

24TH REPORT OF THE
FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

Meeting held on September 4, 2012, commencing at 1:02 PM, in Committee Room #3, Second Floor, London City Hall.

PRESENT: Mayor J.F. Fontana (Chair), Councillors J.L. Baechler, N. Branscombe, D. Brown and P. Hubert and L. Rowe (Secretary).

ALSO PRESENT: Councillors Bryant and Orser (part time); A. Zuidema, B. Baar, J. P. Barber, J. Braam, J. Browne, I. Collins, B. Coxhead, A. Dunbar, G.T. Hopcroft, J. Logan, V. McAlea Major, L. Palarchio, C. Saunders, M. Turner and B. Warner.

I. DISCLOSURES OF PECUNIARY INTEREST

1. That it **BE NOTED** that no pecuniary interests were disclosed.

II. CONSENT ITEMS

2. Annual Meeting Calendar

Recommendation: That, on the recommendation of the City Clerk, pursuant to section 2.4 of the Council Procedure By-law, section 3.1 of the said By-law which requires the City Clerk, by September 30th of each calendar year, to submit a schedule of the upcoming meetings for each Council year for consideration and adoption by the Council **BE SUSPENDED** to permit the calendar to be submitted to Council by October 31, 2012.

3. Report on the Corporate Human Rights Program, Code of Conduct Program and Corporate Training Initiatives as of June 30, 2012

Recommendation: That, on the recommendation of the Managing Director, Corporate Services & Chief Human Resources Officer:

- a) the report regarding the Corporate Human Rights Program, Code of Conduct Program and Corporate Training Initiatives, as of June 30, 2012, **BE RECEIVED** for information; and
- b) the Workplace Harassment/Discrimination Prevention Policy as adopted by Council August 30, 2010 **BE RESCINDED** and the revised policy attached as Appendix "A" **BE ADOPTED**.

4. 2011 Investment Report

Recommendation: That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the report dated September 4, 2012 regarding the 2011 Investment Report **BE RECEIVED** for information.

5. Community Improvement Program Reserve Funds

Recommendation: That, on the recommendation of the Managing Director, Corporate Services and Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken with respect to Community Improvement Program Reserve Funds:

- a) the attached proposed by-law (Appendix A), **BE INTRODUCED** at the Municipal Council meeting on September 18, 2012 to repeal By-law No. A.-5650-175 entitled "A by-law to establish a reserve fund for the "Upgrade to Building Code Downtown Renovation Loan Program";
- b) the attached proposed by-law (Appendix B) **BE INTRODUCED** at the Municipal Council meeting on September 18, 2012 to establish the Community Improvement Program - Grant Reserve Fund; and

- c) the attached proposed by-law (Appendix C) **BE INTRODUCED** at the Municipal Council meeting on September 18, 2012 to establish the Community Improvement Program - Loan Reserve Fund.

6. 2012 Operating Budget Status - Second Quarter Report

Recommendation: That on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken with respect to the 2012 Operating Budget Status – Second Quarter Report for the General Budget (Property Tax Supported as contained in Appendix “A” of the staff report dated September 4, 2012), Drinking Water Supply Budget and Wastewater Removal and Storm Water Management Budget:

- a) the Status Report **BE RECEIVED** for information; it being noted that the Civic Administration is projecting:
- i) a \$1.8 million in savings for the General (Property Tax Supported) Budget, noting that the year end position could fluctuate significantly based on factors beyond the control of Civic Administration such as Ontario Works caseload and winter maintenance.
 - ii) a \$0.6 million savings in the Drinking Water Supply Budget.
 - iii) a \$0.2 million deficit in the Wastewater Removal and Storm Water Management Budget.
- b) the Civic Administration **BE AUTHORIZED** to contribute to/draw down from the Operating Budget Contingency Reserve to balance year end operations of the Property Tax Supported Budget should the budget be in a surplus/deficit position;
- c) the Civic Administration **BE AUTHORIZED** to contribute to the Unfunded Liability Reserve operational savings realized from personnel and contingency budgets at 2012 year end;
- d) the Civic Administration **BE AUTHORIZED** to contribute to/draw down from the Water Capital Reserve Fund to balance year end operations of the Water Budget should the budget be in a surplus/deficit position;
- e) the Civic Administration **BE AUTHORIZED** to contribute to/draw down from the Wastewater Rate Stabilization Reserve to balance year end operations of the Wastewater Budget should the budget be in a surplus/deficit position; and
- f) the Civic Administration’s contribution of \$1,105,021 (\$914,348 – property tax supported; \$103,185 – wastewater; and \$87,488 – water) to the Efficiency, Effectiveness and Economy reserves in 2012 **BE NOTED**.

7. 2012 Capital Budget Status - Second Quarter Report

Recommendation: That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the report dated September 4, 2012 regarding the 2012 Capital Budget Status - Second Quarter report **BE RECEIVED** for information.

8. Additional *Municipal Act* Reporting Requirements Due to Implementation of Tangible Capital Assets

Recommendation: That, on the recommendation of the Deputy City Treasurer, the report dated September 4, 2012 regarding additional *Municipal Act* reporting requirements due to implementation of tangible capital assets **BE RECEIVED** for information.

9. Ombudsman Ontario

Recommendation: That the following communications from the Office of the Ontario Ombudsman **BE RECEIVED**:

- a) a communication dated March 19, 2012, from A. Marin, Ombudsman of Ontario, with respect to his Final Report regarding in camera meetings pertaining to Occupy London;
- b) a communication dated August 2, 2012, from A. Marin, Ombudsman of Ontario, with respect to his Final Report regarding the Harmony Grand Buffet; and
- c) a communication dated August 20, 2012, from Y. Heggie, Early Resolution Officer, with respect to a closed meeting complaint regarding a proposed development at 940 Springbank Drive.

10. CBC Radio-Canada – Shutdown of Analog Transmitter in London, Ontario

Recommendation: That the following communications regarding the CBC Radio Canada shut down of its analog transmitter in London, Ontario **BE NOTED AND FILED**:

- a) a communication from H. T. Lacroix, President and CEO, CBC Radio-Canada, with respect to CBC/Radio-Canada Shutdown of Analog Transmitter in London, Ontario; and
- b) a communication from The Honourable James Moore, Minister of Canadian Heritage and Official Languages, with respect to CBC/Radio-Canada Shutdown of Analog in London, Ontario.

III. SCHEDULED ITEMS

None.

IV. ITEMS FOR DIRECTION

11. Integrity Commissioner, Council Code of Conduct, Voluntary Disclosure, and Lobbyist Registry

Recommendation: That the following actions be taken with respect to establishing an Integrity Commissioner, updating the Council Code of Conduct, providing for voluntary written disclosure of conflicts of interest by Council Members, and establishing a lobbyist registry:

Integrity Commissioner

- a) the City Clerk, in conjunction with the City Solicitor, **BE REQUESTED** to report back to the Finance and Administrative Services Committee, by November 2012, with a proposed implementation plan for establishing an Integrity Commissioner for the City of London; it being understood that the report will outline a proposed model, identify the funding that will be necessary to support the function and will also include previous reports from the Accountability and Transparency Task Force and an update from the Director of Intergovernmental and Community Liaison with respect to the Association of Municipalities of Ontario's actions regarding the establishment of an Integrity Commissioner; it being noted that there is presently one-time funding in the amount of \$25,000 towards this initiative which was approved as part of the 2010 Budget;

Code of Conduct for Council Members

- b) the City Clerk, in conjunction with the City Solicitor, **BE REQUESTED** to report back to the Finance and Administrative Services Committee, by November 2012, with any changes that may be in order to the City's existing Code of Conduct for Council Members, that is reflective of best practices within the Province of Ontario;

Voluntary Written Disclosure of Conflicts of Interest by Council Members

- c) the City Clerk **BE DIRECTED** to bring forward a by-law to implement the attached amendment to the Code of Conduct for Council Members to provide for voluntary written disclosure of conflicts of interest by Council

Members; it being understood that the report back will also provide the November 2010 and January 2011 reports from the City Solicitor with respect to this matter;

- d) Members of Council **BE ENCOURAGED** to provide the voluntary information noted in c), above, to the City Clerk for retention in the City Clerk's Office; and

Lobbyist Registry

- e) the City Clerk, in conjunction with the City Solicitor, **BE REQUESTED** to report back to the Finance and Administrative Services Committee with a proposed policy and process to implement a lobbyist registry, including details as to any staff and/or financial resources that may be required to support this initiative;

it being noted that the Finance and Administrative Services Committee received a Municipal Council resolution from its meeting held on July 24 and 25, 2012 with respect to Council Members voluntarily disclosing conflicts of interest and two communications dated August 13, 2012, from Councillor J. L. Baechler, with respect to the above-noted matters.

12. Questions for the 2014 Municipal Election Ballot (Plebiscite)

Recommendation: That **NO ACTION BE TAKEN** with respect to the communication dated August 15, 2012 from Councillor S. Orser, requesting that three questions be placed on the ballot for the upcoming municipal election pertaining to water fluoridation, full time Council Members and a 0% tax increase for the next four years.

13. Waive/Reduce Licence Fee - Childreach - 265 Maitland Street

Recommendation: That the annual license fee to be charged to Childreach for the establishment of landscaping at their property located at 265 Maitland Street **BE WAIVED**, except for a nominal fee required to make such an arrangement legally binding.

14. Resignation from the Animal Welfare Advisory Committee

Recommendation: That the communication dated August 13, 2012, from Shannon Belt, resigning her appointment to the Animal Welfare Advisory Committee, **BE ACCEPTED**.

15. Resignation from the Community Safety and Crime Prevention Advisory Committee

Recommendation: That the communication dated August 11, 2012, from Kathy Mueller, resigning her appointment to the Community Safety and Crime Prevention Advisory Committee, **BE ACCEPTED**.

16. Appointment to the London Advisory Committee on Heritage

Recommendation: That the following individual **BE APPOINTED** to the London Advisory Committee on Heritage for the term ending February 28, 2015; it being noted that any appointments of individuals beyond two consecutive full terms are made notwithstanding Council policy which states that advisory committee members shall serve on the same advisory committee no longer than two consecutive full terms plus, if applicable, one preceding partial term in those cases where advisory committee members are initially appointed mid-term to fill a vacancy:

Voting:

- Heather Garrett (Planning Representative - London Area Planning Consultants)

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

17. Letter of Support for Childhood Cancer Awareness Month

Recommendation: That the Mayor **BE REQUESTED** to write a letter to Childcan in support of Childhood Cancer Awareness Month. (See communication attached.)

VI. CONFIDENTIAL

(See Confidential Appendix to the 24th Report of the Finance and Administrative Services Committee enclosed for Members only.)

The Finance and Administrative Services Committee convened in camera from 2:46 PM to 2:47 PM after having passed a motion to do so, with respect to the following matters:

C-1. A matter pertaining to litigation or potential litigation with respect to the appeals by 1510504 Ontario Ltd., 435935 Ontario Inc., Bessy Stavrou, Vaspan Developments Limited, 625041 Ontario Limited and 1564225 Ontario Inc., to the Assessment Review Board being appeal numbers 2291651, 2291751, 2291951, 2292151, 2291652, 2292051, 2291851 and 2292052 filed under section 364 of the Municipal Act, 2001; advice that is subject to solicitor-client privilege, including communications necessary for that purpose, in connection with the aforementioned appeals; and giving instructions and directions to the solicitors of the municipality in connection with the aforementioned appeals.

VII. ADJOURNMENT

The meeting adjourned at 2:47 PM.