

Corporate Services Committee Report

12th Meeting of the Corporate Services Committee
August 22, 2022

PRESENT: Councillors S. Lewis (Chair), M. Cassidy, J. Morgan, M. Hamou,
J. Fyfe-Millar, Mayor E. Holder

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

Remote Attendance: Councillor M. van Holst; L. Livingstone, A. Barbon, S. Corman, J. Davison, M. Schulthess, S. Tatavarti, B. Warner, J. Wills

The meeting is called to order at 12:00 PM; it being noted that Mayor E. Holder and Councillor M. Cassidy were in remote attendance.

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

Moved by: M. Hamou

Seconded by: M. Cassidy

That Consent Items 2.1 and 2.2, BE APPROVED.

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and E. Holder

Motion Passed (6 to 0)

2.1 Declare Surplus - City-Owned Closed Road Allowance - Upper Canada Crossing

Moved by: M. Hamou

Seconded by: M. Cassidy

That, on the recommendation of the Deputy City Manager, Finance Supports, on the advice of the Director, Realty Services, with respect to a closed public highway described as part of Upper Canada Crossing, abutting Lots 24 and 25, Plan 33M-624, and a one foot reserve being Block 186, Plan 33M-624 (the "Subject Property"), the following actions be taken:

- a) the subject property BE DECLARED SURPLUS; and,
- b) the subject property BE TRANSFERRED to Southside Construction Management Limited.

Motion Passed

2.2 Municipal Compliance Audit Committee

Moved by: M. Hamou

Seconded by: M. Cassidy

That, on the recommendation of the City Clerk, the following actions be taken with respect to the 2022 Municipal Election Compliance Audit Committee:

- a) the proposed by-law as appended to the staff report dated August 22, 2022 as Appendix “A” BE INTRODUCED at the Municipal Council meeting to be held on September 6, 2022 to establish a Municipal Compliance Audit Committee for the 2022 Municipal Election in accordance with section 88.37 of the *Municipal Elections Act, 1996*, as amended;
- b) the proposed by-law as appended to the staff report dated August 22, 2022 as Appendix “B” BE INTRODUCED at the Municipal Council meeting to be held on September 6, 2022 to approve the appointments to the Municipal Election Compliance Audit Committee for the 2022 Municipal Election in accordance with section 88.37 of the *Municipal Elections Act, 1996*, as amended; and,
- c) the Elections Reserve BE APPROVED as the source of funding for the annual operating costs related to the Municipal Compliance Audit Committee for the 2022 Municipal Election.

Motion Passed

3. Scheduled Items

None.

4. Items for Direction

Moved by: J. Fyfe-Millar
Seconded by: M. Hamou

That items 4.1, 4.3 and 4.4 BE APPROVED.

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and E. Holder

Motion Passed (6 to 0)

4.1 Application - Issuance of Proclamation - Rail Safety Week 2022

Moved by: J. Fyfe-Millar
Seconded by: M. Hamou

That based on the application dated August 3, 2022 from CN, September 19 - 25, 2022 BE PROCLAIMED as Rail Safety Week 2022.

Motion Passed

4.3 Application - Issuance of Proclamation - Orange Shirt Day/National Day for Truth and Reconciliation

Moved by: J. Fyfe-Millar
Seconded by: M. Hamou

That based on the application dated August 10, 2022 from N'Amerind (London) Friendship Centre Inc., September 30, 2022 BE PROCLAIMED as Orange Shirt Day/National Day for Truth and Reconciliation.

Motion Passed

4.4 Application - Issuance of Proclamation - Canadian Islamic History Month (2007) and Ontario Islamic Heritage Month (2016)

Moved by: J. Fyfe-Millar
Seconded by: M. Hamou

That based on the application dated August 8, 2022 from City of London Anti-Islamophobia Working Group, the month of October 2022 BE PROCLAIMED as Canadian Islamic History Month (2007) and Ontario Islamic Heritage Month (2016).

Motion Passed

4.2 Application - Issuance of Proclamation - Wrongful Conviction Day

Moved by: J. Fyfe-Millar
Seconded by: E. Holder

That based on the application dated August 8, 2022 from International Wrongful Conviction Day Committee, October 2, 2022 BE RECEIVED and no action BE TAKEN.

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and E. Holder

Motion Passed (6 to 0)

5. Deferred Matters/Additional Business

None.

6. Confidential (Enclosed for Members only.)

Moved by: J. Fyfe-Millar
Seconded by: M. Hamou

That the Corporate Services Committee convenes in Closed Session to consider 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. 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.

6.3. 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. Solicitor-Client Privileged Advice

A matter pertaining to advice subject to solicitor-client privilege, including communications necessary for that purpose, and advice with respect to litigation with respect to various personal injury and property damage claims against the City.

Yeas: (6): S. Lewis, M. Cassidy, J. Morgan, M. Hamou, J. Fyfe-Millar, and E. Holder

Motion Passed (6 to 0)

The Corporate Services Committee convenes in Closed Session from 12:10 PM to 12:20 PM.

7. Adjournment

Moved by: J. Fyfe-Millar

Seconded by: M. Cassidy

That the meeting BE ADJOURNED.

Motion Passed

The meeting adjourned at 12:23 PM.

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee

From: Anna Lisa Barbon, Deputy City Manager, Finance Supports

Subject: Declare Surplus - City Owned Closed Road Allowance
Upper Canada Crossing

Date: August 22, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Finance Supports, on the advice of the Director, Realty Services, with respect to a closed public highway described as part of Upper Canada Crossing, abutting Lots 24 and 25, Plan 33M-624, and a one foot reserve being Block 186, Plan 33M-624 (the “Subject Property”), the following actions be taken:

- a) the subject property **BE DECLARED SURPLUS**; and
- b) the subject property **BE TRANSFERRED** to Southside Construction Management Limited.

Executive Summary

This report recommends that part of the easterly road stub of Upper Canada Crossing that was recently closed be declared surplus and be transferred to Southside Construction Management Limited as part of a future private driveway connection for the development at 799 Southdale Road West.

Linkage to the Corporate Strategic Plan

Municipal Council’s 2019-2023 Strategic Plan identifies “Building a Sustainable City” and “Growing our Economy” as strategic areas of focus.

The recommendation in this report will support the aforementioned strategic areas by declaring the subject land surplus and eliminate maintenance costs and liability risks associated with owning a parcel of land that is no longer useful to the City, through transferring ownership to support a proposed apartment and townhouse in accordance with the City’s Sale of Other Disposition of Land Policy.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

May 31, 2022 – Report to Civic Works Committee – Closing Part of Upper Canada Crossing.

1.2 Summary

The easterly leg of Upper Canada Crossing north of Raleigh Boulevard was established by Plan 33M-624 and was intended to provide a road link to the undeveloped lands to the north of the subdivision on the presumption those lands would also be developed as a residential subdivision. However, the owner and developer of those lands (799 Southdale Road West) is now proposing an apartment and townhouse development (Site Plan Application - SPA21-043) which eliminates the need for the City to retain the stub as a public street and allows it to be transferred to the developer as a private entrance to the development. As a prerequisite to the conveyance the street must first be legally closed as public highway.

At its June 14, 2022 meeting, Municipal Council approved the resolution and passed the motion for the purpose of closing part of Upper Canada Crossing:

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the proposed by-law, as appended to the staff report dated May 31, 2022, BE INTRODUCED at the Municipal Council meeting to be held on June 14, 2022, for the purpose of closing part of Upper Canada Crossing;

it being noted that subject to the passing and registration of the above-noted by-law in the Land Registry Office, the City will retain a municipal services easement over the road allowance and reserve Block 186, 33M-624 for a watermain and for the purposes of prohibiting the erection of any structures on the subject lands. (2022-T09) (2.3/8/CWC)

The road closing by-law (Bill No. 244 2022 By-law No. S.-6183-168) was registered on title on July 15th 2022 (Instrument No. ER1477308).

2.0 Discussion

Southside Construction Management Limited, the owner of the undeveloped lands lying north of 33M-624 known municipally as 799 Southdale Road West, has submitted a site plan application for an apartment and townhouse development (Site Plan Application - SPA21-043). The site plan layout includes a sharp bend at the point of connection from Upper Canada Crossing to the internal road system and the lack of a “hammer-head” turnaround will make it difficult for City maintenance vehicles to safely navigate with larger snow ploughing equipment. The closed subject portion of Upper Canada should now be conveyed, including the 1 ft reserve being Block 186, to the developer which transfers responsibility for maintenance and operation.

The closed section of Upper Canada Crossing is not used for public travel and the flanking lots are serviced from Raleigh Boulevard and are not affected by the closing. As requested by the two abutting property owners, no structures will be allowed to be erected on the road allowance to preserve its characteristics as a streetscape. Essentially, the net effect will be to convert a public street into a private entrance.

2.1 Surplus Declaration and Transfer

The Subject Property is surplus to the needs of the City and should therefore be declared surplus and subsequently transferred to Southside Construction Management Limited for nominal consideration. Transferring the property to the developer would relieve the City from future maintenance and liability.

As part of the transfer noted above, the City would retain a combined services easement over the entire Subject Property to protect our access to the City owned and operated watermain and to ensure that no structures can be built on the property to protect the streetscape characteristics as requested by the abutting owners.

3.0 Benefits to the City

By declaring the Subject Property surplus, the future maintenance and repair obligations would be the responsibility of the developer saving the City future costs on this. The existing streetlight and sanitary sewer stub would also be transferred passing the responsibility on to the developer. The watermain land rights would remain protected in-perpetuity.

4.0 Financial Impact

There are no significant cost implications to the City to declare the property surplus.

Conclusion

The City’s typical practice is to re-convey the unneeded land to the developer in-order to have the land properly incorporated into a new site plan or plan of subdivision. The property has been recently closed by resolution and bylaw.

Declaring the land surplus and transferring the property to the developer will provide a private access to new development while releasing the City from future maintenance and liability. The City will retain a municipal services easement for the watermain.

A Location Map of the subject property is shown as Appendix A.

An Aerial of the Subject property is shown as Appendix B

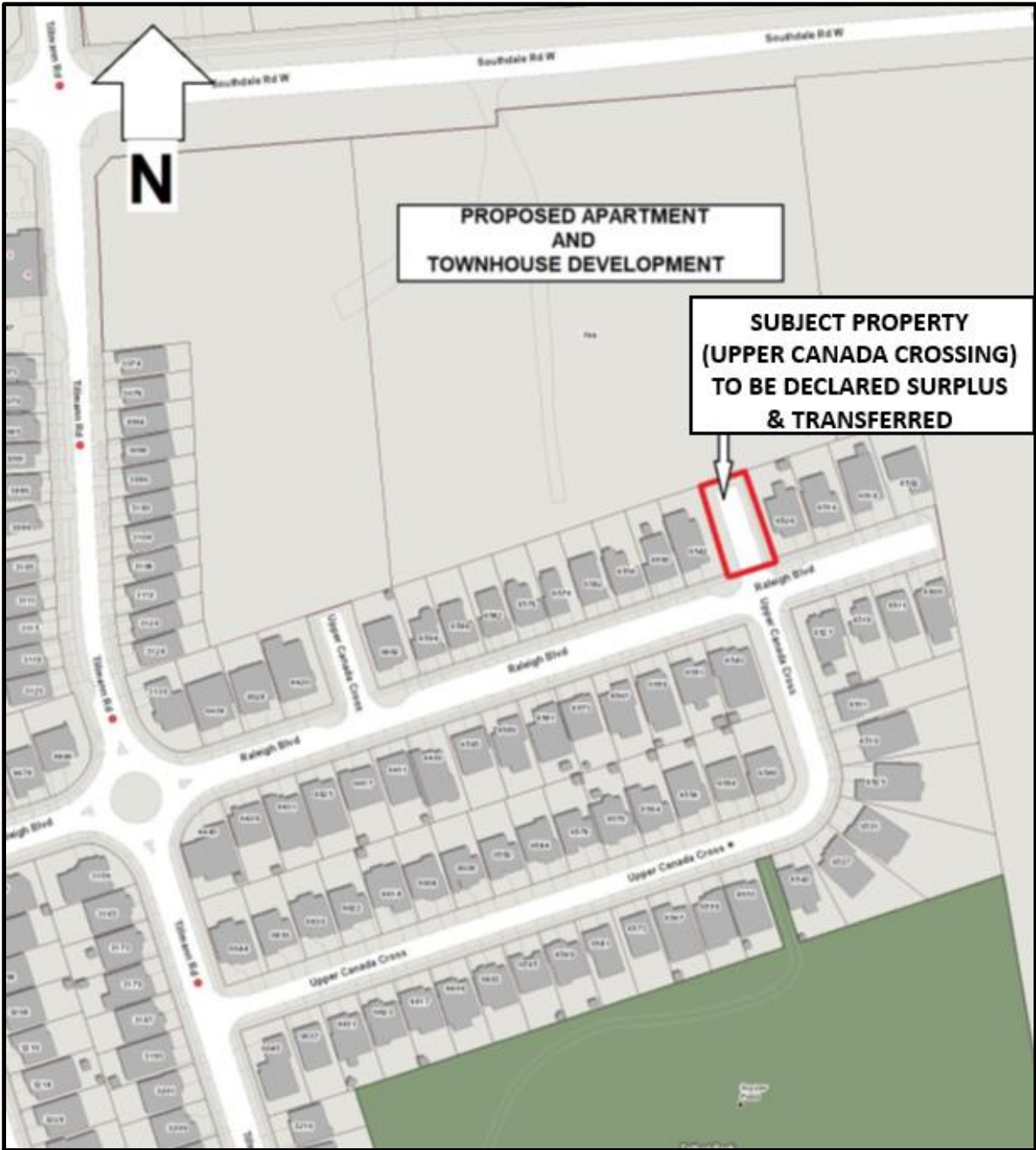
The Reference Plan depicting the subject property is shown as Appendix C.

Prepared by:	Adam Ostrowski, Manager II, Realty Services
Submitted by:	Bill Warner, AACI, Papp, Director, Realty Services
Recommended by:	Anna Lisa Barbon, CPA, CGA, Deputy City Manager, Finance Supports

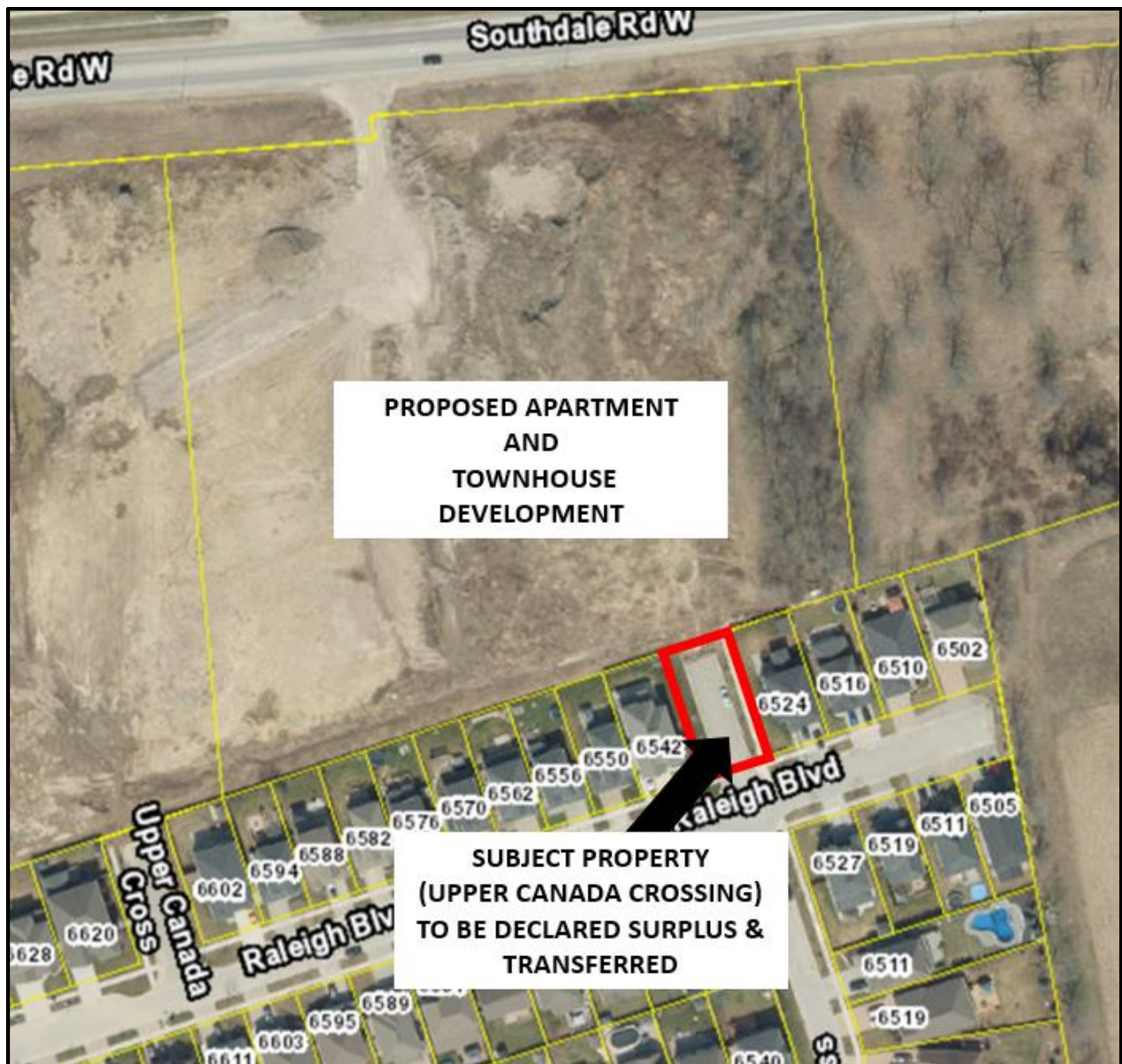
cc: Gary Irwin, Division Manager and Chief Surveyor, Geomatics
Sachit Tataavarti, Solicitor
Kelly Scherr, P.ENG., MBA, FEC Deputy City Manager, Environment and Infrastructure

August 5, 2022

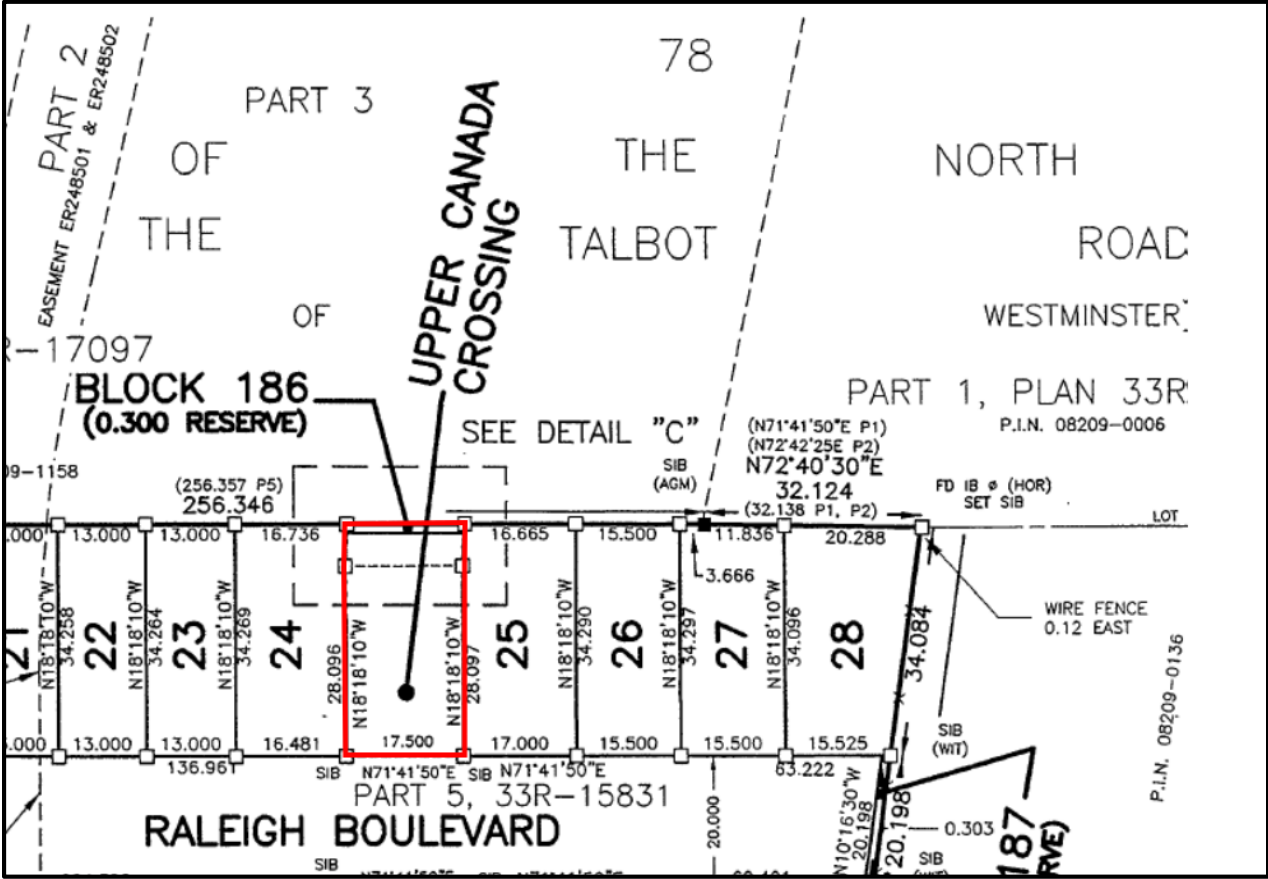
Appendix A - Location Map



Appendix B - Aerial of Subject Property



Appendix C - Reference Plan of Subject Property



Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee
From: Michael Schulthess, City Clerk
Subject: Municipal Compliance Audit Committee
Date: August 22, 2022

Recommendation

That, on the recommendation of the City Clerk, the following actions be taken with respect to the 2022 Municipal Election Compliance Audit Committee:

- a) the attached proposed by-law (Appendix “A”) BE INTRODUCED at the Municipal Council meeting to be held on September 6, 2022 to establish a Municipal Compliance Audit Committee for the 2022 Municipal Election in accordance with section 88.37 of the *Municipal Elections Act, 1996*, as amended;
- b) the attached proposed by-law (Appendix “B”) BE INTRODUCED at the Municipal Council meeting to be held on September 6, 2022 to approve the appointments to the Municipal Election Compliance Audit Committee for the 2022 Municipal Election in accordance with section 88.37 of the *Municipal Elections Act, 1996*, as amended; and,
- c) the Elections Reserve BE APPROVED as the source of funding for the annual operating costs related to the Municipal Compliance Audit Committee for the 2022 Municipal Election.

Linkage to the Corporate Strategic Plan

The Municipal Election Compliance Audit Committee responds directly to Council’s 2019 to 2023 Strategic Plan for the City of London objective to be “trusted, open, and accountable in service of our community” by increasing opportunities for residents to be informed and participate in local government.

Analysis

1.0 Background Information

1.1 Previous Reports on this Matter

Corporate Services Committee – February 4, 2014
Corporate Services Committee – February 20, 2018

1.2 Background

In accordance with the *Municipal Elections Act, 1996* (the “Act”), as amended, s.88.37 (1), the municipality must establish a Compliance Audit Committee before October 1 in an election year. The Municipal Election Compliance Audit Committee (2018-2022) was appointed by Council in 2018 to consider any applications for compliance audits for the 2018 municipal election and any subsequent by-elections during the 2018-2022 term of Council. A new Compliance Audit Committee must be established for the next term of Council.

2.0 Discussion and Considerations

2.1 Legislation

Section 88.37 of the Act pertaining to compliance audit applications, requires all municipalities and local boards to establish compliance audit committees (the

“Committee”) on or before October 1 in the year of an election. The powers and functions of the Committee are provided under the Act. All candidates running in the 2022 municipal election for the offices of mayor, ward councillor and school board trustee must file a financial statement on a prescribed form detailing the contributions received and expenses incurred during their election campaign. If a candidate’s campaign contributions or expenses total more than \$10,000, the candidate must have an auditor review their financial statement and provide an auditor’s report. Third party advertisers must register with the City and like candidates, all third party advertisers must file a financial statement on a prescribed form detailing the contributions received and expenses incurred during their advertising campaign and an auditor’s report if their campaign contributions or expenses total more than \$10,000. An elector who is entitled to vote in the municipal election may apply for a compliance audit of the candidate or registered third party advertiser’s campaign finances. Additionally, the City Clerk must review the contributions made to a candidate or third party advertiser’s campaign and forward a report to the Committee identifying any contributor whose contributions appear to exceed the maximum contribution limits prescribed by the Act, and the amount of the excess contributions.

The following summarizes the requirements as set out in section 88.37 of the Act:

- mandatory appointment by all municipalities;
- minimum of three, maximum of seven members;
- the committee shall not include members of Council or local board, employees or officers of the municipality or local board, any persons who are candidates in the election for which the committee is established; or any persons who are registered third parties in the municipality in the election for which the committee is established;
- appointed by October 1st of election year;
- serves a term concurrent with the term of office of the Council that takes office following the next regular election; and,
- Clerk has specific responsibility for the committee.

2.2 Application and Audit Process

An eligible elector who believes that a candidate or registered third party advertiser has contravened the election campaign finance rules under the Act may apply for a compliance audit of their campaign finances.

To apply for a compliance audit of a councillor candidate, mayoral candidate, or registered third party advertiser an eligible elector must complete the Compliance Audit Application form and submit the form and any supporting documents to the City Clerk’s Office by the required deadline. The application must be made in writing to the City Clerk and include the reasons for the elector’s belief that the candidate has contravened the Act.

An eligible elector may apply for a compliance audit of the candidate or registered third party’s election campaign finances so long as the Application is made within 90 days after the latest of:

- a) the filing date under section 88.30 of the Act;
- b) the date the candidate or registered third party filed a financial statement, if the statement was filed within 30 days after the applicable filing date under the Act;
- c) the supplementary filing date, if any, under section 88.30 of the Act;
- d) the date on which the candidate’s extension, if any, under subsection 88.23(6) of the Act expires, or

- e) the date on which the registered third party's extension, if any, under subsection 88.27(3) of the Act expires.

In relation to the 2022 Municipal Election, the City Clerk must receive the compliance audit application by the following dates:

- a) For the initial financial filing deadline of March 31, 2023, the City Clerk must receive the compliance audit application form by June 29, 2023.
- b) For the supplementary financial filing deadline of September 29, 2023, the City Clerk must receive the compliance audit application form by December 28, 2023.
- c) For financial statements filed during the 30-day grace period or a court-ordered extension, the City Clerk must receive the compliance audit application within 90 days of the extension filing date.

In addition to the compliance audit process, any person may pursue their own legal action in relation to the election. A prosecution related to the 2022 municipal election must be commenced on or before November 14, 2026.

If the committee grants a Compliance Audit application, it will appoint an auditor to conduct a compliance audit of the applicable campaign finances. The auditor is entitled to have access to all the financial records related to the associated campaign. The auditor will produce a report, which the candidate or registered third party is entitled to receive.

The compliance audit committee will meet to consider the auditor's report. If the report concludes that there is an apparent contravention of the Act the committee will decide whether to commence legal action.

The City Clerk does not accept compliance audit applications for school board trustee candidates; these must be submitted to the relevant school board.

2.3 Contributions

The Act requires the City Clerk to review the contributions reported on the financial statements of candidates and third party advertisers filed in accordance with section 88.25 and 88.29, respectively, to determine if any contributor appears to have exceeded the prescribed contribution limits. The City Clerk must prepare a separate report for each contributor who appears to have exceeded a contribution limit. In the case of a candidate for municipal council or a third party advertiser, the City Clerk must submit the report to the Committee. In the case of a candidate for school board trustee, the City Clerk submits the report to the secretary of the local board. The Committee holds a meeting to consider the City Clerk's report and decides whether to commence a legal proceeding against the contributor for the apparent contravention.

The meeting(s) of the Committee shall be open to the public and reasonable notice of the meeting(s) shall be given to the contributor, the City Clerk or secretary of the local board, the candidate, contributor, third party advertiser and the public.

2.4 The Committee

The new Committee must be appointed by September 30, 2022, as prescribed by the Act. To avoid conflict of interest, care must be taken to ensure that any auditors or accountants appointed to the Committee do not audit or prepare the financial statements of any candidate running for office in the election for which the Committee is established or any third party advertiser registered in the municipality in the election for which the Committee is established. Accordingly, it is the recommendation of Civic Administration that any auditor or accountant appointed to the Committee would have to agree in writing to not undertake the audits or preparation of the financial statements of any candidate running in or any third party advertiser registered in the City of London in

the 2022 municipal election. Failure to adhere to this requirement would result in the individual being ineligible or removed from the Committee.

The proposed terms of reference, attached as Schedule 1 to Appendix “A”, provide for a 2022 Municipal Election Compliance Audit Committee composed of three (3) members.

It is important that the 2022 Municipal Election Compliance Audit Committee members possess an in-depth knowledge of the campaign finance rules of the Act so that they can make independent decisions on the merits of the applications. A Committee composed of professionals such as auditors, accountants, lawyers, academics and other individuals having a familiarity with municipal election campaign financing rules is recommended.

2.5 Appointments to the Committee

Municipal Council, at its meeting of March 6, 2018, appointed Dan Ross, Andrew Wright and Christene Scrimgeour to the Municipal Elections Compliance Audit Committee established for the 2018 Municipal Election. The Civic Administration is recommending that the same three members be appointed to the Municipal Elections Compliance Audit Committee (the “Committee”) being established for the 2022 Municipal Election.

All three applicants meet the membership criteria identified in the terms of reference for the Committee, which are as follows:

The Committee will be composed of three (3) members, with membership drawn from the following stakeholder groups:

- (a) accounting and audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
- (b) academic – college or university professors with expertise in political science or local government administration;
- (c) legal profession with experience in municipal law, municipal election law or administrative law;
- (d) professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and
- (e) other individuals with knowledge of the campaign financing rules of the Act.

Members of Council, employees or officers of the municipality or local board, any person who are registered third parties in the municipality in the election for which the committee is established or any persons who are candidates in the election for which the committee is established are not eligible to be appointed to the Committee, pursuant to clause 88.37(2) of the Act.

All three individuals have expressed interest in being appointed to the Committee for the 2022 Municipal Election. The applicants have submitted a summary of their qualifications which are attached as Appendix “C” to this report, for the information of Municipal Council.

2.6 Penalties

The compliance audit committee does not have any authority to set penalties. Only the court can decide if a candidate, contributor or registered third party contravened the Act and, if so, which penalties should apply.

A person who does not want to or who is not able to apply for a compliance audit may decide to commence legal action on their own. A prosecution related to the 2022 election must be commenced before November 15, 2026.

If a person is convicted of an offence, they may be subject to the following penalties:

- a fine of up to \$25,000
- ineligibility to vote or run in the next general election
- up to six months in prison
- forfeiture of elected office, if the judge finds that they committed the offence knowingly

If a corporation or trade union is convicted of committing an offence, they may be subject to a fine of up to \$50,000, and ineligibility to register to be a third party advertiser until after the next regular election.

If a candidate or registered third party is convicted of exceeding the spending limit, they may also be fined the amount by which they exceeded the limit.

3.0 Financial Impact

The municipality is responsible for any costs resulting from the review of applications submitted to the Committee. These costs include:

- Committee members’ honorarium, per member, per meeting
- auditor’s costs to perform an audit
- costs related to the Committee’s operations and activities
- legal costs related to an appeal to the Ontario Court of Justice with respect to a decision of the Committee
- legal costs to undertake legal action against the candidate for violations of the elections finance provisions of the Act.

Factors involved in determining the Committee’s costs include the number of compliance audit applications that are received, the number of meetings that are required to be held, and the complexity of the audits that need to be conducted. It is therefore difficult to pre-determine the costs that will result from the establishment of the Committee’s process, as the number of applications to be submitted are unknown in advance. The Elections Reserve has been identified as the source of financing for the operational expenses of the Committee.

The Civic Administration recommends compensation for members of the Municipal Election Compliance Audit Committee (2022–2026) to be \$200 per meeting attended, including any orientation meeting(s) that may be held, with no additional compensation for mileage.

Conclusion

The City Clerk recommends that the attached proposed by-laws be introduced at the Municipal Council meeting to be held on September 6, 2022.

Prepared by:	Jeannie Raycroft, Manager, Elections, Strategic Integration & Policy
Submitted by:	Sarah Corman, Deputy City Clerk
Recommended by:	Michael Schulthess, City Clerk

APPENDIX “A”

Bill No.
2022

By-law No.

A by-law to establish the 2022 Municipal Election Compliance Audit Committee in accordance with Section 88.37 of the *Municipal Elections Act, 1996*, as amended.

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 9 of the *Municipal Act, 2001*, as amended, 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*, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS section 88.37 of the *Municipal Elections Act, 1996*, as amended, requires council to establish a compliance audit committee;

AND WHEREAS this by-law and the Terms of Reference attached hereto as Schedule 1 comply with Section 270 of the *Municipal Act, 2001*, as amended, and Council Policy By-law A.-6151-17, with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions and the manner in which the municipality will try to ensure that its actions are transparent to the public;

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

1. The attached Terms of Reference (Schedule 1) to establish the 2022 Municipal Election Compliance Audit Committee be adopted.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on September 6, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – September 6, 2022
Second Reading – September 6, 2022
Third Reading – September 6, 2022

Schedule 1

TERMS OF REFERENCE

2022 MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE

1.2 Name

The name of the Committee is the “2022 Municipal Election Compliance Audit Committee”.

1.3 Term of the Committee

The term of the Committee shall be from November 15, 2022 to November 14, 2026.

1.4 Meetings

The Committee will meet as needed, with meetings to be scheduled by the City Clerk or their designate when a compliance audit application is received.

1.5 Mandate

The Committee is required to act in accordance with the powers and obligations set out in the *Municipal Elections Act, 1996*, as amended (the “Act”). The Committee will be required to:

- consider a compliance audit application received from an elector that a candidate or a registered third party has contravened provisions of the Act relating to election campaign finances and determine whether it should be granted or rejected;
- if the application is granted, the committee shall appoint an auditor to conduct a compliance audit;
- receive the auditor’s report;
- consider the auditor’s report and if the report concludes that the candidate or registered third party appear to have contravened a provision of the Act relating to election campaign finances, the committee may commence legal proceedings against the candidate or third party for the apparent contravention; and,
- consider the report(s) of the City Clerk identifying each contributor to a candidate for office on a council or a registered third party who appears to have contravened any of the contribution limits under section 88.9 or 88.13 of the Act and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

1.6 Composition

The Committee will be composed of four (3) members, with membership drawn from the following stakeholder groups:

- a) accounting and audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
- b) academic – college or university professors with expertise in political science or local government administration;
- c) legal profession with experience in municipal law, municipal election law or administrative law;
- d) professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and,
- e) other individuals with knowledge of the campaign financing rules of the Act.

Members of Council, employees or officers of the municipality or local board, any persons who are registered third parties in the municipality in the election for which the committee is established or any persons who are candidates in the election for which

the Committee is established are not eligible to be appointed to the Committee, pursuant to clause 88.37(2) of the Act.

Further, an individual shall be deemed ineligible to be a member of the Committee if they prepare the financial statements of any candidate or registered third party running for office on Municipal Council during the term for which the Committee has been established.

The following persons are ineligible for appointment:

- Employees or officers of any of the participating bodies,
- A member of council or of a local board of any of the participating bodies,
- Any persons who are candidates in an election of any of the participating bodies for which the Committee is established; or
- Any persons who are registered third parties in an election of any of the participating bodies for which the Committee is established.

Should an appointed Committee Member accept employment with any of the participating bodies or register as a candidate or a third party with any of the participating bodies, they will have been deemed to have resigned.

All Committee Members shall agree in writing that they will not work or volunteer for, or contribute to, any candidate or registered third party in any capacity in an election of any of the participating bodies.

If a person recommended or appointed to serve on the Committee is identified as having participated or contributed to a candidate's campaign or registered third party, that person shall not be eligible to be a Member with respect to a Compliance Audit Committee application within the applicable participating body where the participation or contribution to a campaign or registered third party occurred.

1.7 Conflicts

Conflicts of pecuniary interest arise when Members may financially benefit, directly or indirectly, from their membership on the Committee. Such involvements include, but are not limited to:

- Members being employed by or doing business with the Affected Party
- Members' immediate family being the Affected Party or employed by or doing business with the Affected Party
- Members' business associates being the Affected Party or employed by or doing business with the Affected Party

A conflict of interest may be an actual or perceived conflict of pecuniary interest. The same duty to disclose applies to each. The pecuniary interests of a Member's immediate family or business associate are considered to also be the pecuniary.

1.8 Appointment Process

All applicants will be required to submit a summary outlining their qualifications and experience. A Nomination Committee consisting of the City Clerk, the Deputy City Clerk and the Manager of Elections, Strategic Integration and Policy will submit a short list of candidates to Council through the Corporate Services Committee. Any vacancies which arise after November 15, 2022 shall be nominated by the Nomination Committee to Council, through the Corporate Services Committee.

Members will be selected based on the following:

- a) demonstrated knowledge and understanding of municipal election campaign financing rules and knowledge of the Act and related regulations;

- b) proven analytical and decision-making skills;
- c) experience working on a committee, administrative tribunal, task force or similar setting;
- d) availability and willingness to attend meetings; and
- e) oral and written communication skills

Members will be appointed by Municipal Council.

1.9 Compensation

Members shall receive an honorarium of \$200.00 per meeting, to be funded from the Election Reserve. Administrative costs for such items as printing and mailing will be absorbed within the City Clerk's Operating Budget.

1.10 Conduct of Members

Members of the Committee shall comply and conduct themselves in accordance with the Municipal Election Compliance Audit Committee Rules of Procedure. Members shall not use their position on the Committee for any personal or political gain.

1.11 Administrative Practices and Procedures

The Terms of Reference and Municipal Election Compliance Audit Committee Rules of Procedure shall constitute the Administrative Practices and Procedures of the Committee.

Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with Section 88.33 to 88.37 of the Act.

The City Clerk has the right to establish additional administrative practices and procedures for the Committee at any time and shall carry out any other duties required under the Act to implement the Committee's decisions.

1.12 Funding

Costs related to the retention of an auditor will be funded from the Election Reserve.

Costs incurred as a result of a decision of the Committee being challenged to the Superior Court of Justice shall be funded from the Election Reserve.

APPENDIX “B”

Bill No.
2022

By-law No.

A by-law to approve the appointments to the Municipal Election Compliance Audit Committee for the 2022 Municipal Election in accordance with Sections 88.37 of the *Municipal Elections Act, 1996*, as amended.

WHEREAS section 88.37 of the *Municipal Elections Act, 1996*, as amended, requires Council to establish a Compliance Audit Committee;

AND WHEREAS the Council of The Corporation of the City of London wishes to appoint Dan Ross, Andrew Wright and Christene Scrimgeour to the Municipal Election Compliance Audit Committee for the 2022 Municipal Election;

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;

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

1. Andrew Wright, Christene Scrimgeour and Dan Ross be hereby appointed to the Municipal Election Compliance Audit Committee for the 2022 Municipal Election for the term commencing November 15, 2022 and ending November 14, 2026.
2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on September 6, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First reading – September 6, 2022
Second reading – September 6, 2022
Third reading – September 6, 2022

APPENDIX “C”

Andrew Wright

Andrew Wright is a London lawyer who has practiced municipal and environmental law since his call to the Bar in 1973. He is a partner with Siskinds LLP. Mr. Wright is an Acting Referee under the Drainage Act. He is also one of the City’s Hearings Officers for appeals under several City by-laws. He is a member of a number Audit Compliance Committees in Middlesex and Elgin Counties.

Christene Scrimgeour

Christene Scrimgeour is managing partner of Scrimgeour & Company CPA, Professional Corporation. The firm was established in 1998 and currently audits thirteen municipalities in Southwestern Ontario, as well as many not-for-profit organizations, registered charities and foundations. In addition, the firm provides extensive tax, accounting and advisory services.

Christene’s professional activities include teaching A.M.C.T.O. courses and delivering speeches at various municipal functions. She attends Municipal Finance Officers Association’s (MFOA) annual conference and CPA Ontario PSAB courses.

Christene is a member of CPA Ontario’s Practice Inspection Committee and past founding member of CPA Ontario’s Small Practice Committee.

Dan Ross

Dan Ross is a retired London lawyer and local business owner who has served on many community organizations, including the London Health Sciences Foundation and the Richard Ivey School of Business. He continues to be strongly engaged in various local volunteer opportunities. Mr. Ross has also served as a Commissioner on Ontario’s Health Services Restructuring Commission and as Chair of the Council Compensation Review Task Force.

In addition to his legal and business expertise, Mr. Ross has diverse skills covering such areas as Planned Giving, Stewardship, Fundraising, Annual Giving, Event Management, Philanthropy, Volunteer Management, Strategic Planning, Non-profits, Leadership, Coaching, Event Planning Community Development, Community Outreach, Grant Writing, Strategic Communications, Media Relations, Leadership Development, Public Relations, Public Speaking, Board Development, Prospect Research, Corporate Communications and Marketing Communications.

Proclamation Request Form

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Request details

Name of Organization CN
Date Proclamation Required September 19 - 25, 2022
Proclamation Name Rail Safety Week 2022
Proclamation Type (day, week or month) Week
Category (public awareness campaigns), (charitable fundraising campaigns), (arts and cultural celebrations) Public Safety and Awareness
Requester Name Daniel Salvatore
Requester Telephone Number 647 544 3368
Requester Email Address daniel.salvatore@cn.ca
Requester Address 1 Administration Road, Administration A Building, MacMillan Yard
Provide details of your Organization’s Connection to London CN has tracks and a yard within London, ON. Note this proclamation would promote safety along all railway corridors, not just CN.
Required Supporting Documents <ul style="list-style-type: none">• Detail information on the Organization• Detail information on the Event• Confirmation of authorization from the Organization to submit the request
The undersigned confirms that I am the Official Representative of the Organization requesting the Proclamation and that by signing this Application, I acknowledge and agree that my organization complies with all City of London’s Policies and By-laws <div>Daniel SalvatoreAugust 3, 2022</div> <div>SignatureDate</div> NOTICE OF COLLECTION OF PERSONAL INFORMATION Personal information collected on this form is collected under the authority of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25 and may also be used for purposes related to the Issuance of Proclamations Policy and Proclamation Request Form. Questions about this collection should be addressed to the City Clerk, 3rd floor, City Hall, 300 Dufferin Ave., London, ON N6A 4L9. Tel: 519-661-2489, ext. 4937, email: csaunder@london.ca

Building Safer Communities



Interview with **Steve Covey**, CN's Chief Security Officer and Chief of Police North America.



Q- The CN Police Service is closely involved with local communities in promoting rail safety. Can you give us a couple of examples?

A- Sure. First off, we continue to be active in communities right across our network — 24 hours a day, 365 days a year — to promote safe behaviour around the railroad. Our activities include conducting enforcement initiatives at locations prone to incidents and delivering safety presentations to high-risk groups.

Another example is Rail Safety Week that takes place every September. CN Police officers and other employees partner with community leaders and law enforcement to get the message out to be careful at railway crossings and not trespass on tracks, because train accidents can result in loss of life, and our goal is to eliminate all injuries and fatalities on or near railway tracks. This year Rail Safety Week is taking place September 19 to September 25.

Q- Media reports suggest aggressive driving incidents are on the rise over the past two years. What can we all do to help eliminate crossing accidents?

A- It's true. Numerous studies show a sharp rise in aggressive driving and pandemic stress might be partially to blame. Eliminating crossing accidents is simple: Obey the signals and stop when required; look both ways; and listen for approaching trains. NEVER try to beat an oncoming train because you could lose a lot more than time. And, if anyone witnesses a dangerous situation, at any time of day, call the CN Police at 1-800-465-9239 right away.

Q- Hundreds of communities have signed resolutions or expressed their support for Rail Safety Week. Why is this collaboration important to support rail safety?

A- Because we can't do it alone. After all, rail safety is a shared responsibility. We encourage all communities from across our network to show their support for rail safety through coordinated policing and public crossing maintenance activities. In 2021, a record 378 communities signed resolutions or proclamations or expressed their support for Rail Safety Week, and we appreciate their support very much. Of course, our shared responsibility goes beyond resolutions and pledges. It's all about constant communication to warn of the dangers of trespassing and crossing illegally and to

sensitize citizens about safe behaviours that help save lives. All incidents can be prevented, and we all play a role in ensuring people know that.

RESOLUTION IN SUPPORT OF RAIL SAFETY WEEK

Whereas *Rail Safety Week* is to be held across Canada from September 19 to 25, 2022;

Whereas it is in the public's interest to raise citizens' awareness of the dangers of ignoring safety warnings at level crossings and trespassing on rail property to reduce avoidable deaths, injuries and damage caused by incidents involving trains and citizens;

Whereas Operation Lifesaver is a public/private partnership whose aim is to work with the public, rail industry, governments, police services, media and others to raise rail safety awareness;

Whereas CN has requested City Council adopt this resolution in support of its ongoing efforts to raise awareness, save lives and prevent injuries in communities, including our municipality;

It is proposed by Councillor _____

seconded by Councillor _____

It is hereby **RESOLVED** to support national ***Rail Safety Week*** to be held from September 19 to 25, 2022.

From: Marisa Parsons

Sent: Monday, August 8, 2022 12:53 PM

To: Clerk's Approval Requests <ClerksApprovalRequests@london.ca>

Subject: [EXTERNAL] Proclamation Request

On behalf of the International Wrongful Conviction Committee, I am writing to request a proclamation for October 2, 2022, as “Wrongful Conviction Day”.

Wrongful Conviction Day is designated as an annual International Day to recognize the tremendous personal, social and legal costs associated with wrongful criminal convictions. This day recognizes those persons who have been forced to endure the tremendous consequences brought by a wrongful criminal conviction. The purpose of this day is to inform and educate the broader international community on the causes, consequences and complications associated with wrongful criminal convictions. More information on the day can be found at: <http://wrongfulconvictionday.com>.

It is important to raise awareness in order to work toward the prevention of further wrongful convictions. Proclaiming October 2nd as Wrongful Conviction Day can direct the public’s attention to this issue and generate support and understanding.

Wrongful Conviction Day was spearheaded by the International Wrongful Conviction Day Committee and now many organizations are leading events in its honor. The committee is committed to raising awareness of and advocacy against wrongful convictions globally.

Please see attached proclamation request form as well as a copy of a template for the proclamation.

Respectfully,

Marisa Parsons


Proect Manager - Proclamations & Illuminations

International Wrongful Conviction Day Committee

Proclamation Request Form

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Request details

Name of Organization International Wrongful Conviction Day Committee
Date Proclamation Required October 2, 2022
Proclamation Name Wrongful Conviction Day
Proclamation Type (day, week or month) Day
Category (public awareness campaigns), (charitable fundraising campaigns), (arts and cultural celebrations) Public Awareness Campaigns
Requester Name Marisa Parsons, Project Manager, Proclamations and Illuminations
Requester Telephone Number
Requester Email Address
Requester Address Oakville, ON, L6M 1C1
Provide details of your Organization's Connection to London Wrongful convictions can happen to anyone, at any time in their life. We are committed to amplifying the voices of the innocent to ensure their experiences are heard. It is evident that mistakes are made in the justice system, and we need to do our part to expose these mistakes in order to limit the number of times it happens to Canadians.
Required Supporting Documents <ul style="list-style-type: none">• Detail information on the Organization• Detail information on the Event• Confirmation of authorization from the Organization to submit the request
The undersigned confirms that I am the Official Representative of the Organization requesting the Proclamation and that by signing this Application, I acknowledge and agree that my organization complies with all City of London's Policies and By-laws Signature  Date Aug. 8, 2022
NOTICE OF COLLECTION OF PERSONAL INFORMATION Personal information collected on this form is collected under the authority of the <i>Municipal Act, 2001</i> , S.O. 2001, c. 25 and may also be used for purposes related to the Issuance of Proclamations Policy and Proclamation Request Form. Questions about this collection should be addressed to the City Clerk, 3rd floor, City Hall, 300 Dufferin Ave., London, ON N6A 4L9. Tel: 519-661-2489, ext. 4937, email: csaunder@london.ca

PROCLAMATION

Wrongful Conviction Day

October 2, 2022

Whereas the loss of one's freedom due to a wrongful conviction has far-reaching and devastating consequences which not only affects the innocent individual's life but also affects the quality of life of their families and has a harmful effect on society as a whole; and

Whereas wrongful convictions question the integrity and fairness of the criminal justice system and unless corrected undermines societies trust in their criminal justice system; and

Whereas Wrongful Conviction Day is a global movement dedicated to advocating for innocent individuals who have been wrongly convicted of a crime they did not commit. The implementation and recognition of this day is the start to reaching a broader audience regarding the importance surrounding miscarriages of justice. A proclamation will assist to advocate, educate, and create awareness around those miscarriages of justice in hope for reform to minimize the effect it could have on another individual.

Therefore I, _____ Mayor of _____ do hereby proclaim
October 2, 2022, as:

“WRONGFUL CONVICTION DAY”
in the City of _____

Mayor
Date

Proclamation Request Form

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Request details

Name of Organization
N’Amerind (London) Friendship Centre Inc.
Date Proclamation Required
Friday, September 30 th , 2022
Proclamation Name
Orange Shirt Day/ National Day for Truth and Reconciliation
Proclamation Type (day, week or month)
Day
Category (public awareness campaigns), (charitable fundraising campaigns), (artsand cultural celebrations)
Date of National Significance
Requester Name
Brian Hill – President Board of Directors
Requester Telephone Number
Requester Email Address
Requester Address
London. N6E 1J4
Provide details of your Organization’s Connection to London
N’Amerind has been providing support and advocacy to Urban Indigenous people for over 50 years. We have grown to become one of the largest Friendship Centres in Ontario and have become a leader in Indigenous service providers. We are recognized as one of the original 6 Centres being incorporated in 1967. We have partnered with various mainstream organizations in order to better serve our clients and community. We serve anyone that comes through our doors regardless of race, religion, ethnic origin or nationality.
Required Supporting Documents <ul style="list-style-type: none">• Detail information on the Organization• Detail information on the Event• Confirmation of authorization from the Organization to submit the request

The undersigned confirms that I am the Official Representative of the Organization requesting the Proclamation and that by signing this Application, I acknowledge and agree that my organization complies with all City of London's Policies and By-laws

Signature 

Date August 10, 2022


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Proclamation Request Form

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Request details

Name of Organization
City of London Anti-Islamophobia Working Group
Date Proclamation Required
October 1
Proclamation Name
Canadian Islamic History Month (2007) and Ontario Islamic Heritage Month 2016)
Proclamation Type (day, week or month)
Month of October
Category (public awareness campaigns), (charitable fundraising campaigns), (arts and cultural celebrations)
Public Awareness Campaign on Islamic History/Heritage
Requester Name
Nosheen Ahmad
Requester Telephone Number
Requester Email Address
Requester Address
Logans Way
Provide details of your Organization's Connection to London
The Anti-Islamophobia Working Group was formed in response to the June 6 Islamophobic terror attack and made recommendations to inform the <u>City of London's Action Plan to Disrupt Islamophobia</u> . One of those recommendations was to annually proclaim October as Islamic History/Heritage Month. Another recommendation was to honour and highlight the contributions of Muslims.
Required Supporting Documents
<ul style="list-style-type: none"><u>City of London's Action Plan to Disrupt Islamophobia</u>
The undersigned confirms that I am the Official Representative of the Organization requesting the Proclamation and that by signing this Application, I acknowledge and agree that my organization complies with all City of London's Policies and By-laws
 Signature
Aug 8/22 Date
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