

Corporate Services Committee

Report

1st Meeting of the Corporate Services Committee
December 14, 2020

PRESENT: Councillors M. Cassidy (Chair), M. van Holst, J. Morgan, E. Pelozo, A. Kayabaga, Mayor E. Holder

ALSO PRESENT: J. Taylor, B. Westlake-Power

Remote Attendance: Councillor S. Hillier; L. Livingstone, A.L. Barbon, B. Card, M. Butlin, I. Collins, S. Corman, M. McErlain, C. Saunders, M. Schulthess, E. Skalski, B. Warner

The meeting is called to order at 12:01 PM, with Councillor M. Cassidy in the Chair; it being noted that the following Members were in remote attendance: Mayor E. Holder, Councillors J. Morgan, A. Kayabaga, E. Pelozo and M. van Holst.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

1.2 Election of Vice Chair for the term ending November 30, 2021

Moved by: E. Pelozo

Seconded by: J. Morgan

That Councillor Michael van Holst BE ELECTED Vice Chair of the Corporate Services Committee for the term ending November 30, 2021.

Yeas: (5): M. Cassidy, M. van Holst, J. Morgan, E. Pelozo, and A. Kayabaga

Absent: (1): E. Holder

Motion Passed (5 to 0)

2. Consent

Moved by: J. Morgan

Seconded by: M. van Holst

That items 2.1 and 2.2 BE APPROVED.

Yeas: (5): M. Cassidy, M. van Holst, J. Morgan, E. Pelozo, and A. Kayabaga

Absent: (1): E. Holder

Motion Passed (5 to 0)

2.1 Update to Lottery Licensing By-law

Moved by: J. Morgan

Seconded by: M. van Holst

That, the following actions be taken with respect to the Lottery Licensing By-law:

- a) the report dated December 14, 2020 entitled "Update to Lottery Licensing By-law", BE RECEIVED; and
- b) the City Clerk BE DIRECTED to consult with community organizations and charity associations involved in lottery licensing with respect to the proposed changes to the Lottery Licensing By-law as set out in a) above, and report back to the Corporate Services Committee with the results of that consultation.

Motion Passed

2.2 Financial Banking Services and Commercial Card Agreements - Agreement Extension

Moved by: J. Morgan
 Seconded by: M. van Holst

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the proposed by-law, as appended to the staff report dated December 14, 2020 as Appendix 'A' BE INTRODUCED at the Municipal Council Meeting to be held on January 12, 2021 to:

- a) authorize the City Treasurer to approve and execute, together with the Mayor, any document, form or agreement that may be required for financial services with the Bank of Nova Scotia;
- b) authorize the Mayor and City Clerk to execute any contract or other document required to renew and amend the Banking Services Agreement with Scotiabank, in a form or forms acceptable to the Managing Director Corporate Services and City Treasurer, Chief Financial Officer;
- c) authorize the Mayor and City Clerk to execute the Banking Resolution and Certificate, as appended to the above-noted by-law; and
- d) authorize the City Treasurer to borrow up to two (2) million dollars on the Visa Commercial Card Program provided by the Bank of Nova Scotia.

Motion Passed

3. Scheduled Items

None.

4. Items for Direction

None.

5. Deferred Matters/Additional Business

None.

6. Confidential (Enclosed for Members only.)

Moved by: E. Pelozo
 Seconded by: M. van Holst

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

6.1 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.

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

A matter pertaining to advice that is subject to solicitor-client privilege; including communications necessary for that purpose, and for the purpose of providing instructions and directions to officers and employees of the Corporation; 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 or local board.

Yeas: (5): M. Cassidy, M. van Holst, J. Morgan, E. Pelozza, and A. Kayabaga

Absent: (1): E. Holder

Motion Passed (5 to 0)

The Corporate Services Committee convenes, In Closed Session, from 12:05 PM to 12:50 PM.

7. Adjournment

The meeting adjourned at 12:53 PM.

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee
From: Cathy Saunders, City Clerk
Subject: Update to Lottery Licensing By-law
Meeting on: December 14, 2020

Recommendation

That, the following actions be taken with respect to the Lottery Licensing By-law:

- a) the report dated December 14, 2020 entitled "Update to Lottery Licensing By-law", **BE RECEIVED**; and
- b) the City Clerk **BE DIRECTED** to consult with community organizations and charity associations involved in lottery licensing with respect to the proposed changes to the Lottery Licensing By-law as set out in a) above, and report back to the Corporate Services Committee with the results of that consultation.

Background

1.0 Previous Report Related to this Matter

None.

2.0 Applicable Legislation

The City Clerk's Office is granted the authority to provide local charities, non-profit organizations, and other eligible organizations with lottery licensing. The authority to license gaming activity comes from the *Criminal Code* (Canada) which makes it possible for eligible charitable and religious organizations to conduct and manage lottery schemes under a licence issued by the appropriate provincial authority.

Based on the authority from the *Criminal Code* (Canada), the Government of Ontario passed an Order-in-Council 1413/08, delegating its authority to license charitable gaming events to the Registrar as the Alcohol and Gaming Commission of Ontario (AGCO) and municipal councils. The AGCO has the authority to license all approved lottery events and municipal councils may license certain types of events.

Discussion

3.0 Alcohol and Gaming Commission of Ontario Updates

On April 18, 2019, the AGCO made changes to policies governing lottery licensing under the Lottery Licensing Policy Manual resulting in various changes to Terms and Conditions governing bingos, bazaars, and raffles. The attached proposed by-law (Appendix "A") will address the following changes by the AGCO:

- bazaar prize board limits raised from \$500 to \$5,500 for bingo and raffles/penny auction table limits raised from \$500 to \$50,000; and
- blanket raffle prize maximum raised to \$50,000 from \$5,000 and licensing period extended from six months to one year.

4.0 Housekeeping Updates

Since the last review of the by-law in April 2007, further updates to the by-law are required for clarity and housekeeping. These updates include:

- recitals and Order-in-Council reference;
- sections addressed in provincial policy have been removed to reduce redundancy;
- updated and additional definitions;
- gender neutral language;
- clarification of eligibility review process;
- clarification on administration and licence fees, as well as wording around refusing, suspending, cancelling and enforcement of licenses;
- new appeal process for applicants and licensed organizations; and
- removal of specific fees and replaced with reference to Fees and Charges By-law and prescribed fees.

The current Lottery Licensing By-law is attached as Appendix “B” for your review.

5.0 Financial Impact/Considerations

None.

6.0 Public Consultation

In accordance with Council’s Public Notice Policy, public notice is required to advise of the intention to consider the enactment of a licensing by-law. The notice shall be posted on the City’s website and shall also be published once in a newspaper of general circulation at least seven (7) days in advance of the Standing Committee meeting at which the matter is to be considered.

The Civic Administration is recommending the above notice be provided in advance of the February 8, 2021 meeting of Corporate Services Committee. This will provide time for the Civic Administration to consult with the community organizations and charity associations involved in lottery licensing as well as the general public on the proposed changes to the Lottery Licensing By-law.

Next Steps

The Civic Administration recommends the following steps be taken with respect to the Lottery Licensing By-law:

- December 2020 – post notice on our website and collect general feedback on the proposed changes to the by-law.
- December 2020 and January 2021 – directly contact community organizations and charity associations involved with lottery licensing and collect feedback on the proposed changes to the by-law.
- January 2021 – post notice in newspaper and website.
- February 2021 – report back to Corporate Services Committee on results of consultation and proposed by-law.

Conclusion

Prior to considering enacting the revised Lottery Licensing By-law, the Civic Administration will directly engage with our community organizations and charity associations. This will be a collaborative approach in the review and update of an existing by-law for both adherence to provincial policy and law and balancing the community need to raise funds for charitable purposes.

Prepared by: Sarah Corman, Manager II, Licensing and Elections

Submitted by: Barb Westlake-Power, Deputy City Clerk

Recommended by: Cathy Saunders, City Clerk

Appendix "A" – Proposed Lottery Licensing By-law

Appendix "B" – Current Lottery Licensing By-law

Appendix “A”
Proposed Lottery Licensing By-law

Bill No. ###
2020

By-law No. L.-

A by-law to repeal By-law No. L-1-07016, being the “Lottery Licensing By-law”, and to enact a new “Lottery Licensing By-law”.

WHEREAS by Order-in-Council 1413/08 a municipal council may, where it deems it expedient in the best interests of the inhabitants of the municipality, issue a licence authorizing any charitable or religious organization to conduct and manage a bingo lottery, a break open ticket lottery, a raffle lottery or a lottery scheme held at a bazaar;

AND WHEREAS subsection 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 subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a by-law may regulate or prohibit respecting the matter, require persons to do things respecting the matter, and provide for a system of licenses respecting the matter;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001*, 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, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality; 6. Health, safety and well-being of persons; 7. Services and things that the municipality is authorized to provide under subsection (1); 8. Protection of persons and property, including consumer protection;

AND WHEREAS section 23.2 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS Council for the City of London is of the opinion that the delegation of legislative powers under this by-law to the Lottery Licensing Officer and the Hearings Officer including without limitation to the power to issue and impose conditions on a licence are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*;

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

1. DEFINITIONS

1.1 In this by-law:

“**Bazaar**” means a sale of goods held to raise money for a charity. Lottery events held in conjunction with a Bazaar must be ancillary to the Bazaar itself and require a Licence;

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Proposed Lottery Licensing By-law

“**Bingo**” means a game of chance where players are awarded a prize or prizes for being the first to complete a specified arrangement of numbers on bingo paper, based on numbers selected at random;

“**Break Open Ticket**” (also known as a Nevada ticket or pull tab) means a device made of cardboard that has one or more perforated cover window tabs concealing winning and losing numbers or symbols which are revealed by tearing off the cover tab;

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

“**City Clerk**” means the City Clerk of the City or a person delegated by them for the purpose of this by-law;

“**Charitable Organization**” means a corporation, organization (including a religious organization), association or partnership that is created primarily for a Charitable Object or Purpose in Ontario and is not operated for profit;

“**Charitable Object or Purpose**” means any object or purpose relating to,

- (a) the relief of poverty;
- (b) the advancement of education;
- (c) the advancement of religion; or
- (d) any purpose beneficial to the community;

“**Eligibility Review**” means the review of the Charitable Organization and supporting documentation the Lottery Licensing Officer completes before the issuance of a Licence. The review is updated from time-to-time as determined by the Lottery Licensing Officer;

“**Hearings Officer**” means a Hearings Officer appointed under the City’s Hearings Officer By-law A.-6653-121, as amended;

“**Letter of Support**” means a letter issued by the City to a Charitable Organization applying to conduct and manage a Special Occasion Gaming Event or a Provincial Gaming Licence. A Letter of Support may also be issued to a local business applying to conduct and manage a Raffle for the United Way. The Letter of Support may be issued if it is deemed to be in the best interests of the inhabitants of the municipality in accordance with the Order-in-Council 1413/08;

“**Licence**” means a Licence issued to an eligible Charitable Organization under the *Criminal Code* (Canada) by or under the authority of the Order in Council 1413/08, to conduct or manage a Lottery Scheme approved by the Registrar;

“**Licensee**” means a person to whom a Licence is issued;

“**Lottery Licensing Officer**” means that individual as may be appointed from time to time to hold the title of Lottery Licensing Officer, or their designate;

“**Lottery Scheme**” means any gaming scheme that has the following three components: a prize; payment of a fee; and a chance to win;

“**Media Bingo**” means a Bingo event that is conducted on or through media such as radio or newspaper;

“**Person**” means a corporation, organization, association or partnership and includes a Charitable Organization;

“**Provincial Gaming Licence**” means a Licence issued by the Registrar to a Charitable Organization;

“**Raffle**” means a Lottery Scheme where tickets are sold for a chance to win a prize at a draw;

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“**Registrar**” means the Registrar made under the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996*;

“**Special Occasion Gaming Event**” means an event where the gaming activities are ancillary or complementary to a social occasion such as a dinner or dance sponsored by the Licensee of the Special Occasion Gaming Licence, or as approved by the Registrar. No more than a total of 20 blackjack tables and/or wheels of fortune may be operated at a Special Occasion Gaming Licence;

“**Terms and Conditions**” means specific sets of requirements attached to each Licence, setting out the conduct and management requirements of the Licensee. The Registrar issues Terms and Conditions for all Licenses.

2. APPOINTMENT AND AUTHORITY

2.1 The City Clerk is appointed as Lottery Licensing Officer for the purposes of regulating and enforcing the provisions of this by-law, including the authority to issue, renew, suspend and cancel Licenses.

2.2 Notwithstanding subsection 2.1, the Lottery Licensing Officer may assign their duties with respect to this by-law to any person or persons designated by them and in such case, the person or persons designated shall be responsible for the administration of this by-law.

2.3 The Lottery Licensing Officer is authorized to issue Licenses permitting Charitable Organizations to conduct and manage the following Lottery Schemes:

- (a) a Bingo lottery where the amount or value of the prize or prizes awarded is no greater than \$5,500 in value;
- (b) a non-electronic Raffle lottery where the amount or value of the prize or prizes awarded does not exceed a total value of \$50,000;
- (c) a Break Open Ticket lottery to be conducted from a location within the geographical boundaries of the City of London and other than a Break Open Ticket lottery which is managed and conducted in conjunction with another licensed gaming event;
- (d) a Bazaar lottery during which the only Lottery Schemes authorized to be played are:
 - (i) a maximum of three (3) wheels of fortune where individual bets are no more than \$2;
 - (ii) a Raffle lottery not exceeding \$50,000 in prizes; and
 - (iii) a Bingo lottery not exceeding \$5,500 in prizes;
- (e) a Media Bingo lottery conducted on or through television, radio, newspaper or other means of communication where the amount or value of the prize or prizes awarded is no greater than \$5,500;

where deemed to be in the best interests of the inhabitants of the City of London and the proceeds from the Lottery Scheme are used for a Charitable Object or Purpose and providing a direct benefit to the inhabitants of the City of London or County of Middlesex.

2.4 For the purposes of this by-law, it shall be deemed not to be in the best interests of the inhabitants of the City of London to issue a Licence, to a Charitable Organization which does not which does not provide a direct benefit to the inhabitants of the City of London or County of Middlesex.

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Proposed Lottery Licensing By-law

3. APPLICATION

- 3.1 A Charitable Organization shall undergo an Eligibility Review and approval before a Licence is issued by the Lottery Licensing Officer.
- 3.2 Where an Eligibility Review is initiated, the Charitable Organization shall provide all information requested by the Lottery Licensing Officer in order to complete the review in accordance with provincial standards, Terms and Conditions, and this by-law.
- 3.3 An application for a Licence to conduct and manage a Lottery Scheme shall be submitted in the prescribed form to the Lottery Licensing Officer who shall determine if the application complies with Order-in-Council 1413/08, any regulations, Terms and Conditions, and the provisions of this by-law.

4. ADMINISTRATION FEES

- 4.1 A Charitable Organization shall pay to the City an administration fee in such amount as set in the Fees and Charges By-law for the review and processing of a request for a Letter of Support to the Charitable Organization receiving a Provincial Gaming Licence.
- 4.2 The administration fee is not subject to refund or rebate but the administration fee may be waived by the Lottery Licensing Officer in circumstances beyond the control of the Licensee such as but not limited to the cancellation of events due to weather conditions. The Licensee must provide advance notice to the Lottery Licensing Officer in order for the fee to be waived.

5. LICENCE FEES

- 5.1 The Charitable Organization shall pay to the City, at the time of submitting an application to manage and conduct a Lottery Scheme, a fee in the amount set in the Fees and Charges By-law.
- 5.2 No Licence shall be issued until the fee provided for herein has been paid.
- 5.3 Where an occasion in respect of which a Licence has been issued is cancelled in circumstances beyond the control of the Licensee, such as but not limited to, the cancellation of events due to weather conditions, two-thirds of the Licence fee or the portion relating to the occasion as the case may be shall be refunded to the Charitable Organization. The Licensee must provide advance notice to the Lottery Licensing Officer in order for the fee to be refunded.
- 5.4 Where a Break Open Ticket Licence has been issued, no refund shall be applicable to any unused tickets that may be remaining upon expiry of such Licence.
- 5.5 No Licence fee or portion thereof shall be refunded to the Charitable Organization where a Licence is suspended, cancelled or otherwise ceases to be in force.

6. TERMS AND CONDITIONS

- 6.1 In addition to such Terms and Conditions as may be imposed by the Registrar, each Licence shall be subject to the following Terms and Conditions:
- (a) the Licensee shall comply with sections 206 and 207 of the *Criminal Code* (Canada);
 - (b) the Licensee shall comply with the provisions of Order-in-Council 1413/08;

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- (c) the Licensee shall comply with all the Terms and Conditions set out on or attached to the Licence;
 - (d) the Licensee shall comply with all provincial and municipal policies and procedures; and
 - (e) the Licensee shall conduct or allow to be conducted only the type of Lottery Scheme provided in the application and the Licence.
- 6.2 In addition to such Terms and Conditions as may be imposed by the Registrar, each Bingo Licence shall be subject to the following Terms and Conditions:
- (a) a Licence may be issued for a single Bingo lottery or for a series of Bingo lotteries during a period not exceeding twenty-six (26) calendar weeks; and
 - (b) the total number of occasions that any Charitable Organization may be permitted to operate a single Bingo lottery or a series of Bingo lotteries under one or more Licences issued to it shall not exceed thirteen (13) in any calendar year.
- 7. REFUSAL TO ISSUE OR SUSPENSION / CANCELLATION OF LICENCE**
- 7.1 Where the Lottery Licensing Officer determines that the application does not comply with Order-in-Council 1413/08, any regulations, Terms and Conditions, and the provisions of this by-law, the Lottery Licensing Officer shall not issue a Licence, but shall give notice of the decision not to issue a Licence to the Charitable Organization in accordance with sections 7.4 and 7.5 of this by-law.
- 7.2 If the Licensee fails to comply with the Order-in-Council 1413/08, any regulations, Terms and Conditions, the provisions of this by-law applicable to such Licence, the Lottery Licensing Officer may suspend or cancel such Licence. Upon suspension or cancellation of a Licence, the Lottery Licensing Officer shall give notice to the Licensee in accordance with sections 7.4 and 7.5 of this by-law.
- 7.3 Where the Lottery Licensing Officer has suspended or cancelled a Licence under section 7.2 of this by-law, the Licensee and its officers and agents shall, from the time the notice is given, cease further conduct and management of the lottery.
- 7.4 Where the Lottery Licensing Officer has made a decision to refuse to issue, or to suspend or cancel a Licence under section 7.1 or 7.2 or to not issue a Letter of Support under section 4.1 the Lottery Licensing Officer's written notice of that decision shall be given to the applicant or Licensee by regular mail to the last known address of that Person and shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the address of the corporation's registered office.
- 7.5 The written notice to be given under subsection 7.4 shall:
- (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Lottery Licensing Officer or designate; and
 - (d) state that the applicant or Licensee is entitled to request a hearing by a Hearings Officer if the applicant or Licensee files with the City Clerk a notice of appeal in writing and the appeal fee in accordance with applicable Fees and Charges By-law within ten (10) days after the notice in subsection 7.4 is served. The notice of appeal must comply with the requirements as set out in Schedule 1 of the City's Hearings Officer By-law A.-6653-121, as amended.

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- 7.6 Where no appeal is registered within the required time period, the decision of the Lottery Licensing Officer is final.
- 7.7 Despite section 7.5 where a licence is voluntarily surrendered by the Licensee for cancellation, the Lottery Licensing Officer may revoke the licence without notice to the Licensee.

8. HEARINGS BEFORE THE HEARINGS OFFICER

- 8.1 The power and authority to conduct hearings of appeals under this by-law are hereby delegated to the Hearings Officer.
- 8.2 The provisions of the City's Hearings Officer By-law A.-6653-121, as amended, apply to all hearings conducted by a Hearings Officer.
- 8.3 The Hearings Officer may uphold or vary the decision of the Lottery Licensing Officer or make any decision that the Lottery Licensing Officer was entitled to make in the first instance.
- 8.4 The decision of the Hearings Officer is final.

9. ENTRY

- 9.1 Every Licence holder shall provide, at reasonable times, direct and unencumbered access to the building or premises where they are holding the lottery scheme to the Lottery Licensing Officer, a Municipal Law Enforcement Officer, a police officer or an investigator appointed by the Registrar, in order that they may enquire into the nature, management and conduct of the lottery event for which the Licence has been granted, either prior to, during, or after the conclusion of such lottery event.

10. POSTING OF LICENCE

- 10.1 Where the Licence applies to premises or a building wherein a lottery event or events are taking place, the Licensee shall keep the Licence posted in a conspicuous place at the location.
- 10.2 Where the Licence does not apply to premises or a building wherein a lottery event or events are taking place, the Licensee shall produce the Licence upon demand.

11. PROHIBITION

- 11.1 No Person or Charitable Organization shall conduct, permit, manage, or cause a Charitable Organization to conduct, permit or manage a Bingo lottery, a Break Open Ticket lottery, a Raffle lottery, or a Lottery Scheme held at a Bazaar, without a valid Licence in respect thereof.
- 11.2 No Person shall conduct a lottery event or events or permit or cause a lottery event or events to be conducted when a Licence has been suspended or cancelled.
- 11.3 Where the Lottery Licensing Officer has reason to believe that there exists a breach, an apparent breach, or an impending breach of any of the provisions of the laws, Terms and Conditions, policies, procedures and/or guidelines governing the management and conduct of any lottery event, they may immediately direct such Persons responsible for the lottery event to cease from further conducting any activities related to the lottery event.

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12. OFFENCE

12.2 Every Person who contravenes any provision of this by-law, the policies and procedures as set out by the Alcohol and Gaming Commission of Ontario or the Terms and Conditions as set out by the Registrar may be guilty of an offence under the *Criminal Code* (Canada).

13. ADMINISTRATION

13.1 The administration of this by-law is delegated to the City Clerk.

14. ENFORCEMENT

14.1 This by-law may be enforced by the City Clerk or designate.

15. FORCE AND EFFECT

15.1 By-law No. L.-1-07016, being the “Appointment of a Lottery Licensing Officer and To Provide for the Licensing of Bingos, Raffles, and other Lottery Schemes” and all amendments to such by-law are hereby repealed.

15.2 This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on Month Day, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – Month Day, 2020
Second Reading – Month Day, 2020
Third Reading – Month Day, 2020

Lottery Licensing By-law

L-1 – Consolidated April 15, 2007

As Amended by

By-law No.	Date Passed at Council
L-1-93001	December 6, 1993
L-1-94001	October 3, 1994
L-1-95002	January 16, 1995
L-1-95003	February 20, 1995
L-1-95004	June 5, 1995
L-1-95005	October 16, 1995
L-1-96006	November 6, 1995
L-1-96007	June 17, 1996
L-1-97008	April 7, 1997
L-1-01009	January 15, 2001
L-1-01010	April 17, 2001
L-1-01011	<i>By-law does not exist - misnumbered</i>
L-1-03012	June 16, 2003
L-1-04014	April 19, 2004
L-1-05015	January 24, 2005
L-1-07016	April 16, 2007

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OFFICE CONSOLIDATION INCLUDING AMENDMENT NO. L-1-07016 (April 16/07)

LICENSING

By-law L-1

**A by-law to provide for the
APPOINTMENT OF A LOTTERY LICENSING OFFICER AND
TO PROVIDE FOR THE LICENSING OF BINGOS,
RAFFLES AND OTHER LOTTERY SCHEMES**

WHEREAS by Order-in-Council 2688-93 dated October 27, 1993, municipal councils are empowered to issue a licence authorizing any charitable or religious organization to conduct and manage a lottery scheme;

AND WHEREAS section 20 of the said Order-in-Council provides that where a municipal council is satisfied that it is in the best interests of the community to do so, it may refuse on reasonable grounds to issue a licence for a lottery scheme and in so doing may take into account such factors as the number of licences issued and the playing locations already in existence in the community;

AND WHEREAS the Municipal Council of The Corporation of the City of London is satisfied, pursuant to section 20 of the said Order-in-Council, that it is in the best interest of the community to limit the numbers of licences issued in the City of London;

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

**SHORT TITLE
LOTTERY LICENSING BY-LAW**

**Part 1
DEFINITIONS**

1.1 Definitions

In this by-law:

Charitable organization - defined

"charitable organization" shall mean an organization which performs services of public good and welfare without profit and includes an organization designated as such by the Minister upon the recommendation of the Inter-Departmental Committee on Lotteries.

Lottery - defined

"lottery" shall mean a scheme that involves a prize, a chance to win a prize, and includes a regular and special bingo lottery, a media bingo lottery, a raffle lottery, a bazaar lottery, or a break open ticket lottery (Nevada).

Minister - defined

"Minister" shall mean the Minister of Consumer and Commercial Relations of Ontario.

1.2 Charitable object or purpose - defined

For the purposes of this by-law, a "charitable object or purpose" shall mean any object or purpose:

- (a) for the relief of poverty;
- (b) for the advancement of education;
- (c) for the advancement of religion; or
- (d) beneficial to the community.

**Part 2
LOTTERY LICENSING OFFICER**

2.1 Appointment - authority - duties

The City Clerk of The Corporation of the City of London is hereby appointed Lottery Licensing Officer for the City of London and shall exercise all the authority, powers and rights and shall perform all the duties and obligations which by statute or by-laws are or may be conferred or imposed upon the Lottery Licensing Officer and any other duties that may be imposed by Council.

**Part 3
CHARITABLE ORGANIZATION - AUXILIARY - BRANCH
PARISH - DIVISION - CONCESSION**

3.1 All divisions - treated as one organization - exceptions

Where there exists an auxiliary, branch, section, parish, congregation or other division of a charitable organization in Canada, such auxiliary, branch, section, parish, congregation or division and such charitable organization shall be treated as being one organization for the purposes of this by-law unless either:

- (a) the primary purpose and the primary function of such auxiliary, branch, section, parish, congregation or division is different from the primary purpose and the primary function of the charitable organization; or
- (b) such auxiliary, branch, section, parish, congregation or division subsists under a federal or provincial charter issued to it by the charitable organization; or
- (c) such auxiliary, branch, section, parish, congregation or division has been registered under the Income Tax Act (Canada) as a Canadian charitable organization and such registration has not been revoked.

**Part 4
LICENCES AND FEES**

4.1 Licences - classes of

For the purposes of this by-law, there shall be the following classes of licences:

- (a) "regular and special bingo lottery licence" which authorizes the conduct and management of a regular and special bingo lottery;
- (b) "media bingo lottery licence" which authorizes the conduct and management of a media bingo lottery;
- (c) "Provincial event/lottery licence" any Provincial lottery licence to be issued by the Alcohol and Gaming Commission of Ontario for an event to be conducted in the City of London;
- (d) "raffle lottery licence" which authorizes the conduct and management of a raffle lottery;
- (e) "bazaar lottery licence" which authorizes, the conduct and management of a lottery scheme at a bazaar;
- (f) "break open ticket (Nevada) licence" which authorizes the conduct and management of a break open ticket lottery.
- (g) *repealed by By-law L-1-01009*

4.2 Fee - paid - before issue

- (a) No licence shall be issued until a licence fee has been paid.
- (b) An administrative processing fee of \$50.00 shall be applied to all applications for any Provincial event/lottery licence.

4.3 Cancellation - occasion - refund - fee - two-thirds

- (a) Where an occasion in respect of which a licence has been issued is cancelled by the organization, two-thirds of the licence fee or the portion relating to the occasion as the case may be shall be refunded to the organization.
- (b) Where a Nevada Licence has been issued, no refund shall be applicable to any unused tickets that may be remaining upon expiry of such licence.

4.4 Suspension - licence - refund - prohibited

No licence fee or portion thereof shall be refunded to the organization where a licence is suspended, cancelled or otherwise ceases to be in force.

Part 5 LICENCE - APPLICATION

5.1 Form - prescribed by Minister

The application for a licence and the licence shall be in the form prescribed by the Minister.

5.2 First licence - 30 days prior to date

Application for a first licence, regardless of the class, under this by-law or a predecessor of this by-law shall be made to the Lottery Licensing Officer no later than 30 days prior to the date of the lottery, or, in the case of a first licence covering a series of lotteries, 30 days prior to the date on which the first lottery is to be held.

5.3 to 5.5 *inclusive repealed by By-law L-1-01009*

Part 6 LICENCE - ISSUE

6.1 Proceeds - for charitable - religious purpose

Subject to section 6.2 of this by-law, and upon application by any Canadian charitable or religious organization, the Lottery Licensing Officer is hereby authorized from time to time to issue or to approve the issuing of a licence to permit such organization to conduct and manage a regular and special bingo lottery, a media bingo lottery, a raffle lottery, a bazaar lottery, a break open ticket (Nevada) lottery within the City of London if:

- (a) the proceeds from the lottery scheme are used for a charitable or religious object or purpose in Ontario;
- (b) the amount or value of each prize awarded or the money or other valuable consideration paid to secure a chance to win a prize or the total value of all prizes to be awarded, as the case may be, does not exceed the amount specified in this by-law for the class of licence applied for;
- (c) pyramiding of games is not to be permitted;
- (d) games of a type or kind known as razzle dazzle, roll down, three card monte, punch board, coin table, any dice game or any variation thereof are not to be operated;
- (e) such organization is otherwise eligible under the provisions of this by-law to be issued a licence.

6.2 Organization - Canadian - within County

Subject to the various limitations outlined in section 6.1 of this by-law, a licence to conduct and manage a regular and special bingo lottery, a media bingo lottery, a break open ticket lottery (Nevada) within the City of London shall only be issued to a Canadian charitable or religious organization having a chapter, branch, auxiliary, section, parish, division or congregation which operates charitable or religious facilities or programs within the County of Middlesex.

6.3 Police - access - all reasonable times

The Lottery Licensing Officer and all police constables shall, at all reasonable times, have direct and unencumbered access to inquire into the nature, management and conduct of the proceedings for which the licence has been granted, either prior to, during or after the conclusion of such proceedings.

6.4 Licence - transfer - prohibited - term

A licence issued under this by-law shall continue in force during the pleasure of the Council and is not assignable or transferable.

6.5 Licence - refusal of application - appeal - procedure

A decision of the Lottery Licensing Officer to refuse an application for a licence may be appealed by the organization to the Council through the Board of Control and the decision of the Council shall be final.

6.6 Licence - obligation to issue - not offered

Subject to section 6.5 of this by-law, nothing in this by-law obliges the Lottery Licensing Officer or the Council to issue a licence.

6.7 Operation - without licence - prohibited

No person or organization shall conduct or manage a lottery within the City of London without a licence or while the licence of such person or organization is under suspension.

6.8 *repealed by By-law L-1-01009*

6.9 Licence - Belmont clubs - grandfathered

The Belmont Lions Club, the Belmont Optimist Club, the Belmont Parks and Recreation Committee and the Belmont Minor Hockey Association can continue to be licensed by the City of London on a "grandfathered" basis provided that the said organizations comply with all of the provisions and regulations contained in this by-law.

6.10 *repealed by By-law L-1-01009*

Part 7 BINGO LOTTERIES

7.1 Fee – bingo licence

The fee for a bingo lottery licence shall be \$90.00.

7.2 *repealed by By-law L-1-01009*

7.3 Bingo licence - prohibited - prizes exceeding \$4,700

No bingo lottery licence shall be issued where the total value of prizes to be awarded within the operation of a single occasion bingo lottery exceeds \$4,700 cash or merchandise or articles at equivalent market retail value."

7.4 *Repealed by By-law L-1-07016*

7.5 *Repealed by By-law L-1-07016*

7.6 to 7.11 *inclusive repealed by By-law L-1-95003*

7.12 *Repealed by By-law L-1-07016*

7.13 *Repealed by By-law L-1-95003*

7.14 Single/multiple occasions - maximum period

A licence may be issued for a single bingo lottery or for a series of bingo lotteries during a period not exceeding 26 calendar weeks.

7.15 Occasions - per organization - maximum - 13 per year

The total number of occasions that any organization may be permitted to operate a single bingo lottery or a series of bingo lotteries under one or more licences issued to it shall not exceed 13 in any calendar year.

7.16 Public hall licence - required - all locations - exceptions

Every place except a school or a church where a bingo lottery is proposed to be conducted and is conducted shall be licensed under the provisions of the by-law of the Council providing for the licensing and regulating of public halls.

7.17 TV media bingos - exemptions - regulations

Sections 7.4, 7.5, 7.12, 7.15 and 7.16 of this Part of this by-law do not apply to the operation of TV Media Bingo Lotteries. (L-1-95006 - new - TV Media Bingos)

7.18 TV media bingos - frequency - limitations

No more than two (2) TV Media Bingos may be permitted to operate in the City of London during any one week but no more than one such event will be licensed on a given day during any week. (L-1-95006 - new - TV Media Bingos)

7.19 Bingo - conduct of Terms and Conditions

Subject to the prize value limitation set out in section 7.3 of this by-law, every licensee licensed under the provisions of this by-law to conduct a regular and Special Bingo Lottery, or a Media Bingo Lottery has a duty to ensure that each such Bingo Lottery is conducted in accordance with the provisions of this by-law and in accordance with the "Terms and Conditions" for the conducting of Regular and Special Bingo Lotteries and Media Bingo Lotteries issued by the Gaming Control Commission of Ontario from time to time. (L-1-95004 - Revised Schedules "A", "B" & "C") (-1-95006 - section renumbered) (L-1-97008 - schedules referred to in general terms)

7.20 Security personnel - hiring - permitted

Notwithstanding section 7.17 of this by-law, a licensee may hire sufficient personnel to maintain security at a bingo lottery. (L-1-95006 - section renumbered)

7.21 Licence - cancellation - suspension

The Lottery Licensing Officer may, at any time, suspend, cancel or refuse to renew a regular and Special Bingo Lottery Licence, or a Media Bingo Lottery Licence of and licensee that breaches any of the provisions of this by-law or any of the "Terms and Conditions" for the conducting of Regular and Special Bingo Lotteries and Media Bingo Lotteries issued by the Gaming Control Commission of Ontario from time to time. (L-1-95004 - Revised Schedules "A", "B" & "C") (-1-95006 - section renumbered) (L-1-97008 - schedules referred to in general terms)

7.22 Raffle tickets - sale - give away - prohibited

No person shall sell, give away, or distribute raffle tickets for which a licence would be required under this by-law in the place where or on the occasion on which a bingo lottery is conducted. (L-1-95006 - section renumbered)

Part 8 RAFFLE LOTTERIES

8.1 Fee - calculation

The fee for a raffle lottery licence shall be 3% of the total value of all prizes to be awarded on each occasion.

8.2 Licence - issued - one raffle scheme - only

No raffle lottery licence shall be issued to any charitable organization to operate more than one raffle scheme on any one day.

8.3 Prizes - exceeding \$50,000 - prohibited

No raffle lottery licence shall be issued where the total value of all prizes to be awarded within the operation of a single occasion raffle lottery exceeds \$50,000 cash or merchandise or articles at equivalent market value.

8.4 Raffle - conduct of Terms and Conditions

Every licensee licensed under the provisions of this by-law to conduct a Raffle Lottery has a duty to ensure that each such Raffle Lottery is conducted in accordance with the provisions of this by-law and in accordance with the "Terms and Conditions" for the conducting of Raffle Lotteries issued by the Gaming Control Commission of Ontario from time to time.

8.5 Licence - cancellation - suspension

The Lottery Licensing Officer may, at any time, suspend, cancel or refuse to renew a Raffle Lottery licence of any licensee that breaches any of the provisions of this by-law or any of the "Terms and Conditions" for the conducting of Raffle Lotteries issued by the Gaming Control Commission of Ontario from time to time. (L-1-95004 - Revised Schedule "D") (L-1-97008-schedules referred to in general terms)

Part 9 BAZAAR LOTTERIES

9.1 Fee - Bazaar licence

The fee for a bazaar lottery licence shall be

- (a) 3% of the total value of all prizes to be awarded on each occasion and
- (b) \$10 per wheel

9.2 Licence - issued - single occasion only

No bazaar lottery licence shall be issued for more than one single occasion bazaar lottery.

9.3 Prizes - maximums - not to be exceeded

No bazaar lottery licence shall be issued where the amount or value of a raffle prize or bingo prize awarded exceeds \$500.

9.4 Bazaar Lottery - conduct of - Terms and Conditions

Every licensee licensed under the provisions of this by-law to conduct a Bazaar Lottery has a duty to ensure that each such Bazaar Lottery is conducted in accordance with the provisions of this by-law and in accordance with the "Terms and Conditions" for the conducting of Bazaar Lotteries issued by the Gaming Control Commission of Ontario from time to time. (L-1-95004 - Revised Schedule "E") (L-1-97008 - schedules referred to in general terms)

9.5 Licence - cancellation - suspension

The Lottery Licensing Officer may, at any time, suspend, cancel or refuse to renew a Bazaar Lottery licence of any licensee that breaches any of the provisions of this by-law or any of the "Terms and Conditions" for the conducting of Bazaar Lotteries issued by the Gaming Control Commission of Ontario from time to time. (L-1-95004 - Revised Schedule "E") (L-1-97008 - schedules referred to in general terms)

Part 10 BREAK OPEN TICKET (NEVADA) LOTTERY

10.1 Fee - Calculation

The fee for a break open ticket lottery licence shall be 3% of the total value of all prizes to be awarded on each occasion.

10.2 Break Open Ticket Lottery - conduct of - Terms and Conditions

Every licensee licensed under the provisions of this by-law to conduct a Break Open Ticket Lottery has a duty to ensure that each such Break Open Ticket Lottery is conducted in accordance with the provisions of this by-law and in accordance with the "Terms and Conditions" for the conducting of Break Open Ticket Lotteries issued by the Gaming Control Commission of Ontario from time to time.

(L-1-95004 - Revised Schedule "F") (L-1-97008 - schedules referred to in general terms)

10.3 Licence - cancellation - suspension

The Lottery Licensing Officer may, at any time, suspend, cancel or refuse to renew a Break Open Ticket Lottery licence of any licensee that breaches any of the provisions of this by-law or any of the "Terms and Conditions" for the conducting of Break Open Ticket Lotteries issued by the Gaming Control Commission of Ontario from time to time.

(L-1-95004 - Revised Schedule "F") (L-1-97008 - schedules referred to in general terms)

Part 11

repealed by By-law L-1-01009

Part 12**ENFORCEMENT****12.1 Contravention - suspected - order to cease - authority**

Where the Lottery Licensing Officer or a police constable has reason to believe that during the conduct of a lottery, there exists a breach of any of the provisions of this by-law or of any of the "Terms and Conditions" that are a part of this by-law, he may order the licensee or its officers, agents or servants to forthwith cease from further conducting the lottery.

12.2 Order to cease - given - all activities cancelled

Where the Lottery Licensing Officer or a police constable has made an order under section 12.1 of this by-law, the licensee and its officers, agents and servants shall, from the time the order is given, cease further conduct and management of the lottery.

12.3 Administration - obstruction - interference - prohibited

No person or organization shall obstruct or interfere with the Lottery Licensing Officer or a police constable in the execution of his duty under or in the administration of this by-law.

Part 13**APPLICATION - EXEMPTIONS****13.1 Exemptions - federal - provincial licence - fairgrounds**

This by-law does not apply to any lottery scheme within the City of London conducted and managed:

- (a) by the Government of Canada or by any person under a licence issued by or under the authority of the Government of Canada;
- (b) by the Province of Ontario or by any person under a licence issued by or under the authority of the Province of Ontario; or
- (c) by an agricultural fair or exhibition or an operator of a concession leased by an agricultural fair or exhibition board within its own grounds and operated during the period of the annual fair on those grounds.

13.2 Application - all lotteries

This by-law applies to regular and special bingo lotteries, media bingo lotteries, raffle lotteries, bazaar lotteries, break open ticket (Nevada) lotteries in respect of which applications are made after this by-law comes into force.

13.3 Repeals - non-applicable

The enactments repealed by section 14.2 of this by-law continue in force in respect of applications and licences to which this by-law does not apply.

Part 14
REPEAL - ENACTMENT

14.1 By-law - previous - appointment

By-law L.-82-633 is hereby repealed.

14.2 By-law - previous

Subject to section 13.3 of this by-law, By-law L.-100-344 and all of its amendments are hereby repealed.

14.3 Effective date

This by-law comes into force on November 15, 1993.

Passed in Open Council on November 15, 1993.

T. C. Gosnell
Mayor

K.W. Sadler
City Clerk

First Reading – November 15, 1993
Second Reading – November 15, 1993
Third Reading- November 15, 1993

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee

From: Anna Lisa Barbon, Managing Director, Corporate Services
and City Treasurer, Chief Financial Officer

Subject: Financial Banking Services and Commercial Card
Agreements – Agreement Extension

Date: December 14, 2020

Recommendation

That on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the proposed attached by-law (Appendix 'A') BE INTRODUCED at the Municipal Council Meeting to be held on January 12, 2021 to:

- a) authorize the City Treasurer to approve and execute, together with the Mayor, any document, form or agreement that may be required for financial services with the Bank of Nova Scotia;
- b) authorize the Mayor and City Clerk to execute any contract or other document required to renew and amend the Banking Services Agreement with Scotiabank, in a form or forms acceptable to the Managing Director Corporate Services and City Treasurer, Chief Financial Officer;
- c) authorize the Mayor and City Clerk to execute the Banking Resolution and Certificate; and
- d) authorize the City Treasurer to borrow up to two (2) million dollars on the Visa Commercial Card Program provided by the Bank of Nova Scotia;

it being noted that for the purpose of the above-noted Agreements:

We and *us* means "The Corporation of the City of London"

You and *your* mean Scotiabank, the Bank of Nova Scotia

- 1) We appoint you as our banker and agree to the terms and set out in the Scotiabank Financial Services or Agreement.
- 2) Any 2 of the following persons are authorized to sign and deliver the Scotiabank Financial Services Agreement, any service requests and any other banking agreements with Scotiabank: Mayor, and City Clerk or City Treasurer.
- 3) The persons and the required combination of those persons we verify, are the persons authorized, and the combination of those persons required, to give instructions, verifications and approvals on our behalf from time to time. We will provide the verification by a certificate in writing given to you by any 2 of the officers set out below. The most recent certificate given to you will be the current certificate in effect.

Any two of the individuals listed on Schedule "A" in accordance with the authorities set out in Schedule A.
- 4) We may exercise every power to borrow money and otherwise obtain services from you and to receive repayment thereof and to secure our obligations to you arising out of our acquisition of services from you which is conferred upon us by our governing legislation. The persons and the required persons we verify, and the persons authorized, and the combination of those persons required, to borrow money from you on our credit from time to time up to a total of \$102,000,000 subject to the limit described below and on the terms that those persons determine.

The Mayor, or the Deputy Mayor, and the City Treasurer or the Deputy Treasurer of the Corporation are authorized to execute on behalf of the Corporation, under its Corporate Seal, and deliver to the Bank of Nova Scotia, or its representatives or other persons, an agreement to borrow sums which shall not in total exceed \$102,000,000 at any one time, to meet, until the taxes are collected, the current expenditures of the Corporation provided that notwithstanding the sums authorized to be borrowed hereunder, the amount that may be borrowed hereunder at any one time, together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Local Planning Appeal Tribunal, exceed from January 1st to September 30th in the year, 50 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year, and from October 1st to December 31st in the year, 25 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year, all as provided for in section 407 of the *Municipal Act*, S.O. 2001, c. 25.

We will provide this verification in writing given to you by any 2 of the officers set out below. The most recent certificate given to you will be the current certificate in effect.

Mayor or Deputy Mayor and City Treasurer or Deputy City Treasurer

- 5) All instructions, agreements and documents which we sign, make, draw, accept, endorse, or complete and which are signed by the persons we have authorized from time to time are valid and are binding on us. Our seal is not required on any written document to make it valid or to show considerations.
- 6) This Resolution remains in effect until we cancel it by written notice to you and you have acknowledged receiving the notice.

Executive Summary

The Bank of Nova Scotia (Scotiabank) was awarded a five (5) year agreement as part of a Request for Proposal (RFP) process (RFP15-05). The current banking agreement, signed in 2016, is set to expire January 31, 2021. As part of the RFP process, the City sought proposals to obtain comprehensive full line banking services for a term of five (5) years, with an option to renew for up to five (5) additional years. In September 2020, the City approached Scotiabank to obtain their proposal to extend the agreement for an additional five (5) years.

Civic Administration is recommending the Corporation exercise its option to renew with Scotiabank for the five (5) year renewal period.

Linkage to the Corporate Strategic Plan

Council's 2019-2023 Strategic Plan for the City of London (the "City") identifies "Leading in Public Service" as a strategic area of focus. Continuing to ensure the strength and sustainability of London's finances is a strategy to maintain London's finances in a well-planned manner to balance equity and affordability over the long term. The City's agreement with our current financial institution has and will continue to help the City monitor its finances to inform decision making that will ensure London's finances remain strong and sustainable.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Authorization for Temporary Borrowing, November 2, 2020, Corporate Services Committee

2.0 Discussion and Considerations

2.1 Background

The City and Scotiabank have had a banking services relationship since 2002. Due to the length of the business relationship as well as technological and service advancements, both the City and Scotiabank sought to ensure that all documentation related to banking services is current. Therefore, as part of the renewal process, the City and Scotiabank have also agreed to review and update all pertinent documentation currently in place.

Administration is requesting that Council provide the Mayor and City Treasurer with the authority to approve and execute service related agreements and other required forms with Scotiabank. As services offered by the bank evolve and the needs of the City change, minor amendments to Scotiabank products and services are required. These forms outline the specifics of each service and all tie back to the City's Banking Services Agreement, Scotiabank Financial Services Agreement or Commercial Card Agreement which will be executed by the Mayor and Clerk on the authorization of Council. Granting the City Treasurer the authority to administer and execute these documents will ensure there are no disruptions to day to day operations and service.

3.0 Financial Impact/Considerations

3.1 Financial Impact

The five (5) year agreement renewal will not increase the City's banking services costs, all day-to-day pricing included in the RFP will carry forward with the renewal. The City will continue to experience the revenue and cost parameters that have been incorporated as part of the multi-year budget for the remainder of the agreement.

4.0 Key Issues and Considerations

4.1. Considerations

The renewal documentation has been reviewed by the City Solicitor's Office, Risk Management and Financial Services. The Banking Services Agreement will have a limit of liability and indemnity clause. Financial Services has reviewed and understand all clauses related to liability and indemnity. In consultation with Risk Management, we conclude these provisions should not prevent the Corporation from renewing the agreement as the benefit of the renewal outweighs the indemnity risk. The actions that Scotiabank undertakes are on the direction of Financial Services staff where, based on transaction risk, further approval of the City's designated signing officers (such as wire transfers and electronic fund transfers) is required as well.

4.2. Expanded Services

Part of this renewal will include additional service agreements that once implemented, will provide further options to customers and the community to pay for City services through their financial institution either online or in-person. Currently Building Services and the Tax Office offer this service. The additional agreements will allow our Accounts Receivable area, City Planning, and Development and Compliance Services areas the ability to provide this service. Implementing this additional method of payment to our customers will provide desired flexibility and enhance the Customer Service in these areas. These additional service agreements are covered under the City's current pricing program accepted in the RFP and are accommodated within existing budgets.

Conclusion

In 2015, Scotiabank was awarded the City's RFP for Banking Services. The 2016 Banking Services Agreement included a provision for renewal of services for five (5) years, as per the RFP. Through renewal discussions, Civic Administration and Scotiabank will achieve the objective to clean up documentation related to banking services, ensuring that everything is current along with expanding existing service. This report provides authorization to approve and execute the agreements necessary to renew financial banking services.

Acknowledgements

This report was created with the assistance of: Michelle Butlin, Solicitor; Jason Wills, Manager, Risk Management; and Darren Hack, Manager, Financial Systems and Processes.

Prepared by:	Melissa McErlain, Manager of Accounting
Submitted by:	Ian Collins, Director, Financial Services
Recommended by:	Anna Lisa Barbon, Managing Director, Corporate Services & City Treasurer, Chief Financial Officer

Appendix A

Bill No.
2021

By-law No.

A by-law to approve an
Amending Agreement between
the Bank of Nova Scotia and The
Corporation of the City of London

WHEREAS subsection 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 8 of the *Municipal Act, 2001* provides that powers of a municipality shall be interpreted broadly so as to confer broad authority on a municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to issues;

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 subsection 10(1) of the *Municipal Act, 2001* 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* provides that a municipality may pass by-laws respecting, among other things: ii) financial management of the municipality;

AND WHEREAS the Bank of Nova Scotia and The Corporation of the City of London entered into an agreement in 2016 for the provision of financial banking services ("Banking Services Agreement");

AND WHEREAS the City at its absolute discretion has the option to renew the contract for a period of up to five (5) years;

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

1. The Mayor and City Clerk are authorized to execute any contract or other document required to renew and amend the Banking Services Agreement with the Bank of Nova Scotia, in a form or forms acceptable to the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer;
2. The City Treasurer is delegated authority to authorize, approve and execute, together with the Mayor, such further and other documents, forms, and agreements that may be required for financial services with the Bank of Nova Scotia;

3. The Banking Resolution, substantially in the form attached as Schedule 1, to this bylaw is hereby authorized and approved.
4. The Mayor and City Clerk are authorized to execute the Banking Resolution approved under section 3 of the bylaw.
5. The Certificate, substantially in the form attached as Schedule 2, to this bylaw is hereby authorized and approved.
6. The Mayor and City Clerk are authorized to execute the Certificate approved under section 5 of this bylaw.
7. The City Treasurer or Deputy Treasurer of The Corporation of the City of London are hereby authorized to borrow from time to time from the Bank of Nova Scotia up to two (2) million dollars at any one time, on the Visa Commercial Card Program, provided that the total borrowing together with other borrowing that has not been repaid, shall not, except with the approval of the Local Planning Appeal Tribunal, exceed from January 1st to September 30th in the year, 50 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year; and from October 1st to December 31st in the year, 25 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year, all as provided for in section 407 of the *Municipal Act*, 2001, S.O. 2001 c. 25 as amended.
8. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on January 12, 2021.

Ed Holder
Mayor
Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading -

We, our and us mean THE CORPORATION OF THE CITY OF LONDON (FULL LEGAL NAME)

which carries on all or part of its business under the trading name(s):

Blank lines for trading name(s)

(IF APPLICABLE)

You and your mean Scotiabank, The Bank of Nova Scotia.

Resolved that:

- 1. We appoint you as our banker and agree to the terms set out in the Scotiabank Financial Services Agreement, or where applicable, the Scotiabank Financial Services Agreement section of the Business Banking Services Agreement.

Blank lines for item 1 details

- 2. Any 2 of the following persons are authorized to sign and deliver the Scotiabank Financial Services Agreement, any service requests and any other banking agreements with you:

Mayor City Clerk
City Treasurer

- 3. The persons and the required combination of those persons we verify, are the persons authorized, and the combination of those persons required, to give instructions, verifications and approvals on our behalf from time to time. We will provide this verification by a certificate in writing given to you by any 2 of the officers set out below. The most recent certificate given to you will be the current certificate in effect:

Any two of the individuals listed on Schedule "A" in accordance with authorities set out in Schedule "A"

- 4. We may exercise every power to borrow money and otherwise obtain services from you and to receive repayment thereof and to secure our obligations to you arising out of our acquisition of services from you which is conferred upon us by our governing legislation. The persons and the required combination of those persons we verify, are the persons authorized, and the combination of those persons required, to borrow money from you on our credit from time to time in the amounts and on the terms that those persons determine, and to grant security to you over any of our property from time to time.

We will provide this verification by a certificate in writing given to you by any 2 of the officers set out below. The most recent certificate given to you will be the current certificate in effect:

Mayor or Deputy Mayor and City Treasurer or Deputy City Treasurer

- 5. All instructions, agreements and documents which we sign, make, draw, accept, endorse or complete and which are signed by the persons we have authorized from time to time are valid and are binding on us. Our seal is not required on any written document to make it valid or to show consideration.
6. This Resolution remains in effect until we cancel it by written notice to you and you have acknowledged receiving the notice.

CERTIFICATE

By signing below, our directors/officers/members certify for us that:

- there are no provisions in our incorporating documents or by laws or in any unanimous shareholders agreement which impair in any way the powers of our directors or officers to borrow money or grant security.
• our directors/shareholders/members have full power to pass this Resolution and to bind us in all respects.
• the above Resolution was properly passed by our directors or members in compliance with all applicable legislation and continues in effect.

See Appendix B

See Appendix B

NAME OF AUTHORIZED DIRECTOR OR OFFICER OR MEMBER

SIGNATURE: Title (print):

NAME OF AUTHORIZED DIRECTOR OR OFFICER OR MEMBER

SIGNATURE: Title (print):

NAME OF MEMBER OTHER THAN MEMBERS AUTHORIZED TO SIGN FOR THE ORGANIZATION

SIGNATURE: Title (print):

DATE (MM/DD/YYYY)

DATE RECEIVED
RECORDED
APPROVED
E.O. AUDITOR

Appendix B of Banking Resolution

Section 4:

Has been deleted and replaced with:

We may exercise every power to borrow money and otherwise obtain services from you and to receive repayment thereof and to secure our obligations to you arising out of our acquisition of services from you which is conferred upon us by our governing legislation. The persons and the required combination of those persons we verify, are the persons authorized, and the combination of those persons required, to borrow money from you on our credit from time to time up to a total of \$102,000,000 and on the terms that those persons determine. The Mayor, or the Deputy Mayor, and the City Treasurer or the Deputy Treasurer of the Corporation are authorized to execute on behalf of the Corporation, under its Corporate Seal, and deliver to the Bank of Nova Scotia, or its representatives or other persons, an agreement to borrow sums which shall not in total exceed \$102,000,000 at any one time, to meet, until the taxes are collected, the current expenditures of the Corporation provided that notwithstanding the sums authorized to be borrowed hereunder, the amount that may be borrowed hereunder at any one time, together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Local Planning Appeal Tribunal, exceed from January 1st to September 30th in the year, 50 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year, and from October 1st to December 31st in the year, 25 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year, all as provided for in section 407 of the *Municipal Act*, S.O. 2001, c. 25.

Certificate:

Section stating the below has been deleted from Banking Resolution:

- there are no provisions in our incorporating documents or by-laws or in any unanimous shareholders agreement which impair in any way the powers of our directors or officers to borrow money or grant security.

Date: _____

Date: _____

Name: _____

Name: _____

Signature: _____

Signature: _____

Schedule 2

Certificate – Beneficial Owners, Officers, Directors & Signing Authorities

TO THE BANK OF NOVA SCOTIA AND ITS SUBSIDIARIES (collectively, "Scotiabank"):

THE UNDERSIGNED, on behalf of THE CORPORATION OF THE CITY OF LONDON
(FULL LEGAL NAME)

Trading As (if applicable): _____

("the Company"), certifies

that no individual owns or controls, directly or indirectly, 25% or more of the Company

OR

that the following individuals are the beneficial owners who each own or control, directly or indirectly, 25% or more of the Company:

Note: Beneficial ownership must be tracked to those natural persons, if any, who own 25% or more of the Company. Do not list an intermediary entity (i.e. a business entity) as a beneficial owner.

Name of Person	Address	Date of Birth (mm/dd/yyyy)	Percentage Ownership	Occupation

(the "Company") certify that the following persons are officers of the Company:

STATE
NAMES &
TITLES

Anna Lisa Barbon, Managing Director Corporate Services, City Treasurer, CFO
Ed Holder, Mayor
Catherine Saunders, City Clerk

STATE
NAMES &
OCCUPATIONS

and the following persons are the directors of the Company:

Ed Holder	Michael Van Holst
Shawn Lewis	Anna Hopkins
Mo Mohamed Salih	Paul Van Meerbergen
Jesse Helmer	Stephen Turner
Maureen Cassidy	Elizabeth Pelozo
Phil Squire	Arielle Kayabaga
Josh Morgan	Steve Hillier
Steve Lehman	

and certify that any of the following persons in the combinations specified, if applicable have been authorized to give instructions, verifications and approvals on behalf of the Company from time to time:

STATE
NAMES &
TITLES

Refer to attached Schedule "A"

And certify that any of the following persons in the combinations specified, if applicable have been authorized to borrow money from the Bank on the credit of the Company from time to time up to a total of \$102,000,000 subject to the limit described below and on the terms that these persons may determine:

The Mayor, or the Deputy Mayor , and the City Treasurer or the Deputy Treasurer of the Corporation are authorized to execute on behalf of the Corporation, under its Corporate Seal, and deliver to the Bank of Nova Scotia, or its representatives or other persons, an agreement to borrow sums which shall not in total exceed \$102,000,000 at any one time, to meet, until the taxes are collected, the current expenditures of the Corporation provided that notwithstanding the sums authorized to be borrowed hereunder, the amount that may be borrowed hereunder at any one time, together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Local Planning Appeal Tribunal, exceed from January 1st to September 30th in the year, 50 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year, and from October 1st to December 31st in the year, 25 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year, all as provided for in section 407 of the Municipal Act, S.O. 2001, c. 25.

Any two of:

Anna Lisa Barbon, Managing Director Corporate Services, City Treasurer, CFO
 Ed Holder, Mayor
 Josh Morgan, Councillor and Deputy Mayor
 Ian Collins, Director of Financial Services, Deputy City Treasurer
 Kyle Murray, Director, Financial Planning & Business Support, Deputy City Treasurer
 Jim Logan, Division Manager - Taxation and Revenue, Deputy City Treasurer

DATE RECEIVED

RECORDED

APPROVED

E.O.
AUDITOR

The undersigned certifies that he/she has the knowledge and authority to provide the above information, that such information is complete and correct, and that he/she has the signing authority to bind the Company. The undersigned undertake to notify The Bank of Nova Scotia of any change in the directors or officers of the Company, or the authorizations certified above and, until The Bank of Nova Scotia receives such written notice, you may assume there has been no change in the information certified above.

Date (mm/dd/yyyy)

SIGNATURE: _____
TITLE (PRINT): _____

SIGNATURE: _____
TITLE (PRINT): _____