act*”), provides for restricted acts of Council of a local municipality after Nomination Day or after Voting Day during an election for a new Council upon the City Clerk declaring that the incoming Council will include less than three quarters of the members of the outgoing Council;

AND WHEREAS Section 275(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 restricts Council’s ability to act on the following matters, subject to certain exceptions as provided for in Section 275(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25 and emergencies as provided for in Section 274(4.1) of the *Municipal Act, 2001*, S.O. 2001, c. 25:

- 1) the appointment or removal from office of any officer of the municipality;
- 2) the hiring or dismissal of any employee of the municipality;
- 3) the disposition of any real or personal property of the municipality which has a value exceeding \$50,000, at the time of disposal; and,
- 4) making any expenditure or incurring any other liability which exceeds \$50,000;

AND WHEREAS Section 275(6) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that notwithstanding the restricted acts of Council, a delegation of authority with respect to those acts may be made in advance of Nomination Day;

AND WHEREAS Section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that, subject to the limitations found in Sections 23.2 and 23.3 of the *Municipal Act, 2001*, S.O. 2001, c. 25, the municipality may delegate its authority;

AND WHEREAS Council delegates any authority pursuant to this by-law in accordance with Schedule “G” of By-law A.-6151-17 “Council Policy By-law”, as amended from time to time;

AND WHEREAS Council deems it expedient to delegate authority to the City Manager of The Corporation of the City of London for certain acts of Council after Nomination Day or after Voting Day for the 2018 Municipal Election in the event the City Clerk declares that the incoming Council will include less than three quarters of the members of the outgoing Council, and until such time as the incoming Council takes office;

THEREFORE the Council of The Corporation of the City of London enacts as follows:

PART 1 – SHORT TITLE

This by-law may be also referred to as the Restricted Acts of Council 2018 By-law.

PART 2 - DEFINITIONS

In this by-law:

“City” means The Corporation of the City of London;

“City Manager” means the City Manager for the City;

“Council” means the Municipal Council of the City;

“Municipality” means the City;

PART 3 - THE APPOINTMENT OR REMOVAL OF ANY OFFICER OF THE MUNICIPALITY

3.1 Council hereby delegates its authority to appoint a Fire Chief to the City Manager.

PART 4 - THE DISPOSITION OF ANY REAL OR PERSONAL PROPERTY OF THE MUNICIPALITY WHICH HAS A VALUE EXCEEDING \$50,000 AT THE TIME OF DISPOSITION

4.1 Those actions identified in:

- a) Schedule A – Sale and Disposition of Land Policy, to Council Policy By-law No. A.-6151-17; or
- b) Schedule C – Procurement of Goods and Services Policy, to Council Policy By-law No. A.-6151-17;

that would otherwise be performed by Council, shall be delegated to the City Manager in those cases where the timely disposition of real or personal property which has a value exceeding \$50,000 at the time of disposition, is adjudged by the City Manager to be necessary or advantageous.

4.2 The City Manager shall be authorized to approve the execution of any agreements or other documents required to give effect to any disposition identified under the authority delegated in Part 4.1, above, and to authorize the Mayor and City Clerk to execute any agreements to effect same, in consultation with the City Solicitor’s Office, where approval of Council would otherwise be required.

4.3 Without limiting the generality of the foregoing, the City Manager shall be authorized to approve the execution of the agreements listed in Schedule 1 to this By-law, where, in the absence of this By-law, approval would be required by Council.

PART - 5 MAKING ANY EXPENDITURE OR INCURRING ANY OTHER LIABILITY WHICH EXCEEDS \$50,000

5.1 Those actions identified in:

- a) Schedule C – Procurement of Goods and Services Policy, to Council Policy By-law No. A.-6151-17; or
- b) By-law No. CPOL.-188-440 being “A by-law to revoke and repeal Council policy related to Real Property Acquisition Policy and replace it with a new Council policy entitled Real Property Acquisition Policy”; or
- c) By-law No. A-1, as amended, being “A by-law for the Execution of Certain Documents”,

that would otherwise be performed by Council, shall be delegated to the City Manager, if:

- i) an expenditure is being made or any other liability is being incurred which exceeds \$50,000 and was not included in the most recent budget adopted by Council prior to Nomination Day; or,
- ii) an expenditure or liability which exceeds \$50,000 is included in the most recent budget adopted by Council and is required to exceed the budgeted amount.

5.2 The City Manager shall be authorized to approve the execution of any agreements or other documents required to give effect to any expenditure or liability incurred under the authority delegated in part 5.1 or 5.3, and to authorize the Mayor and City Clerk to execute any agreements to effect same, in consultation with the City Solicitor's Office, where approval of Council would otherwise be required.

5.3 Without limiting the generality of the foregoing, the City Manager shall be authorized to approve the execution of the agreements listed in Schedule 2 to this By-law, where, in the absence of this By-law, approval would be required by Council, as well as any property acquisition when the timely acquisition of real or personal property is adjudged by the City Manager to be necessary or advantageous.

PART 6 - REPORTING

6.1 The City Manager shall provide a report to Council in the first quarter of 2019 identifying all delegated actions that were taken in accordance with this by-law.

PART 7 - GENERAL

7.1 If any provision or part of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

7.2 To the extent that any provision of this by-law conflicts with any provision of any other City by-law, this by-law shall apply.

PART 8 - EFFECTIVE DATE

8.1 This by-law shall immediately come into force and effect if:

(a) after Nomination Day on July 27, 2018, but before Voting Day on October 22, 2018 the City Clerk determines, based on the nominations to the new council that have been certified and any acclamations made to the new council, that the new council will include less than three quarters of the members of the outgoing council, in accordance with subsection 275(2)(a) of the *Municipal Act, 2001*, S.O. 2001, c. 25; or,

(b) as soon as practicable following the election on October 22, 2018, the City Clerk determines that based on the declaration of the results of the election including declarations of election by acclamation, that the new council will include less than three quarters of the members of the outgoing council, in accordance with subsection 275(2)(b) of the *Municipal Act, 2001*, S.O. 2001, c. 25.

8.2 This by-law shall cease to be in force and effect on December 1, 2018.

Passed in Open Council on June 12, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 12, 2018
Second Reading – June 12, 2018
Third Reading – June 12, 2018

Schedule 1

Restricted Acts of Council 2018 By-Law

THE DISPOSITION OF ANY REAL OR PERSONAL PROPERTY OF THE MUNICIPALITY WHICH HAS A VALUE EXCEEDING \$50,000 AT THE TIME OF DISPOSITION

Service Area	Projects	Description/ Details
Finance	Disposals of land > \$100,000	Including but not limited to industrial land sales, and BRT
Finance	Transfer of Assets to HDC	
Finance	Western Fair property agreement	Currently undergoing negotiations
Finance	Transfer Payment Agreements for funding to the City (Federal or Provincial)	Agreements similar to agreement from AMO re: "Mainstreet funding"
Finance	Promissory note for London Public Library	Share of the cost of SW Recreation Centre
Planning	Sale of Old Victoria Hospital Lands to medallion Corporation	Sale has been approved with conditions, some of which are related to processes beyond control; may need to extend period of conditions

Schedule 2

Restricted Acts of Council 2018 By-law

MAKING ANY EXPENDITURE OR INCURRING ANY OTHER LIABILITY WHICH EXCEEDS \$50,000

Service Area	Projects	Description/ Details
Dearness	ADP Review	Service review of the Adult Day Program to be complete in fall of 2018. The Dearness Home Adult Day Program review will include the completion of an environmental scan to better understand the programs value to citizens, and evaluate options including but not limited to opportunities for partnerships, cost containment, service level changes, outsourcing, alternative revenues and etc. It will include input from stakeholders including but limited to service recipients, families, LHIN, MOLTCH, and other community agencies that support seniors.
Dearness	Achieve	Physiotherapy an Occupational Therapy contracted services expiring on Jan 31,2019 and there are no options for renewal so would need to do an RFP to select a vendor to provide these services.
Dearness	Dearness Home Adult Day Program & Wellness Centre Central Intake	Accountability Agreements with Central Intake for the overall goal of being a one-sector experience for the clients. The Lead Agency works with the CSS (Community Support Sector) Agencies to coordinate CSS & interfaces with LHIN (CCAC) as needed. It is necessary for each partner agency to complete and sign a service agreement, a data sharing agreement & a Network Agreement. These agreements will allow us to share information back. <ul style="list-style-type: none"> • The Service Agreement (or Central Intake Agreement) is between each organization and Cheshire as the Lead Agency to provide Central Intake Services on your behalf. • The Data Sharing Agreement (DSA) is between each organization and ONE Care as the IT provider. Still awaiting information on the Network Agreement. Deadlines were Jan 26/18 but not all information is active yet from the LHIN. Forecasting that these agreements will need to be in place by 2018.
Social Services	Sanctuary city/Access to Services without fear initiative	timeline: June – December 2018 Council resolutions: February 2, 2017 and March 28, 2018 estimated expenditure of \$50,000 to \$100,000 in 2018

Social Services	Implementation of Community Mental Health and Addiction Strategy	
Social Services	Ontario Works - Employment - Purchase of Services Agreements	RFP – Award contract
Housing	Social Housing Building inventory - RFP - Award vendor - building condition assessments	RFP – Award contract
Housing	Ontario Renovates – Home Repair Report - Agreement	It is a delegation (approval of an agreement and delegation authority to execute the agreement) related to Ontario Renovates – Home Repair.
Neighbourhood, Children & Fire Services	Tender / RFP / Single Source (still in preliminary stage) Voice Logger System	Potential of irregular bid potential for single source to maintain consistency with Police and with existing equipment
Neighbourhood, Children & Fire Services	Indigenous-Led Family Centre	The purchase of land to build a licensed Indigenous led child care and family centre.
Neighbourhood, Children & Fire Services	Indigenous-Led Family Centre	The City will be soliciting a proponent through a Request for Proposal for the design, construct and operation of a licensed Indigenous led Child Care and Family Centre.
Neighbourhood, Children & Fire Services	Online Portal and Data Management Tool	The City will be soliciting a proponent through a Request for Proposal to develop an on line portal and data management tool that will streamline internal process, decrease duplication for service providers, support annual planning required by the Province, and allow the Corporation to report efficiently and accurately to the Province. In addition this portal will streamline supports and service for families such as child care applications and fee subsidy requests.

Neighbourhood, Children & Fire Services	Community Homeless Prevention Initiative Purchase of Service Agreements- Centralized Services/Programs	Approval to enter into Community Homeless Prevention Initiative Purchase of Service Agreements to operate centralized intake to homeless programs and centralized housing finding services
Neighbourhood, Children & Fire Services	Community Homeless Prevention Initiative Purchase of Service Agreements - Managed Alcohol Program	Approval to enter into Community Homeless Prevention Initiative Purchase of Service Agreements to operate a Managed Alcohol Program
Finance	Museum London Foundation Trust Agreement	
Environmental & Engineering Services	Procurement	Contracts over \$3 million and consultants over \$100,000; irregular bids in approved budgets, program spending where the overall program budget is approved but specific locations, pieces of equipment, etc., are typically approved through CWC throughout the year, contracts where the low bid exceeds budget but staff are recommending award and have a source of financing
Environmental & Engineering Services	Budget Amendments	Result of budget submissions pre-dating the EA for the projects or projects changing due to growth and development ie. Dingman and Colonel Talbot Pumping Stations, servicing and transportation improvements for the IKEA/Costco development, increasing requirements or changes in timing for infrastructure to service industrial growth on Wilton Grove Road
Environmental & Engineering Services	New policies and guidelines	Complete Streets, Speed cameras, Implementation plans for provincial legislative changes
Environmental & Engineering Services	New property acquisitions	
Environmental & Engineering Services	Agreements	Western BRT, Waste to Resources, Water Innovation Partnerships, Transfer Payments with the Provincial and Federal governments, Agreements with other utilities to advance coordinated works
Planning	Brownfield Incentive Program CIP	Applicants request specific incentives, based on the potential incentives identified in the program. Applicants submit a business case along with their application and Council has to approve the grants and loans.

Planning	Standardized CIP Exceptions	The program does not allow for retroactive applications for incentives relating to work that has already been done.
Planning	Kilally Sport Fields	Awarding consultant contract
Planning	Foxfield District Park	Awarding consultant contract
Planning	SOHO Civic Space	Awarding consultant contract
Planning	Lorne Avenue Park	Awarding consultant contract
Planning	Meadowlily CMP Phase 2	Awarding consultant contract
Planning	UTRCA Contract Renewal	Management of London's Environmentally Significant Areas, expires Dec 31, 2018
Planning	4 party agreement	Agreement with LHSC, St. Joseph's Hospital, ReForest London and Thames Talbot Land Trust to cover easement rights over their lands for the City, replaces current agreement. A source of financing will be required which covers the City's share of capital costs and operational costs from the agreement
Planning	TVP North branch Construction	OMCC Transfer Payment for 2017 OMCC funding. SoF included specific to that project

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON MAY 29, 2018
FROM:	ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER
SUBJECT:	2018 RESERVE FUND HOUSEKEEPING REPORT

RECOMMENDATION

That on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer:

- a) the attached proposed by-law (Appendix B) BE INTRODUCED at the Municipal Council meeting to be held on June 12, 2018 to repeal and replace By-law A.-6514-123 (Appendix A), entitled “A by-law to establish the Economic Development Reserve Fund”.
- b) the attached proposed by-law (Appendix D) BE INTRODUCED at the Municipal Council meeting to be held on June 12, 2018 to repeal and replace By-law A-5077-149 (Appendix C), entitled “A by-law to establish a reserve fund for a Convention Facility”.
- c) the attached proposed by-law (Appendix F) BE INTRODUCED at the Municipal Council meeting to be held on June 12, 2018 to repeal and replace By-law A.-7518-78 (Appendix E), entitled “A by-law to establish the Land Acquisition Reserve Fund”.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Corporate Services Committee, February 21, 2017, Agenda Item #4, Reserve Fund Housekeeping - Land Acquisition Reserve Fund

LINK TO 2015-2019 STRATEGIC PLAN

Council’s 2015-2019 Strategic Plan for the City of London identifies “Leading in Public Service” as one of four strategic areas of focus. The 2018 Reserve Fund Housekeeping Report supports this strategic area of focus by contributing towards the strategic priority “Proactive financial management”. The “Proactive financial management” strategic priority involves, among other things, making sure that the City’s finances are well planned and that they support intergenerational equity. The process of periodically reviewing reserve funds and associated by-laws supports the above objectives by demonstrating that Council and Civic Administration are continuously monitoring the accuracy and adequacy of the reserve funds managed by the City and making adjustments when necessary.

BACKGROUND

The purpose of this report is to repeal the current by-laws in place for the Economic Development Reserve Fund, Convention Facility Reserve Fund and Land Acquisition Reserve Fund (Appendix A, C and E) and replace them with amended by-laws (Appendix B, D and F).

These proposed by-law changes are the start of a greater effort that is underway to find administrative efficiency and bring consistency to the City’s reserve and reserve fund portfolio. This will be more evident with the introduction of a Reserve and Reserve Fund Policy that will be brought forward for Council consideration in July 2018. In addition to the necessary administrative updates to the content and structure of our by-laws, Civic Administration is striving to enhance the alignment of our by-laws’ purposes and objectives with the funding requirements of the municipality to strengthen our stewardship of public funds.

The proposed changes to each by-law are summarized in three separate tables below that highlight the changes from the current by-law to the proposed by-law:

ECONOMIC DEVELOPMENT RESERVE FUND (BY-LAW A-6514-123)

Current Fund By-Law (Appendix A)	Proposed Fund By-Law (Appendix B)
<p>Leading Municipal Act, 2001, references:</p> <p>“WHEREAS Section 417 of the Municipal Act, 2001, as amended, provides that a municipality may establish a reserve fund for any purpose for which it has authority to spend money;</p> <p>AND WHEREAS it has been deemed expedient to establish a reserve fund to provide financing options, including grants, partnership opportunities to organizations that promote the Council objective of creating long term employment in the City of London.”</p>	<p>Proposed leading Municipal Act, 2001, references:</p> <p>WHEREAS section 9 of the Municipal Act, 2001, as amended, provides that a municipality has all of the rights, powers and privileges of a natural person;</p> <p>AND WHEREAS subsection 10(1) of the Municipal Act, 2001, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;</p> <p>AND WHEREAS subsection 10(2) of the Municipal Act, 2001, as amended, provides that a municipality may pass by-laws respecting the financial management of the municipality (paragraph 3) and services or things that the municipality is authorized to provide under subsection10(1) (paragraph 7);</p> <p>AND WHEREAS section 417 of the Municipal Act, 2001, as amended, provides that a municipality may establish a reserve fund for any purpose for which it has authority to spend funds;</p> <p>Rationale:</p> <p>This section has been updated to reflect further Municipal Act references related to the City’s rights, powers and authority.</p> <p>Furthermore, the current fund by-law “And WHEREAS” statement has been removed as these details are addressed in clause two of the by-law.</p>
<p>Clause 2 defines what monies standing in the Fund shall be used for.</p> <p>“The monies standing in the Fund shall be used by The Corporation of the City of London to provide the funding to organizations that promote the Council objective of creating long term employment in the City of London.”</p>	<p>Proposed clause 2:</p> <p>The monies standing in the Fund shall be used by The Corporation of the City of London (the “Corporation”) to fund initiatives/projects that support economic development within the City of London, including but not limited to creation of long-term employment, as well as Council’s approved Strategic Plan as follows:</p> <p>a. One-time initiatives/projects; or</p> <p>b. Initiatives/projects that require a temporary source of financing not to exceed four years. Should Council choose to deliver an initiative/project on a permanent basis, transition plans must identify permanent sources of financing to commence no later than the fifth year.</p> <p>Rationale:</p> <p>The changes to clause 2 better reflects the purpose of the Fund and the manner in which funds are allocated from it. Additionally, the revision aligns this clause with the structure of similar clauses in other reserve fund by-laws approved by Municipal Council.</p>

Current Fund By-Law (Appendix A)	Proposed Fund By-Law (Appendix B)
<p>Clause 4 provides for the City Treasurer’s authority to deposit funds into the Fund.</p> <p>“Any subsequent monies raised through the annual property tax levy to be used as a contribution to the Fund shall be deposited to the Fund by the City Treasurer.”</p>	<p>Proposed clause 4: Contributions to the Fund shall be deposited by the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, or designate.</p> <p>Rationale: This section has been updated to reflect the City’s current organizational structure.</p> <p>The words “or designate” have been added to allow the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer to delegate this administrative responsibility.</p>
<p>Clause 5 provides for the City Treasurer’s authority to invest the monies standing in the Fund.</p> <p>“The City Treasurer may deposit the monies standing in the Fund into a special bank account or into a consolidated bank account into which are deposited the monies raised for other reserve funds, and the earnings derived from the monies so deposited shall accrue to and form part of the Fund.”</p>	<p>Proposed clause 5: The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate may invest the monies standing in the Fund in such securities as are permitted under subsection 418(1) of the Municipal Act, 2001, as amended, and in so doing, may consolidate the monies standing in the Fund with other funds that the Corporation may hold from time to time provided that any earnings derived from the monies standing in the Fund shall accrue to and form part of the Fund.</p> <p>Rationale: This section has been updated to reflect the City’s current organizational structure.</p> <p>The words “or designate” have been added to allow the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer to delegate this administrative responsibility.</p> <p>Reference to a section of the Municipal Act with regards to investing monies has been added to be consistent with more current language contained in other reserve fund by-laws.</p>

CONVENTION FACILITY RESERVE FUND (BY-LAW A-5077-149)

Current Fund By-Law (Appendix C)	Proposed Fund By-Law (Appendix D)
<p>Leading Municipal Act, 2001, references:</p> <p>WHEREAS Section 165 of The Municipal Act, R.S.O. 1980 c.302, provides that a municipality may establish a reserve fund for any purpose for which it has authority to spend funds;</p> <p>AND WHEREAS the Council of the Corporation of the City of London has resolved that a reserve fund known as the Convention Facility Reserve Fund be established to provide initial funding relative to the City’s participation in the development of a convention facility.</p>	<p>Proposed leading Municipal Act, 2001, references:</p> <p>WHEREAS section 9 of the Municipal Act, 2001, as amended, provides that a municipality has all of the rights, powers and privileges of a natural person;</p> <p>AND WHEREAS subsection 10(1) of the Municipal Act, 2001, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;</p> <p>AND WHEREAS subsection 10(2) of the Municipal Act, 2001, as amended, provides that a municipality may pass by-laws respecting the financial management of the municipality (paragraph 3) and services or things that the municipality is authorized to provide under subsection10(1) (paragraph 7);</p> <p>AND WHEREAS section 417 of the Municipal Act, 2001, as amended, provides that a municipality may establish a reserve fund for any purpose for which it has authority to spend funds;</p> <p>Rationale:</p> <p>This section has been updated to include additional Municipal Act references regarding the City’s rights and powers as well as ensuring Municipal Act section references are current.</p> <p>Furthermore, the current Fund by-law “And WHEREAS” statement has been removed as these details are addressed in other clauses of the proposed by-law.</p>
<p>Clause 1 enacts the reserve fund.</p> <p>“A reserve fund known as the Convention Facility Reserve Fund is hereby established.”</p>	<p>Proposed clause 1:</p> <p>A reserve fund is hereby established to be known as the “London Convention Centre (LCC) Reserve Fund” (hereinafter called the “Fund”).</p> <p>Rationale:</p> <p>The revised language is proposed to bring the Fund by-law in line with other current reserve fund by-laws.</p>
<p>Clause 2 provides for what type of funds are to be deposited into the Fund.</p> <p>“The City Treasurer shall deposit into this reserve fund the following:</p> <p>a. City funds raised specifically for the development of a convention facility.</p> <p>b. Any other funds received or designated for the development of this facility.”</p>	<p>Proposed clause 3:</p> <p>The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate shall deposit in this Fund the following:</p> <p>a. City funds raised specifically for LCC capital infrastructure costs; and</p> <p>b. Any other funds received or designated for this purpose.</p> <p>Rationale:</p> <p>This section has been updated to reflect the City’s current organizational structure.</p>

Current Fund By-Law (Appendix C)	Proposed Fund By-Law (Appendix D)
	<p>The words “or designate” have been added to allow the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer to delegate this administrative responsibility.</p> <p>Reference to the convention facility has been edited to the LCC and reference to development has been revised to capital infrastructure costs to accurately identify the asset and type of costs applicable.</p>
<p>Clause 3 defines what the Fund is to be spent on.</p> <p>“The monies standing in the reserve fund shall be expended, pledged or applied only for the purposes of funding expenditures relative to the development of a convention facility.”</p>	<p>Proposed clause 2:</p> <p>The monies standing in the Fund shall be used by The Corporation of the City of London and the LCC Board of Directors to provide for capital infrastructure costs related to the LCC.</p> <p>Rationale:</p> <p>The clause has been edited to recognize that the City administers the Fund on behalf of a Board and Commission, thus there is a joint responsibility over the Fund. Also, the word development has been removed and replaced with capital infrastructure costs to better reflect the type of costs covered by the Fund.</p>
<p>Proposed clause not contained within the current Fund by-law.</p>	<p>Proposed clause 4:</p> <p>Municipal Council is authorized to allocate monies from the Fund that meet the requirements of section 2 of this by-law and for which the LCC Board of Directors have approved.</p> <p>Rationale:</p> <p>This update is recommended to ensure there is clear direction regarding who has spending authority over this Fund.</p>
<p>Clause 4 and 5 of the current by-law cover the investment of monies standing in the Fund as well as the accounting for deposits and interest earned on Fund balances.</p> <p>“4. The City Treasurer may invest the monies standing in the reserve fund in such securities as a trustee may invest under the Trustees Act or in the general funds of the Municipality as prescribed by the City of London Act, 1972 and the earnings derived from the investment of such monies shall form part of the reserve fund.</p> <p>5. The City Treasurer may deposit the monies standing in the reserve fund into a special bank account or into a consolidated bank account into which are deposited the monies raised for other reserve funds and the earnings derived from such monies shall form part of the reserve fund.”</p>	<p>Proposed clause 5:</p> <p>The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate may invest the monies standing in the Fund in such securities as are permitted under subsection 418(1) of the Municipal Act, 2001, as amended, and in so doing, may consolidate the monies standing in the Fund with other funds that the Corporation may hold from time to time provided that any earnings derived from the monies standing in the Fund shall accrue to and form part of the Fund.</p> <p>Rationale:</p> <p>This section has been updated to reflect the City’s current organizational structure.</p> <p>The words “or designate” have been added to allow the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer to delegate this administrative responsibility.</p>

Current Fund By-Law (Appendix C)	Proposed Fund By-Law (Appendix D)
	Reference to a section of the Municipal Act with regards to investing monies has been added to be consistent with more current language contained in other reserve fund by-laws.
<p>Clause 6 is the provision instructing Civic Administration to continuously maintain the Fund until otherwise noted by Council.</p> <p>“Notwithstanding that provision may not be made by Council in the estimates of the current or any subsequent year for maintenance of the reserve fund, it shall continue and be maintained and the Council shall always be taken as considering the reserve fund as necessary so long as this by-law is in force.”</p>	<p>Proposed clause 6: Notwithstanding that provision may not be made by the Municipal Council in the estimates of the current or any subsequent year for contributions to the Fund, it shall continue and be maintained, and the Municipal Council shall always be taken as considering the Fund as necessary so long as this by-law continues in force.</p> <p>Rationale: This clause has been update to reflect minor language changes in support of consistency among reserve fund by-laws.</p>

LAND ACQUISITION RESERVE FUND (BY-LAW A.-7518-18)

Current Fund By-Law (Appendix E)	Proposed Fund By-Law (Appendix F)
<p>Clause 3 defines the approval requirement for funds expended for the purpose outlined in clause 2a.</p> <p>“Before any monies are expended from the Fund for the purposes outlined in section 2a of this by-law, the approval of the Municipal Council shall be given to the making of the drawdown from the Fund in a given year.”</p>	<p>Proposed clause 3: Before any monies are expended from the Fund for the purposes outlined in section 2a of this by-law, authorization shall be acquired as follows:</p> <ul style="list-style-type: none"> a. The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate approval for purchases valued at less than \$100 thousand dollars; b. Council approval for purchases valued at \$100 thousand dollars or greater. <p>Rationale: The current process is time consuming when acquiring small parcels of land of a nominal value. In certain instances, Civic Administration is required to act quickly when the purchase of small land parcels is necessary or desirable. Providing delegated authority to the Civic Administration for funds expended with a value less than \$100,000 for each occurrence expedites the approval process for low risk requests while ensuring Municipal Council is the decision maker for more substantial requests. Furthermore, this revision aligns with current Realty Services processes for land acquisitions under \$100,000 and the City’s Procurement of Goods and Services Policy.”</p>

CONCLUSION

Civic Administration is recommending that the by-laws establishing the Economic Development Reserve Fund in 2010, Convention Facility Reserve Fund in 1988 and Land Acquisition Reserve Fund in 2017 be repealed and replaced with revised by-laws in order to ensure that parameters are established to best meet the needs of Municipal Council and Civic Administration.

PREPARED BY:	REVIEWED BY:
DAVID BORDIN, CPA, CGA MANAGER II, ACCOUNTING & REPORTING	JASON DAVIES, CPA, CMA MANAGER III, FINANCIAL PLANNING & POLICY
RECOMMENDED BY:	
ANNA LISA BARBON, CPA, CGA MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER	

Cc: Ian Collins – Director, Financial Services
Alan Dunbar – Manager III, Financial Planning & Policy
John Millson – Senior Financial Business Administrator
Kyle Murray – Senior Financial Business Administrator

APPENDIX A – CURRENT ECONOMIC DEVELOPMENT RESERVE FUND BY-LAW

Bill No. 164
2010

By-law No. A.-6514-123

A by-law to establish the Economic Development Reserve Fund.

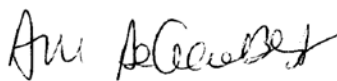
WHEREAS Section 417 of the *Municipal Act, 2001*, as amended, provides that a municipality may establish a reserve fund for any purpose for which it has authority to spend money;

AND WHEREAS it has been deemed expedient to establish a reserve fund to provide financing options, including grants, partnership opportunities to organizations that promote the Council objective of creating long term employment in the City of London.

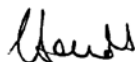
NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. A reserve fund is hereby established to be known as the Economic Development Reserve Fund" (hereinafter called the "Fund").
2. The monies standing in the Fund shall be used by The Corporation of the City of London to provide the funding to organizations that promote the Council objective of creating long term employment in the City of London.
3. Before any monies are expended from the Fund for the purposes outlined in section 2 of this by-law, the approval of the Municipal Council shall be given to the allocation of such monies from the Fund in a given year.
4. Any subsequent monies raised through the annual property tax levy to be used as a contribution to the Fund shall be deposited to the Fund by the City Treasurer.
5. The City Treasurer may deposit the monies standing in the Fund into a special bank account or into a consolidated bank account into which are deposited the monies raised for other reserve funds, and the earnings derived from the monies so deposited shall accrue to and form part of the Fund.
6. Notwithstanding that provision may not be made by the Council in the estimates of the current or any subsequent year for contributions to the Fund, it shall continue and be maintained, and the Council shall always be taken as considering the Fund as necessary so long as this by-law continues in force.
7. This by-law comes into force on the day it is passed.

PASSED in Open Council on April 19, 2010.



Anne Marie DeCicco-Best
Mayor



Catharine Saunders
City Clerk

First Reading - April 19, 2010
Second Reading - April 19, 2010
Third Reading - April 19, 2010

APPENDIX B – PROPOSED ECONOMIC DEVELOPMENT RESERVE FUND BY-LAW

Bill No.
2017

By-law No. A.-_____

A by-law to establish the Economic Development Reserve Fund and to repeal and replace By-law A.-6514-123 being “A by-law to establish the Economic Development Reserve Fund”.

WHEREAS section 9 of the Municipal Act, 2001, as amended, provides that a municipality has all of the rights, powers and privileges of a natural person;

AND WHEREAS subsection 10(1) of the Municipal Act, 2001, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the Municipal Act, 2001, as amended, provides that a municipality may pass by-laws respecting the financial management of the municipality (paragraph 3) and services or things that the municipality is authorized to provide under subsection 10(1) (paragraph 7);

AND WHEREAS Section 417 of the Municipal Act, 2001, as amended, provides that a municipality may establish a reserve fund for any purpose for which it has authority to spend funds;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. A reserve fund is hereby established to be known as the “Economic Development Reserve Fund” (hereinafter called the “Fund”).
2. The monies standing in the Fund shall be used by The Corporation of the City of London (the “Corporation”) to fund initiatives/projects that support economic development, including but not limited to creation of long-term employment, within the City of London as well as Council’s approved Strategic Plan as follows:
 - a. One-time initiatives/projects; or
 - b. Initiatives/projects that require a temporary source of financing not to exceed four years. Should Council choose to deliver an initiative/project on a permanent basis, transition plans must identify permanent sources of financing to commence no later than the fifth year.
3. Before any monies are expended from the Fund for the purposes outlined in section 2a and 2b of this by-law, the approval of the Municipal Council shall be given to the making of the drawdown from the Fund in a given year.
4. Contributions to the Fund shall be deposited by the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, or designate.
5. The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate may invest the monies standing in the Fund in such securities as are permitted under subsection 418(1) of the Municipal Act, 2001, as amended, and in so doing, may consolidate the monies standing in the Fund with other funds that the Corporation may hold from time to time provided that any earnings derived from the monies standing in the Fund shall accrue to and form part of the Fund.
6. Notwithstanding that provision may not be made by the Municipal Council in the estimates of the current or any subsequent year for contributions to the Fund, it shall continue and be maintained, and the Municipal Council shall always be taken as considering the Fund as necessary so long as this by-law continues in force.
7. By-law A.-6514-123 being “A by-law to establish the Economic Development Reserve Fund”, passed by Municipal Council on April 19, 2010 is hereby repealed.

8. This by-law comes into force on the day it is passed.

PASSED in Open Council on June 12, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 12, 2018
Second Reading – June 12, 2018
Third Reading – June 12, 2018

**FINANCE DEPARTMENT
TREASURY DIVISION**

RF 1950
GG 1750

RECEIVED MAY 09 1988 1-90
CENTRAL RECORDING No.

CENTRAL REGISTRATION NO. 100 5-70
 REFERRING TO PH
 SUBSEQUENT REFERRALS
SFR WJD RSE ALICE DRS

A by-law to establish a reserve fund for a Convention Facility.

AND WHEREAS the Council of The Corporation of the City of London has resolved that a reserve fund known as the Convention Facility Reserve Fund be established to provide initial funding relative to the City's participation in the development of a convention facility;

1. A reserve fund known as the Convention Facility Reserve Fund is hereby established.

a) City funds raised specifically for the development of a convention facility,

b) any other funds received or designated for the development of this facility.

3. The monies standing in the reserve fund shall be expended, pledged or applied only for the purposes of funding expenditures relative to the development of a convention facility.

4. The City Treasurer may invest the monies standing in the reserve fund in such securities as a trustee may invest under the Trustees Act or in the general funds of the Municipality as prescribed by the City of London Act, 1972 and the earnings derived from the investment of such monies shall form part of the reserve fund.

5. The City Treasurer may deposit the monies standing in the reserve fund into a special bank account or into a consolidated bank account into which are deposited the monies raised for other reserve funds and the earnings derived from such monies shall form part of the reserve fund.

6. Notwithstanding that provision may not be made by the Council in the estimates of the current or any subsequent year for maintenance of the reserve fund, it shall continue and be maintained and the Council shall always be taken as considering the reserve fund as necessary so long as this by-law is in force.

7. This by-law comes into force on the day it is passed.

PASSED in Open Council this 2nd day of May, 1988.

T. C. Gosnell
Mayor

K. W. Sadler
City Clerk

First Reading - May 2, 1988
Second Reading - May 2, 1988
Third Reading - May 2, 1988

APPENDIX D – PROPOSED LONDON CONVENTION CENTRE RESERVE FUND BY-LAW

Bill No.
2017

By-law No. A.-_____

A by-law to establish the London Convention Centre Reserve Fund and to repeal and replace By-law A-5077-149 being “A by-law to establish a reserve fund for a Convention Facility”.

WHEREAS section 9 of the Municipal Act, 2001, as amended, provides that a municipality has all of the rights, powers and privileges of a natural person;

AND WHEREAS subsection 10(1) of the Municipal Act, 2001, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the Municipal Act, 2001, as amended, provides that a municipality may pass by-laws respecting the financial management of the municipality (paragraph 3) and services or things that the municipality is authorized to provide under subsection 10(1) (paragraph 7);

AND WHEREAS Section 417 of the Municipal Act, 2001, as amended, provides that a municipality may establish a reserve fund for any purpose for which it has authority to spend funds;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. A reserve fund is hereby established to be known as the “London Convention Centre (LCC) Reserve Fund” (hereinafter called the “Fund”).
2. The monies standing in the Fund shall be used by The Corporation of the City of London and the LCC Board of Directors to provide for capital infrastructure costs related to the LCC.
3. The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate shall deposit in this Fund the following:
 - a. City funds raised specifically for LCC capital infrastructure costs; and
 - b. Any other funds received or designated for this purpose.
4. Municipal Council is authorized to allocate monies from the Fund that meet the requirements of section 2 of this by-law and for which the LCC Board of Directors have approved.
5. The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate may invest the monies standing in the Fund in such securities as are permitted under subsection 418(1) of the Municipal Act, 2001, as amended, and in so doing, may consolidate the monies standing in the Fund with other funds that the Corporation may hold from time to time provided that any earnings derived from the monies standing in the Fund shall accrue to and form part of the Fund.
6. Notwithstanding that provision may not be made by the Municipal Council in the estimates of the current or any subsequent year for contributions to the Fund, it shall continue and be maintained, and the Municipal Council shall always be taken as considering the Fund as necessary so long as this by-law continues in force.
7. By-law A-5077149 being “A by-law to establish a reserve fund for a Convention Facility”, passed by Municipal Council on May 2, 1988 is hereby repealed.

8. This by-law comes into force on the day it is passed.

PASSED in Open Council on June 12, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 12, 2018
Second Reading – June 12, 2018
Third Reading – June 12, 2018

APPENDIX E – CURRENT LAND ACQUISITION RESERVE FUND BY-LAW

Bill No. 100
2017

By-law No. A.-7518-78

A by-law to establish the Land Acquisition Reserve Fund and to repeal and replace By-law A.-5998-513 being “A by-law to establish the Land Acquisition Reserve Fund” and repeal By-law A.-5076-148 being “A by-law to establish a reserve fund for Miscellaneous Land Acquisitions”

WHEREAS section 9 of the *Municipal Act, R.S.O. 2001, C.25* as amended, provides that a municipality has all of the rights, powers and privileges of a natural person;

AND WHEREAS subsection 10(1) of the *Municipal Act, R.S.O. 2001, C.25*, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, R.S.O. 2001, C.25*, as amended, provides that a municipality may pass by-laws respecting the financial management of the municipality (paragraph 3) and services or things that the municipality is authorized to provide under subsection 10(1) (paragraph 7);

AND WHEREAS Section 417(1) of the *Municipal Act, R.S.O. 2001, C.25*, as amended, provides that a municipality may establish a reserve fund for any purpose for which it has authority to spend funds;

AND WHEREAS it is desirable to establish a reserve fund to provide for the acquisition of land and property in advance of projected needs and operating costs associated with maintaining the land and property until the future use of the land and property is determined by Municipal Council;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. A reserve fund is hereby established to be known as the “Land Acquisition Reserve Fund” (hereinafter called the “Fund”).
2. The monies standing in the Fund shall be used by The Corporation of the City of London to provide for the following:
 - a. The cost of acquiring land and property in advance of projected need; and
 - b. For the operating costs associated with maintaining the land and property until the future use of the land and property is determined by Municipal Council.
3. Before any monies are expended from the Fund for the purposes outlined in section 2a of this by-law, the approval of the Municipal Council shall be given to the making of the drawdown from the Fund in a given year.
4. The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate is authorized to expend monies from the Fund for the purposes outlined in section 2b of this by-law.
5. The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate shall deposit in this reserve fund the following:
 - a. City funds raised specifically for land and property acquisitions; and
 - b. Any other funds received or designated for this purpose.
6. The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate may invest the monies standing in the Fund in such securities as are permitted under subsection 418(1) of the *Municipal Act, 2001*, as amended, and in so doing, may consolidate the monies standing in the Fund with other funds that the Corporation may hold from time to time provided that any earnings derived from the monies standing in the Fund shall accrue to and form part of the Fund.

7. Notwithstanding that provision may not be made by the Municipal Council in the estimates of the current or any subsequent year for contributions to the Fund, it shall continue and be maintained, and the Municipal Council shall always be taken as considering the Fund as necessary so long as this by-law continues in force.

8. By-law A.-5076-148 being "A by-law to establish a reserve fund for Miscellaneous Land Acquisitions", passed by Municipal Council on May 2, 1988 is hereby repealed.

9. By-law A.-5998-513 being "A by-law to establish the Land Acquisition Reserve Fund", passed by Municipal Council on June 12, 2006, is hereby repealed.

10. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on March 2, 2017.



Matt Brown
Mayor



Catharine Saunders
City Clerk

First Reading – March 2, 2017
Second Reading – March 2, 2017
Third Reading – March 2, 2017

APPENDIX F – PROPOSED LAND ACQUISITION RESERVE FUND BY-LAW

Bill No.
2017

By-law No. A.-_____

A by-law to establish the Land Acquisition Reserve Fund and to repeal and replace By-law A.-7518-18 being “A by-law to establish the Land Acquisition Reserve Fund”.

WHEREAS section 9 of the Municipal Act, 2001, as amended, provides that a municipality has all of the rights, powers and privileges of a natural person;

AND WHEREAS subsection 10(1) of the Municipal Act, 2001, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the Municipal Act, 2001, as amended, provides that a municipality may pass by-laws respecting the financial management of the municipality (paragraph 3) and services or things that the municipality is authorized to provide under subsection 10(1) (paragraph 7);

AND WHEREAS Section 417 of the Municipal Act, 2001, as amended, provides that a municipality may establish a reserve fund for any purpose for which it has authority to spend funds;

AND WHEREAS it is desirable to establish a reserve fund to provide for the acquisition of land and property in advance of projected needs and operating costs associated with maintaining the land and property until the future use of the land and property is determined by Municipal Council;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. A reserve fund is hereby established to be known as the “Land Acquisition Reserve Fund” (hereinafter called the “Fund”).
2. The monies standing in the Fund shall be used by The Corporation of the City of London to provide for the following:
 - a. The cost of acquiring land and property in advance of projected need; and
 - b. For the operating costs associated with maintaining the land and property until the future use of the land and property is determined by Municipal Council.
3. Before any monies are expended from the Fund for the purposes outlined in section 2a of this by-law, authorization shall be acquired as follows:
 - a. The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate approval for purchases valued at less than \$100 thousand dollars; and
 - b. Council approval for purchases valued at \$100 thousand dollars or greater.
4. The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate is authorized to expend monies from the Fund for the purposes outlined in section 2b of this by-law.
5. The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate shall deposit in this Fund the following:
 - a. City funds raised specifically for land and property acquisitions; and
 - b. Any other funds received or designated for this purpose.
6. The Managing Director, Corporate Services and City Treasurer, Chief Financial Officer or designate may invest the monies standing in the Fund in such securities as are permitted under subsection 418(1) of the Municipal Act, 2001, as amended, and in so doing, may consolidate the monies standing in the Fund with other funds that the Corporation may hold from time to time provided that any earnings derived from the monies standing in the Fund shall accrue to and form part of the Fund.
7. Notwithstanding that provision may not be made by the Municipal Council in the estimates of the current or any subsequent year for contributions to the Fund, it shall continue and be maintained, and the Municipal Council shall always be taken as considering the Fund as necessary so long as this by-law continues in force.
8. By-law A.-7518-18 being “A by-law to establish the Land Acquisition Reserve Fund”, passed by Municipal Council on March 2, 2017 is hereby repealed.

9. This by-law comes into force on the day it is passed.

PASSED in Open Council on June 12, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 12, 2018
Second Reading – June 12, 2018
Third Reading – June 12, 2018

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING MAY 29, 2018
FROM:	ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER
SUBJECT:	SALE OF CITY OWNED PROPERTY TENDER NO. RFT18-44 OXFORD STREET EAST

RECOMMENDATION

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on June 12, 2018 to authorize and approve an Agreement of Purchase and Sale (Schedule “A” to the by-law) with respect to the sale, by tender process, of the City-owned surplus property located on south side of Oxford Street East, between 1795 and 1845 Oxford Street East, further described as Part of Lot 5, Concession 1, Geographic Township of London, designated as Part 12, Plan 33R-10363, to Flatout Flooring Inc. for the sum of \$257,420.00.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Asset Review: Class A – Vacant Land and Buildings, Corporate Services Committee – May 23, 2017

Asset Review: Sale of Major Assets Policy and Future Asset Review Timelines, Corporate Services Committee, March 7, 2017

Asset Review: London Hydro Inc. – Discussion Paper, Strategic Priorities and Policy Committee, February 13, 2017

Review of Corporate Assets: Initial Scoping Report, Corporate Services Committee, December 13, 2016

Capital Assets and Revenue Alternatives, Committee of the Whole, November 8, 2011

Capital Assets and Revenue Alternatives – Discussion Paper, Committee of the Whole, June 21, 2011

BACKGROUND

At its meeting held on May 30, 2017 Municipal Council resolved:

That, on the recommendation of the City Manager the following actions be taken with respect to an asset review of Class A – vacant land and buildings:

d) based on the results of the asset review, the following City-owned properties BE DECLARED SURPLUS to the needs of the City (see maps included in Appendix 'B' to the staff report dated May 23, 2017):

- i) a portion of 535 Pinetree Drive;*
- ii) Roll # 030290038000000 Oxford Street East;*
- iii) 92 Clemens Street;*
- iv) Roll # 030750205990000 Huron Street East;*
- v) 748 Classic Drive;*
- vi) 116 Emery Street West; and,*
- vii) 130 Southdale Road West.*

The property Oxford Street East is legally described as Part of Lot 5, Concession 1, Geographic Township of London, designated as Part 12, Plan 33R-10363, in the City of London, County of Middlesex.

The property dimensions are approximately 161.5 feet x 727 feet and approximates 2.49 acres of vacant land which is generally flat in topography.

The property is located on the south side of Oxford Street East, between 1795 and 1845 Oxford Street East.

A Location Map is attached as Appendix "B, for the Committee's information.

DISCUSSION

The subject site Roll # 030290038000000 Oxford Street East was held out for sale via public tender through the City's Purchasing and Supply department in accordance with the City of London's Sale and Other Disposition of Lands Policy.

The tender, RFT18-44 was published on March 28, 2018 and closed on April 30, 2018.

There were two submissions of an Agreement of Purchase and Sale associated with the tender for this property.

The highest bid was awarded to the successful bidder subject to Council approval.

Agreement Details

The Agreement of Purchase and Sale is for a consideration of \$257,420.00 with a 10% bid deposit having been received. The bid exceeds the reserve price which was established by an internal appraisal.

The agreement is irrevocable until June 29, 2018 in order to be considered by Council.

Completion date is September 24, 2018 subject to due diligence provisions in favor of the Purchaser.

Schedule B to the Agreement of Purchase and Sale provides for following elements:

- Insurance to be maintained by the Vendor until close
- Soil, Geotechnical, and Environmental Tests to be carried out by the Purchaser for a period of 60 days from acceptance, and all such document in the possession of the City will be shared with the successful proponent.
- Environmental Clause. Outside of the due diligence provision afforded the Purchaser, the property is being purchased on an AS IS basis
- Purchaser agrees to prepare a reference plan where required prior to closing

Recommendation

The Agreement of Purchase and Sale associated with the successful proponents bid submission exceeds the reserve and fulfills the mandate of the Corporation of the City of London to sell the property. It is therefore recommended that the agreement as submitted is approved.

PREPARED BY:	SUBMITTED BY:
BRYAN BAAR MANAGER, REALTY OPERATIONS	BILL WARNER MANAGER OF REALTY SERVICES
RECOMMENDED BY:	
ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER	

May 14, 2018
Attach.

File No.P-2338 (1)

cc: John Freeman, Manager, Purchasing and Supply
Peter Kokkoros, Deputy Chief Building Official, DCS
David G. Munteer, Solicitor

APPENDIX “A”

Bill No.

By-law No.

A by-law to authorize and approve an Agreement of Purchase and Sale between The Corporation of the City of London and Flatout Flooring Inc., for the acquisition of the property legally described as Part of Lot 5, Concession 1, Geographic Township of London, designated as Part 12, Plan 33R-10363, in the City of London, County of Middlesex, and to authorize the Mayor and the City Clerk to execute the Agreement.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS it is deemed expedient for The Corporation of the City of London (the “City”) to enter into an Agreement of Purchase and Sale with Flatout Flooring Inc. (the “Agreement”);

AND WHEREAS it is appropriate to authorize the Mayor and the City Clerk to execute the Agreement on behalf of the City;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Agreement attached as Schedule “A” to this by-law, being an Agreement of Purchase and Sale between the City and Flatout Flooring Inc. is hereby authorized and approved.
2. The Mayor and the City Clerk are hereby authorized to execute the Agreement authorized and approved under Section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading -
Second Reading -
Third Reading -

SCHEDULE "A"
AGREEMENT OF PURCHASE AND SALE

AGREEMENT OF PURCHASE AND SALE

VENDOR: THE CORPORATION OF THE CITY OF LONDON

PURCHASER: FLATOUT FLOORING INC

REAL PROPERTY:

Address 0 Oxford Street East, London, ON

Location South side of Oxford Street East, between 1795 and 1845 Oxford Street East

Measurements Approximately 161.5' x 727' feet west side; 2.49 acres

Legal Description: Part of Lot 5, Concession 1, Geographic Township of London, designated as Part 12 on Plan 33R-10363, in the City of London, County of Middlesex, as shown on Schedule "A" (the "Property").

a) **OFFER TO PURCHASE:** The Purchaser agrees to purchase the Property from the Vendor in accordance with the terms and conditions as set out in this Agreement.

b) **SALE PRICE:** The purchase price shall be Two hundred Fifty Seven thousand four hundred twenty DOLLARS CDN

\$257,420.00

payable as follows:

c) a deposit of 10%

Twenty five thousand seven hundred forty two DOLLARS CDN

\$25,742.00

In cash or cheque on the date hereof as a deposit; and

the balance of the sale price, subject to adjustments, in cash or by cheque on completion of this Agreement.

d) **ADJUSTMENTS:** Any unearned fire insurance premiums, rents, mortgage interest, realty taxes including local improvements rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to the Purchaser.

e) **SCHEDULE(S):** The following Schedule(s) form(s) part of this Agreement:

Schedule "A" Description of the Property
Schedule "B" Additional Terms and Conditions

f) **IRREVOCABILITY:** This Offer shall be irrevocable by the Vendor until considered by Council of the Corporation of the City of London at a meeting to be held no later than June 29, 2018, after which date, if not accepted, this Offer shall be null and void and the deposit shall be returned to the Purchaser in full without interest or deduction.

g) **TITLE SEARCH:** The Purchaser shall be allowed until 4:30p.m. September 24, 2018, to examine the title to the Property and at its own expense and to satisfy itself that there are no outstanding work orders or deficiency notices affecting the Property, that its present use may be lawfully continued and that the principal building may be insured against risk of fire.

h) **COMPLETION DATE:** This Agreement shall be completed by no later than 4:30p.m. September 28, 2018. Upon completion, vacant possession of the Property shall be given to the Purchaser unless otherwise provided for in this Agreement.

i) **NOTICES:** Any notice relating to or provided for in this Agreement shall be in writing.

j) **HST:** If this transaction is subject to Harmonized Sales Tax (HST) then such HST shall be in addition to and not included in the sale price, and HST shall be collected and remitted in accordance with applicable legislation. If this transaction is not subject to HST, the Vendor agrees to provide, on or before completion, to the Purchaser's solicitor, a certificate in a form satisfactory to the Purchaser's solicitor certifying that the transaction is not subject to HST.

k) **FUTURE USE:** Vendor and the Purchaser agree that there is no representation or warranty of any kind that the future intended use of the Property by the Purchaser is or will be lawful except as may be specifically provided for in this Agreement.

l) **TITLE:** Provided that the title to the Property is good and free from all encumbrances. If within the specified times referred to in paragraph g) any valid objection to title or to any outstanding work order or deficiency notice, or to the fact the said present use may not lawfully be continued, or that the principal building may not be insured against risk of fire is made in writing to the Vendor and which Vendor is unable or unwilling to remove, remedy or satisfy and which the Purchaser will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objections, shall be at an end and any deposit paid shall be returned without interest or deduction and Vendor shall not be liable for any costs or damages. Save as to any valid objection so made by such day and except for any objection going to the root of the title, the Purchaser shall be conclusively deemed to have accepted Vendor's title to the Property.

m) **DOCUMENTS AND DISCHARGE:** The Purchaser shall not call for the production of any title deed, abstract, survey or other evidence of title to the Property except such as are in the possession or control of Vendor. If requested by the Purchaser, Vendor will deliver any sketch or survey of the Property within Vendor's control to the Purchaser as soon as possible and prior to the Requisition Date. If a discharge of any Charge/Mortgage held by a corporation incorporated pursuant to the Loan Companies Act (Canada), Chartered Bank, Trust Company, Credit Union, Caisse Populaire or Insurance Company and which is not to be assumed by the Purchaser on completion, is not available in registerable form on completion, the Purchaser agrees to accept Vendor's lawyer's personal undertaking to obtain, out of the closing funds, a discharge in registerable form and to register same on title within a reasonable period of time after completion, provided that on or before completion Vendor shall provide to the Purchaser a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, together with a direction executed by Vendor directing payment to the mortgagee of the amount required to obtain the discharge out of the balance due on completion.

- n) **DOCUMENT PREPARATION:** The Transfer/Deed shall, save for the Land Transfer Tax Affidavit, be prepared in registerable form at the expense of the Vendor.
- o) **RESIDENCY:** The Purchaser shall be credited towards the Purchase Price with the amount, if any, necessary for the Purchaser to pay to the Minister of National Revenue to satisfy the Purchaser's liability in respect of tax payable by Vendor under the non-resident provisions of the Income Tax Act by reason of this sale. The Purchaser shall not claim such credit if Vendor delivers on completion the prescribed certificate or a statutory declaration that Vendor is not a non-resident of Canada.
- p) **TIME LIMITS:** Time shall in all respects be of the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by Vendor and the Purchaser or their respective lawyers who are hereby specifically authorized in that regard.
- q) **TENDER:** Any tender of documents or money hereunder may be made upon Vendor or the Purchaser or their respective solicitors on the day set for completion. Money may be tendered by bank draft or cheque by a Chartered Bank, Trust Company, Province of Ontario Savings Office, Credit Union or Caisse Populaire.
- r) **FAMILY LAW ACT:** Vendor warrants that spousal consent is not necessary to this transaction under the provisions of the *Family Law Act*, R.S.O. 1990 unless Vendor's spouse has executed the consent provided.
- s) **PLANNING ACT:** This Agreement shall be effective to create an interest in the property only if the subdivision control provisions of the Planning Act are complied with.
- t) **CLOSING ARRANGEMENTS:** Where each of the Vendor and Purchaser retain a lawyer to complete the Agreement of Purchase and Sale of the property, and where the transaction will be completed by electronic registration pursuant to Part III of the Land Registration Reform Act, R.S.O. , Chapter L4, and any amendments thereto, the Vendor and Purchaser acknowledge and agree that the delivery of documents and the release thereof to the Vendor and Purchaser may, at the lawyer's discretion: (a) not occur contemporaneously with the registration of the Transfer/Deed (and other registerable documentation) and (b) be subject to conditions whereby the lawyer receiving documents and/or money will be required to hold them in trust and not release them except in accordance with the terms of a written agreement between the lawyers.
- u) **AGREEMENT IN WRITING:** This Agreement, including any Schedule attached, shall constitute the entire Agreement between the Purchaser and Vendor. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. This Agreement shall be read with all changes of gender or number required by the context.
- v) **SUCCESSORS AND ASSIGNS:** The heirs, executors, administrators, successors and assigns of the undersigned are bound by the terms herein.

The Corporation of the City of London hereby accepts the above Agreement of Purchase and Sale and agrees to carry out the same on the terms and conditions herein contained.

IN WITNESS WHEREOF The Corporation of the City of London agrees to the above Agreement of Purchase and Sale and has hereunto caused to be affixed its Corporate Seal attested by the hands of its proper signing officers pursuant to the authority contained in By-law No. _____ of the Council of The Corporation of the City of London passed the

THE CORPORATION OF THE CITY OF LONDON

Matt Brown, Mayor

Catharine Saunders, City Clerk

GIVEN UNDER MY/OUR HAND AND SEAL, (OR, IN WITNESS WHEREOF THE VENDOR HERETO HAS HEREUNTO CAUSED TO BE AFFIXED ITS CORPORATE SEAL ATTESTED BY THE HANDS OF ITS PROPER SIGNING OFFICERS, as the case may be) this _____ day of _____,

SIGNED, SEALED AND DELIVERED
In the Presence of

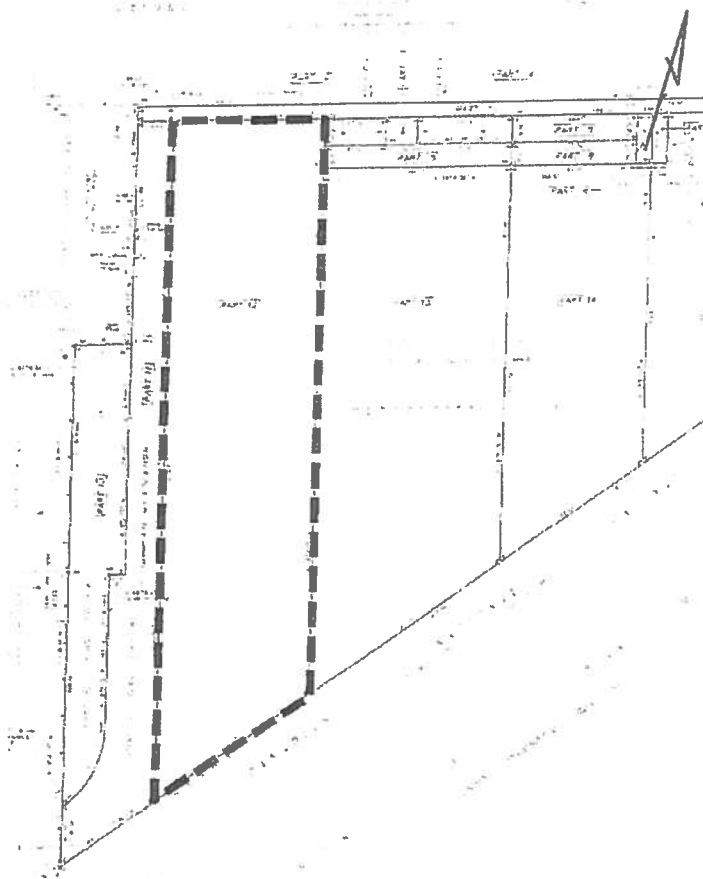
Per: EVATONT FLOORING INC
Name: THOMAS BUTCHIN
Title: PRESIDENT / OWNER

I/We Have the Authority to Bind the Corporation

VENDOR'S LAWYER: David G. Mounteer, Solicitor, 519-861-2500 Ext. 4709 Fax: 519-861-5530

PURCHASER'S LAWYER: BILL MITCHELL, HARRISON PUNSA LTD 519 679 9660

SCHEDULE "A"



[Handwritten signature]

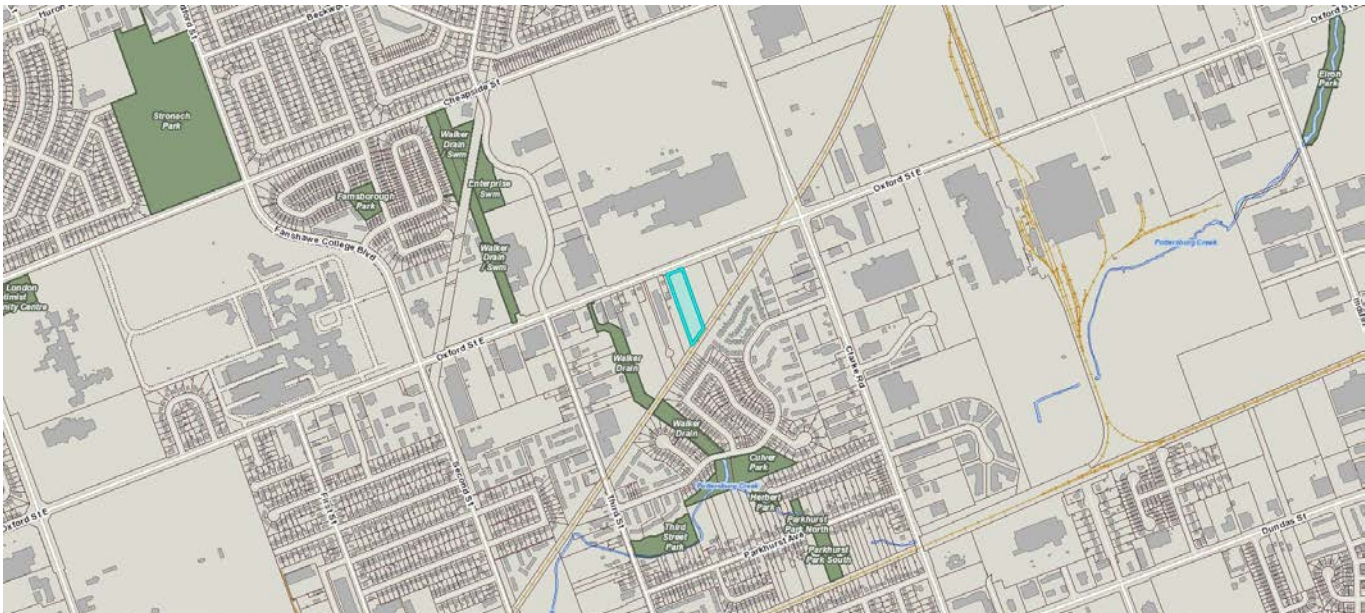
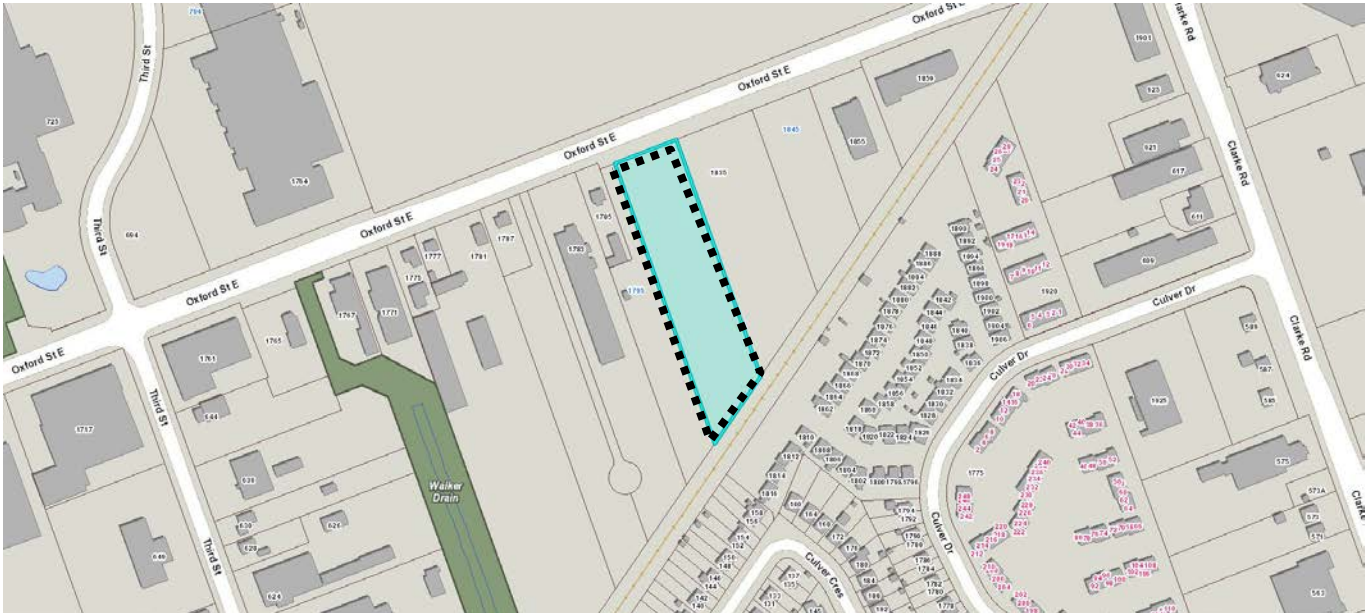
SCHEDULE "B"

1. **INSURANCE:** All buildings on the Property and all other things being purchased shall be and remain until completion at the risk of the Vendor. Pending completion, Vendor shall hold all insurance policies, if any, and the proceeds thereof in trust for the parties as their interests may appear and in the event of substantial damage, the Purchaser may either terminate this Agreement and have all monies paid returned without interest or deduction or else take the proceeds of any insurance and complete the purchase. No insurance shall be transferred on completion.
2. **SOIL, GEOTECHNICAL AND ENVIRONMENTAL TESTS:** The Purchaser shall have a period of 60 days from the date of acceptance of this Agreement to satisfy itself in its sole and absolute discretion as to the soil and environmental condition of the Property. The Purchaser may enter on the Property and have soil and environmental tests conducted using qualified agents or servants. The Purchaser agrees that all such tests shall be conducted using reasonable care and that the Property shall be restored to a condition as close as reasonably possible to its condition prior to entry. The Purchaser agrees to indemnify and save harmless the Vendor from and against all claims, demands, costs, including reasonable legal costs, damages, expenses and liabilities whatsoever arising out of its entry on the Property and the conducting of such test.

If the results of the soil tests are not satisfactory to the Purchaser, it shall within the time limited deliver written notice to the effect to the Vendor and the Agreement shall be terminated and the deposit immediately returned to the Purchaser without interest or deduction; failing delivery of written notice, the condition shall be deemed to have been waived. This condition is inserted for the benefit of the Purchaser and may be waived by it at any time during the time limited period.
3. **ENVIRONMENTAL CLAUSE:** The Purchaser acknowledges that the Property is being purchased on an "as is" basis. The Purchaser acknowledges that the Vendor has not made, did not make and shall not be required to provide any representations or warranties of any kind with respect to whether the Property and processes and undertakings performed thereon have been and are in compliance with all applicable environmental laws, regulations and orders and whether the Property is suitable for any specific use including and without limitation to any construction or development. The Purchaser acknowledges and agrees that the Vendor shall not be liable for any damages of loss whatsoever arising out of or pursuant to any claims in respect to the foregoing.
4. **REFERENCE PLAN:** The Purchaser agrees to prepare and deposit on title, on or before closing and at its expense, a reference plan describing the Property, if required.



Appendix “B” – Location Map



TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING MAY 29, 2018
FROM:	ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER
SUBJECT:	SALE OF CITY OWNED SURPLUS PROPERTY TENDER NO. RFT18-44 1694 EVANGELINE STREET

RECOMMENDATION

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on June 12, 2018 to authorize and approve an Agreement of Purchase and Sale (Schedule “A” to the by-law) with respect to the sale, by tender process, of the City-owned surplus property located at 1694 Evangeline Street, further described as described as Part Lot 17, Registered Plan 19 and Lots 110 and 111, Registered Plan 483 to Klaud Czeslawski and Marco Demelo for the sum of \$172,000.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

March 20, 2018 – Corporate Services Committee – Declare Surplus and Sale 1694 Evangeline Street and 126 Hamilton Road

May 25, 2016 - Confidential Corporate Services Committee - Agreements on Federal interests in Tax Sale properties

November 1, 2016 - Corporate Services Committee - Vesting Properties in the name of the City after a Tax Sale.

November 7, 2017 - Confidential Corporate Services Committee

BACKGROUND

At its meeting held on March 27, 2018 Municipal Council resolved:

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, the following actions be taken with respect to the following City-owned properties:

a) the property located 1694 Evangeline Street, described as Part Lot 17, Registered Plan 19 and Lots 110 and 111, Registered Plan 483, containing an area of approximately 0.871 acres, BE DECLARED surplus;

b) the property noted in a) above BE DISPOSED of to fulfil the Municipal Council resolution, from its meeting held on November 14, 2017, directing that this property be vested and sold after entering into an agreement with creditors having liens on the property; it being noted that this property failed to sell at a municipal tax sale and was vested in the name of the City with the intention they be sold in accordance with the City's Sale and Other Disposition of Land Policy;

The property is legally described as Part of Lot 17, Registered Plan 19 and Lots 110 and 111, Registered Plan 483, as in 337445, being all of PIN 08108-0097 in the City of London, County of Middlesex.

The property dimensions are irregular and approximates 0.871 acres of land improved with a vacation industrial building which is generally flat in topography.

The property is located on the north side of Evangeline Street.

A Location map is attached as Appendix "B" for the Committee's information.

DISCUSSION

The subject site 1694 Evangeline Street was held out for sale via public tender in accordance with the City of London's Sale and Other Disposition of Lands Policy.

The current tender, RFT18-44 was published on March 28, 2018 and closed on April 30, 2018.

There was one submission of an Agreement of Purchase and Sale associated with the tender for this property. The bid was awarded to the successful proponents subject to Council approval.

Agreement Details

The Agreement of Purchase and Sale is for a consideration of \$172,000.00 with a 10% bid deposit having been received. The bid exceeds the reserve price which was established by an internal appraisal.

The agreement is irrevocable until June 29, 2018 in order to be considered by Council.

Completion date is September 24, 2018, subject to due diligence provisions in favor of the Purchasers.

Schedule B to the Agreement of Purchase and Sale provides for the following elements:

- Insurance to be maintained by the Vendor until close
- Soil, Geotechnical, and Environmental Tests to be carried out by the Purchaser for a period of 60 days from acceptance, and all such document in the possession of the City will be shared with the successful proponent.
- Environmental Clause. Outside of the due diligence provision afforded the Purchaser, the property is being purchased on an AS IS basis
- Purchaser agrees to prepare a reference plan where required prior to closing
- The Agreement is subject to Memorandum of Understanding between the City and the Business Development Bank of Canada splitting the proceeds.

Recommendation

The Agreement of Purchase and Sale associated with the successful proponents' bid submission exceeds the reserve and fulfills the mandate of the City of London to sell the property. It is therefore recommended that the agreement as submitted is approved.

PREPARED BY:	SUBMITTED BY:
BRYAN BAAR MANAGER, REALTY OPERATIONS	BILL WARNER MANAGER OF REALTY SERVICES
RECOMMENDED BY:	
ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER	

May 10, 2018
Attach.

File No. P-2040 (9)

cc: John Freeman, Manager, Purchasing and Supply
 Peter Kokkoros, Deputy Chief Building Official, DCS
 David G. Munteer, Solicitor

APPENDIX “A”

Bill No.

By-law No.

A by-law to authorize and approve the Agreement of Purchase and Sale between The Corporation of the City of London and Klaud Czeslawski and Marco Demelo, for 1694 Evangeline Street, in the City of London, and to authorize the Mayor and the City Clerk to execute the Agreement.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS it is deemed expedient for The Corporation of the City of London (the “City”) to enter into an Agreement of Purchase and Sale with Klaud Czeslawski and Marco Demelo (the “Agreement”);

AND WHEREAS it is appropriate to authorize the Mayor and the City Clerk to execute the Agreement on behalf of the City;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Agreement attached as Schedule “A” to this by-law, being an Agreement of Purchase and Sale between the City and Klaud Czeslawski and Marco Demelo hereby authorized and approved.
2. The Mayor and the City Clerk are hereby authorized to execute the Agreement authorized and approved under Section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading -
Second Reading -
Third Reading -

SCHEDULE "A"
AGREEMENT OF PURCHASE AND SALE

VENDOR: THE CORPORATION OF THE CITY OF LONDON

PURCHASER: KLAVD CIESLANSKI & MARCO DE MELO

REAL PROPERTY:

Address 1694 Evangeline Street, London, ON

Location North side of Evangeline Street

Measurements Irregular; 0.871 acres

Legal Description: Part of Lot 17, Registered Plan 19 and Lots 110 and 111, Registered Plan 483, as in 337445, being all of PIN 08108-0097 (LT), City of London, County of Middlesex, Ontario, as shown on Schedule "A" (the "Property").

a) **OFFER TO PURCHASE:** The Purchaser agrees to purchase the Property from the Vendor in accordance with the terms and conditions as set out in this Agreement.

b) **SALE PRICE:** The purchase price shall be One hundred seventy two thousand DOLLARS CDN

\$ 172,000.00

payable as follows:

c) a deposit of 10% Seventeen thousand two hundred DOLLARS CDN

\$ 17,200.00

In cash or cheque on the date hereof as a deposit; and

the balance of the sale price, subject to adjustments, in cash or by cheque on completion of this Agreement.

- d) **ADJUSTMENTS:** Any unearned fire insurance premiums, rents, mortgage interest, realty taxes including local improvements rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to the Purchaser.
- e) **SCHEDULE(S):** The following Schedule(s) form(s) part of this Agreement:
- Schedule "A" Description of the Property
Schedule "B" Additional Terms and Conditions
- f) **IRREVOCABILITY:** This Offer shall be irrevocable by the Vendor until considered by Council of the Corporation of the City of London at a meeting to be held no later than June 29, 2018, after which date, if not accepted, this Offer shall be null and void and the deposit shall be returned to the Purchaser in full without interest or deduction.
- g) **TITLE SEARCH:** The Purchaser shall be allowed until 4:30p.m. September 24, 2018, to examine the title to the Property and at its own expense and to satisfy itself that there are no outstanding work orders or deficiency notices affecting the Property, that its present use may be lawfully continued and that the principal building may be insured against risk of fire.
- h) **COMPLETION DATE:** This Agreement shall be completed by no later than 4:30p.m. September 28, 2018. Upon completion, vacant possession of the Property shall be given to the Purchaser unless otherwise provided for in this Agreement.
- i) **NOTICES:** Any notice relating to or provided for in this Agreement shall be in writing.
- j) **HST:** If this transaction is subject to Harmonized Sales Tax (HST) then such HST shall be in addition to and not included in the sale price, and HST shall be collected and remitted in accordance with applicable legislation. If this transaction is not subject to HST, the Vendor agrees to provide, on or before completion, to the Purchaser's solicitor, a certificate in a form satisfactory to the Purchaser's solicitor certifying that the transaction is not subject to HST.
- k) **FUTURE USE:** Vendor and the Purchaser agree that there is no representation or warranty of any kind that the future intended use of the Property by the Purchaser is or will be lawful except as may be specifically provided for in this Agreement.
- l) **TITLE:** Provided that the title to the Property is good and free from all encumbrances. If within the specified times referred to in paragraph g) any valid objection to title or to any outstanding work order or deficiency notice, or to the fact the said present use may not lawfully be continued, or that the principal building may not be insured against risk of fire is made in writing to the Vendor and which Vendor is unable or unwilling to remove, remedy or satisfy and which the Purchaser will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objections, shall be at an end and any deposit paid shall be returned without interest or deduction and Vendor shall not be liable for any costs or damages. Save as to any valid objection so made by such day and except for any objection going to the root of the title, the Purchaser shall be conclusively deemed to have accepted Vendor's title to the Property.
- m) **DOCUMENTS AND DISCHARGE:** The Purchaser shall not call for the production of any title deed, abstract, survey or other evidence of title to the Property except such as are in the possession or control of Vendor. If requested by the Purchaser, Vendor will deliver any sketch or survey of the Property within Vendor's control to the Purchaser as soon as possible and prior to the Requisition Date. If a discharge of any Charge/Mortgage held by a corporation incorporated pursuant to the Loan Companies Act (Canada), Chartered Bank, Trust Company, Credit Union, Caisse Populaire or Insurance Company and which is not to be assumed by the Purchaser on completion, is not available in registerable form on completion, the Purchaser agrees to accept Vendor's lawyer's personal undertaking to obtain, out of the closing funds, a discharge in registerable form and to register same on title within a reasonable period of time after completion, provided that on or before completion Vendor shall provide to the Purchaser a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, together with a direction executed by Vendor directing payment to the mortgagee of the amount required to obtain the discharge out of the balance due on completion.

- n) **DOCUMENT PREPARATION:** The Transfer/Deed shall, save for the Land Transfer Tax Affidavit, be prepared in registerable form at the expense of the Vendor.
- o) **RESIDENCY:** The Purchaser shall be credited towards the Purchase Price with the amount, if any, necessary for the Purchaser to pay to the Minister of National Revenue to satisfy the Purchaser's liability in respect of tax payable by Vendor under the non-resident provisions of the Income Tax Act by reason of this sale. The Purchaser shall not claim such credit if Vendor delivers on completion the prescribed certificate or a statutory declaration that Vendor is not a non-resident of Canada.
- p) **TIME LIMITS:** Time shall in all respects be of the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by Vendor and the Purchaser or their respective lawyers who are hereby specifically authorized in that regard.
- q) **TENDER:** Any tender of documents or money hereunder may be made upon Vendor or the Purchaser or their respective solicitors on the day set for completion. Money may be tendered by bank draft or cheque by a Chartered Bank, Trust Company, Province of Ontario Savings Office, Credit Union or Caisse Populaire.
- r) **FAMILY LAW ACT:** Vendor warrants that spousal consent is not necessary to this transaction under the provisions of the *Family Law Act*, R.S.O. 1990 unless Vendor's spouse has executed the consent provided.
- s) **PLANNING ACT:** This Agreement shall be effective to create an interest in the property only if the subdivision control provisions of the Planning Act are complied with.
- t) **CLOSING ARRANGEMENTS:** Where each of the Vendor and Purchaser retain a lawyer to complete the Agreement of Purchase and Sale of the property, and where the transaction will be completed by electronic registration pursuant to Part III of the Land Registration Reform Act, R.S.O., Chapter L4, and any amendments thereto, the Vendor and Purchaser acknowledge and agree that the delivery of documents and the release thereof to the Vendor and Purchaser may, at the lawyer's discretion: (a) not occur contemporaneously with the registration of the Transfer/Deed (and other registerable documentation) and (b) be subject to conditions whereby the lawyer receiving documents and/or money will be required to hold them in trust and not release them except in accordance with the terms of a written agreement between the lawyers.
- u) **AGREEMENT IN WRITING:** This Agreement, including any Schedule attached, shall constitute the entire Agreement between the Purchaser and Vendor. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. This Agreement shall be read with all changes of gender or number required by the context.
- v) **SUCCESSORS AND ASSIGNS:** The heirs, executors, administrators, successors and assigns of the undersigned are bound by the terms herein.

The Corporation of the City of London hereby accepts the above Agreement of Purchase and Sale and agrees to carry out the same on the terms and conditions herein contained.

IN WITNESS WHEREOF The Corporation of the City of London agrees to the above Agreement of Purchase and Sale and has hereunto caused to be affixed its Corporate Seal attested by the hands of its proper signing officers pursuant to the authority contained in By-law No. _____ of the Council of The Corporation of the City of London passed the

THE CORPORATION OF THE CITY OF LONDON

Matt Brown, Mayor

Catharine Saunders, City Clerk

GIVEN UNDER MY/OUR HAND AND SEAL, (OR, IN WITNESS WHEREOF THE VENDOR HERETO HAS HEREUNTO CAUSED TO BE AFFIXED ITS CORPORATE SEAL ATTESTED BY THE HANDS OF ITS PROPER SIGNING OFFICERS, as the case may be) this _____ day of _____,

SIGNED, SEALED AND DELIVERED
In the Presence of

Per: KLAUD CRESLAWSKI & MARIO DEMELO
Name: KLAUD CRESLAWSKI & MARIO DEMELO
Title: Selves

I/We Have the Authority to Bind the Corporation

VENDOR'S LAWYER: David G. Mounteer, Solicitor, 519-661-2500 Ext. 4709 Fax: 519-661-5530

PURCHASER'S LAWYER: BILL MITCHELL, HARRISON PENSIA LTD 519 679 9660

SCHEDULE "A"



OK
MD

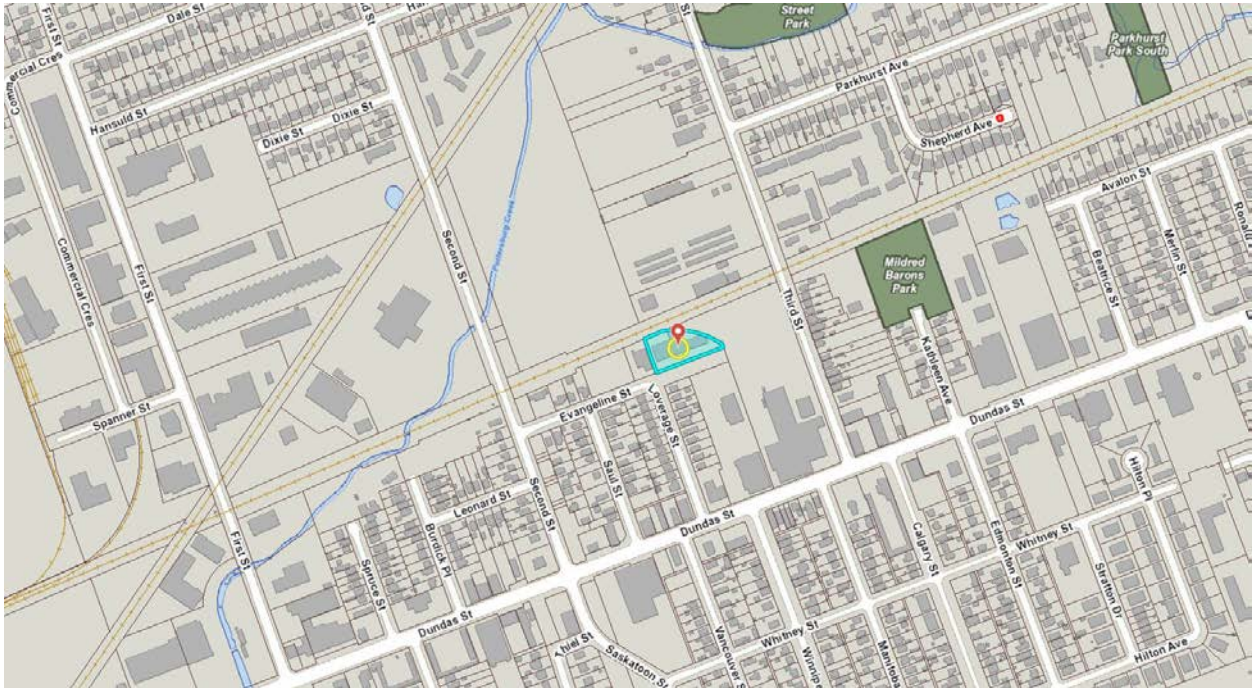
SCHEDULE "B"

1. **INSURANCE:** All buildings on the Property and all other things being purchased shall be and remain until completion at the risk of the Vendor. Pending completion, Vendor shall hold all insurance policies, if any, and the proceeds thereof in trust for the parties as their interests may appear and in the event of substantial damage, the Purchaser may either terminate this Agreement and have all monies paid returned without interest or deduction or else take the proceeds of any insurance and complete the purchase. No insurance shall be transferred on completion.
2. **SOIL, GEOTECHNICAL AND ENVIRONMENTAL TESTS:** The Purchaser shall have a period of 60 days from the date of acceptance of this Agreement to satisfy itself in its sole and absolute discretion as to the soil and environmental condition of the Property. The Purchaser may enter on the Property and have soil and environmental tests conducted using qualified agents or servants. The Purchaser agrees that all such tests shall be conducted using reasonable care and that the Property shall be restored to a condition as close as reasonably possible to its condition prior to entry. The Purchaser agrees to indemnify and save harmless the Vendor from and against all claims, demands, costs, including reasonable legal costs, damages, expenses and liabilities whatsoever arising out of its entry on the Property and the conducting of such test.

If the results of the soil tests are not satisfactory to the Purchaser, it shall within the time limited deliver written notice to the effect to the Vendor and the Agreement shall be terminated and the deposit immediately returned to the Purchaser without interest or deduction; failing delivery of written notice, the condition shall be deemed to have been waived. This condition is inserted for the benefit of the Purchaser and may be waived by it at any time during the time limited period.
3. **ENVIRONMENTAL CLAUSE:** The Purchaser acknowledges that the Property is being purchased on an "as is" basis. The Purchaser acknowledges that the Vendor has not made, did not make and shall not be required to provide any representations or warranties of any kind with respect to whether the Property and processes and undertakings performed thereon have been and are in compliance with all applicable environmental laws, regulations and orders and whether the Property is suitable for any specific use including and without limitation to any construction or development. The Purchaser acknowledges and agrees that the Vendor shall not be liable for any damages of loss whatsoever arising out of or pursuant to any claims in respect to the foregoing.
4. **REFERENCE PLAN:** The Purchaser agrees to prepare and deposit on title, on or before closing and at its expense, a reference plan describing the Property, if required.
5. **ENCUMBRANCE:** Subject to a memorandum of Understanding between the Corporation of the City of London and the Business Development Bank of Canada, The Business Development Bank of Canada agrees to discharge its mortgage on the Property within ten (10) banking days of receipt of certified funds equal to 50% of the Net Proceeds.

MD
OK

Appendix B – Location Map



April 26, 2018

Dear Secretary Bunn (Trees and Forests Advisory Committee):

Staff from ReForest London have been proud to participate on the Trees and Forests Advisory Committee for the past several years, helping to advance the Urban Forest Strategy and provide technical expertise to support the growth and protection of London's trees and forests. Participation on TFAC has helped our organization keep apprised of municipal initiatives and policy goals, while providing a valuable opportunity to share with City staff and other citizens information about our programs and various issues relevant to community-based tree planting efforts here in London.

Our last representative on TFAC, Kaitlin Richardson, has recently left our organization for a new position and Guelph. We have just hired a replacement for Kaitlin, Alex Meilutis, who will be our new Project Manager for our Naturalization & Aftercare programs, and would like to put her name forward as a possible candidate for the Trees and Forests Advisory Committee.

Alex has a Master's in Environment and Sustainability from Western, as well as an Honours Bachelor of Science in Environmental Science and Biology. She is an experienced ecologist, having formerly worked as an Ecosystem Biologist as well as an Assistant Ecologist for the Ontario Ministry of Natural Resources and Forestry, and an Assistant Park Planner for Ontario Parks. She also has previous experience working with the City of London as the Community Projects Coordinator for Environmental Parks Planning & Design, as well as the Active & Green Communities Coordinator for Environmental Programs. We believe she would make an excellent addition to the Trees and Forests Advisory Committee, and are happy to put her name forth as a possible candidate for the committee.

If you have any questions regarding our organization's participation on TFAC, please do not hesitate to contact our Director of Programs, Amber Cantell.

On behalf of our staff and Board, thank you very much for your time and consideration.

Sincerely,



Dean Sheppard
Executive Director
ReForest London

Committee: **Trees and Forests Advisory Committee**

Organization/Sector represented: **A local business association or tree-related business**

Name: **Alex Morrison**

Address:

607 Maitland St.

Occupation: **Arborist**

Work experience: **I manage a local tree care service, with 2 ISA certified arborists on staff. The business name is Conservatree and we have been serving the London area for 8 years.**

Education: **I attended Brock University for Honours Business.**

Skills: **I attended a meeting of the committee on February 28th, I saw that there was no representative of the Tree Care industry on the committee. I can offer a first hand understanding of how business owners and homeowners react to the efforts being made by this committee.**

Interest reason: **The Tree Preservation Bylaw and Urban Forest Strategy effects my industry and yet there is no voice present in the guidance of these guidelines being created. I believe that the private Tree Care industry will be the main stewards of the 'Preserve' and 'Maintain Better' pillars of the Urban Forest Strategy. So I believe my involvement will help this committee meet the canopy goals in the City of London by ensuring that the guidelines created are suitable to the realities of our industry.**

Contributions: **I would like to find a way to get the Tree Care Industry more involved as a group. To help create a positive change that involves the excellent group of Arborists here in the Forest City.**

Past contributions: **I have served as Treasurer and as a Team Rep on the Thames Valley Senior Baseball League Board of Directors. We guided and planned league activities and rules. I resigned because my team changed leagues.**

Interpersonal: **I focus on being a good listener, to hear others when they express their views or offer their expertise. I speak when I have something to say, whether it be constructive or to add further information to a conversation. I understand this is a committee focused on guiding positive changes and that will take co-operation amongst the committee members. I am willing to take a stand to defend my views. I am willing to challenge other's views. I am able to make compromises. I believe this committee could teach me a lot.**

Interview interest: **Yes**

Committee: **City's Trees and Forests Advisory Committee**

Organization/Sector represented:

Name: **Sonja Teichertt**

Address:

500 Ridout St. N, Apt.1201, London, N6A 0A2

Occupation: **Environmental Biologist**

Work experience: **I have extensive project management experience acquired coordinating a citizen science project, completing my PhD and during my recent postdoc which was highly collaborative study of the the future of the Boreal Forest with contributors from across Canada. Most recently have been spending a lot of time volunteering in the nonprofit sector with ReForest London, and Carolinian Canada Coalition, Pillar NonProfit Network and am a member of the London Environmental Steering Committee.**

Education: **I completed my BSc honours in Zoology at Western and after that studied the ecology of a forest beetle for my MSc Biology at Acadia University. I completed my PhD (studied the collaborations between Conservation Authorities and citizen science groups collecting freshwater monitoring data) in Apr 2016. Since then I completed a postdoc (see work experience).**

Skills: **I've successfully worn a number of hats; event planner, project manager, researcher, client service, communications. I bring a variety a skills associated with these 'hats' as well as specialized knowledge of ecological systems, forest ecology and biodiversity.**

Interest reason: **I believe a healthy community is a treed community. There are so many benefits to planting trees and I would like my community to prosper with the support of these benefits**

Contributions: **I have a lot experience with committee work, communicate well, care about my community and the environment.**

Past contributions: **I'm currently on the London Environmental steering committee and also their Evaluation and CoLab subcommittees. I have created and reviewed surveys and reviewed other committee materials.**

Interpersonal: **I have worked on a number of committees and in particular during my PhD at Western sat on all of the environmental committees from the student level up to upper level administration. I enjoy committee work and pride myself in being a good listener, respectful of other peoples views and contributions and personally very engaged in the discussions at hand.**

Interview interest: **Yes**

May 18, 2018

To the attention of City Clerk's Office

From the Thames Region Ecological Association

Re: Replacement representative for TREA on the City's Advisory Committee on the Environment

We are very sad to advise that Robyn Harvey, a long-time TREA supporter, passed away on May 4 after a year-long battle with cancer. He was honoured by his friends at the ReForest memorial for treeplanting recently as a remembrance to his dedicated community work. As well in recognition of his community involvement, a number of people are gathering today at Civic Gardens as a remembrance to his contributions to the community.

We ask that TREA's representative on the City's Advisory Committee on the Environment for the remaining months of this term be approved for

Mr. Manmohan Bhavra

Thank you in advance for your consideration

Diane Szoller

Diane Szoller, President

Thames Region Ecological Association

1017 Western Road, London, ON N6G 1G5