

Corporate Services Committee

Report

16th Meeting of the Corporate Services Committee
August 13, 2019

PRESENT: Councillors J. Morgan (Chair), J. Helmer , P. Van Meerbergen,
S. Hillier, Mayor E. Holder
ABSENT: A. Kayabaga
ALSO PRESENT: M. Hayward, M. Butlin, K. Campbell, I. Collins, B. Coxhead, M.
Daley, A. Hagan, L. Kolodianszky, L. Livingstone, P. McKague, S.
Miller, D. Mounteer, K. Murray, J. Raycroft, C. Saunders, S.
Spring, M. Stone, S. Swance, B. Warner and B. Westlake-
Power.

The meeting is called to order at 12:33 PM.

1. Disclosures of Pecuniary Interest

Councillor J. Morgan discloses a pecuniary interest in clause 5.1 having to do with an appointment to the London Hydro Board of Directors, by indicating that one of the candidates has a direct role in his employment with Western University.

2. Consent

Moved by: S. Hillier
Seconded by: E. Holder

That items 2.1 to 2.3 BE APPROVED.

Yeas: (4): J. Morgan, J. Helmer, S. Hillier, and E. Holder

Absent: (2): P. Van Meerbergen, and A. Kayabaga

Motion Passed (4 to 0)

2.1 Council Policy - Use of Corporate Resources for Election Purposes

Moved by: S. Hillier
Seconded by: E. Holder

That, on the recommendation of the City Clerk, the proposed by-law appended to the staff report dated August 13, 2019 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on August 27, 2019 to amend By-law No. CPOL.-230-519, being "Policy for the Use of City of London Resources For Municipal Election Purposes" by renaming the Council Policy "Use of City of London Resources For Election Purposes" and to update the Policy to provide additional clarity, particularly as it relates to provincial and federal election campaigns and Registered Third Parties.

Motion Passed

2.2 Website Redesign Development and Implementation for the City of London

Moved by: S. Hillier
Seconded by: E. Holder

That, on the recommendation of the Director, Strategic Communications, Government Relations and Public Engagement and of the Director, Information Technology Services, Finance and Corporate Services, the following actions be taken with respect to the selection of a vendor for the Website Redesign Development and Implementation for City of London:

a) the proposal submitted by Echidna Corp. O/A Digital Echidna, 200-365 Talbot Street, London, Ontario N6A 2R5 for the Website Redesign Development and Implementation for the City of London BE ACCEPTED in accordance with the Procurement of Goods and Services Policy;

b) the price submitted by Digital Echidna for the first year cost of \$473,750 (excluding H.S.T.), and subsequent years annual cost of \$78,750 (excluding H.S.T.), for three (3) years as the initial term, and the optional renewal term of four (4) years at one (1) year each, at sole discretion of the City, BE ACCEPTED;

c) the financing for the project BE APPROVED in accordance with the "Sources of Funding Report" appended to the staff report dated August 13, 2019 as Appendix "A";

d) the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with this purchase;

e) approval herein BE CONDITIONAL upon the Corporation entering into a formal agreement or having a purchase order, or contract record relating to the subject matter of this approval; and

f) the Mayor and City Clerk BE AUTHORIZED to execute any contract, statement of work or other documents, if required, to give effect to these recommendations.

Motion Passed

2.3 2018 Annual Reporting of Lease Financing Agreements

Moved by: S. Hillier
Seconded by: E. Holder

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the staff report dated August 13, 2019 with respect to the 2018 annual reporting of lease financing agreements BE RECEIVED for information.

Motion Passed

2.4 Demolition - UTRCA Owned - City Managed Property - 1318 Old Bridge Road

Moved by: J. Helmer
Seconded by: S. Hillier

That, on the recommendation of the Managing Director of Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, with respect to the property owned by the Upper Thames River Conservation Authority (UTRCA) and managed by the City, located at 1318 Old Bridge Road, as shown on Schedule "A" as appended to the staff report dated August 13, 2019, the following actions be taken:

- a) the subject property BE RECOMMENDED for demolition; and
- b) the Civic Administration BE DIRECTED to take all necessary steps to action the above-noted demolition, including completing a request for quotation for work to be completed, obtaining a demolition permit and any other activities to facilitate the demolition;

it being noted that existing capital accounts and operating accounts will be drawn upon as a source of financing to carry out the subject demolitions.

Yeas: (4): J. Morgan, J. Helmer, S. Hillier, and E. Holder

Absent: (2): P. Van Meerbergen, and A. Kayabaga

Motion Passed (4 to 0)

3. Scheduled Items

None.

4. Items for Direction

None.

5. Deferred Matters/Additional Business

5.1 Appointment to the London Hydro Board of Directors

Moved by: E. Holder

Seconded by: S. Hillier

That, on the recommendation of the Corporate Services Committee, the attached proposed by-law BE INTRODUCED at the Municipal Council meeting to be held August 27, 2019 to:

- a) ratify and confirm the Resolution of the Shareholder of London Hydro Inc., appended as Schedule "A" to the by-law; and
- b) authorize the Mayor and the City Clerk to execute the Resolution of the Shareholder of London Hydro Inc. appended as Schedule "A" to the by-law;

it being noted that Andrew Hrymak was selected for appointment to the London Hydro Inc. Board of Directors.

Yeas: (3): J. Helmer, S. Hillier, and E. Holder

Recuse: (1): J. Morgan

Absent: (2): P. Van Meerbergen, and A. Kayabaga

Motion Passed (3 to 0)

6. Confidential (Enclosed for Members only.)

Moved by: S. Hillier

Seconded by: E. Holder

That the Corporate Services Committee convene, In Closed Session, for consideration of the following:

6.1 Land Disposition/Solicitor-Client Privileged Advice/Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations

A matter pertaining to the proposed or pending disposition of land by the municipality, including communications necessary for that purpose; advice that is

subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.

6.2 Land Acquisition/Disposition/Solicitor-Client Privileged Advice/Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations

A matter pertaining to the proposed or pending lease of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.

6.3 Land Disposition/Solicitor-Client Privileged Advice/Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations

A matter pertaining to the proposed or pending disposition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.

6.4 Land Acquisition/Disposition/Solicitor-Client Privileged Advice/Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations

A matter pertaining to the proposed or pending lease of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.

6.5 Labour Relations/Employee Negotiations / Solicitor-Client Privileged Advice

A matter pertaining to reports, advice and recommendations of officers and employees of the Corporation concerning labour relations and employee negotiations in regard to one of the Corporation's unions and advice which is subject to solicitor-client privilege and communications necessary for that purpose and for the purpose of providing directions to officers and employees of the Corporation.

6.6 Personal Matters/Identifiable Individual / Solicitor-Client Privileged Advice

A matter pertaining to personal matters, including information regarding identifiable individuals, with respect to employment-related matters, advice or recommendations of officers and employees of the Corporation, including communications necessary for that purpose and for the purpose of providing instructions and directions to officers and employees of the Corporation; and advice subject to solicitor-client privilege, including communications necessary for that purpose.

6.7 Personal Matters/Identifiable Individual

A matter pertaining to personal matters about an identifiable individual, including municipal or local board employees.

6.8 ADDED - Land Acquisition/Solicitor-Client Privileged Advice/Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations

A matter pertaining to the proposed or pending acquisition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value

and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.

Yeas: (4): J. Morgan, J. Helmer, S. Hillier, and E. Holder

Absent: (2): P. Van Meerbergen, and A. Kayabaga

Motion Passed (4 to 0)

The Corporate Services Committee convened, In Closed Session, from 12:48 PM to 2:35 PM.

7. Adjournment

The meeting adjourned at 2:36 PM.

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON AUGUST 13, 2019
FROM:	CATHARINE SAUNDERS CITY CLERK
SUBJECT:	COUNCIL POLICY – USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES

RECOMMENDATION

That, on the recommendation of the City Clerk, the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on August 27, 2019 to amend By-law No. CPOL.-230-519, being “Policy for the Use of City of London Resources For Municipal Election Purposes” by renaming the Council Policy “Use of City of London Resources For Election Purposes” and to update the Policy to provide additional clarity, particularly as it relates to provincial and federal election campaigns and Registered Third Parties.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Corporate Services Committee – September 26, 2017 – Council Policy – Use Of Corporate Resources During An Election Period.

BACKGROUND

The purpose of this policy is to provide clear direction to Candidates, Registered Third Party Advertisers and City employees regarding the use of corporate resources for an election campaign. This policy ensures compliance with all applicable legislation, including the *Municipal Elections Act, 1996* (the “MEA”). This policy applies to municipal (including school board), provincial and federal elections or by-elections, as well as to campaigns related to questions on the ballot.

Section 88.18 of the amended MEA requires Ontario municipalities to establish “rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period.” Additionally, section 88.8 of the MEA, prohibits a municipality from contributing to a municipal election campaign, as follows:

Who cannot contribute

(4) For greater certainty, and without limiting the generality of subsection (3), the following persons and entities shall not make a contribution:

1. A federal political party registered under the *Canada Elections Act* (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.
2. A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
3. A corporation that carries on business in Ontario.
4. A trade union that holds bargaining rights for employees in Ontario.
5. The Crown in right of Canada or Ontario, a municipality or a local board.

The *Election Finances Act* (Ontario), and the *Canada Elections Act* similarly prohibit a municipality from making contributions in any form to a Candidate or Registered Third Party for provincial or federal election campaigns.

The City recognizes that Members of Council must be able to perform the duties of their office until the end of their term and supports them in continuing to fulfill their responsibilities in their role as elected officials. Nothing in this policy shall preclude a Member of Council from performing their duty as an elected official, nor inhibit them from representing the interests of their constituents.

DISCUSSION

The Municipal Council currently has a policy in place related to the use of City resources during an election period. This policy has been updated to provide additional clarity, particularly as it relates to provincial and federal election campaigns and Registered Third Parties to which this policy applies. Specifically, the definitions of Election Campaign and Registered Third Party have been updated as follows:

- **Election Campaign** – the current definition has been amended to include all elections, including municipal, provincial, and federal election campaigns, as well as campaigns related to a question on the ballot. This will affect Members of Council who choose to become candidates in any election.
- **Registered Third Party** – a new definition has been added to this policy to reflect recent amendments made to the *Municipal Elections Act*, the *Election Finances Act* and the *Canada Elections Act, 1996* regarding election-related advertising by non-candidates.

The proposed changes are consistent with the principles of the *Municipal Elections Act, 1996*, applicable federal and provincial legislation, as well as City of London policies and procedures. All provisions contained within this policy will assist with preserving the integrity in the elections process while maintaining that:

- Corporate Resources shall not be used to promote or provide an unfair advantage to any Candidate, political party, constituency association, Registered Third Party, or a person or group supporting or opposing a question on a ballot;
- Members of Council shall not be precluded from performing their duties as an Elected Official or representing the interests of their constituents; and,
- Information and communication related to an election shall continue to be open and accessible to the public.

Attached as Appendix “B” to this report, for your information, is a comparison of the current and proposed policy.

CONCLUSION

The proposed policy amendments are in compliance with the *Municipal Elections Act, 1996*, as revised, and do not contain any limitations or restrictions beyond what is prescribed under the MEA.

PREPARED BY:	SUBMITTED BY:
JEANNIE RAYCROFT MANAGER, LICENSING AND ELECTIONS	SARAH CORMAN MANAGER, LICENSING AND ELECTIONS
RECOMMENDED BY:	
CATHARINE SAUNDERS CITY CLERK	

APPENDIX “A”

Bill No.
2019

By-law No. CPOL.-

A by-law to amend By-law No. CPOL.-230-519, being “Policy for the Use of City of London Resources For Municipal Election Purposes” by renaming the Council Policy “Use of City of London Resources For Election Purposes” and to update the Policy to provide additional clarity, particularly as it relates to provincial and federal election campaigns and Registered Third Parties.

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*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-230-519, being “Policy for the Use of City of London Resources For Municipal Election Purposes” by renaming the Council Policy “Use of City of London Resources For Election Purposes” and to update the Policy to provide additional clarity, particularly as it relates to provincial and federal election campaigns and Registered Third Parties;

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

1. By-law No. CPOL.-230-519, being “Policy for the Use of City of London Resources For Municipal Election Purposes” is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 27, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 27, 2019
Second Reading – August 27, 2019
Third Reading – August 27, 2019

SCHEDULE “A”

Use of City of London Resources for Election Purposes

Policy Name: Use of City of London Resources for Election Purposes

Legislative History: Adopted October 30, 2017 (By-law No. CPOL.-230-519)

Last Review Date: August 13, 2019

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 This policy clarifies the restrictions pertaining to the use of City of London resources for directly or indirectly benefitting municipal, school board, provincial and federal election campaigns or campaigns related to a question on a ballot.

2. Definitions

For the purposes of this policy

- 2.1 **Campaign-related activities** – shall mean any activities that may directly or indirectly benefit a municipal, provincial, or federal election campaign.
- 2.2 **Campaign-related signs** – shall mean any material, regardless of format, that promotes or opposes any Candidate, Third Party Advertiser or a question on a ballot, or any material that may directly or indirectly benefit an election campaign.
- 2.3 **Candidate** – means any person who has filed and not withdrawn a nomination for an elected office at the municipal, provincial or federal level in an election or by-election.
- 2.4 **City** - shall mean The Corporation of the City of London.
- 2.5 **City resources** - shall include, but not be limited to City employees, events organized or funded solely or jointly by the City, City facilities, City funds, City information and City infrastructure.
- 2.6 **Election Campaign** – shall mean any campaign related to an election or by-election at the municipal, provincial and federal level of government, or a campaign related to the submission of a question on the ballot to the electors.
- 2.7 **Third Party Advertiser** means any individual, corporation or trade union registered in accordance with Section 88.6 of the *Municipal Elections Act, 1996* Section 37.5 of the *Election Finances Act, R.S.O. 1990, c.E.7*, or Section 353 of the *Canada Elections Act, S. C. 2000, c. 9*.

3. Applicability

- 3.1 This policy shall apply to the use of City resources by any party in a manner that would directly or indirectly benefit a municipal, provincial, or federal election campaign or campaigns related to a question on a ballot.

4. The Policy

- 4.1 This policy sets out provisions for the use of City facilities, resources and infrastructure to indirectly or directly benefit an election campaign, in order to preserve the integrity in the elections process and to comply with the *Municipal Elections Act, 1996*, the *Election Finances Act* and the *Canada Elections Act*. This policy allows the City to satisfy its' legal responsibility to ensure that no Candidate, registered Third Party Advertiser or political party is provided with an unfair advantage.

Without exception, all parties shall adhere to the applicable provisions of the *Municipal Elections Act, 1996*, as amended, the *Election Finances Act* (Ontario), the *Canada Elections Act* (Canada), the Declaration of Office for Members of Council, the Code of Conduct for Members of Council, and the Code of Conduct for Employees regarding the use of City resources.

- 4.2 City resources, assets and funding that shall not be used by any party to directly or indirectly benefit an election campaign include, but are not limited to:
- City staff
 - City property, facilities and/or equipment, except in those cases where use of the property, facilities and/or equipment are rented in accordance with City procedures applicable to the general public and/or use of the property, facilities and/or equipment is permitted under other legislation (e.g. Election Sign By-law, etc.)
 - City funds
 - Print or electronic materials paid for by the City promoting an individual
 - Any photos or videos produced by the City, including electronic images and videos
 - City mail room supplies and services
 - City print room supplies and services
 - City technical services and equipment (e.g. computers, laptops, mobile devices and applications such as voice mail, e-mail, Internet and Intranet, City web pages and domains, etc.)
 - City brand (e.g. logos, crest, etc.)
 - Lists and files produced using City resources, with the exception of lists produced for election purposes in accordance with the *Municipal Elections Act, 1996* (e.g. Voters List).
- 4.3 City staff shall not engage in any campaign-related activities during business hours unless they are on paid or unpaid leave.
- 4.4 Campaign-related signs or materials shall not be displayed at or in City-owned or leased facilities, unless otherwise permitted by legislation, and, where permitted for display, shall comply with the provisions of the Election Sign By-law.
- 4.5 No individual shall distribute, in print or electronic form, material paid for by the City that illustrates, references, promotes, profiles or otherwise relays information about an individual that may directly or indirectly benefit an election campaign. This does not limit a Member of Council from communicating with constituents on matters of interest that are relevant to the business of the City and fall within the fiduciary responsibility of the Member of Council, providing that these do not promote the personal interests of a Member of Council.
- 4.6 No individual shall host a town hall or ward meeting that would directly or indirectly benefit an election campaign. Rather, town hall or ward meetings shall be focused on the interests of the constituency regarding City business.
- 4.7 Nothing in this Policy is intended to prohibit a Member of Council from performing their job as an elected representative to represent the interests of their constituents regarding City business, during their period of office.

APPENDIX “B”

Policy for the Use of City of London Resources for ~~Municipal~~ Election Purposes

Policy Name: Policy for the Use of City of London Resources for ~~Municipal~~ Election Purposes

Legislative History: Adopted October 30, 2017, (By-law No. CPOL.-230-519

Last Review Date: ~~October 2017~~ August 13, 2019

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 This policy clarifies the restrictions pertaining to the use of City of London resources for directly or indirectly benefitting municipal, school board, provincial and federal election campaigns or campaigns related to a question on a ballot. ~~a municipal election campaign.~~

2. Definitions

For the purposes of this policy

- 2.1 **Campaign-related activities** – shall mean any activities that may directly or indirectly benefit a municipal, provincial, or federal election campaign. ~~shall mean any activities that may directly or indirectly benefit a municipal election campaign.~~
- 2.2 **Campaign-related signs** – shall mean any material, regardless of format, that promotes or opposes any Candidate, Third Party Advertiser or a question on a ballot, or any material that may directly or indirectly benefit an election campaign.
- 2.3 **Candidate** – means any person who has filed and not withdrawn a nomination for an elected office at the municipal, provincial or federal level in an election or by- election
- 2.42 **City** - shall mean The Corporation of the City of London.
- 2.53 **City resources** - shall include, but not be limited to City employees, events organized or funded solely or jointly by the City, City facilities, City funds, City information and City infrastructure.
- 2.6 **Election Campaign** – shall mean any campaign related to an election or by-election at the municipal, provincial and federal level of government, or a campaign related to the submission of a question on the ballot to the electors.
- 2.7 **Third Party Advertiser** means any individual, corporation or trade union registered in accordance with Section 88.6 of the *Municipal Elections Act, 1996* Section 37.5 of the *Election Finances Act, R.S.O. 1990, c.E.7*, or Section 353 of the *Canada Elections Act, S. C. 2000, c. 9*.

3. Applicability

- 3.1 This policy shall apply to the use of City resources by any party in a manner that would directly or indirectly benefit a municipal, provincial, or federal election campaign or campaigns related to a question on a ballot. ~~This policy shall apply to the use of City resources by any party in a manner that would directly or indirectly benefit a municipal election campaign.~~

4. The Policy

- 4.1 This policy sets out provisions for the use of City facilities, resources and infrastructure to indirectly or directly benefit an election campaign, in order

to preserve the integrity in the elections process and to comply with the *Municipal Elections Act, 1996*, the *Election Finances Act* and the *Canada Elections Act*. This policy allows the City to satisfy its' legal responsibility to ensure that no Candidate, registered Third Party Advertiser or political party is provided with an unfair advantage.

Without exception, all parties shall adhere to the applicable provisions of the *Municipal Elections Act, 1996*, as amended, the *Election Finances Act (Ontario)*, the *Canada Elections Act (Canada)*, the Declaration of Office for Members of Council, the Code of Conduct for Members of Council and the Code of Conduct for Employees, regarding the use of City resources.

4.2 City resources, assets and funding that shall not be used by any party to directly or indirectly benefit an municipal election campaign include, but are not limited to:

- City staff
- City property, facilities and/or equipment, except in those cases where use of the property, facilities and/or equipment are rented in accordance with City procedures applicable to the general public and/or use of the property, facilities and/or equipment is permitted under other legislation (e.g. Election Sign By- law, etc.)
- City funds
- Print or electronic materials paid for by the City promoting an individual
- Any photos or videos produced by the City, including electronic images and videos
- City mail room supplies and services
- City print room supplies and services
- City technical services and equipment (e.g. computers, laptops, mobile devices and applications such as voice mail, e-mail, Internet and Intranet, City web pages and domains, etc.)
- City brand (e.g. logos, crest, etc.)
- Lists and files produced using City resources, with the exception of lists produced for election purposes in accordance with the *Municipal Elections Act, 1996* (e.g. Voters List).

4.3 City staff shall not engage in any campaign-related activities during business hours unless they are on paid or unpaid leave. City staff shall not canvass or actively work in support of a municipal candidate during business hours unless they are on paid or unpaid leave.

4.4 Campaign-related signs or materials shall not be displayed at or in City-owned or leased facilities, unless otherwise permitted by legislation, and, where permitted for display, shall comply with the provisions of the Election Sign By-law.

4.5 No individual shall distribute, in print or electronic form, material paid for by the City that illustrates, references, promotes, profiles or otherwise relays information about an individual that may directly or indirectly benefit an municipal election campaign. This does not limit a Member of Council from communicating with constituents on matters of interest that are relevant to the business of the City and fall within the fiduciary responsibility of the Member of Council, providing that these do not promote the personal interests of a Member of Council.

4.6 No individual shall host a town hall or ward meeting that would directly or indirectly benefit an municipal election campaign. Rather, town hall or ward meetings shall be focused on the interests of the constituency regarding City business.

- 4.7 Nothing in this Policy is intended to prohibit a Member of Council from performing their job as an elected representative to represent the interests of their constituents regarding City business, during their period of office.

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON AUGUST 13, 2019
FROM:	LYNNE LIVINGSTONE, DEPUTY CITY MANAGER AND ANNA LISA BARBON, MANAGING DIRECTOR CORPORATE SERVICES AND CHIEF FINANCIAL OFFICER, CITY TREASURER
SUBJECT:	Website Redesign Development and Implementation for the City of London

RECOMMENDATION

That, on the recommendation of the Director, Strategic Communications, Government Relations and Public Engagement and of the Director, Information Technology Services, Finance and Corporate Services, the following actions BE TAKEN with respect to the selection of a vendor for the Website Redesign Development and Implementation for City of London:

- a) The proposal submitted by Echidna Corp. O/A Digital Echidna, 200-365 Talbot Street, London, Ontario N6A 2R5 for the Website Redesign Development and Implementation for the City of London **BE ACCEPTED** in accordance with the Procurement of Goods and Services Policy;
- b) The price submitted by Echidna for the first year cost of \$473,750 (excluding H.S.T.), and subsequent years annual cost of \$78,750 (excluding H.S.T.), for three (3) years as the initial term, and the optional renewal term of four (4) years at one (1) year each, at sole discretion of the City, **BE ACCEPTED**;
- c) The financing for the project **BE APPROVED** in accordance with the "Sources of Funding Report" attached hereto as Appendix "A"
- d) Civic Administration **BE AUTHORIZED** to undertake all administrative acts that are necessary in connection with this purchase;
- e) Approval herein **BE CONDITIONAL** upon the Corporation entering into a formal agreement or having a purchase order, or contract record relating to the subject matter of this approval; and
- f) The Mayor and City Clerk **BE AUTHORIZED** to execute any contract, statement of work or other documents, if required, to give effect to these recommendations.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None

STRATEGIC PLAN 2019-2023

This project supports the organization in its Strategic Area of Focus of **Leading in Public Service**.

Expected results that will be achieved by developing and implementing a new website include:

- Increase community and resident satisfaction of their service experience within the City.
- Increase responsiveness to our customers.
- Increase efficiency and effectiveness of customer service.
- Increase opportunities for residents to be informed and participate in local government.
- Enhance the ability to respond to new and emerging technologies and best practices.
- Reduce barriers to residents accessing information and relevant City services.

Redeveloping and implementing a new website for the City of London supports multiple strategies outlined in the Strategic Plan 2019-2023, including:

- Develop and deliver a Corporate Communications strategy, including staff training and tools to enhance communications and public engagement.
- Continue to maintain, build and enhance a high-performing and secure computing environment.
- Deliver and maintain innovative digital solutions to increase efficiency and effectiveness across the organization

The website is an important tool that will support the City in achieving these results.

BACKGROUND

Purpose:

The purpose of this report is to seek approval from Committee and Council to award the Website Redesign Development and Implementation to Digital Echidna at the proposed fees of \$473,750 (excluding H.S.T.), for the first year cost and subsequent years annual cost of \$78,750 (excluding H.S.T.), for three (3) years in the initial terms, and the optional renewal term of four (4) at one (1) each, at the sole discretion of the City, to be delivered by October 2020. This contract includes costs for stakeholder engagement, web site redesign and development, implementation, security assessment, as well as one year of enterprise application and infrastructure support post implementation.

The cost breakdown for this project is as follows:

- Project Management – 10%
- Stakeholder Engagement – 30%
- Website Design and Development – 40%
- Usability, Accessibility and Functional Testing– 20%

The City of London www.london.ca municipal website is host to over 3,000,000 visitors a year. As such, in addition to developing and implementing the plan, the website redesign includes extensive community and stakeholder engagement to ensure the diverse needs of its visitors are met.

Background:

Providing easy access to City information and services is at the heart of ensuring an engaged and informed community. As technology evolves and becomes more accessible, residents, customers and visitors to the City's website have increasing expectations about the way they can access London online. Heightened expectations, combined with rapidly changing technology has meant that the City, through its current site, has not always been able to develop and implement all of the newest enhancements that would aid in delivering exceptional and new digital experiences

through the website.

The City has an opportunity to enhance the way it serves customers, residents and community through the website. Although it has served the community and provided information about City services and initiatives to groups and individuals since it was launched in 2013, customer research consistently identifies an improved website as an opportunity to connect residents to City services and information more effectively. As the front door to many City services, our municipal website routes visitors to over 100 separate applications to meet their needs.

The City's current website was developed in 2013, with an overhaul for mobile optimization in July 2016. At the time, it was built on SharePoint 2010. In October 2020, the SharePoint 2010 platform will no longer be supported. A redeveloped website built on the Drupal platform will help get residents to the answers, tools and information they need quicker while laying the foundation to innovate in the future and to adopt emergent best practices and provide an enhanced digital experience.

As staff considered the need for a renewed website, they identified four key opportunities:

- Engagement – engage the community and staff, recognizing the diversity of people and groups who use the website in the development and redesign process.
- Enhanced customer service – the outcome of acting on these opportunities will be a site that offers enhanced customer service and improved sharing of information
- Accessibility – ensure that accessibility is a principle that is embedded throughout the development of the new site, and that content is fully compliant with the AODA WCAG 2.0 AA Standards as required by January 1, 2021.
- Technology – build on a platform that will be sustainable and secure into the future and will have agility built into the support process so that the City can continuously introduce minor enhancements to be more responsive to community needs.

As well, there are risks associated with not redesigning and implementing a renewed website, and moving to a model where it is cloud based and externally hosted. These include the risk associated with retiring the current infrastructure and the risk of not meeting the AODA WCAG 2.0 AA Standards as required by January 1, 2021. As well, we face increasing risk of security threats, difficulty in responding to service disruptions, reduced ability to respond quickly and introduce minor enhancements as needs evolve, and an impact on our ability to effectively manage the volume of information that is currently hosted on our site.

Discussion:

In their response to the RFP, Digital Echidna met the requirements of the evaluation committee and presented a proposal that will support the City in acting on these opportunities. With offices in London, Ottawa, Kitchener and Vancouver, Digital Echidna has developed and continues to host and support hundreds of websites. During their 17 years in business, they have focused on providing sites to the higher education, health care, business to business and public sectors.

Key elements of their proposal include the following:

- A defined and detailed engagement plan that recognizes the critical role that feedback and involvement from the community and key stakeholders throughout the process will play. This intensive process will incorporate the following aspects:
 - User surveys, design, deployment, analysis
 - Stakeholder engagement sessions (internal and external)

- Viewing user journeys
- Focus groups
- Individual usability interviews
- Identification of key features that will be required in the final site, including enhanced customer experience, a dependable and easy to use content management system, a user management process, enhanced search and SEO (Search Engine Optimization) capabilities, and an understanding of the communications requirements
- Proven ability to deliver a site that meets the AODA WCAG 2.0 AA Standards as required by January 1, 2021
- Proven experience in delivering public sector websites
- Robust infrastructure and application support post implementation
- Development on a freely available open-source software platform that is used in other major municipalities across North America, allowing for scalability and flexibility in the future.
- A sound project management methodology

As well, in submitting their proposal and developing their plan to redesign and implement the website, Digital Echidna identified two additional London-based firms that will work as part of the extended project team to deliver the website. These firms are rTraction and ResIM. This reflects a spirit of collaboration; drawing on the experience and knowledge of these firms collectively will position the City to deliver a website that serves the community and its residents well.

Purchasing Process:

On April 18, 2019, on behalf of the City's Communications, Information Technology Services (ITS) and Human Resources (Accessibility) departments, the Purchasing & Supply Management department issued a formal Request for Proposal (RFP19-16) for the Website Redesign Development and Implementation on the City of London's Bids and Tenders website to source a qualified and experience proponent to do this work.

After the RFP was posted, there were three (3) Addenda issued to respond to questions, inquiries and requests for clarification. When the RFP closed, twelve (12) submissions were received, and all twelve (12) are compliant.

A two-envelope RFP process was used - one envelope contained the technical project proposal and the second contained the pricing proposal.

Five (5) evaluation committee representatives from Communications, Human Resources (Accessibility) and ITS evaluated the twelve (12) submissions based on the technical criteria outlined in the document. Of these, the proponents with the top three (3) scores were evaluated further through a presentation and interview with the evaluation committee. When the final technical scores were determined, the pricing envelopes were then opened. Pricing envelopes for proponents who did not rank among the top three (3) scores were not opened.

At the end of this process, the proponent with the highest score, demonstrating their ability to fully meet the City's requirements was Echidna Corp. O/A Digital Echidna. The pricing for their proposal is a total amount of \$473,750 (excluding H.S.T.) for the first year (which includes both development and implementation as well the annual fees for security assessment and support), and an annual amount of \$78,750 (excluding H.S.T.) for the following years, of which includes infrastructure and application support as well as an annual security assessment. There will also be operational costs associated with minor enhancements to the website which are separate from the awarded contract this report seeks approval from Council for, see Financial Impact below for more details.

FINANCIAL IMPACT

The capital expenditure to fund the Website redesign development and implementation project was approved in the 2018 Capital Budget and the Source of Financing is attached as Appendix A. Operating costs associated with the hosting of the new website, security assessments and support (\$78,750, excluding H.S.T.), will be accommodated within the existing Information Technology Services operating budget.

In addition, a request for funds (approx. \$60,000, excluding H.S.T.) to support to the operational costs associated with any minor enhancements the City may wish to make to the website on an annual basis will come forward as part of the Multi-Year Budget process. These funds were estimated as 15% of the capital costs and were not included as part of the RFP pricing.

CONCLUSION

Civic Administration is seeking the support of Council to award the contract for the Website Redesign Development and Implementation for City of London to Digital Echidna. After careful evaluations by a committee comprised of representation from Communications, ITS and HR (Accessibility), the project plan, platform and support offerings identified as part of the proposal submitted by Digital Echidna is being recommended.

PREPARED BY:	RECOMMENDED BY:
Patti McKague Director, Strategic Communications, Government Relations and Community Engagement	Lynne Livingstone Deputy City Manager
Mat Daley Director, Information Technology Services - Corporate Services and Finance	Anna Lisa Barbon Managing Director, Corporate Services and City Treasurer, Chief Financial Officer

CC:

Melanie Stone, Accessibility Specialist, Human Resources.
Mary Ma, Procurement Officer, Purchasing and Supply

APPENDIX 'A'

#19118
August 13, 2019
(Award Contract)

Chair and Members
Corporate Services Committee

**RE: Website Redesign Development and Implementation for City of London
(Subledger CP180009)
Capital Project GGAPPL1905 - COL Website Redesign
Echidna Corp. O/A Digital Echidna - \$473,750.00 (excluding H.S.T.)**

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCE OF FINANCING:

Finance & Corporate Services confirms that the cost of this project can be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Director, Strategic Communications, Government Relations and Community Engagement and the Director, Information Technology Services, Finance & Corporate Services, the detailed source of financing for this project is:

<u>ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>Committed To Date</u>	<u>This Submission</u>	<u>Balance for Future Work</u>
<u>GGAPPL-Application, Data, Information & Process</u>				
Consulting	\$1,050,425	\$1,050,425		\$0
Consulting - COL Website Redesign	482,088		482,088	0
Balance of City Related Expenses Available	4,342,392	1,993,914		2,348,478
NET ESTIMATED EXPENDITURES	<u>\$5,874,905</u>	<u>\$3,044,339</u>	<u>\$482,088</u> 1)	<u>\$2,348,478</u>
<u>SOURCE OF FINANCING:</u>				
Capital Levy	\$3,832,721	\$3,044,339	\$482,088	\$306,294
Drawdown from Technology Reserve Fund	2,042,184			2,042,184
TOTAL FINANCING	<u>\$5,874,905</u>	<u>\$3,044,339</u>	<u>\$482,088</u>	<u>\$2,348,478</u>

Financial Note:

- 1) Contract Price
Add: HST @13%
Total Contract Price Including Taxes
Less: HST Rebate
Net Contract Price

<u>GGAPPL1905</u>
\$473,750
61,588
<u>535,338</u>
53,250
<u>\$482,088</u>

- 2) The second and third year costs associated with this award will be funded through operating.

lp

Jason Davies
Manager of Financial Planning & Policy

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON AUGUST 13, 2019
FROM:	ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER
SUBJECT:	2018 ANNUAL REPORTING OF LEASE FINANCING AGREEMENTS

RECOMMENDATION

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, this report **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

2017 Annual Reporting of Lease Financing Agreements –
(August 14, 2018 meeting of Corporate Services Committee – Agenda Item 2.2)
<https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=48226>

2016 Annual Reporting of Lease Financing Agreements –
(September 12, 2017 meeting of Corporate Services Committee – Agenda Item 4)
<https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=33633>

SS16-11 Single Source Corporate Technology Assets –
(April 12, 2016 meeting of Corporate Services Committee – Agenda Item 2)
<https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=23930>

Lease Financing Policy –
(June 17, 2014 meeting of Corporate Services Committee – Agenda Item 3)
<https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=13686>

BACKGROUND

In accordance with Ontario Regulation 653/05 of the *Municipal Act, 2001* and Council Policy - Lease Financing Policy, the Treasurer is required to report to Council annually on the total of outstanding Lease Financing Agreements in a fiscal year.

The Lease Financing Policy governs the administration of Lease Financing Agreements entered into by the City and incorporates all of the requirements of the Ontario Regulation 653/05.

A Lease Financing Agreement is defined in the policy as “a financial agreement for the purposes of obtaining long term financing of a capital undertaking of the municipality”.

The purpose of the Lease Financing Policy is to provide guidance to Civic Administration and Council when contemplating entering into agreements for use of capital property and equipment. At times, lease financing agreements may be preferred over purchase or debt financing, depending on factors such as:

- the number of years the facility or equipment is required for;
- the annual rental payments; and,
- the bargain purchase option at the end of the term, if any.

The policy also provides guidance on the need to provide an annual report to Council. The report should contain:

- A description of the estimated proportion of Lease Financing Agreements to the total long-term debt of the City (Table 1);
- A description of the change, if any, in the estimated proportion since the previous year (Table 2);
- A statement by the Treasurer that the Lease Financing Agreements were made in accordance with the policy; and,
- Any other pertinent information (Table 3 and Table 4).

Annual Report for the year ending December 31, 2018

Table 1 provides the details of the total outstanding capital lease financing agreements for 2017 and 2018 fiscal year ends for the City, as at December 31, exclusive of boards and commissions. The table shows that the capital lease financing balance has decreased over the past year from \$227,423 at the end of 2017 to \$10,210 at the end of 2018. The major contributing factor is our change in procurement strategy regarding corporate technology assets (i.e. desk tops).

Table 1		
Capital Lease Financing Agreements as a % of Long-term Debt		
(000's)		
	2018	2017
Capital Lease Financing Agreements as at December 31st		
Equipment	\$ 10	\$ 227
Total Long-term Debt	\$ 300,396	\$ 299,299
Total Capital Lease Financing Agreements as a % of Total Debt	0.003%	0.076%

Table 2 explains the change over the previous year. Lease repayments in 2018 totalled \$217,213 related to computer leases. There were no new capital lease contracts entered into in 2018.

Table 2	
Analysis of Annual Change in Capital Lease Financing Agreements	
(000's)	
Capital Lease Financing Agreements as at December 31, 2017	\$ 227
Lease contracts entered into in 2018	-
Lease repayments in 2018	(217)
Capital Lease Financing Agreements as at December 31, 2018	\$ 10

It is the opinion of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer that all capital financing leases outstanding at December 31, 2017 for the City were made in accordance with the Lease Financing Policy.

In addition to the capital lease financing agreements listed above, the City has also entered into numerous operating lease financing agreements for use of capital property and equipment. Table 3 provides the details of the total outstanding operating lease financing agreements for 2017 and 2018 fiscal year ends for the City, as at December 31, exclusive of boards and commissions. The table shows that the operating lease financing balance has decreased over the past year from \$33,255,267 at the end of 2017 to \$23,931,335 at the end of 2018. This is mainly attributable to the consolidation of staff at lesser locations.

Table 3		
Operating Lease Financing Agreements		
(000's)		
	2018	2017
Operating Lease Financing Agreements as at December 31st		
Real estate	\$ 20,818	\$ 27,598
Equipment	3,114	5,657
Total Operating Lease Financing Agreements	\$ 23,931	\$ 33,255

The City is committed to future annual payments on both Capital and Operating lease financing agreements. The total outstanding balance of all lease financing agreements as at December 31, 2018 is \$23,941,545 (2017 - \$33,482,690). The total includes both material and non-material leases with material leases representing approximately 54% of the total at the end of 2018 (2017 – 62%).

Table 4 identifies the minimum future annual payments on all lease financing agreements, which are as follows:

Table 4				
Minimum Future Principal Payments of Total Lease Financing Agreements				
(000's)				
	Operating Leases		Capital Leases	Total
	Real Estate	Equipment	Equipment	
2019	\$ 4,128	\$ 3,114	\$ 10	\$ 7,251
2020	3,993	-	-	3,993
2021	3,783	-	-	3,783
2022	2,193	-	-	2,193
2023	1,557	-	-	1,557
Beyond (2024 - 2039)	5,164	-	-	5,164
Total Lease Financing Agreements as at December 31, 2018	\$ 20,818	\$ 3,114	\$ 10	\$ 23,941

This report is prepared annually, subsequent to the finalization of the annual audited Financial Statements for the year.

Financial Impact

From a budgetary perspective, lease charges have been allocated on an annual basis in the current operating budget to the appropriate service, as an amount would need to be levied each year, similar to debt charges. The multi-year budget has accounted for the decrease experienced in 2018.

From an accounting perspective, a distinction is made between a capital lease and an operating lease.

- Operating leases are usually found in property or equipment rentals where there is no intent to acquire the item. Lease charges are charged against operating business units over the term of the lease and expensed in the year incurred.

These types of leases are not considered long-term debt on the Statement of Financial Position but are disclosed in the financial statements within Note 18 as commitments of the City.

- Capital leases are usually structured so that a majority of the benefits and risks incident to the ownership of the item is transferred to the lessee (City of London). In these cases, the City would record a debt obligation on the City's Statement of Financial Position as well as a capital asset. The capital asset would be amortized over the life of the capital asset. The lease payments would be recorded as a decrease to the debt obligation and only the interest component would be expensed in the year incurred.

These types of leases are considered long-term debt on the Statement of Financial Position and further detailed in the notes to the financial statements within Note 10 as Capital Lease Obligations.

PREPARED BY:	CONCURRED BY:
SHARON SWANCE CPA, CGA MANAGER, ACCOUNTING FINANCIAL SERVICES	IAN COLLINS, CPA, CMA DIRECTOR, FINANCIAL SERVICES
RECOMMENDED BY:	
ANNA LISA BARBON, CPA, CGA MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER	

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON AUGUST 13, 2019
FROM:	ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER
SUBJECT:	DEMOLITION - UTRCA OWNED CITY MANAGED PROPERTY 1318 OLD BRIDGE ROAD

RECOMMENDATION

That, on the recommendation of the Managing Director of Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, with respect to the property owned by the Upper Thames River Conservation Authority (UTRCA) and managed by the City, located at 1318 Old Bridge Road, as shown on Schedule "A" attached, the following actions **BE TAKEN**:

- a) the subject property **BE RECOMMENDED** for demolition; and
- b) the Civic Administration **BE DIRECTED** to take all necessary steps to demolish the buildings, including completing a request for quotation for work to be completed, obtaining a demolition permit and any other activities to facilitate demolition of the improvements on the sites detailed in the report.

It being noted that existing capital accounts and operating accounts will be drawn upon as a source of financing to carry out the subject demolitions.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Chair and Members - Board of Control – September 21, 1988 – Property Acquisition - 1318 Old Bridge Road

BACKGROUND

The Upper Thames River Conservation Authority owns a number of residential properties in the floodplain area of the City which are managed by the City of London. Various properties have been conveyed to the City for different reasons over a number of years. Reasons for ownership by the UTRCA / City include floodplain acquisition and protection, and City property acquisitions for the W12A Community Mitigative Measures Program, sanitary capacity expansion and the protection of transportation Infrastructure.

1318 Old Bridge Road – UTRCA Owned – Vacant as at October 1, 2019

The subject property is located on floodplain lands and was purchased in 1988 by the Upper Thames River Conservation Authority (UTRCA) in consideration with the Scheme 43 Floodplain Acquisition Program. Under the Scheme 43 agreement, the City's Realty Services Division manages this property.

The tenants at this property have provided notice that they will vacate the property as of October 1, 2019.

The building is in need of significant repairs to make it habitable and bring it up to property standards in the context of a residential tenancy. These repairs would include replacement of several windows, cleaning, updating, roof repairs, installation of a new furnace and further updates to the electrical system, along with numerous other minor repairs. A preliminary estimate of costs associated with demolition activities ranges between \$20,000 to \$30,000.

The improvements to this property are well beyond their useful economic life and the property is situated in the floodplain area. The building is not designated as having heritage value. The City Heritage Planner and the UTRCA have no objections to its demolition.

This demolition will be funded from an existing operating / capital account.

Conclusion

The subject property detailed in this report is located within the floodplain and has exhausted its economic life. Repurposing this property for another municipal use, or updating to adequate property standards would require significant investment. Therefore the structure located on the subject property is being recommended for demolition.

A location map and photograph of the subject property is attached as Schedule "A".

PREPARED BY:	SUBMITTED BY:
TONY STALTARI PROPERTY COORDINATOR & NEGOTIATOR	BILL WARNER MANAGER OF REALTY SERVICES
RECOMMENDED BY:	
ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER	

July 23, 2019

Attach.

cc: Kyle Gonyou, Heritage Planner
 Gary Irwin, Chief Surveyor and Division Manager, Geomatics
 David G. Munteer, Assistant City Solicitor
 Dave O'Brien, Division Manager, Corporate Security and Emergency Management
 Alex Shivas, Upper Thames River Conservation Authority

SCHEDULE "A"

LOCATION MAP AND PHOTOGRAPH

1318 Old Bridge Road



1318 Old Bridge Road – Exterior View



APPENDIX "A"

Bill No.
2019

By-law No. A.-

A by-law to ratify and confirm the Annual Resolutions of the Shareholder of London Hydro Inc.

WHEREAS London Hydro Inc. is a corporation incorporated under the *Business Corporations Act* R.S.O. 1990, c.B.16;

AND WHEREAS subsection 104(1)(b) of the *Business Corporations Act* provides that a resolution in writing dealing with all matters required by this Act to be dealt with at a meeting of shareholders, and signed by all the shareholders or their attorney authorized in writing entitled to vote at the meeting, satisfies all the requirements of this Act relating to that meeting of shareholders;

AND WHEREAS The Corporation of the City of London is the sole shareholder of London Hydro Inc.;

AND WHEREAS Subsection 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 Subsection 5(3) of the *Municipal Act, 2001* provides that a municipal power shall be exercised by by-law;

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

1. The Annual Resolutions of the Shareholder of London Hydro Inc. for the fiscal year ended December 31, 2018, attached as Schedule "A" are ratified and confirmed.
2. The Mayor and the City Clerk are authorized to execute the Annual Resolutions of the Shareholder ratified and confirmed under section 1 of this by-law.
3. This by-law comes into force on the day it is passed.

PASSED in Open Council on the 27th day of August, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 27, 2019
Second Reading – August 27, 2019
Third Reading – August 27, 2019

SCHEDULE “A”

**LONDON HYDRO INC.
(the “Corporation”)**

WHEREAS subsection 104(1)(b) of the *Business Corporations Act* (Ontario) (the “Act”) provides that a resolution in writing dealing with all matters required by the Act to be dealt with at a meeting of shareholders, and signed by all the shareholders or their attorney authorized in writing entitled to vote at the meeting, satisfies all the requirements of the Act relating to that meeting of shareholders;

The following resolutions, signed by the sole shareholder of the Corporation entitled to vote thereon, are hereby passed pursuant to the provisions of the Act:

FINANCIAL STATEMENTS

It is hereby acknowledged that the balance sheet of the Corporation as at December 31, 2018, and the other audited financial statements, together with Auditors’ Report, of the Corporation for the financial year ended on such date have been received by the undersigned shareholder of the Corporation.

ELECTION OF DIRECTORS

WHEREAS pursuant to an Amended and Restated Shareholder Declaration, as amended (the “Amended and Restated Shareholder Declaration”), the board of directors of the Corporation shall consist of seven directors, six of which shall be composed of various classes of directors, each serving for a three-year term, and the seventh member of the fourth class shall serve as the representative of the municipal council of The Corporation of the City of London;

AND WHEREAS the terms of the directors that are members of the third class expire at the annual meeting of shareholders held in 2018 pursuant to paragraph 4.4 of the Shareholder Declaration;

NOW THEREFORE BE IT RESOLVED THAT:

1. Each of the following persons, being directors that are members of the first and third class pursuant to paragraph 4.4 of the Amended and Restated Shareholder Declaration, are hereby elected as a director of the Corporation to hold office for a term with the expiry as set out below, provided that when a successor is not duly elected at the close of the annual meeting described below, such director shall hold office until his or her successor is elected:

<u>Class</u>	<u>Name of Director</u>	<u>Term</u>
Third	Andrew Hrymak	the close of the annual meeting of shareholders to be held in 2021 for the financial year ending December 31, 2020

CONFIRMATION OF CONTINUING TERMS

2. Each of the following persons, being directors that are members of the second, third and fourth class, as provided for below, pursuant to paragraph 4.4 of the Shareholder Declaration, is hereby confirmed as having a term continuing until the expiry as set out below, provided that when a successor is not duly elected at the close of the annual meeting described below, such director shall hold office until his or her successor is elected:

<u>Class</u>	<u>Name of Director</u>	<u>Term</u>
First	Gabe Valente	the close of the annual meeting of the shareholders to be held in 2022 for the financial year ending December 31, 2021
First	Jack Smit	the close of the annual meeting of the shareholders to be held in 2022 for the financial year ending December 31, 2021
Second	Guy Holburn	the close of the annual meeting of shareholders to be held in 2020 for the financial year ending December 31, 2019
Third	Marilyn Sinclair	the close of the annual meeting of shareholders to be held in 2021 for the financial year ending December 31, 2020
Fourth	Michael van Holst	the term ending November 15, 2022

APPOINTMENT OF AUDITORS

3. KPMG LLP are hereby appointed auditors of the Corporation to hold office until the close of the next annual meeting of the shareholders or until a successor is appointed by the shareholder at such remuneration as may be fixed by the directors and the directors are hereby authorized to fix such remuneration.

DATED this _____ day of _____, 2019.

The Corporation of the City of London

By: _____
Name: Ed Holder
Title: Mayor

By: _____
Name: Catharine Saunders
Title: City Clerk