

19TH REPORT OF THE
FINANCE AND ADMINISTRATION COMMITTEE

Meeting held on August 17, 2011, commencing at 10:02 a.m.

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

ALSO PRESENT: Councillors W. J. Armstrong and M. Brown (both part time); J. A. Fielding, P. McNally, J. P. Barber, E. Gamble, K. Graham, G. T. Hopcroft, J. Jackson, T. A. Johnson, V. McAlea Major, E. Mogck, L. Palarchio, J. Smout and B. Warner.

I YOUR COMMITTEE RECOMMENDS:

- External Consulting Supports
1. (1) That, on the recommendation of the Executive Director - Planning, Environmental and Engineering Services, the engagement of John Fitzgerald up to a maximum of \$8,500 **BE ENDORSED** with respect to providing external consulting support in relation to the matters outlined in this report, generally relating to the background work on the Greenway Pollution Control Centre Expansion and Upgrade. (2011-A03-00)
- Request for Proposal 11-29 – Provide Fiscal Agent Services
2. (2) That, on the recommendation of the City Treasurer, Chief Financial Officer the following actions be taken with respect to the Request for Proposal 11-29, Provide Fiscal Agent Services:
- (a) the proposals submitted by the following proponents **BE ACCEPTED**:
- RBC Dominion Securities Inc., operating as RBC Capital Markets**
Royal Bank Plaza, 200 Bay Street, 2nd Floor, North Tower
Toronto, ON M5J 2W7
- CIBC World Markets Inc.**
Brookfield Place, 161 Bay Street, 5th Floor
Toronto, ON M5J 2S8
- TD Securities Inc.**
222 Bay Street, 7th Floor
Toronto, ON M5K 1A2
- (b) the Civic Administration **BE AUTHORIZED** to undertake all administrative acts that are necessary in connection with securing this service; and
- (c) the approval, hereby given, **BE CONDITIONAL** on the Corporation entering into a formal contract with the successful proponents. (2011-F08-00)
- Amendment to Infrastructure Ontario Financing Application
3. (3) That, on the recommendation of the City Treasurer, Chief Financial Officer, the attached proposed by-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting of August, 29, 2011 to amend By-law No. A.-6680-171, to reflect the name change of the Ontario Infrastructure Projects Corporation (OIPC) to the Ontario Infrastructure and Lands Corporation (OILC). (2011-F09-00)
- 2010 Annual Report – Development Charges Reserve Funds
4. (4) That, on the recommendation of the City Treasurer, Chief Financial Officer:
- (a) the annual statement of the City Treasurer (Appendix A and Appendix B attached) with respect to the operation of the City Services Reserve Funds and Urban Works Reserve Funds for the year ended December 31, 2010 **BE RECEIVED** for information; and
- (b) a copy of the annual statement **BE FORWARDED** to the Minister of Municipal Affairs and Housing in compliance with Section 43(3) of the *Development Charges Act, 1997*. (2011-F06-00)

One-Time
Allocation of
Local
Government
Funding

5. (5) That the following actions be taken with respect to residual local government funding arising from the recent governance restructuring:
- (a) the actions of the Municipal Council taken at its meeting held on June 20, 2011, in having adopted clause 3(a) of the 16th Report of the Finance and Administration Committee concerning the allocation of residual local government funding arising from the recent governance restructuring **BE RECONSIDERED**;
 - (b) the said clause 3(a) of the 16th Report of the Finance and Administration Committee from its meeting held on June 15, 2011 **BE RESCINDED**; and
 - (c) the following actions be taken with respect to the residual local government funding arising from the recent governance restructuring:
 - (i) \$50,000 of the residual local government funding arising from the recent governance restructuring **BE ALLOCATED**, on a one-time basis for 2011, to the Mayor's Office for the purpose of improving constituency liaison initiatives; and
 - (ii) a small sub-working group comprised of members of the Governance Working Group **BE ESTABLISHED** to review options for allocating the unallocated balance of the residual local government funding arising from the recent governance restructuring. (2011-F12-00)

Declare
Surplus and
Sale of Part of
the Unopened
Original
Baseline Road
Road
Allowance
East of Jarvis
Street

6. (9) That, on the recommendation of the Managing Director - Corporate Assets, on the advice of the Manager Realty Services, the unopened original Baseline Road road allowance east of Jarvis Street, identified as parts 1,2,3,4,5,6,7,8 9, & 10 of a draft Reference Plan, containing an area of approximately 0.453 acres and shown as Area "A" on the attached sketch, **BE DECLARED SURPLUS**, and following actions be taken with respect to the offers submitted for the purchase of the surplus land:
- (a) the offer from 1767127 ONTARIO INC. for Parts 9 & 10 of a draft Reference Plan, to purchase the subject lands from the City for the sum of \$24,000, **BE ACCEPTED** subject to the following conditions:
 - (i) Part 9 being subject to a right-of way in favour of others;
 - (ii) the completion of this transaction being conditional upon the completion of two other transactions disposing of Parts 1, 2, 3, 4, 5, 6, 7, & 8 to the abutting land owners;
 - (iii) the Purchaser agreeing to prepare and deposit on title, on or before closing and at their expense, a Reference Plan as shown on Schedule A;
 - (b) the offer from VIVIAN AND MARK WELLS (55 Rose Hip Place) for Parts 1, 2, 4, 5, 6, & 7 of a draft Reference Plan, to purchase the subject lands from the City for the sum of \$4,000, **BE ACCEPTED** subject to the following conditions:
 - (i) easements in favour of the City of London, London Hydro and Bell Canada;
 - (ii) Parts 4 & 6 being subject to a right-of-way in favour of others;
 - (iii) the completion of two other transactions disposing of parts 3, 8, 9, & 10 to the abutting land owners;
 - (c) the offer from THADATHIL AND CACHIKUTTY PHILIP (51 Rose Hip Place) for Parts 3 & 8 of a draft Reference Plan, to purchase the subject lands from the City for the sum of \$4,000, **BE ACCEPTED** subject to the following conditions:
 - (i) easements in favour of London Hydro and Bell Canada;
 - (ii) completion of two other transactions disposing of parts 1, 2, 4, 5, 6, 7, 9, and 10 to the abutting land owners.

All parcels of land being disposed of will be consolidated with abutting land owners properties.

- (d) the attached proposed by-laws **BE INTRODUCED** at the Municipal Council Meeting on August 29, 2011, to approve the sale of lands to 1767127 Ontario Inc., Vivian and Mark Wells, and Thadathil and Cachikutty Philip, and **TO AUTHORIZE** the Mayor and City Clerk to execute the Agreements of Purchase and Sale. (2011-L15-01)

By-law
Amendments
to Provide for
Appeals to a
Hearings
Officer

7. (13) That, on the recommendation of the City Clerk, the following actions be taken to amend certain municipal by-laws to provide for the delegation of powers of decision to City of London Hearings Officers:

- (a) the proposed revised by-law attached as Schedule 'A' **BE INTRODUCED** at the Municipal Council meeting on August 29, 2011 to amend By-law No. C.P.-19, entitled "A by-law to provide for the licensing and regulation of Residential Rental Units in the City of London";
- (b) the proposed revised by-law attached as Schedule 'D' **BE INTRODUCED** at the Municipal Council meeting on August 29, 2011 to amend By-Law No. S.-3775-94 entitled "A by-law prohibiting and regulating signs and other advertising devices, and regulating the placing of signs and canopies upon highways";
- (c) the proposed by-law attached as Schedule 'B' to amend By-law L-6 entitled, "A by-law to provide for the licensing and regulation of various businesses" **BE REFERRED** back to staff for further consideration and report back at a future date; and
- (d) the proposed by-law attached as Schedule 'C' to amend By-law L-7 entitled, "A by-law to provide for licensing the business of a pawnbroker" **BE REFERRED** back to staff for further consideration and report back at a future date;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-P05-00)

2011 User
Fees and
Charges

8. (14) That, on the recommendation of the City Clerk, the attached proposed by-law (Appendix "A") to amend By-law No. A-40 entitled "A by-law to provide for Various Fees and Charges" **BE INTRODUCED** at the Municipal Council meeting to be held on August 29, 2011 to amend the fee related to Civil Marriage Ceremonies to increase the fee from \$150 to \$250, with an additional fee of \$25 per witness, if required;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-F17-00)

Council's
Investment
and Economic
Prosperity
Agenda

9. (15) That the following actions be taken with respect to the Municipal Council's investment and economic prosperity agenda:

- (a) the actions of the Municipal Council taken at its meeting held on July 25, 2011, in having adopted clause 15(d) of the 17th Report of the Finance and Administration Committee concerning the implementation of the proposed governance model on December 1, 2011 **BE RECONSIDERED**;
- (b) the said clause 15(d) of the 17th Report of the Finance and Administration Committee from its meeting held on July 20, 2011 **BE RESCINDED**; and
- (c) the Civic Administration **BE DIRECTED** to undertake the necessary measures to implement the Investment and Economic Prosperity Committee by October 3, 2011, with the balance of the new Committees to be implemented by December 1, 2011;
- (d) the membership of the Investment and Economic Prosperity Committee **BE SET** at 6, plus the Mayor (ex officio);

- (e) jurisdiction to consider and recommend strategies to Council for fulfilling the economic objectives/priorities set by the Municipal Council **BE INCORPORATED** into the mandate of the Investment and Economic Prosperity Committee, noting that approval of certain operational steps to implement the strategies recommended by the Investment and Economic Prosperity Committee will often fall to another Standing Committee (e.g. planning matters, etc.);
- (f) the City Clerk **BE DIRECTED** to canvass the Members of Council to determine which Members are interested in serving on the Investment and Economic Prosperity Committee and to place their names on the September 20, 2011 agenda of the Committee of the Whole for consideration and recommendation to the October 3, 2011 meeting of the Municipal Council; and
- (g) for the purposes of continuity, the City Clerk **BE DIRECTED** to take the necessary steps to provide for the initial appointments to the Investment and Economic Prosperity Committee to extend to November 30, 2012, rather than November 30, 2011. (See Report attached.) (2011-G06-00)

Childhood
Cancer
Awareness

10. (16) That the Mayor **BE REQUESTED** to write a letter to Childcan in support of Childhood Cancer Awareness Month. (See communication attached.) (2011-G06-00)

Upcoming
Session –
Council Values

11. (Added) That the City Clerk **BE REQUESTED** to identify the legislated duties of the Mayor and Councillors for consideration as part of the Municipal Council's discussions at its future session with respect to setting expectations for Council Members as it relates to its values of open and accountable government, citizen engagement, fiscal responsibility and respect and integrity.

Provincial
Legislation –
Practices and
Procedures –
Meetings of
Council

12. (Added) That the City Clerk and the City Solicitor **BE REQUESTED** to report back to the Finance and Administration Committee with an information report containing possible amendments to the *Municipal Act, 2001*, for petitioning the Province, that would provide greater latitude for those situations where a quorum of Council Members is present but it is not the intent for the situation to be deemed a Council Meeting, while still recognizing the need for accountability and transparency by the Municipal Council.

II YOUR COMMITTEE REPORTS:

Integrated
Accessibility
Standard
Under the
*Accessibility
for Ontarians
with
Disabilities
Act, 2005*

13. (6) That the Finance and Administration Committee received and noted an information report from the Chief Administrative Officer with respect to integrated Accessibility Standard under the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA). (2011-C02-00)

Update on
Realty
Services
Agency of
Record

14. (7) That the Finance and Administration Committee received and noted an information report from the Managing Director – Corporate Assets with respect to an update on Realty Services' agency of record. (2011-A03-00)

Failed
Municipal Tax
Sale
Properties –
200-202
Adelaide
Street North,
1851 Pension
Lane

15. (8) That the Finance and Administration Committee received and noted an information report from the Managing Director – Corporate Assets with respect to failed municipal tax sale properties at 200-202 Adelaide Street North and 1851 Pension Lane. (2011-F17-00)

Shut-Down of
CBC
Transmitter in
London

16. (10) That the Finance and Administration Committee received and noted an information report from the Director of Intergovernmental and Community Liaison Committee with respect to the shut-down of the Canadian Broadcasting Corporation (CBC) transmitter in London and received the attached Broadcasting Decision CRTC 2011-494. (2011-M11-00)

Reporting of Statements of Claims 17. (11) That the Finance and Administration Committee received an information report from the City Solicitor with respect to reporting of Statements of Claims for the period of April 1, 2011 to July 15, 2011. (2011-L06-00)

Canada Day 2011 18. (12) That the Finance and Administration Committee received a communication from Randy P. Warden, Chairperson, London Celebrates Canada, Event Organizer with respect to Canada Day 2011. (2011-G02-00)

Confidential Matters 19. That the Finance and Administration Committee (FAC) passed the following resolution prior to moving in camera from 10:56 a.m. to 11:39 a.m.:

That the Finance and Administration Committee move in camera to consider the following:

- (a) A matter pertaining to litigation or potential litigation affecting the municipality, personal matters about an identifiable individual and information whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation as it relates to a property damage claim;
- (b) A matter pertaining to litigation or potential litigation affecting the municipality, personal matters about an identifiable individual and information whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation as it relates to a property damage claim;
- (c) A matter pertaining to reports, advice and recommendations of officers and employees of the Corporation concerning labour relations and employee negotiations in regard to one of the Corporation's associations or unions;
- (d) A matter pertaining to the purpose of instructions and directions to officers and employees of the Corporation pertaining to a proposed acquisition of land; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed acquisition of land; commercial and financial information supplied in confidence pertaining to the proposed acquisition the disclosure of which could reasonably be expected to, prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed acquisition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed acquisition whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed acquisition; and
- (e) A matter pertaining to advice that is subject to solicitor-client privilege concerning potential litigation and litigation involving a request for indemnity from the Mayor and for the purpose of giving directions to the solicitors for the municipality.

The FAC is submitting a confidential report to the Municipal Council regarding this matter. (See Confidential Appendix to the 19th Report of Finance and Administration Committee enclosed for Council Members only.)

The meeting adjourned at 11:39 a.m.