

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee
From: Cathy Saunders, City Clerk
Subject: Council Policy Manual Review 2021
Meeting on: July 26, 2021

Recommendation

That, on the recommendation of the City Clerk, the following actions be taken with respect to the “Policy for the Establishment and Maintenance of Council Polices”:

a) the attached proposed by-laws (Appendices B1 to B34) BE INTRODUCED at the Municipal Council meeting to be held on August 10, 2021, to amend the following Council Policies:

1. “Access and Privacy Policy” to be amended to:
 - apply grammatical corrections and gender-neutral language;
 - remove references to “Managing Director” and replace with “Deputy City Manager”
 - add the definition of “Privacy Impact Assessment”, and “Project” as it relates to a privacy impact assessment in section 2;
 - add “reporting and investigating privacy breaches” to the responsibilities of the City Clerk in section 4.2;
 - add paragraph related to the Transmitting of Personal Information to External Parties in section 4.8;
 - provide clarity related to the City Clerk’s role and responsibilities related to privacy breaches in section 4.9; and
 - add a new section 4.10 outlining the requirement for staff to conduct a Privacy Impact Assessment if a project or initiative if, in the City Clerk’s opinion, one is required.
2. “Accountability and Transparency to the Public Policy” to be amended to reflect Council’s current Values.
3. “Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy” to be amended to redefine the Council Year to reflect changes to section 6 of the MEA.
4. “Assessment Growth Policy” to be amended to provide for strengthened eligibility criteria and for the prioritization of requests.
5. “Capital Budgets and Financing Policy” to be amended to update the definitions and policy sections.
6. “City of London Community Suite Policy” be amended to clarify wording in liability section.
7. “Code of Conduct for Members of Council” to be amended to:
 - apply grammatical corrections;
 - delete section 3.5 as it is duplicated in section 9;
 - reference current Respectful Workplace Policy in section 7; and
 - delete duplicate wording in section 6.1 as it is reflected in section 6.5.

8. "Debt Management Policy" to be amended to update objectives for the addition of intergenerational equity and maintaining a strong credit rating, and to update the policy section for clarity.
9. "Dedication of Fire Stations" policy be amended to update applicable Fire Stations and service area title.
10. "Discretionary Benefits" to be amended to address the intent of Discretionary Benefits and the new Provincial model towards life stabilization.
11. "Financial Assistance for Program Activity Fees" to be amended to update and clarify language, to add a new section 4.11 concerning applicants receiving financial assistance from the province, and to renumber the sections accordingly.
12. "Flags at City Hall Policy" to be amended to clarify that flags at the back entrance of City Hall are to be removed over the winter.
13. "Gender Equity in Recreation Services" policy be amended to modernize language in three definitions (2.2 to 2.4), to add a section 4.iii under Policy to address removing barriers, and to update position and service area titles.
14. "Grants to Centennial Hall" to be amended to remove outdated language.
15. "Hiring of Employees Policy" to be amended to update references and numbering, and to add the phrase "or harassment" to updated section 4.2.
16. "Identification of Operating Surpluses – Boards and Commissions" to be amended to align wording in applicability and policy sections with the budget monitoring process.
17. "Leasing and Licensing of City Owned Land" to be amended to incorporate wording from repealed policy, "Leasing Parkland"
18. "Legal Services and Accounts" to be amended to change the claim amount to align with thresholds in the Procurement Policy.
19. "Lessee Protection and Non-Competitive Clauses" to be amended to change the title to "Lessee Protection and Non-Competitive Clauses – Centennial Hall" to reflect the scope of the policy.
20. "London Community Grants Policy" to be amended to delete reference to Housing Development Corporation, London (HDC) in section 4.3(b)(v).
21. "Mayor – Contracted Staff" to be amended to add clarifying language about benefits.
22. "Mayor's New Year's Honour List Policy" to be amended to clarify eligibility criteria for nomination.
23. "Multi-Year Budget Policy" to be amended to update definition and policy sections, and to clarify applicability to the property tax supported as well as water and wastewater budgets.
24. "Notices of OPA and ZBA Received From Other Municipalities" to be amended to clarify 4(a) that where there are no municipal concerns identified by the Director, Planning & Development no response or further action is required.
25. "Objectives of Centennial Hall" to be amended to add clarifying language in section 4(b).
26. "Policy for waiving or reducing fees for use of city owned community centres and recreation facilities" be amended to change the policy title to "Request to Waive or Reduce Facility Rental Fees" and to update position and service area titles.
27. "Promotion of Corporate Products to City Staff" to be amended to add clarifying language.

28. "Public Notice Policy" to be amended to:
- reflect Council's current Values and apply minor grammatical corrections;
 - remove references to the "Committee of the Whole" and "Board of Control";
 - delete references to the "annual" budget and replace with "multi-year"; and
 - remove the reference to "shall" and replace with "may" with regards to notice being published in the newspaper advising of a new or amended procedure by-law; and
 - add a requirement to provide notice of intent to implement a new municipally managed private commercial parking lot. Notice of intent shall be posted on the City's website and may also be published once in a newspaper of general circulation in the City of London at least seven days in advance of the committee meeting.
29. "Real Property Acquisition Policy" to be amended to incorporate changes to legislation.
30. "Reduced Rental Rates for Non-Profit Groups" to be amended to update staff titles and reference to the Fees and Charges By-law.
31. "Reserve and Reserve Fund Policy" to be amended to update policy section to ensure policy directive for external loans and refinements to principles to be considered if Council approves external loans.
32. "Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)" to be amended to add clarifying language.
33. "Surplus Deficit Policy" to be amended to clean up the policy section.
34. "Urban Design Award" to be amended to include the use of virtual methods for nominating and evaluating nominees, and to clarify the process for selecting the winner of the People's Choice Award.

b) the attached proposed by-laws (Appendices C1 to C4) BE INTRODUCED at the Municipal Council meeting to be held on August 10, 2021, to repeal the following Council Policies:

1. "Leasing Parkland" to be repealed because language is being incorporated into the Council policy "Leasing and Licencing of City Owned Land"
2. "Parkland Accounts" to be repealed because the policy is redundant and no longer required.
3. "Siting of Safe Consumption Facilities and Temporary Overdose Prevention Sites in London" to be repealed because London Plan Policies 1099A-1099F are now in force.
4. "Value of Parkland Dedication" to be repealed because the information it contains is currently duplicated in the Council Policy titled "Parkland Dedication Cash in Lieu".

Executive Summary

In accordance with Council's "Policy for the Establishment and Maintenance of Council Policies", the Civic Administration has undertaken a review of the current Council Policies to ensure that the Policies are updated to reflect legislative or organizational changes. This Report provides the results of the review of the 193 Council Policies that comprise the Council Policy Manual. No new policies are being recommended; however, amendments to 34 Policies are proposed and four Policies are proposed to be repealed. Attached as Appendix "A" is a list of all Policies that were reviewed in this process and the status of the review. Forty-two Policies are still under review and will come forward to Municipal Council later this year. A total of 113 Policies were reviewed with no recommended changes or with only administrative changes to update job titles

and service areas in response to the corporate restructuring.

Linkage to the Corporate Strategic Plan

A review of all Council Policies is undertaken every two years to support the City of London being trusted, open, and accountable in service of our community, and contributes to the result of Leading in Public Service.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Corporate Services Committee, May 28, 2019, Item 2.2, Council Policy Manual
- Governance Working Group, June 25, 2018, Item 3.1, Council Policy Manual Modernization
- Governance Working Group, June 11, 2018, Item 3, Council Policy Manual Modernization
- Governance Working Group, May 25, 2018, Item 3, Council Policy Manual Modernization
- Governance Working Group, April 23, 2018, Item 3, Council Policy Manual Modernization
- Governance Working Group, March 5, 2018, Item 3, Council Policy Manual Modernization
- Governance Working Group, November 13, 2017, Item 4, Council Policy Manual Modernization Framework
- Governance Working Group, September 7, 2017, Item 2, Council Policy Review
- Governance Working Group, August 21, 2017, Item 5, Council Policy Manual Review
- Governance Working Group, July 19, 2017, Item 3, Council Policy Manual Review
- Strategic Priorities and Policy Committee, June 12, 2017, Item 7, 2nd Report of the Governance Working Group
- Governance Working Group, May 25, 2017, Item 4, Council Policy Manual Review
- Strategic Priorities and Policy Committee, March 1, 2017, Item 5, Council Policy Manual Review

1.2 Background

This Report presents the results of the third biannual review of Council policies in accordance with Municipal Council direction.

In the first Council Policies review, which took place throughout 2017 and 2018, the Civic Administration undertook a comprehensive review of all Council Policies to standardize the nature, scope, and wording of the policies, and to provide for sustainability and to ensure consistency of Council Policies. This review, completed in June of 2018, resulted in the creation of a new Council Policy Manual, with all Policies contained in the manual being adopted by Municipal Council. The Council Policy Manual is posted on the City of London's website.

The second review of all Council Policies took place in 2019, and resulted in two new policies, nine amended policies, and three repealed policies. In addition, new and amended Council policies have been brought forward as needed or required outside the review period. Examples include Electronic Participation of Council Members at Council and Standing Committee Meetings, adopted in August 2020, and Appointments Requiring Council Approval and or Consultation, amended in February 2021.

1.3 Corporate Restructuring and Corporate Values

Municipal Council approved a new Corporate structure, which came into effect on May 4, 2021. The resulting changes to service areas and job titles have been incorporated

into all the reviewed policies as administrative amendments. Some Council Policies in the areas of Planning and Economic Development (formerly Development and Compliance Services) and Environment and Infrastructure (formerly Environment and Engineering Services) are currently under review pending additional changes that may result from the restructuring, with reports expected later this year, as additional time is required for the Civic Administration to finalize all functions within these restructured service areas.

Other Policies require further review as they are related to a more comprehensive review of the subject matter and further consideration is required or a separate process may be undertaken due to the nature of the Policy.

Since the last overall review of Council Policies, the Municipal Council adopted a new Strategic Plan, including the following values of the Corporation: good governance; driven by community; acting with compassion; moving forward through innovation. Recommended amendments reflect these values.

2.0 Discussion and Considerations

2.1 Council Policy for Establishing and Maintaining Council Policies

This Report is being submitted in accordance with the “Policy for the Establishment and Maintenance of Council Policies” which requires the following to be undertaken:

4.24 Maintaining the Currency of Council Policies

It is the responsibility of Service Area Leads to maintain the currency of the Council policies that fall within their service area’s jurisdiction.

The City Clerk shall by January 31 of each calendar year ending in an odd number, send a written notice to each Service Area Lead, with a copy to the relevant Service Area Head, reminding them to ensure completion of their annual review of Council policies for which they have been designated responsibility, to ensure they continue to properly meet Council, corporate and other legislative requirements.

Service Area Leads shall:

- a) Review all Council policies within their service area’s jurisdiction by no later than April 30 of each calendar year ending in an odd number to ensure they continue to properly meet Council, corporate and other legislative requirements and advise their Service Area Head of the findings from their review. This does not preclude any Service Area from being responsible for updating a policy prior to the bi-annual review of all policies, should it become evident that a change in policy is required on a more immediate basis.

Service Area Heads shall:

- a) Advise the City Clerk’s staff person specified in the City Clerk’s notice letter, of the date the review of the Council policies within their Service Area was completed, for those policies not requiring any change, so that review date can be reflected in the relevant policy.
- b) Bring forward any recommendations for revisions to existing Council policies arising from the Service Area’s review by May 31 of each calendar year ending in an odd number, for consideration by the appropriate Standing Committee of Council. The review date for any policies recommended for change will be the date those changes are adopted or denied by the Municipal Council.

This review, although commenced early in 2021, has been delayed in response to the recently approved organizational structure so that the resulting changes could be incorporated into this process. As noted previously in this report, additional time is required in some of the service areas to finalize the operations of the new service area structure, while other Policies are part of a separate review and more detailed process.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

Attached as Appendix “A” to this Report is a summary of the actions being recommended by the Civic Administration in response to the process set out in the “Policy for the Establishment and Maintenance of Council Policies”.

In accordance with the above-noted Council Policy, it is recommended that the following actions be taken:

4.1. New Council Policies Recommended for Adoption

There are no new Council Policies being recommended at this time.

4.2. Council Policies Recommended for Amendment

“Access and Privacy Policy” to be amended to:

- apply grammatical corrections and gender-neutral language;
- remove references to “Managing Director” and replace with “Deputy City Manager”
- add the definition of “Privacy Impact Assessment”, and “Project” as it relates to a privacy impact assessment in section 2;
- add “reporting and investigating privacy breaches” to the responsibilities of the City Clerk in section 4.2;
- add paragraph related to the Transmitting of Personal Information to External Parties in section 4.8;
- provide clarity related to the City Clerk’s role and responsibilities related to privacy breaches in section 4.9; and
- add a new section 4.10 outlining the requirement for staff to conduct a Privacy Impact Assessment if a project or initiative if, in the City Clerk’s opinion, one is required.

“Accountability and Transparency to the Public Policy” to be amended to reflect Council’s current Values.

“Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy” to be amended to redefine the Council Year to reflect changes to section 6 of the MEA.

“Assessment Growth Policy” to be amended to provide for strengthened eligibility criteria and for the prioritization of requests.

“Capital Budgets and Financing Policy” to be amended to update the definitions and policy sections.

“City of London Community Suite Policy” be amended to clarify wording in liability section.

“Code of Conduct for Members of Council” to be amended to:

- apply grammatical corrections;
- delete section 3.5 as it is duplicated in section 9;
- reference current Respectful Workplace Policy in section 7; and
- delete duplicate wording in section 6.1 as it is reflected in section 6.5.

“Debt Management Policy” to be amended to update objectives for the addition of intergenerational equity and maintaining a strong credit rating, and to update the policy section for clarity.

“Dedication of Fire Stations” policy be amended to update applicable Fire Stations and service area title.

“Discretionary Benefits” to be amended to address the intent of Discretionary Benefits and the new Provincial model towards life stabilization.

“Financial Assistance for Program Activity Fees” to be amended to update and clarify language, to add a new section 4.11 concerning applicants receiving financial assistance from the province, and to renumber the sections accordingly.

“Flags at City Hall Policy” to be amended to clarify that flags at the back entrance of City Hall are to be removed over the winter.

“Gender Equity in Recreation Services” policy be amended to modernize language in three definitions (2.2 to 2.4), to add a section 4.iii under Policy to address removing barriers, and to update position and service area titles.

“Grants to Centennial Hall” to be amended to remove outdated language.

“Hiring of Employees Policy” to be amended to update references and numbering, and to add the phrase “or harassment” to updated section 4.2.

“Identification of Operating Surpluses – Boards and Commissions” to be amended to align wording in applicability and policy sections with the budget monitoring process.

“Leasing and Licensing of City Owned Land” to be amended to incorporate wording from repealed policy, “Leasing Parkland”

“Legal Services and Accounts” to be amended to change the claim amount to align with thresholds in the Procurement Policy.

“Lessee Protection and Non-Competitive Clauses” to be amended to change the title to “Lessee Protection and Non-Competitive Clauses – Centennial Hall” to reflect the scope of the policy.

“London Community Grants Policy” to be amended to delete reference to Housing Development Corporation, London (HDC) in section 4.3(b)(v).

“Mayor – Contracted Staff” to be amended to add clarifying language about benefits.

“Mayor’s New Year’s Honour List Policy” to be amended to clarify eligibility criteria for nomination.

“Multi-Year Budget Policy” to be amended to update definition and policy sections, and to clarify applicability to the property tax supported as well as water and wastewater budgets.

“Notices of OPA and ZBA Received From Other Municipalities” to be amended to clarify 4(a) that where there are no municipal concerns identified by the Director, Planning & Development no response or further action is required.

“Objectives of Centennial Hall” to be amended to add clarifying language in section 4(b).

“Policy for waiving or reducing fees for use of city owned community centres and recreation facilities” be amended to change the policy title to “Request to Waive or Reduce Facility Rental Fees” and to update position and service area titles.

“Promotion of Corporate Products to City Staff” to be amended to add clarifying language.

“Public Notice Policy” to be amended to:

- reflect Council’s current Values and apply minor grammatical corrections;
- remove references to the “Committee of the Whole” and “Board of Control”;
- delete references to the “annual” budget and replace with “multi-year”; and
- remove the reference to “shall” and replace with “may” with regards to notice being published in the newspaper advising of a new or amended procedure by-law; and
- add a requirement to provide notice of intent to implement a new municipally managed private commercial parking lot. Notice of intent shall be posted on the City’s website and may also be published once in a newspaper of general circulation in the City of London at least seven days in advance of the committee meeting.

“Real Property Acquisition Policy” to be amended to incorporate changes to legislation.

“Reduced Rental Rates for Non-Profit Groups” to be amended to update staff titles and reference to the Fees and Charges By-law.

“Reserve and Reserve Fund Policy” to be amended to update policy section to ensure policy directive for external loans and refinements to principles to be considered if Council approves external loans.

“Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)” to be amended to add clarifying language.

“Surplus Deficit Policy” to be amended to clean up the policy section.

“Urban Design Award” to be amended to include the use of virtual methods for nominating and evaluating nominees, and to clarify the process for selecting the winner of the People’s Choice Award.

The above-noted policies are attached as Appendix “B” to this Report.

4.3 Council Policies Recommended for Repeal

“Leasing Parkland” to be repealed because language is being incorporated into the Council Policy “Leasing and Licencing of City Owned Land” and is therefore no longer required.

“Parkland Accounts” to be repealed because the Policy is redundant and no longer required.

“Siting of Safe Consumption Facilities and Temporary Overdose Prevention Sites in London” to be repealed because London Plan Policies 1099A-1099F are now in force and effect.

“Value of Parkland Dedication” to be repealed because the information it contains is currently duplicated in the Council Policy titled “Parkland Dedication Cash in Lieu”.

The by-laws introducing these recommendations are attached as Appendix “C” to this Report, while the above-noted policies are attached as Appendix “D” to this Report.

4.4 Council Policies Under Review

The following Council Policies are still under review, with reports regarding the results of this review, expected later this year:

1. Accounts Receivable and Collections Policy
2. Asset Transfers To Municipal Services Corporations Policy
3. Assumption of Works and Services
4. Athletic Travel Grants
5. City of London Race Relations Anti Racism Policy
6. Commemorative Street Naming Policy

7. Contracting for Legal Services
8. Development Charge Interest Rate Policy
9. Diversity and Inclusion Policy for the City of London
10. Donations Policy
11. Drawing Review Fees
12. Elsie Perrin Williams Estate
13. Enforcement of City Personnel Policy
14. Free of Fear Services for All Policy
15. Gateway Structures, Fences and Walls - Ownership and Maintenance
16. Government Agencies to Pay Fees
17. Investment Policy
18. Issuance of Technology Equipment to Council Members Policy
19. Minutes of Settlement for Assessment Appeals
20. Monumenting Program
21. Municipal Service and Financing Agreements Policy
22. Naturalized Areas and Wildflower Meadows
23. Part-Lot Control Exemption Policy
24. Perfecting Property Titles for which Consents were not Obtained
25. Refunding of Application Fees
26. Requiring Building Permits for Buildings Constructed More Than One Year Prior
27. Residential Front Yard and Boulevard Parking
28. Royal Canadian Legion Branch Property Tax Relief Program Funding
29. Rzone Policy
30. Sale and Other Disposition of Land Policy
31. Security Policy Regarding Letters of Credit
32. Special Events Policies and Procedures Manual
33. Street Cleaning in Unassumed Subdivisions
34. Street Naming - Streets of Honour
35. Subdivision and Development Agreement Security Policy
36. Substantially Changed OPA ZBA
37. Tax Collection Policy
38. Third Party Billing – City of London Contracts
39. Travel and Business Expenses
40. Treatment of Properties That Do Not Sell At Municipal Tax Sales
41. Tree Preservation
42. Trust Fund Policy

5.0 Conclusion

The establishment and maintenance of Council Policies will continue the consolidation, standardization and sustainability of Council Policies, as well as maintain the City of London's transparency.

Prepared and Recommended by: Cathy Saunders, City Clerk

Appendix “A”

2021 Council Policy Review Policy Name	Action Recommended	Service Area
Absence of Municipal Services	Reviewed no change at this time	Environment and Infrastructure
Access and Privacy Policy	Amend	Legal Services
Accessibility Policy	Administrative changes	Enterprise Supports
Accountability & Transparency to Public Policy	Amend	Legal Services
Accounts Receivable and Collections Policy	Under review	Finance Supports
Added Staff Recommendations and Committee Reports Policy	Reviewed no change at this time	Legal Services
Allocation of Councillors Offices Policy	Reviewed no change at this time	Legal Services
Annual Assessment of Underutilized Light Vehicles	Reviewed no change at this time	Finance Supports
Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy	Amend	Legal Services
Appointment of Deputy Mayor Policy	Reviewed no change at this time	Legal Services
Appointments Requiring Council Approval and or Consultation	Reviewed no change at this time	City Manager's Office
Assessment Growth Policy	Amend	Finance Supports
Asset Transfers To Municipal Services Corporations Policy	Under review	Finance Supports
Assumption of Works and Services	Under review	Planning and Economic Development
Athletic Travel Grants	Under review	Neighbourhood and Community-Wide Services
Audio Recording of Municipal Council and Standing Committee In Closed Session Meetings Policy	Reviewed no change at this time	Legal Services
Banners Over City Streets	Reviewed no change at this time	Environment and Infrastructure
Benefits for Survivors of Employees Killed on the Job	Reviewed no change at this time	Enterprise Supports
Bravery Award Policy	Reviewed no change at this time	Legal Services
Capital Budget and Financing Policy	Amend	Finance Supports
Catch Basins on Private Property	Reviewed no change at this time	Environment and Infrastructure
Child Care Policies	Reviewed no change at this time	Social and Health Development
Citizens Unable to Take Out Garbage or Recyclable Material	Reviewed no change at this time	Environment and Infrastructure
City Council Representation at “Out of Town” Functions Policy	Reviewed no change at this time	Legal Services
City of London Community Suite Policy	Amend	Legal Services
City of London Days at the Budweiser Gardens Policy	Reviewed no change at this time	Legal Services

2021 Council Policy Review Policy Name	Action Recommended	Service Area
City of London Race Relations Anti Racism Policy	Under review	City Manager's Office
City of London Records Management Policy	Reviewed no change at this time	Legal Services
City-Owned Residential Properties	Reviewed no change at this time	Finance Supports
Civic Administration Appointments to Boards, Commissions and Advisory Committees Policy	Reviewed no change at this time	Legal Services
Code of Conduct for Local Boards	Reviewed no change at this time	Legal Services
Code of Conduct for Members of Council	Amend	Legal Services
Code of Ethics	Reviewed no change at this time	Enterprise Supports
Collective Bargaining Activities	Reviewed no change at this time	Enterprise Supports
Commemorative Street Naming Policy	Under review	Planning and Economic Development
Community Arts Investment Program	Reviewed no change at this time	Neighbourhood and Community-Wide Services
Community Engagement Policy	Reviewed no change at this time	Enterprise Supports
Containerized Garbage Collection Systems	Reviewed no change at this time	Environment and Infrastructure
Contracting for Legal Services	Under review	Legal Services
Conveyance of Sanitary Filled Land	Reviewed no change at this time	Finance Supports
Corporate Asset Management Policy	Reviewed no change at this time	Finance Supports
Corporate Identity Policy	Reviewed no change at this time	Enterprise Supports
Corporate Plaques and Recognitions Policy	Reviewed no change at this time	Legal Services
Corporate Sponsorship and Advertising Policy	Reviewed no change at this time	Neighbourhood and Community-Wide Services
Council Members' Expense Account Policy	Reviewed no change at this time	Legal Services
Debt Management Policy	Amend	Finance Supports
Dedication of Fire Stations	Amend	Neighbourhood and Community-Wide Services
Delegation of Powers & Duties Policy	Reviewed no change at this time	Legal Services
Delegations by Union Executives to Standing Committees Policy	Reviewed no change at this time	Legal Services
Deleting Works from Tenders	Reviewed no change at this time	Environment and Infrastructure
Demolition Control	Reviewed no change at this time	Planning and Economic Development
Demolitions of Buildings on Flood Plain Lands	Reviewed no change at this time	Finance Supports
Designation of Municipally Significant Events Policy	Reviewed no change at this time	Legal Services

2021 Council Policy Review Policy Name	Action Recommended	Service Area
Development Charge Interest Rate Policy	Under review	Planning and Economic Development
Discretionary Benefits	Amend	Social and Health Development
Discussion of Remuneration for Elected Officials and Individuals Appointed	Reviewed no change at this time	Legal Services
Diversity and Inclusion Policy for the City of London	Under review	City Manager's Office
Diversity, Race Relations and Inclusivity Award Policy	Reviewed no change at this time	Legal Services
Donation of Land and Buildings to the City	Reviewed no change at this time	Finance Supports
Donations Policy	Under review	Finance Supports
Drawing Review Fees	Under review	Planning and Economic Development
Electronic Participation of Council Members at Council and Standing Committee Meetings	Reviewed no change at this time	Legal Services
Elsie Perrin Williams Estate	Under review	Planning and Economic Development
Employee Service Recognition Program	Reviewed no change at this time	Enterprise Supports
Encroachment Policy	Reviewed no change at this time	Environment and Infrastructure
Enforcement of City Personnel Policy	Under review	Planning and Economic Development
Establishment of Task Forces and Working Groups Policy	Reviewed no change at this time	Legal Services
Financial Assistance for Program Activity Fees	Amend	Neighbourhood and Community-Wide Services
Financing of Sales	Reviewed no change at this time	Finance Supports
Fixed Term Employment Agreements	Reviewed no change at this time	Enterprise Supports
Flags at City Hall Policy	Amend	Legal Services
Flankage Exemptions for Surface Works and Municipal Services	Reviewed no change at this time	Environment and Infrastructure
Free of Fear Services for All Policy	Under review	Social and Health Development
Frequency of Garbage, Recyclable Material, Yard Materials and Fall Leaf Collection	Reviewed no change at this time	Environment and Infrastructure
Gateway Structures, Fences and Walls - Ownership and Maintenance	Under review	Planning and Economic Development
Gender Equity in Recreation Services	Amend	Neighbourhood and Community-Wide Services
General Policy for Advisory Committees	Reviewed no change at this time	Legal Services

2021 Council Policy Review		
Policy Name	Action Recommended	Service Area
Government Agencies to Pay Fees	Under review	Planning and Economic Development
Grants to Centennial Hall	Amend	Finance Supports
Hiring of Employees Policy	Amend	Enterprise Supports
Identification of Operating Surpluses - Boards and Commissions	Amend	Finance Supports
Illumination of City of London Buildings and Amenities Policy	Reviewed no change at this time	Legal Services
Inclusion in Recreation Facilities, Parks and Services	Reviewed no change at this time	Neighbourhood and Community-Wide Services
Integrity Commissioner Terms of Reference	Reviewed no change at this time	Legal Services
Inter-Municipal Endorsement of Council Resolutions Policy	Reviewed no change at this time	Legal Services
Internal Review of Property Sales	Reviewed no change at this time	Finance Supports
Investment Policy	Under review	Finance Supports
Issuance of Proclamations Policy	Under review	Legal Services
Issuance of Technology Equipment to Council Members Policy	Amend	Legal Services
Land Dedication	Reviewed no change at this time	Environment and Infrastructure
Landing of Helicopters Policy	Reviewed no change at this time	Legal Services
Lands for Public Works Projects	Reviewed no change at this time	Finance Supports
Lane Maintenance Policy	Reviewed no change at this time	Environment and Infrastructure
Lease Financing Policy	Reviewed no change at this time	Finance Supports
Leasing and Licencing of City Owned Land	Amend	Finance Supports
Leasing Parkland	Repeal	Parks and Rec
Legal Services and Accounts	Amend	Legal Services
Lessee Protection and Non-Competitive Clauses New Title: Lessee Protection and Non-Competitive Clauses - Centennial Hall	Amend	Finance Supports
London Community Grants Policy	Amend	Neighbourhood and Community-Wide Services
Mayor - Contracted Staff	Amend	Enterprise Supports
Mayor's Expenses Policy	Reviewed no change at this time	Legal Services
Mayor's New Year's Honour List Policy	Amend	Legal Services
Media Protocols Policy	Reviewed no change at this time	Enterprise Supports
Members of Council - Absence - Pregnancy or Parental Leave	Reviewed no change at this time	Legal Services

2021 Council Policy Review Policy Name	Action Recommended	Service Area
Members of Council Public Registry Declaration of Interest	Reviewed no change at this time	Legal Services
Minutes of Settlement for Assessment Appeals	Under review	Finance Supports
Monumenting Program	Under review	Environment and Infrastructure
Multi-Year Budget Policy	Amend	Finance Supports
Municipal Service and Financing Agreements Policy	Under review	Planning and Economic Development
Naming Renaming or Dedication of Municipal Property, Buildings and Park Elements Policy	Reviewed no change at this time	Legal Services
Naturalized Areas and Wildflower Meadows	Under review	Planning and Economic Development
New Traffic Signal Locations	Reviewed no change at this time	Environment and Infrastructure
Notices of OPA and ZBA Received From Other Municipalities	Amend	Planning and Economic Development
Objectives of Centennial Hall	Amend	Finance Supports
Official City Flag Policy	Reviewed no change at this time	Legal Services
Outstanding London Ambassador Award Policy	Reviewed no change at this time	Legal Services
Parkland Accounts	Repeal	Environment and Infrastructure
Parkland Dedication - Acquisition of Hazard Lands and or Open Space Lands	Reviewed no change at this time	Environment and Infrastructure
Parkland Dedication – Plan of Subdivision	Reviewed no change at this time	Environment and Infrastructure
Parkland Dedication Cash-in-lieu	Reviewed no change at this time	Environment and Infrastructure
Parkland Dedication Site Plan	Reviewed no change at this time	Environment and Infrastructure
Part-Lot Control Exemption Policy	Under review	Planning and Economic Development
Pathway Corridors	Reviewed no change at this time	Environment and Infrastructure
Payment of Membership Fees of a Council Appointee to an External Board or Commission	Reviewed no change at this time	Legal Services
Perfecting Property Titles for which Consents were not Obtained	Under review	Planning and Economic Development
Placement of Public Submissions on Standing Committee Agendas Policy	Reviewed no change at this time	Legal Services
Policy for the Establishment and Maintenance of Council Policies	Reviewed no change at this time	Legal Services
Policy for waiving or reducing fees for use of city owned community centres and recreation facilities NEW TITLE: Request to Waive or Reduce Facility Rental Fees"	Amend	Neighbourhood and Community-Wide Services

2021 Council Policy Review Policy Name	Action Recommended	Service Area
Processing of Anonymous Communications Policy	Reviewed no change at this time	Legal Services
Procurement of Goods & Services Policy	Reviewed no change at this time	Finance Supports
Promotion of Corporate Products to City Staff - TITLE CHANGE : Promotion of Corporate Products and Services to City Staff	Amend	Enterprise Supports
Property Enquiries to Board of Education	Reviewed no change at this time	Finance Supports
Property for Capital Works Projects	Reviewed no change at this time	Finance Supports
Protocol for Unapproved Aboriginal Burial Sites	Reviewed no change at this time	Legal Services
Provision of Blue Boxes	Reviewed no change at this time	Environment and Infrastructure
Public Access During Council and Standing Committee Meetings	Reviewed no change at this time	Legal Services
Public Art Monument Policy	Reviewed no change at this time	Neighbourhood and Community-Wide Services
Public Notice Policy	Amend	Legal Services
Public Registry Declaration of Interest for Local Boards	Reviewed no change at this time	Legal Services
Public Release of Information Pertaining to Investigations Undertaken by the Ontario Ombudsman Policy	Reviewed no change at this time	Legal Services
Queen Elizabeth Scholarship Policy	Reviewed no change at this time	Legal Services
Real Estate Service – MLS	Reviewed no change at this time	Finance Supports
Real Estate Services	Reviewed no change at this time	Finance Supports
Real Property Acquisition Policy	Amend	Finance Supports
Rear Yard Grading and Drainage	Reviewed no change at this time	Environment and Infrastructure
Receptions and Dinners for Retirement, 25-Year Club and Other Civic Occasions	Reviewed no change at this time	Legal Services
Reduced Rental Rates for Non-Profit Groups	Amend	Finance Supports
Refunding of Application Fees	Under review	Planning and Economic Development
Remuneration for Elected Officials and Appointed Citizen Members Policy	Reviewed no change at this time	Legal Services
Rental of Lands for Billboards	Reviewed no change at this time	Finance Supports
Requiring Building Permits for Buildings Constructed More Than One Year Prior	Under review	Planning and Economic Development
Reserve and Reserve Fund Policy	Amend	Finance Supports
Residential Front Yard and Boulevard Parking	Under review	Planning and Economic Development

2021 Council Policy Review Policy Name	Action Recommended	Service Area
Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)	Amend	Enterprise Supports
Retirement Dinners for Service Area Leads	Reviewed no change at this time	Enterprise Supports
Review of Ward Boundaries Policy	Reviewed no change at this time	Legal Services
Royal Canadian Legion Branch Property Tax Relief Program Funding	Under review	Finance Supports
Rzone Policy	Under review	Neighbourhood and Community-Wide Services
Sale and Other Disposition of Land Policy	Under review	Finance Supports
Sale of Major Assets Policy	Reviewed no change at this time	Finance Supports
Security Policy Regarding Letters of Credit	Under review	Finance Supports
Selection Process Policy for Appointing Members to Committee, Civic Boards and Commissions	Reviewed no change at this time	Legal Services
Services for Special Events	Reviewed no change at this time	Environment and Infrastructure
Siting of Cannabis Retail Stores in London	Reviewed no change at this time	Planning and Economic Development
Siting of Safe Consumption Facilities and Temporary Overdose Prevention Sites in London	Repeal	Planning and Economic Development
Soliciting Funds in City Hall Policy	Reviewed no change at this time	Legal Services
Special Events Policies and Procedures Manual	Under review	Neighbourhood and Community-Wide Services
Staff at Ward Meetings Policy	Reviewed no change at this time	Legal Services
Stormwater Private Drain Connections	Reviewed no change at this time	Environment and Infrastructure
Street Cleaning in Unassumed Subdivisions	Under review	Planning and Economic Development
Street Naming - Streets of Honour	Under review	Planning and Economic Development
Street, Lane and Walkway Closings	Reviewed no change at this time	Environment and Infrastructure
Subdivision and Development Agreement Security Policy	Under review	Planning and Economic Development
Substantially Changed OPA ZBA	Under review	Planning and Economic Development
Surplus Deficit Policy	Amend	Finance Supports
Surplus School Site Evaluation and Acquisition Policy	Reviewed no change at this time	Planning and Economic Development
Tax Collection Policy	Under review	Finance Supports

2021 Council Policy Review Policy Name	Action Recommended	Service Area
Telecommunication Facilities Location and Public Consultation Policy	Reviewed no change at this time	Planning and Economic Development
Third Party Billing – City of London Contracts	Under review	Planning and Economic Development
Traffic and Parking By-law Amendments	Reviewed no change at this time	Environment and Infrastructure
Transactions Involving Elected Officials	Reviewed no change at this time	Finance Supports
Travel and Business Expenses	Under review	Finance Supports
Treatment of Properties That Do Not Sell At Municipal Tax Sales	Under review	Finance Supports
Tree Preservation	Under review	Planning and Economic Development
Trust Fund Policy	Under review	Finance Supports
Urban Design Awards	Amend	Planning and Economic Development
Use of Cenotaph Policy	Reviewed no change at this time	Legal Services
Use of City of London Resources for Election Purposes	Reviewed no change at this time	Legal Services
Use of Civic Square by Centennial Hall Events Policy	Reviewed no change at this time	Legal Services
Use of the City Hall Cafeteria Policy	Reviewed no change at this time	Legal Services
Using Centennial Hall for City Sponsored Events	Reviewed no change at this time	Finance Supports
Value of Parkland Dedication	Repeal	Environment and Infrastructure
Waiving of Landfill Site Fees	Reviewed no change at this time	Environment and Infrastructure

Appendix B1

Bill No.
2021

By-law No. CPOL.-378()-_____

A by-law to amend By-law No. CPOL.- 378-473, being “Access and Privacy Policy” by deleting and replacing Schedule “A”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-378-473, being “Access and Privacy Policy”, by deleting and replacing Schedule “A”;

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

1. By-law No. CPOL.-378-473, being “Access and Privacy Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021



Access and Privacy Policy

Policy Name: Access and Privacy Policy

Legislative History: Enacted September 18, 2018 (CPOL.-378-473); Amended August 10, 2021 (CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Manager, Records and Information Services

1. Policy Statement

The Access and Privacy Policy is a general guide to the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA" or "Act").

The policy combines current practice and procedures and offers operational guidance to help staff:

- Understand the general framework of the legislation;
- Meet administrative and operational requirements; and
- Be aware of best practices.

The policy is not meant to provide legal advice. This policy should be referenced in conjunction with an up-to-date version of the legislation and regulations.

2. Definitions

The terms that appear below are referenced from the Act and relevant IPC guidance documents and Orders.

"City Clerk" means the City Clerk or their written designate.

"Custodian" person or organization within the meaning of the *Personal Health Information Protection Act, 2004* ("PHIPA") that, as a result of their or its power or duties or work set out in PHIPA, has custody or control of personal health information.

"Experienced Employee" (IPC Order PO-3423), employees who were knowledgeable in the subject matter of the request and expend a reasonable effort to locate responsive records.

"Head" in respect of an institution, the individual or body determined to be head under section 3 of the Act.

"Information and Privacy Commissioner" and **"IPC"** mean the Commissioner appointed under subsection 4 (1) of the *Freedom of Information and Protection of Privacy Act*.

"Institution" (section 2 of the Act),

- (a) a municipality,
- (b) a school board, municipal service board, city board, transit commission, public library board, board of health, police services board, conservation authority, district social services administration board, local services board, planning board, local roads board, police village or joint committee of management or joint board of management established under the Municipal Act, 2001 or the City of Toronto Act, 2006 or a predecessor of those Acts,

(c) any agency, board, commission, corporation or other body designated as an institution in the regulations; (“institution”).

“Personal Information” recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- (c) any identifying number, symbol or other particular assigned to the individual;
- (d) the address, telephone number, fingerprints or blood type of the individual;
- (e) the personal opinions or views of the individual except if they relate to another individual;
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the individual; and
- (h) the individual’s name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

“Personal Health Information” (section 4 of PHIPA), identifying information about an individual in oral or recorded form, if the information,

- (a) relates to the physical or mental health of the individual, including information that consists of the health history of the individual’s family;
- (b) relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual;
- (c) is a plan of service within the meaning of the Home Care and Community Services Act, 1994 for the individual;
- (d) relates to payments or eligibility for health care, or eligibility for coverage for health care, in respect of the individual;
- (e) relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance;
- (f) is the individual’s health number; or
- (g) identifies an individual’s substitute decision-maker.

“Privacy Breach”

A privacy breach occurs when personal information is collected, retained, used, accessed or disclosed in ways that are not in accordance with the provisions of the Act. Among the most common privacy breaches is the unauthorized disclosure of personal information, contrary to section 32 of the Act. For example, personal information may be lost (a file is misplaced within an institution), stolen, or inadvertently disclosed through human error (a letter addressed to person A is actually mailed to person B).

“Record” (section 2 of the Act), any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes,

- (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, an email, [an instant/text message](#), a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and
- (b) any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

“Privacy Impact Assessment” and **“PIA”** ([IPC Guide](#)), is a risk management tool used to identify the actual or potential effects that a proposed or existing information system, technology, program, process or other activity may have on an individual’s privacy.

“Project” ([IPC Guide](#)) in relation to a PIA, means any work involving the collection, use, retention, disclosure, security and disposal of personal information. This may include a new program, process, service delivery model or an information technology system or changes to an existing program, process or system.

“Responsive Record” (IPC Order PO-2554), any record that reasonably relates to, or is within the scope of a request under the Act.

“Reasonable Search” (IPC Order M-909 and [IPC Fact Sheet](#)), a search conducted by an experienced employee expending reasonable effort to identify any records that are reasonably related to the access request in locations where records in question might reasonably be located.

“Service Area Liaison” as designated by their Service Area Deputy City Manager or written designate, a City of London employee with sufficient experience and training in MFIPPA access processes and procedures who responds to the City Clerk with respect to routine access requests on behalf of their department.

3. Applicability

This policy applies to all City of London employees and governs the procedure by which City of London employees respond to access requests and protect personal information as required under MFIPPA.

4. The Policy

The Access and Privacy Policy is a policy governing the procedure by which City of London employees respond to access requests and protect personal information as required under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 (“MFIPPA” or “Act”).

4.1 Purpose and Policy Statement

The Access and Privacy Policy is a general guide to MFIPPA.

The policy combines current practice and procedures and offers operational guidance to help staff:

- Understand the general framework of the legislation;
- Meet administrative and operational requirements; and
- Be aware of best practices.

The policy is not meant to provide legal advice. This policy should be referenced in conjunction with an up-to-date version of the legislation and regulations.

Audience

The primary audience for this policy is City of London staff.

Policy Principles

The following principles will form the basis of this policy:

Transparency

- As identified in the City’s Strategic Plan, the promotion of an open and transparent government is important to the City of London.
- The City of London is committed to both the routine disclosure and the active dissemination of records when consistent with the principles and rules of the Act.
- The City of London will provide access to records and information in accordance with the principles and rules of the Act.

Accountability

- The City of London will take reasonable steps to protect the collection, use, access, and disclosure of personal information.
- The City of London will facilitate an individual's right of access as well as the ability to correct their personal information in the custody or under the control of the institution, subject to any legislative exemptions.

4.2 Roles and Responsibilities

The Head

MFIPPA prescribes City Council as the Head of the Institution for the purposes of the Act. As Head, Council is accountable for decisions under the Act and for overseeing how the City administers the Act generally. This responsibility includes complying with access provisions of the Act, and ensuring that personal information that the institution collects, uses, and discloses is in compliance with the Act. Pursuant to section 49 of the Act, City Council has delegated to the City Clerk its powers and duties under the Act as per By-law No. A.-6067-31.

For the purposes of this policy, the City Clerk is responsible for:

- exercising the duties pursuant to Council's delegation of all its powers and duties as Head and properly discharging its statutory obligations pursuant to section 49(1) of the Act;
- receiving and managing the overall process of responding to access requests under the Act;
- communicating and liaising with staff, requesters, and third parties regarding access requests under the Act;
- preparing records for disclosure and determining access to records subject to the provisions of the Act;
- managing all aspects of the appeal process relating to access requests under the Act;
- communicating with Deputy City Managers and/or City Manager to resolve any delays by division staff in searching, retrieving or providing copies of records responsive to access requests under the Act;
- preparing and submitting the annual report to the IPC;
- reporting and investigating privacy breaches;
- providing training to employees on the Act; and
- administering, monitoring, and promoting all aspects of this policy.

City Manager and Service Area Leads

The City Manager (generally) and each Service Area Lead (with regards to their direct reports) is responsible for ensuring that the employees they oversee adhere to the procedures in this policy and the provisions of the Act.

The City Manager and Service Area Leads are responsible for:

- allocating sufficient employees and other resources to ensure that Service Areas comply with the access and privacy requirements of the Act;
- ensuring that employees meet internal and statutory deadlines for responding to access requests;
- ensuring that employees maintain division records in compliance with management policies and procedures, and the City of London's Records Retention By-law; and,
- appointing an employee to act as a Service Area Liaison between the respective Service Area and the City Clerk.

City of London Employees

All City of London employees shall be aware of and comply with this policy as required and shall also be responsible for:

- maintaining records in compliance with management policies and procedures and the City of London's Records Retention By-law;
- locating, retrieving and providing copies of records to the City Clerk in response to a request made under the Act by the deadlines provided;
- participating in MFIPPA and records management training;
- communicating and cooperating with the City Clerk with respect to requests made under the Act (for example, search time estimates, clarification requirements, concerns with records, etc.); and,
- providing the City Clerk with a completed Records Retrieval Form (**Appendix B**).

Service Area Liaisons

Each Service Area (SA) shall appoint an employee to act as the SA Liaison between the SA and the City Clerk in response to MFIPPA requests SA Liaisons will receive specialized training by the City Clerk and shall be responsible for fulfilling the access request procedures set out within this policy.

Legal Services – City Solicitor's Office

Solicitors in the City Solicitor's Office provide legal advice to the City Clerk on access requests, as required. Solicitors in the City Solicitor's Office shall be responsible for:

- providing legal advice and opinions related to requests under the Act;
- representing (as required by the City Clerk) the City on appeals to the IPC of the City Clerk's decisions under the Act and in proceedings before the IPC; and,
- preparing representations or reconsideration requests, when requested by the City Clerk, regarding inquiries conducted by the IPC in accordance with the timelines set by the IPC.

4.3 Timely Response to Access Requests

The City Clerk is legislatively required to respond to MFIPPA requests within 30 calendar days. Accordingly, requests are processed within 20 - 21 *business* days. If the City Clerk does not respond to a request within the 30-day time period, then the request is deemed to have been refused. The Act then entitles requesters to appeal immediately the "deemed refusal" to the IPC.

Because of the legislated time frames, employees should process MFIPPA requests on a priority basis. The City Clerk will send a department letter requesting records directly to the SA Liaison with a specific deadline for the responsive records to be provided. Generally, 13-15 calendar days are allocated for staff to complete the search and provide copies of responsive records to the City Clerk.

Search time estimates which exceed one (1) hour are to be provided to the City Clerk with three (3) days of receipt of the department letter. If no search time estimate is received by the City Clerk, the expectation is that the SA Liaison will provide responsive records by the due date indicated in the department letter.

Follow-up Process

If the SA Liaison has not provided the City Clerk with a search time estimate and the City Clerk has not received responsive records by the due date, the City Clerk will follow-up as follows:

- Day Records are Due – Reminder to SA Liaison that records are due today;
- 2 Days After Due Date – If no response, a second reminder to the SA Liaison;
- 4 Days After Due Date– If no response, communication sent to the Deputy City Manager advising that the division response is overdue and that, if the

responsive records are not received in the next few days, the request will become overdue;

- 6 Days After Due Date – If no response, communication sent to the City Manager advising that the division response is overdue and that, if the responsive records are not received, the request will become overdue.

4.4 Access Request Procedures

Receiving Requests

The City Clerk will seek to determine whether a requester may obtain access to all or some of the requested records directly from the relevant Service Area; for example, by providing information that is public. Service Areas should advise the City Clerk of any circumstances when they can routinely disclose certain records outside of the formal freedom of information access procedure.

The City Clerk processes all other formal requests for access to records under the Act.

Clarifying Requests

The City Clerk will seek to ensure that requests are as clear as possible and will contact the requester where appropriate to seek clarification.

Access Procedure

Refer to Process Map – **Appendix A**

1. Once the City Clerk has clarified a request, a department letter, a copy of the request, and Records Retrieval Form is prepared and sent to the SA Liaison with a copy to the Deputy City Manager.
2. Requests that require searches of the Microsoft Exchange system are forwarded directly to the Director of Information Technology Services, Enterprise Supports. Results are provided directly to the City Clerk. The City Clerk will provide copies of responsive e-mails to the staff member for their review.
3. The SA Liaison may identify other Service Areas that may have responsive records.
4. SA Liaisons are required to notify the City Clerk within three (3) days of receipt of the letter if they anticipate a search for responsive records will take more than one (1) hour. If the search is anticipated to take an hour or less, SA Liaisons are advised to provide copies of records (either electronically or photocopies) by the deadline provided in the letter.
5. SA Liaisons must search for all recorded information that responds to an access request and provide copies of the records to the City Clerk no later than the return date indicated in the letter. A search for responsive electronic records can be done through keyword search or reviewing responsive content folders. A search for paper records can be done by physically looking in cabinets or boxes.

If SA Liaisons require a time extension to complete a search they should contact the City Clerk immediately to determine whether the Act permits a time extension. SA Liaisons are required to prepare documentation to justify search time estimates and requests for time extensions, if applicable. Please see the "Time Extensions" section below for detailed documentation requirements.

6. The City Clerk requires that SA Liaisons return a completed Records Retrieval Form along with responsive records indicating the actual time spent searching for records, the location and methods used to search for records, and/or whether there are any concerns with the records in question. The City Clerk also requires a completed Records Retrieval Form if no records are provided responsive to the request.

In the event of an appeal, the IPC may call on the staff that searched for the records to describe the steps they took to conduct the search. Referencing the Records Retrieval Form in such instances assists the City Clerk during the appeal process.

7. The City Clerk will, at the request of the SA Liaison or Deputy City Manager, advise when the records pertaining to their business unit will be released. Where legislative timelines permit, the City Clerk will, at the request of the SA Liaison or Deputy City Manager, provide copies of the records to be released prior to their release.

Time Extensions

The City Clerk determines extensions for a request based on input from the SA Liaison and/or the Service Area Deputy City Manager.

The Act allows the City Clerk to extend the processing time for a request when:

1. The request is for a large number of records or necessitates searching through a large number of records and meeting the time limit would unreasonably interfere with the operations of the City; or
2. Staff must consult with an external agent to comply with the request and they cannot reasonably complete the consultation within the time limit.

If either of the above factors apply, the SA Liaison should summarize in writing the reasons for an extension as follows:

- a) For a request involving a large numbers of records by:
 - explaining the steps that employees require to search for responsive records and estimating the total number of pages of records;
 - identifying any exemptions that may be applicable to the records; and,
 - providing a representative sample of records.
- b) For a request that cannot be completed without consulting with an external agent person, by providing:
 - the name of the person or organization that the City will consult;
 - the reason why consultation is necessary; and,
 - an estimate about when the consultation will be complete.

Providing Records to the City Clerk

The SA Liaison shall provide all of the responsive records to the City Clerk (by the deadline) using the following guidelines:

- Records (electronic or paper) must be provided unaltered. The City Clerk will not accept records that have been redacted or “blacked-out”.
- Original paper records are to be copied or scanned and emailed to the City Clerk. Copies must be legible.
- Electronic records should be provided via the City of London’s Internal File Transfer Service or provided on an ITS approved USB stick. Please do not print electronic records.
- The SA Liaison should identify any areas of concerns in any of the responsive records and may, solely for the purpose of assisting the City Clerk, identify any exemptions that the liaison believes may apply to the records noting that the final decision rests with the City Clerk.
- A completed Records Retrieval Form must be submitted with the records by the deadline.

Offence

No employee shall alter, conceal or destroy a record or cause another person to do so with the intention of denying a right under the Act to access the record or the information contained in the record.

It is an offence under section 48(1)(c.1) of the Act to alter, conceal or destroy a record, or cause any other person to do so, with the intention of denying a right under the Act to access the record or the information contained in the record. Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine not exceeding \$5,000.00.

Reviewing and Disclosing Records

The Act requires that the City Clerk must disclose as much of the requested record as can reasonably be severed, without disclosing the information that falls under one of the exemptions. Severing is the process of “blacking out” or “redacting” information that is considered confidential and exempt from disclosure.

Only the City Clerk will sever records responsive to a formal access request under the Act. Severances are decisions on disclosure, and the City Clerk is the only decision-maker at the City of London who has the authority to make decisions on disclosure under the Act.

To assist the City Clerk in determining whether a record is exempt from access or outside the scope of the Act the City Clerk will consider recommendations of the SA Liaison. Any such recommendations should be recorded on the Records Retrieval Form.

When the City Clerk refuses access to a record or severs part of a record, the Act requires the City Clerk to provide the requester with a decision letter that:

- explains the basis for the decision;
- describes clearly to the requester the records responding to the request specifically referring to the exemption(s) that the City has applied to justify a refusal to provide access;
- may include a detailed index of records that describes the contents and subject matter of the records;
- notifies the requester if the requested record does not exist; and,
- states that the requester may appeal the City Clerk’s decision to the IPC.

If a request is received for records that appear to be excluded from the Act, the City Clerk will process the request in accordance with the procedure set out in this policy.

Fees

For all requests under MFIPPA, the requester must pay a \$5.00 application fee. The application fee is mandatory and the City Clerk cannot waive it.

The City Clerk applies different fees as prescribed by regulation, depending on whether the request is for *general records* or for the requester’s own personal information. The City Clerk must charge fees unless the City Clerk decides to waive the fees under the fee-waiver provisions of the Act.

The regulations under the Act contain a fee schedule that sets out the amount that the City Clerk may charge for various costs that the City may incur when processing a request:

Type of Fee	Amount
Application Fee	\$5.00
Photocopies and computer printouts	\$0.20 cents per page
Disks	\$10.00 per disk
Manual search for records *	\$7.50 for each 15 minutes spent
Preparing a record for disclosure, including severing records *	\$7.50 for each 15 minutes spent
Computer programming	\$15.00 for each 15 minutes spent

Type of Fee	Amount
Costs incurred in locating, retrieving, processing and copying the record	As specified in an invoice received by the City

* does not apply to a request from an individual for their own personal information.

4.5 Councillors' Records

The City Clerk will determine whether the Act applies to a councillor's records. In making this decision, the City Clerk examines the specifics of each request in light of a number of [principles established by the IPC](#).

Councillors' records are subject to the Act where:

- (a) a councillor is acting as an officer or employee of the municipality, or performs a duty assigned by council, such that they might be considered part of the institution, or,
- (b) the records are in the custody or control of the municipality on the basis of established principles.

The access procedure for requests related to Councillors' records shall follow the standard procedure described within this policy.

1. Once the City Clerk has clarified a request, a department letter, a copy of the request, and Records Retrieval Form is prepared and sent to the Executive Assistant (EA) to the Councillors' Office, or designate.
2. If the search requires electronic communications, the Councillor may request a search of their Microsoft Exchange account to be completed by the Information and Technology Services Department. Results will be provided directly to the City Clerk. The City Clerk will provide copies of responsive e-mails to the Councillor for their review.
3. Councillors (or the EA) are required to notify the City Clerk within three (3) days of receipt of the department letter if they anticipate their search for responsive records will take more than one (1) hour. If the search is anticipated to take an hour or less, Councillors (or the EA) are advised to provide copies of records (either electronically or photocopies) by the deadline provided in the letter.
4. Councillors (or the EA) must retrieve and provide copies of the records to the City Clerk no later than the due date indicated in the letter. If Councillors require a time extension to complete a search they should contact the City Clerk immediately to determine whether the Act permits a time extension.
5. The City Clerk requires that Councillors (or the EA) return a completed Records Retrieval Form along with responsive records which indicates the actual time spent searching for records, the location and methods used to search for records, whether there are any concerns with the records in questions, etc. The City Clerk also requires a completed Records Retrieval Form if no records are provided responsive to the request.
6. The City Clerk will, at the request of the Councillor, advise when the records pertaining to them will be released and/or provide copies of the records to be released prior to their release.

4.6 Access to Records of Personal Health Information

An individual may exercise a right of access to a record of personal health information by making a written request for access to the custodian that has custody or control of the information.

Organizations that are both *custodians* under PHIPA and *institutions* under the Act include municipally operated long-term care homes, for example, Dearness Home. The City Clerk will determine whether PHIPA or MFIPPA applies to a request it receives having regard to the legislation.

If the City Clerk receives a request for personal health information in the custody or under the control of Dearness Home, the City Clerk will immediately transfer that request to the Administrator of Dearness and advise the requester of the same. If the Administrator of Dearness receives a request under the Act for information in the custody or under the control of the City of London, the Administrator will immediately transfer that request to the City Clerk and advise the requester of the same.

4.7 Appeals to the Information and Privacy Commissioner (IPC)

The Act establishes the right of a requester to appeal decisions that the City Clerk makes about access to records. After a requester receives a notice of decision, the requester has 30 calendar days to appeal the decision to the IPC.

The City Clerk, in consultation with the City Solicitor's Office, will respond to appeals as per the procedures and practice directions set out in the IPC's [Code of Procedure for appeals under the Freedom of Information Act and the Municipal Freedom of Information and Protection of Privacy Act](#), (hereafter "Code of Procedure").

The City Clerk will notify the appropriate staff member (or Councillor) and the appropriate Deputy City Manager, in the event that the Commissioner issues an order with respect to access to records. The City Clerk will ensure compliance of the order. The City Clerk will notify the City Manager and the appropriate Deputy City Manager should the IPC notify the City Clerk that the Commissioner will be entering and inspecting any premise occupied by The City of London for the purposes of an investigation. The City Clerk will be in attendance during the IPC's inspection.

Offence

No employee shall wilfully obstruct the IPC in the performance of its functions, make a false statement to mislead the IPC or fail to comply with an order of the IPC.

Any person who wilfully obstructs the IPC in the performance of its functions, makes a false statement to mislead the IPC, or fails to comply with an order of the IPC, is guilty of an offence, and on conviction, is liable to a fine of up to \$5,000.00.

4.8 Personal Information

Protection of Personal Privacy

The Act requires that the City Clerk implement basic standards for protecting personal information in its possession. Refer to the [IPC'S Fact Sheet](#) to learn more about how *Personal Information* is defined in the Act.

Collection of Personal Information

The City, employees or consultants acting on the City's behalf, shall only collect personal information that they are authorized to collect. This authority can be one of the following:

- collection of the information is expressly authorized by provincial or federal legislation;
- the information is used for the purposes of law enforcement; or,
- the information is necessary to the proper administration of a lawfully authorized activity.

The City shall only collect personal information directly from the individual to whom it relates, except in circumstances set out in MFIPPA. Examples of these include:

- where the individual authorizes another method of collection;
- the personal information may be disclosed to the City under the authority of the Freedom of Information and Protection of Privacy Act ("FIPPA");

- where the IPC has authorized the City to collect the information indirectly from another person;
- the information is collected for the purpose of law enforcement; and,
- where other legislation provides for a different method of collection.

When collecting personal information, the City must provide the individual with a [notice of collection](#) statement that contains:

- the City's legal authority to collect the information;
- the principal purposes for which the information is intended to be used; and,
- the title, business address and telephone number of an officer or employee who can answer questions about the collection (why it is being collected, how it will be used).

Notice of collection statements are prepared by staff in consultation with the City Clerk. Exceptions to this notice requirement are set out in O. Reg. 823.

Retention of Personal Information

Personal information that has been collected by the City must be retained for at least one year after it is used, unless another retention period has been provided in the City's Records Retention by-law, or the individual has consented to its earlier disposal. The purpose of this retention period is to ensure that individuals have a reasonable opportunity to obtain access to their personal information.

Use of Personal Information

The City is required to take reasonable steps to ensure that personal information is not used unless it is accurate and up to date. The City must create a record of any use of personal information that is different from how the information is used on a regular basis.

The City is only permitted to use personal information:

- if the individual has consented to the particular information being used;
- for the purpose for which it was obtained or compiled;
- for a consistent purpose, (i.e. the individual might reasonably expect the use); or
- for the purpose for which the information was disclosed to the City under FIPPA.

Disclosure of Personal Information

The City is only permitted to disclose personal information in the following circumstances:

- in compliance with Part I of the Act;
- if the individual has consented to its disclosure;
- for the purpose for which it was obtained;
- for a consistent purpose, (i.e. the individual might reasonably expect the disclosure);
- disclosure is made to an employee who needs the record in the performance of duties;
- to comply with federal or provincial legislation;
- to a law enforcement agency in Canada to aid an investigation;
- in compelling circumstances affecting personal health or safety;
- in compassionate circumstances, (to contact next of kin or friend of an injured, ill or deceased person); and,
- to a provincial or federal government department for auditing of cost-shared programs.

Transmitting Personal Information

When employees are required to transmit personal information to parties external to the organization, the following guidelines should be considered to help ensure that personal information is protected from unauthorized access or disclosure:

- Where possible, avoid sending personal information via facsimile (fax). Sometimes, faxes do not reach their intended destination, whether it is as a result of human error in the dialling of the number, or because of a technical glitch. Faxing personal information can result in personal information being accidentally disclosed or deliberately intercepted by other people.
- Where possible, utilize the File Transfer Service to email personal information. Consider password protecting the communication and limiting the number of downloads.
- Where the use of the File Transfer Service is not suitable, consider utilizing a Courier Service to deliver hard copies of the personal information and request a signature upon receipt.

Offence

Any person who willfully discloses personal information, or maintains a personal information bank, in contravention of the Act, is guilty of an offence, and on conviction, is liable to a fine of up to \$5,000.00.

Privacy Investigations

Individuals may submit a complaint to the IPC if they believe that the City of London has improperly collected, used, disclosed, retained or disposed of their personal information. The City Clerk shall receive notice from the IPC in the event that an individual has lodged a complaint and an investigation is being undertaken.

The City Clerk shall, in consultation with appropriate staff, represent the institution during a privacy complaint investigation.

The responsible employee will cooperate and assist the City Clerk during the course of the investigation.

4.9 Protocol for Responding to a Privacy Breach Under the Act

Upon learning of a privacy breach or a potential privacy breach under MFIPPA, staff shall immediately notify their Manager and the City Clerk.

The City Clerk will assist the responsible employee in responding to the breach of personal privacy.

The following protocol shall be adopted during a breach or a potential breach of personal privacy, as per [IPC guidelines](#).

Containment: Identify the scope of the breach or potential breach and take steps to contain it:

- retrieve hard copies of any personal information that has been disclosed;
- attempt to Re-call emails sent in error containing personal information;
- ensure that no copies of the personal information have been made or retained by the individual who was not authorized to receive the information and obtain the individual's contact information in the event that follow-up is required; and,
- determine whether the privacy breach would allow unauthorized access to any other personal information (i.e. financial institutions).

Notification: If the City Clerk is of the opinion that the privacy breach poses a real risk of significant harm, staff will identify those individuals whose privacy was breached and, barring exceptional circumstances, in consultation with the City Clerk, notify those individuals accordingly:

- notification shall be conducted by telephone or in writing as soon as reasonably possible;
- details of the extent of the breach and the specifics of the personal information at issue shall be provided;
- if financial information or information from government-issued documents are involved, precautionary measures shall be included in the notice, (i.e. change passwords, contact Equifax or banking institution, etc.);

- information related to the steps that have been taken to address the breach, both immediate and long term, shall be provided;
- contact information for someone who can provide additional information, assistance and answer questions shall be provided; and,
- a statement advising whether or not the privacy breach has been reported to the IPC shall be provided along with information about how an individual may submit a complaint to the IPC.

The employee involved in the breach shall document the incident in detail, including how each step in the above process was executed.

If the City Clerk is of the opinion that the privacy breach poses a real risk of significant harm, the City Clerk may report the breach to the IPC.

4.10 Privacy Impact Assessment

A PIA is used to assess compliance with MFIPPA; it aims to identify and address the privacy impacts of proposed projects or activities.

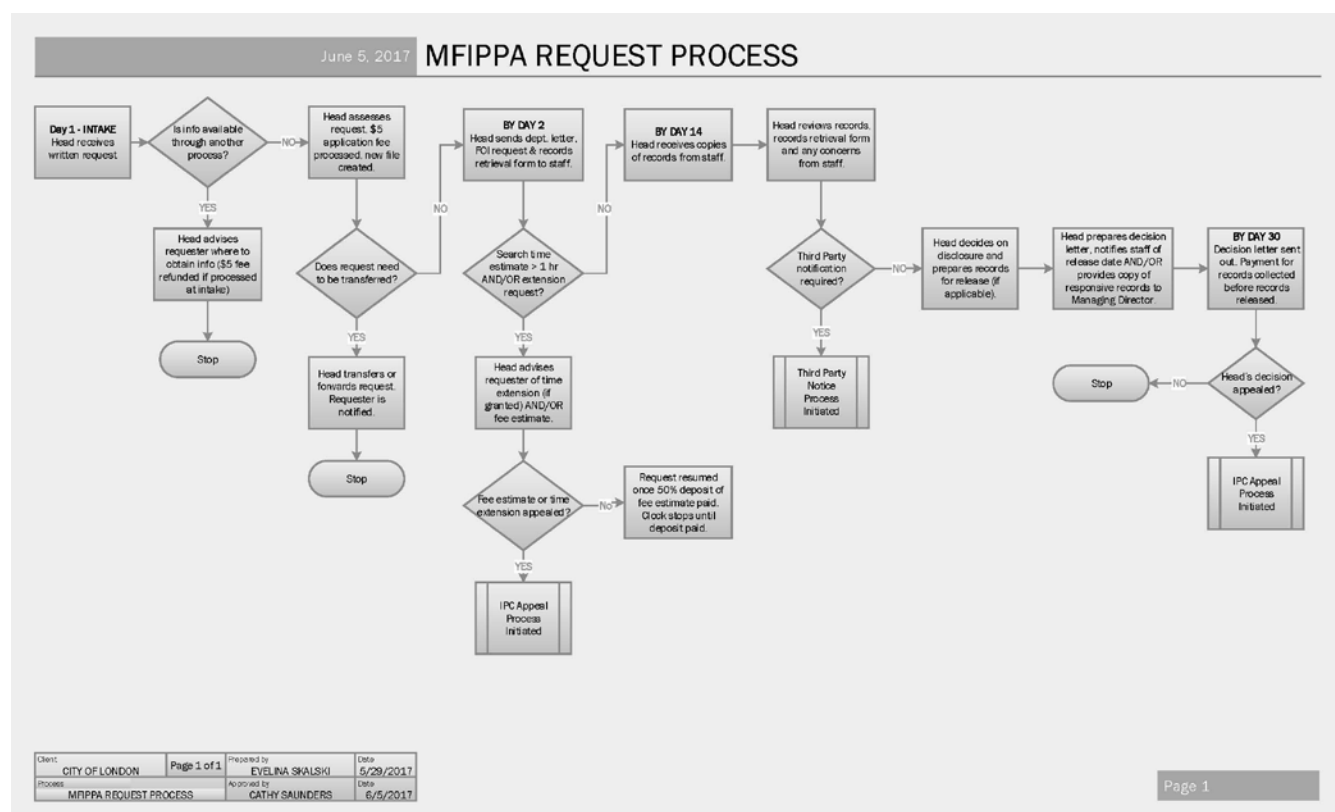
Before staff implement a project or activity that involves the collection of personal information, they shall consult with the City Clerk, who will determine whether a PIA is required. Staff may be required to conduct a preliminary assessment to assist the City Clerk in making such determination. A PIA may be required where the City Clerk determines the collection is at a large scale; where the personal information is deemed sensitive; or where the collection, use, or disclosure of the personal information impacts decision making.

Where the City Clerk determines a PIA is required, staff shall conduct a PIA, in consultation with the City Clerk, prior to the implementation of the project or activity. Staff will be supplied a PIA template to conduct the assessment.

Once the PIA is completed by staff, it shall be reviewed and/or approved by the City Clerk. If recommendations are made by the City Clerk to implement controls related to the protection of personal information or compliance with legislation, those recommendations shall be adopted by staff prior to embarking with the activity or program.

4.11 Appendices

Appendix A – MFIPPA PROCESS MAP



Appendix B – RECORDS RETRIEVAL FORM

MFIPPA RECORDS RETRIEVAL FORM

To be completed and returned to the Manager of Records and Information Services

1. Indicate the places that were searched (e.g., what files in which offices or file rooms, which shared drives or software applications):
2. Indicate methods/processes used to conduct the search and types of files searched (e.g., searching electronic files, paper files, file lists, off-site file lists, microfiche etc.):
3. Length of time required to do the search:
4. Responsive records located? (Indicate if responsive records no longer exist but did exist at one time (i.e., provide the number of the Records Retention Schedule which authorized the destruction of those records):

Yes No

5. Are there any concerns with these records or this request? (If yes, please explain):

Yes No

6. Would you like to be provided with a copy of the responsive records?

Yes No

7. Would you like to be advised when responsive records are released?

Yes No

Name:

Date:

Appendix B2

Bill No.
2021

By-law No. A.-6151()-_____

A by-law to amend By-law No. A.-6151-17, being “A by-law to establish policies for the sale and other disposition of land, hiring of employees, procurement of goods and services, public notice, accountability and transparency, and delegation of powers and duties, as required under section 270(1) of the *Municipal Act, 2001*” by deleting and replacing Schedule “F”, being the Accountability and Transparency to the Public Policy.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS on December 17, 2007 the Municipal Council of The Corporation of the City of London enacted By-law A.-6151-17, being “A by-law to establish policies for the sale and other disposition of land, hiring of employees, procurement of goods and services, public notice, accountability and transparency, and delegation of powers and duties, as required under section 270(1) of the *Municipal Act, 2001*” (the “Council Policy By-law”);

AND WHEREAS it is deemed expedient to amend Schedule “F” – “Accountability and Transparency to the Public Policy” to By-law No. A.-6151-17;

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

1. By-law No. A.-6151-17, being “A by-law to establish policies for the sale and other disposition of land, hiring of employees, procurement of goods and services, public notice, accountability and transparency, and delegation of powers and duties, as required under section 270(1) of the *Municipal Act, 2001*”, is hereby amended by deleting Schedule “F” its entirety and replacing it with the attached new Schedule “F”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021



Accountability and Transparency to the Public Policy

Policy Name: Accountability and Transparency to the Public Policy

Legislative History: Adopted December 17, 2007 (By-law No. A.-6151-17); Amended July 24, 2018 (By-law No. A.-6151(v)-420; Amended August 10, 2021 (By-law No. A.-6151_____) August 10, 2021

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 London City Council and the Civic Administration acknowledge the importance of the transparency of its proceedings and accountability for its actions. The City of London has, as its goal, that of an open, accessible, ethical and accountable government. This commitment is further delineated in City Council's values of:

Good Governance;
Driven by Community;
Acting with Compassion; and
Moving Forward through Innovation.

2. Definitions

- 2.1 Not applicable.

3. Applicability

- 3.1 This policy shall apply to City Council and all employees of The Corporation of the City of London.

4. The Policy

- 4.1 City Council shall ensure accountability and transparency of the operations of the municipality, including the activities of senior management, through the use of an accountability and transparency framework comprised of 5 key areas:
- a) Purpose
 - Clearly articulating the vision, mandate, values, strategic priorities and results of the organization in the form of a Council Strategic Plan
 - Engaging in activities that are consistent with the Council Strategic Plan
 - b) Decision Making
 - Undertaking a decision-making process that is transparent and accessible to the public
 - Engaging effectively and openly with the public and other stakeholders
 - c) Communication with the Public
 - Communicating with the public so that they are able to participate effectively

- Taking into consideration the needs of our audience, when making information public, through the use of different mediums and technology
- Following all applicable legislation governing the sharing of information, including the Municipal Freedom of Information and Protection of Privacy Act

d) Performance

- Being accountable to the citizens of London for performance by defining targets for performance in each Council term and reporting on performance on an annual basis
- Ensuring the concept of continuous improvement is implemented in the organization

e) Appropriate Behaviour and Conduct

- The actions of Council Members and the Civic Administration being governed by a Code of Conduct

Appendix B3

Bill No.
2021

By-law No. CPOL.-71()-____

A by-law to amend By-law No. CPOL.-71-303, as amended, being “Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy” to redefine the Council Year to align with the Council Term as set out in the *Municipal Elections Act, 1996*, as amended.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-71-303, as amended, being “Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy”, to redefine the Council Year to align with the end of the Council Term as set out in the *Municipal Elections Act, 1996*, as amended;

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

1. By-law No. CPOL.-71-303, as amended, being “Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021



London
CANADA

Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy

Policy Name: Appointment of Council Members to Standing Committees of Council and Various Civic Boards and Commissions Policy

Legislative History: Adopted August 22, 2017 (By-law No. CPOL.-71-303); Amended July 24, 2018 (By-law No. CPOL.-71(a)-409); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: City Clerk

1. Policy Statement

1.1 This policy clarifies how Council Members are to be appointed to Standing Committees of Council and various Civic Boards and Commissions.

2. Definitions

2.1 **Council Year** – shall mean a one-year period commencing December 1 until November 15.

3. Applicability

3.1 This policy shall apply to all City of London Council Members.

4. The Policy

4.1 General

Council Members shall be appointed to Standing Committees of Council each Council Year, with the exception of the Strategic Priorities and Policy Committee which shall serve for the Council Term.

Council Members shall make every effort to serve on different Standing Committees throughout the *Council Term*, with the exception that the Council Procedure By-law provides for the Mayor to be, ex officio, a member of all Standing Committees of the Council, except for the Strategic Priorities and Policy Committee where the Mayor shall serve as Chair; and

Council Members shall be appointed to the Audit Committee, civic boards and commissions each Council Term, to serve for the Council Term, unless the term of office is otherwise specified by legislation.

The Strategic Priorities and Policy Committee shall nominate the appointment of Council Members to Standing Committees of Council, Audit Committee and various civic boards and commissions to the Municipal Council.

4.2 Appointment of Council Members at the Commencement of a New Council Term

The City Clerk, or written designate, shall convene a meeting of the Strategic Priorities and Policy Committee, as soon as possible after the Inaugural Council meeting, with respect to the appointment of Council Members to the Standing Committees of Council, Audit Committee and various civic boards and commissions. In advance of the above-noted Strategic Priorities and Policy Committee meeting, the City Clerk, or written

designate, shall provide incoming Council Members with a communication describing the mandate of each of the Standing Committees, Audit Committee, boards and commissions to which Council Members are to be appointed, and providing a document on which each Council Member is to indicate their committee, board and commission preferences. The latter document shall be returned to the City Clerk, or designate, by a specified date, in order to form part of the agenda for the Strategic Priorities and Policy Committee meeting. Appointments to the Standing Committees, Audit Committee and various civic boards and commissions shall be in keeping with the process approved by the Municipal Council.

4.3 Appointment of Council Members to Council Standing Committees after Appointments at the Commencement of a Council Term

The City Clerk, or written designate, shall convene a meeting of the Strategic Priorities and Policy Committee in sufficient time for a nomination to be brought forward to the Municipal Council for consideration prior to the commencement of a new Council Year, with respect to the appointment of Council Members to Standing Committees of Council for the upcoming Council Year. The City Clerk, or written designate, shall provide the Council Members with a document on which each Council Member is to indicate their Standing Committee preference. The latter document shall be returned to the City Clerk, or designate, by a specified date, in order to form part of the agenda for the Strategic Priorities and Policy Committee meeting. Appointments to the Standing Committee shall be in keeping with the process approved by the Municipal Council. In the event a Council Member is no longer able to hold office on the Municipal Council and another individual is elected in their place during a Council Year, the new Council Member shall assume the membership on the Standing Committee previously held by the Council Member which they are replacing.

4.4 Appointment of Council Members to the Audit Committee and Civic Boards and Commissions after Appointments at the Commencement of a Council Term

In the event a Council Member vacancy on the Audit Committee or a civic board or commission becomes available during a Council Term, after appointments have been made at the commencement of the Council Term, the City Clerk, or written designate, shall canvass the Council Members to determine which Council Members would be interested in filling the vacancy. The names of the Council Members who have expressed an interest in filling the vacancy shall be placed on an agenda of the Strategic Priorities and Policy Committee, at the earliest opportunity, and the selection of the Council Member to fill the vacancy shall be made based upon the same process approved by the Municipal Council for the filling of vacancies at the beginning of a Council Term.

Appendix B4

Bill No.
2021

By-law No. CPOL.-47()-____

A by-law to amend By-law No. CPOL.-47-243, as amended, being “Assessment Growth Policy” to provide for strengthened eligibility criteria and for the prioritization of requests.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-47-243, as amended, being “Assessment Growth Policy” to provide for strengthened eligibility criteria and for the prioritization of requests;

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

1. By-law No. CPOL.-47-243, as amended, being “Assessment Growth Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021



London
CANADA

Assessment Growth Policy

Policy Name: Assessment Growth Policy

Legislative History: Enacted June 13, 2017 (By-law No. CPOL.-47-243); Amended June 26, 2018 (By-law No. CPOL.-353-344); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Director, Financial Planning and Business Support (or designate)

1. Policy Statement

The purpose of this policy is to establish a priority framework for the allocation of assessment growth funds.

2. Definitions

- 2.1. **Authorized Debt** – Council approved debt financing as a source of funding for capital projects.
- 2.2. **City** –The Corporation of the City of London.
- 2.3. **City Treasurer** – The individual appointed by the municipality as treasurer.
- 2.4. **Development Charges** – A fee charged by the City to recover capital costs associated with residential and non-residential growth. Development charges do not pay for operating costs or infrastructure renewal.
- 2.5. **Lifecycle Renewal** – Rehabilitation or renewal of existing infrastructure due to obsolescence, health and safety concerns, or general deterioration of assets related to use or age.

3. Applicability

This policy applies to the property tax supported budget.

4. The Policy

4.1. Principles

- 4.1.1. Civic service areas, boards and commissions that incur one-time or permanent costs to extend existing services due to growth in the City of London are required to submit business cases to the City Treasurer or written designate.
- 4.1.2. Business cases must be supported by strong metrics that clearly indicate a growth need for the service in question. Strong metrics typically include those that refer to growth in number of households, geographical area (e.g. hectares) or physical assets (e.g. lane-kilometres of roads). Population-based metrics may be suitable depending on the service. Metrics that address growth in demand or changes in demographics are generally not as strong as the aforementioned examples but may be appropriate in some cases.

4.1.3. Business cases will be considered eligible for funding and prioritized by the following categories:

- 1) Operating or one-time capital costs directly linked to the extension of existing services to new development;
- 2) Operating costs associated with developer-constructed capital assets assumed by the City or new Development Charges-funded growth-related capital assets constructed by the City of London or associated agencies, boards or commissions;
- 3) Future lifecycle renewal capital costs for developer-constructed capital assets assumed by the City or new Development Charges-funded growth-related assets constructed by the City of London or associated agencies, boards or commissions;
- 4) Support services and activities required to support the delivery of services related to items 1), 2) and 3) above;
- 5) Operating or one-time capital costs related to pressures of a growing city (supported by appropriate metrics at the sole discretion of the City Treasurer or designate).

4.1.4. For greater clarity, the following requests will not be eligible for funding:

- Requests related to the introduction of a new service or program, either on a permanent or one-time basis;
- Requests for permanent funding of an existing program implemented temporarily (i.e. a “pilot program”);
- Requests related to the enhancement or expansion of existing service levels (i.e. service improvement);

4.1.5. Assessment growth funds are applied to approved business cases at the discretion of the City Treasurer or designate.

4.1.6. If funding requests through approved business cases exceed available assessment growth funding then:

- a) Business cases will be allocated funding according to the following priority order:
 - i) Flow through costs for business cases approved but not fully funded in a prior year or that require funding over multiple years;
 - ii) In accordance with the prioritized categories outlined in section 4.1.3 above; and,
 - iii) Business cases will be evaluated as to whether the service and/or funding could be deferred to next year and whether significant service disruptions would occur if the service did not receive the current year assessment growth funding.
- b) Unfunded business cases may be resubmitted for consideration in the following year and will be subject to prioritization alongside newly submitted cases in the subsequent year(s).

4.1.7. If assessment growth funding exceeds the accumulated growth costs of civic service areas, boards and commissions in any one budget year, the balance available will be applied in that year as follows:

- a) 50% to reducing authorized debt on a one-time basis; and,

- b) 50% to the Capital Infrastructure Gap Reserve Fund on a one-time basis to mitigate growth in the infrastructure gap.

4.1.8. Assessment growth funding not allocated permanently, will be carried forward to the following year as a permanent source for future growth costs.

4.2. Budgeting for Assessment Growth

4.2.1. For budgeting purposes, assessment growth will be assumed to be fully allocated to growth costs. Assessment growth and its allocation will be reported annually.

Appendix B5

Bill No.
2021

By-law No. CPOL.-52()-____

A by-law to amend By-law No. CPOL.-52-248, as amended, being “Capital Budget and Financing Policy”, to update the definitions and the policy sections.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-52-248, as amended, being “Capital Budget and Financing Policy”, to update the definitions and the policy sections;

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

1. By-law No. CPOL.-52-248, as amended, being “Capital Budget and Financing Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Capital Budget and Financing Policy

Policy Name: Capital Budget and Financing Policy

Legislative History: Enacted June 13, 2017 (By-law No. CPOL.-52-248); Amended June 26, 2018 (By-law No. CPOL.-355-346); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Director, Financial Planning and Business Support (or written designate)

1. Policy Statement

The purpose of this policy is to establish a framework for capital budgeting and financing in order to ensure capital investments are budgeted and monitored with a consistent approach, financed in a manner to ensure a funding mix that places a priority on maintaining long-term financial sustainability, and guidelines are established for closing out capital projects.

2. Definitions

- 2.1. **City** – The Corporation of the City of London.
- 2.2. **City Treasurer** – The individual appointed by the municipality as treasurer.
- 2.3. **Development Charges Background Study** – The background study undertaken by the City for its current Development Charges By-law.
- 2.4. **Growth** – A capital project that will service growth and is included in the Development Charges Background Study.
- 2.5. **Lifecycle Renewal** – Rehabilitation or renewal of existing infrastructure due to obsolescence, health and safety concerns, or general deterioration of assets related to use or age.
- 2.6. **Service Improvement** – A new or expanded level of service to the municipality or enhances an operational service area.

3. Applicability

This policy applies to all capital projects undertaken or administered by the City or capital projects that received funding from the City and are undertaken or administered by any of the City’s Local Boards, Commissions, Agencies or Corporations.

4. The Policy

4.1. Standard of Care

The City Treasurer shall have overall responsibility for the capital budget and financing program. The City Treasurer or written designate shall have the authority to implement the capital budget and financing program and establish procedures consistent with this Policy.

4.2. Principles

4.2.1. Capital Budget Classifications

- a) Each capital project shall be classified as:
 - i) Lifecycle Renewal;
 - ii) Growth; or
 - iii) Service Improvement

4.2.2. Capital Budget Financing

The following guidelines be used when determining the funding mix for each capital budget classification:

4.2.2.1. Lifecycle Renewal

The funding options for Lifecycle Renewal capital budgets shall be allocated in the following 'priority order':

- a) Non Tax/Rate Supported
 - i) Eligible non-tax funding sources such as senior government funding.
- b) Tax/Rate Supported
 - i) Capital levy.
 - ii) Eligible reserve funds, subject to adequate balances as determined by the City Treasurer or designate.
 - iii) Debt financing for Lifecycle Renewal capital budgets shall only be authorized after all other funding options have been applied and exhausted, noting that the objective is to avoid the use of debt financing for this classification.

4.2.2.2. Growth

The funding options for the non-growth component of the Growth capital budgets, as determined by the Development Charges Background Study, shall be allocated in the following 'priority order':

Non Tax/Rate Supported

- i) Eligible non-tax funding sources such as senior government funding, provided that non-tax funding sources are used first to reduce the total expenditure before the growth/non-growth funding splits are applied.

Tax/Rate Supported

- ii) Capital Levy after consideration is first given to Lifecycle Renewal and second given to Service Improvement capital budgets.
- iii) Eligible reserve funds, subject to adequate balances as determined by the City Treasurer or designate.

- iv) Debt financing, provided that all other funding sources are exhausted.

Funding options for the growth component of the Growth capital budgets, as determined by the Development Charges Background Study, shall be funded from development charges supported funding sources, such as but not limited to eligible obligatory reserve funds and debt financing.

4.2.2.3. Service Improvement

The funding options for Service Improvement capital budgets shall be allocated in the following 'priority order':

- a) Non Tax/Rate Supported
 - i) Eligible non-tax funding sources such as senior government funding.
- b) Tax/Rate Supported
 - i) Capital Levy after consideration is first given to Lifecycle Renewal capital budgets.
 - ii) Eligible reserve funds, subject to adequate balances as determined by the City Treasurer or designate.
 - iii) Debt financing, provided that all other funding sources are exhausted.

The City Treasurer or written designate shall have the authority to set and adjust administrative capital financing targets that support the general guidelines identified above.

4.2.3. Capital Budget Development

The capital budget shall be developed in accordance with the following guidelines:

- a) A rolling ten (10) year capital plan shall be developed and maintained.
- b) The expenditure for each capital project shall be budgeted in the year spending is reasonably anticipated to occur, noting that sufficient budget must be in place to support the full estimated amount of the procurement, before procurement approval.
- c) The budget for capital projects shall include all reasonably known or anticipated costs each year the budget is requested, including but not limited to the impacts of inflation, non-refundable HST and a reasonable contingency.
- d) New capital budget funding requests that are introduced outside of the budget process shall be referred to the next budget cycle unless the request is directed to be brought forward by Municipal Council or is deemed urgent by the City Treasurer.
 - i) New capital budget requests that meet the criteria noted above, shall include a recommended source of financing as deemed appropriate by the City Treasurer or written designate.

- e) Debt financing shall be applied in accordance with the Council approved Debt Management Policy.

4.2.4. Capital Budget Monitoring and Close Out

- a) The City Treasurer or written designate, at their discretion, may close out capital project accounts.
- b) The City Treasurer or written designate shall allocate the net disposition of surplus funding for all closed capital projects as follows:
 - i) With respect to capital levy surplus, the City Treasurer or written designate shall review the balance of the capital receipts account and shall determine if funding is allocated to the capital receipts account to be used as a potential funding source for unfunded capital requests, or, allocated to an applicable tax supported reserve or reserve fund.
 - ii) Water and Wastewater & Treatment capital rates shall be returned to the appropriate rate supported reserve or reserve fund.
 - iii) The City Treasurer or written designate shall review the balance of the reserve or reserve fund which originally funded the capital project and shall determine if funding is allocated back to the respective reserve or reserve fund or allocated to the capital receipts account to be used as a potential funding source for unfunded capital requests.
 - iv) Debt financing shall be released resulting in a reduction of authorized debt.
- c) If during the capital budget monitoring process it is determined that a capital project will be significantly over budget, a separate report and associated source of financing shall be brought forward for Municipal Council approval or be brought forward during the multi-year budget process, including annual budget updates.
- d) The Civic Administration shall submit two monitoring reports to Municipal Council which will be known as the Mid-Year Monitoring Report and Year-End Monitoring Report and shall include:
 - i) A summary of the life-to-date capital budget.
 - ii) A listing of life-to-date projects three (3) years or older with no future budget.
 - iii) A listing of capital projects to be closed, including an explanation of capital projects with a variance greater than \$50,000, noting that capital projects with a variance to budget of less than \$50,000 shall be reported in aggregate only.

Appendix B6

Bill No.
2021

By-law No. CPOL.-193(c)-_____

A by-law to amend By-law No. CPOL.-193(b)-156, being "City of London Community Suite Policy" by deleting and replacing Schedule A.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-193(b)-156, being "City of London Community Suite Policy" by deleting and replacing Schedule A;

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

1. By-law No. CPOL.-193(b)-156 is hereby amended by deleting Schedule "A" to the By-law in its entirety and by replacing it with the attached new Schedule "A".
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021



City of London Community Suite Policy

Policy Name: City of London Community Suite Policy

Legislative History: Adopted September 19, 2017 (By-law No. CPOL.-193-445); Amended July 24, 2018 (By-law No. CPOL.-193(a)-426); Amended June 11, 2019 (By-law No. CPOL.-193(b)-156); Amended June 15, 2021 (By-law No. CPOL.-_____)

Last Review Date: June 15, 2021

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 This policy outlines the requirements associated with use of the City of London Community Suite at Budweiser Gardens.

2. Definitions

- 2.1 Not applicable.

3. Applicability

- 3.1 This policy shall apply to The Corporation of the City of London and local charitable volunteer groups for corporate use and community promotion for all events, except east end stage events (small concert mode) to be held in Budweiser Gardens.

4. The Policy

4.1 Tickets

The Suite includes ten tickets for all London Knights regular season games. Tickets for other events are purchased on an event basis.

4.2 Eligible Community Groups

Access to the Community Suite is limited to registered charities, incorporated non-profits, minor sports associations' administration, neighbourhood associations that are involved in fundraising for projects that are related to the repair, enhancement, construction or preservation of a City-owned or operated facility or the development and operation of a City-operated or supported program activity, and service clubs that are based in the City of London. Groups applying to use the Suite must provide a description of the group or organization, the legal name of the group, a contact and name of the person responsible for all costs associated with the use of the Suite, and the details on the proposed use of the Suite (e.g. fundraising, reward program for volunteers, etc.) Each group will be limited to one application. City schools are eligible for fundraising purposes only. A School may use the Suite only once. It is not the intent to draw individual classes within a School to utilize the Suite.

4.3 Allocation of Dates

- a) A list of events will be prepared, identifying community use event dates and City event dates in four-month intervals.
- b) The standing committee whose mandate includes such matters, and the City Manager, will identify those dates that the Suite will be used for City business.

- c) The City Manager shall be authorized to approve use of the Community Suite in those circumstances where an international or national event requires the use of the Community Suite as a bid condition in order to secure the event, and the City Manager shall be required to advise the Municipal Council of any such approval upon his/her notification that the subject bid was successful.
- d) The dates not being utilized for City purposes will be allocated by way of a draw or random lottery. A group submitting an application will list its priority for available events. The selected group will confirm its selection within five business days of being notified of an available date. In allocating event dates, those groups requesting only hockey will be distinguished from those groups requesting non-hockey events.
- e) Any eligible group refusing a date, once selected, shall remain eligible for future draws.
- f) All eligible groups not selected shall remain eligible for future draws.
- g) Once a group has used the Suite, they will not be eligible for re-use of the Suite until all other eligible groups have been offered use of the Suite.

4.4 Requirements of the User Group

- a) The user groups will be responsible for the behaviour of their users and will be required to abide by the same rules as other Suite holders.
- b) Each group will be responsible for all food and beverage costs, ticket costs (except regular season London Knights hockey games) and damages associated with the use of the Suite.
- c) Each group will be required to pay a \$250 refundable cheque to be used as security for the use of the Suite, provide proof of insurance, and must sign a waiver form for liability and provide evidence of Commercial General Liability insurance for an amount not less than \$2,000,000, which includes the City as an additional insured.
- d) Where tickets are required to be purchased for an event, groups will be required to purchase those tickets 10 business days prior to the event.

4.5 City Use of the Suite

- a) The City's use of the Suite will be governed by Municipal Council based on the recommendation of the standing committee whose mandate it is to deal with such matters, excluding those uses authorized by the City Manager for international or national events requiring the use of the Community Suite as a bid condition in order to secure those events.
- b) The City's use of the Suite is intended for community promotion, industrial and tourism promotion, and to recognize groups which may include persons serving on City committees and recipients of special recognition awards etc.
- c) The Suite will be available to affiliated Boards and Commissions for similar purposes as the City. Affiliated Boards and Commissions will not be considered an eligible community group for the use of the Suite, but under the policies that govern City use of the Suite.
- d) The cost of using the Suite by the City will be borne by the City and budgeted by the City Clerk and in the case of affiliated Boards and Commissions, or others that use the Suite, the cost will be borne by the user.

4.6 Administration of the Suite

The City Clerk is the primary contact for user groups and is delegated responsibility to administer this policy.

Appendix B7

Bill No.
2021

By-law No. CPOL.-383()-____

A by-law to amend By-law No. CPOL.-383-90, being “Code of Conduct for Members of Council” by deleting and replacing Schedule “A”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-383-90, being “Code of Conduct for Members of Council” by deleting and replacing Schedule” A”;

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

1. By-law No. CPOL.-383-90 is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021



Code of Conduct for Members of Council

Policy Name: Code of Conduct for Members of Council

Legislative History: Adopted March 26, 2019 (By-law No. CPOL.-383-90); Amended August 10, 2021 (By-law No. CPOL.-____)

Last Review Date: August 10, 2021

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 This Code of Conduct is established under the authority of Part V.1 – Accountability and Transparency of the *Municipal Act, 2001*, as amended.

2. Definitions

In this Code of Conduct:

- 2.1 **Apparent conflict of interest** – shall mean if there is a reasonable perception, which a reasonably well-informed person could properly have, that the Member's ability to exercise an official power or perform an official duty or function must have been affected by his or her private interest;
- 2.2 **Child** – shall mean a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
- 2.3 **Code** – shall mean this Code of Conduct;
- 2.4 **Corporation** - shall mean The Corporation of the City of London;
- 2.5 **Council** - shall mean the Council of The Corporation of the City of London;
- 2.6 **Family member** - shall mean a child, parent or a spouse;
- 2.7 **Member** - shall mean a Member of Council and includes the Mayor;
- 2.8 **Parent** – shall mean a parent who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
- 2.9 **Spouse** - shall mean a person to whom the person is married or with whom the person is living in a conjugal relationship outside of marriage;

3. Applicability

- 3.1 This Code of Conduct applies to the Mayor and all Members of Council.

4. The Code

Rule 1 - Key Principles and Framework

- 1.1 The Code is to be given a broad, liberal interpretation in accordance with the applicable legislation, the definitions set out herein and its general intent and purposes.

1.2 The Code operates together with, and as a supplement to, the following legislation that governs the conduct of Members:

- (i) *Municipal Act, 2001*;
- (ii) *Municipal Conflict of Interest Act*;
- (iii) *Municipal Elections Act, 1996*;
- (iv) *Municipal Freedom of Information and Protection of Privacy Act*;
- (v) *Provincial Offences Act*;
- (vi) *Occupational Health and Safety Act*;
- (vii) *Ontario Human Rights Code*;
- (viii) *Criminal Code of Canada*; and
- (ix) the by-laws and policies of Council as adopted and amended from time to time.

1.3 Members are governed by the *Municipal Conflict of Interest Act* which contains the following principles in relation to the duties of Members:

1. The importance of integrity, independence and accountability in local government decision-making.
2. The importance of certainty in reconciling the public duties and pecuniary interest of Members.
3. Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny.
4. There is a benefit to municipalities and local boards when Members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations and otherwise.

1.4 Members seeking clarification of any part of this Code should consult with the Integrity Commissioner and submit such requests in writing.

1.5 Any advice given by the Integrity Commissioner to a Member shall be in writing and binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter as long as all the relevant facts known to the Member were disclosed to the Integrity Commissioner.

1.6 In carrying out their responsibilities regarding the Code, the Integrity Commissioner is not limited to looking at the pecuniary interest of the Member and, for clarity, the Integrity Commissioner is specifically authorized to investigate issues of conflict in a broad and comprehensive manner.

Rule 2 - General Rules

2.1 Members shall serve and be seen to serve their constituents in a conscientious, accountable, transparent and diligent manner.

2.2 Members shall be committed to performing their functions with integrity, independence and impartiality and avoid the improper use of the influence of their office, and conflicts of interest, including apparent conflicts of interest.

2.3 Members shall not extend favour in the discharge of their official duties, preferential treatment to family members, organizations or groups in which they or their family members have a direct or indirect pecuniary interest.

2.4 Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

2.5 Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament, the Ontario Legislature, and the by-laws and policies of the Corporation.

2.6 Members shall accurately and adequately communicate the decisions of the Council, even if they disagree with Council's decision, such that the respect for the decision-making processes of Council is fostered.

Rule 3 – Confidential Information

3.1 Members shall hold in strict confidence all information concerning matters dealt with at a meeting closed to the public under the *Municipal Act* or any other Act. For greater certainty, confidential information shall include, without limitation, documents, records, advice received, presented, reviewed or discussed in a closed meeting and any discussion, direction and deliberation during the closed meeting. A Member shall not, either directly or indirectly, disclose, release, make public or in any way divulge any such information or any aspect of a closed meeting to anyone unless expressly authorized by Council or required by law.

3.2 A Member shall not collect, use, or disclose information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

3.3 A Member shall not disclose information that is subject to solicitor-client privilege, unless the privilege has been expressly waived by Council.

3.4 A Member shall not misuse any confidential information such that the release thereof may cause detriment to the Corporation, Council, the public or others or benefit or detriment to themselves or others. For greater certainty, confidential information includes, without limitation, information that a Member has knowledge of by virtue of their position as a Member that is not in the public domain, including emails, and oral and written communications from other Members or third parties.

Rule 4 - Conduct at Meetings and When Representing the Council or the Corporation

4.1 A Member shall conduct themselves with appropriate decorum at all times.

4.2 A Member shall conduct themselves at meetings of Council, committees, agencies, local boards and commissions to which they are appointed by the Council, or by virtue of being an elected official, with decorum in accordance with the provisions of the applicable procedure by-law.

4.3 A Member shall make every effort to participate diligently in the activities of the Council and the committees, agencies, local boards and commissions to which they are appointed by the Council, or by virtue of being an elected official.

Rule 5 - Incompatible Activity

5.1 A Member shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of their official duties in the public interest.

5.2 Without limiting the generality of the foregoing, a Member shall not:

- a) use the influence of their office for any purpose other than for the exercise of their official duties;
- b) act as an agent before Council, any committee, board or commission of Council or the City's Hearings Officer;
- c) use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- d) place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment;
- e) give preferential treatment to any person or organization in which a Member has a financial interest;

- f) influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member has a financial interest; or
- g) use the Corporation's property, materials, equipment, services, supplies, facilities, officers, employees, agents or contractors for personal gain, personal purpose or for any private purpose; or
- h) influence or interfere, either directly or indirectly, financially, politically or otherwise with employees, officers or other persons performing duties under the *Provincial Offences Act*.

5.3 A Member shall not allow the prospect of their future employment by a person or entity to detrimentally affect the performance of their duties.

5.4 A Member shall avoid waste, abuse and extravagance in the provision or use of public resources.

5.5. A Member shall expose fraud and corruption of which the Member is aware.

Rule 6 - Conduct Respecting Staff

6.1 A Member shall be respectful of the Corporation's officers, employees, individuals contracted by the Corporation on a purchase of service agreement and students on placements.

6.2 No Member shall injure the professional or ethical reputation, or the prospect or practice of an officer or employee of the Corporation, an individual contracted by the Corporation on a purchase of service agreement or a student on placement, and all Members shall show respect for the professional capacities of such persons.

6.3 No Member shall compel or attempt to compel an officer and employee of the Corporation to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.

6.4 No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any officer or employee of the Corporation, individual contracted by the Corporation on a purchase of service agreement or a student on placement with the intent of interfering in that employee's duties, including the duty to disclose improper activity.

6.5 Members shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from an individual Member or group of Members.

Rule 7 – Discreditable Conduct

7.1 Members have a duty to treat members of the public, one another, individuals contracted by the Corporation on a purchase of service agreement, students on placement and officers and employees of the Corporation appropriately and without abuse, bullying or intimidation and to ensure that their work environment is safe and free from discrimination and harassment. *The Ontario Human Rights Code* and the *Occupational Health and Safety Act* apply and, where applicable, the Corporation's Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination).

7.2 Upon receipt of a complaint with respect to alleged discreditable conduct of a Member that relates to the Corporation's Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination) the Integrity Commissioner shall forward the information subject to the complaint to Human Resources which, in the event mediation or other informal attempts to resolve the complaint as provided for in the applicable policy are not appropriate or prove ineffective and where Human Resources determines that further inquiry is warranted, will refer it to an external investigator to conduct an independent investigation in accordance with the applicable policy and the Corporation's Formal Investigation Process.

7.3 Upon receipt of the report of the independent investigator, the Integrity Commissioner shall make a determination on the application of this Code of Conduct and the merits of the investigation respecting the conduct of the Member subject to the complaint. The findings of the Integrity Commissioner shall be reported to City Council as per the normal procedure respecting such matters.

Rule 8 – Requirement to Adhere to Council Policies and Procedures

8.1 Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.

Rule 9 – Gifts, Benefits and Hospitality

9.1 No inappropriate gifts and hospitality are allowed that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.

9.2 No Member shall accept, solicit, offer or agree to accept a commission, fee, advance, cash, gift, hospitality, gift certificate, bonus, reward or benefit that is connected directly or indirectly with the performance of their duties of office unless permitted by the exceptions listed in section 9.4 below. No Member shall accept the use of property or facilities, such as a vehicle, office or vacation property at less than fair market value or at no cost.

9.3 For the purpose of this Code a commission, fee, advance, cash, gift, hospitality, gift certificate, bonus, reward or benefit provided with the Member's knowledge to a friend, family member or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties, is deemed to be a gift to that Member.

9.4 Members are not precluded from accepting:

- a) contributions authorized by law;
- b) political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- c) food and beverages at banquets, receptions, ceremonies or similar events, if:
 - i) attendance serves a legitimate business purpose;
 - ii) the person extending the invitation, or a representative of the organization is in attendance; and
 - iii) the value is reasonable and the invitations infrequent;
- d) services without compensation by persons volunteering their time;
- e) food, lodging, transportation, hospitality and entertainment provided by other levels of government, by other local governments, boards or commissions or by a foreign government within a foreign country;
- f) a reimbursement of reasonable expenses incurred in the performance of duties or office;
- g) a reimbursement of reasonable expenses incurred, and honorariums received in the performance of activities connected with municipal associations;
- h) token gifts such as souvenirs, mementos and commemorative gifts that are given in recognition of service on a committee, for speaking at an event or representing the Corporation at an event; and
- i) gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

9.5 A Member shall return any gift or benefit which does not comply with this Code, along with an explanation why the gift or benefit cannot be accepted.

9.6 In the case of exceptions claimed under 9.4 (c), (e), (h) and (i), if the value of the gift, hospitality or benefit exceeds \$300.00, or if the total value of gifts, hospitality or benefits received from one source during the course of a calendar year exceeds \$300.00, the Members shall within 30 days of receipt of the gift, hospitality or benefit or reaching the annual limit, complete a disclosure statement in a form prescribed by the Integrity Commissioner and file it with the Integrity Commissioner. A disclosure statement shall be a matter of public record.

9.7 On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift, hospitality or benefit might, in their opinion, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, they shall call upon the Member to justify receipt of the gift, hospitality or benefit.

Rule 10 - Use of Municipal Property and Resources

10.1 In order to fulfil their roles as elected representatives Members have access to municipal resources such as property, equipment, services, staff and supplies. No Member shall use, or permit the use of Corporate land, facilities, equipment, supplies, services, staff or other resources for activities other than purposes connected with the discharge of Council or Corporate business.

Rule 11 - Election-Related Activity

11.1 Members are required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and the Policy for the Use of City of London Resources for Municipal Election Purposes. Members shall not solicit, demand or accept the services of any corporate officer and employee, or individual providing services on a contract for service, for re-election purposes during hours in which the officer, employee, or individual providing services under a contract for service, is in the paid employment of the Corporation.

Rule 12 - Integrity Commissioner

12.1 It is a violation of the Code to obstruct the Integrity Commissioner in the carrying out of their duties and responsibilities.

12.2 No Member shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the Code or against a person who provides information to the Integrity Commissioner in any investigation.

12.3 It is a violation of the Code to destroy any documents or erase any electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under the Code.

12.4 The Integrity Commissioner may also recommend that Municipal Council impose one of the following sanctions:

- (a) written or verbal public apology;
- (b) return of property or reimbursement of its value or of monies spent;
- (c) removal from membership of a committee; and
- (d) removal as a chair of a committee.

The Integrity Commissioner has the final authority to recommend any of the sanctions above or other remedial actions at their discretion.

12.5 Upon receipt of a recommendation from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose either:

- a) a reprimand; or

- b) a suspension of the remuneration paid to the Member in respect of their services as a Member of Council or a local board, as the case may be, for a period of up to 90 days.

12.6 The Integrity Commissioner has the authority to apply sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* and investigate complaints or initiate an investigation of suspected violations of the Act. If the Integrity Commissioner determines that a violation has occurred, the Integrity Commissioner may apply to a judge for determination of the questions of whether a Member has contravened section 5, 5.1 or 5.2 of the Act.

THE CORPORATION OF THE CITY OF LONDON CODE OF CONDUCT FOR MEMBERS OF COUNCIL COMPLAINT PROTOCOL

AUTHORITY

Section 223.3 of the *Municipal Act, 2001* authorizes a municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the powers and duties assigned by the municipality with respect to the application of the Code of Conduct for Members of Council.

Sections 223.4 of the *Municipal Act, 2001* provides that an Integrity Commissioner has certain powers duties and protections.

The Code of Conduct for Members of Council was adopted by Council by By-law No. CPOL.-383-90 on March 26, 2019 and amended on August 10, 2021.

This Complaint Protocol was adopted by Council by By-law No. CPOL.-383-90 on March 26, 2019.

PART A: INFORMAL COMPLAINT PROCEDURE

Any person or any representative of an organization who has identified or witnessed behaviour or an activity by a Member of Council that they believe is in contravention of the Code of Conduct for Members of Council the “Code”) may wish to address the prohibited behaviour or activity themselves as follows:

- (1) advise the Member that the behaviour or activity contravenes the Code;
- (2) encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behavior or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) request the Integrity Commissioner to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue;
- (5) if applicable, confirm to the Member your satisfaction with the response of the Member; or, if applicable, advise the member of your dissatisfaction with the response; and
- (6) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the Member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

PART B: FORMAL COMPLAINT PROCEDURE:

Integrity Commissioner Requests for Inquiries - Section 1

1. (1) A request for an investigation of a complaint that a Member has contravened the Code (the “complaint”) shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier and shall be in writing.

(2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).

(3) A complaint shall set out reasonable and probable grounds for the allegation that the Member has contravened the Code. For example, the complaint should include the name of the alleged violator, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.

(4) Municipal Council may also file a complaint and/or request an investigation of any of its members by public motion.

Initial Classification by Integrity Commissioner - Section 2

2. (1) Upon receipt of the complaint, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or other Council Policies as described in subsection (2).

(2) If the complaint is not, on its face, a complaint with respect to non-compliance with the Code or the complaint is covered by other legislation or a complaint procedure under another Council Policy, the Integrity Commissioner shall advise the complainant in writing as follows:

(a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;

(b) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred for review to the City Clerk;

(c) if the complaint on its face is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure;

(d) if the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a Human Rights complaint or similar process, the Integrity Commissioner may, in their sole discretion and in accordance with legislation, suspend any investigation pending the result of the other process; and,

(e) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

(3) The Integrity Commissioner may report to Municipal Council that a specific complaint is not within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.

(4) The Integrity Commissioner shall report semi - annually to Municipal Council on complaints not within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.

Integrity Commissioner Investigation - Sections 3 – 5

3. (1) If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

(2) Other than in exceptional circumstances, the Integrity Commissioner will not report to Municipal Council on any complaint described in subsection (1) except as part of a semi- annual or other periodic report.

4. (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and in so doing, at any time may attempt to settle the complaint.

(2) Upon receipt of a formal complaint pursuant to the Code, and where the Integrity Commissioner determines that the complaint meets the criteria to be investigated, the Integrity Commissioner may elect to conduct an informal investigation, which may include mediation, or alternatively to exercise the powers of a Commission under sections 33 and 34 of the *Public Inquiries Act, 2009* as contemplated by subsection 223.4(2) of the Act.

(3) When the *Public Inquiries Act, 2009* applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but, if there is a conflict between a provision of the Complaint Protocol and a provision of the *Public Inquiries Act, 2009* the provision of the *Public Inquiries Act, 2009* prevails.

5. (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act, 2009*:

(a) serve the complainant and supporting material upon the Member whose conduct is in question with a request that a written response to the allegation by way of affidavit or otherwise be filed within ten business days; and

(b) serve a copy of the response provided upon the complainant with a request for a written reply within ten business days.

(2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act*, and may enter any City work location relevant to the complaint for the purposes of investigation and settlement.

(3) The Integrity Commissioner shall not issue a report finding a violation of the Code on the part of any Member unless the Member has had reasonable notice of the basis for the proposed finding and any recommended penalty and an opportunity either in person or in writing to comment on the proposed finding and any recommended penalty.

(4) The Integrity Commissioner may make interim reports to Municipal Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during an investigation.

(5) If the Integrity Commissioner has not completed an investigation before Nomination Day for a regular election, as set out in the *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the inquiry on that day.

If an investigation is terminated in accordance with subsection 223.4(7) of the *Municipal Act, 2001*, the Integrity Commissioner shall not commence another inquiry in respect to the matter unless, within six weeks after Voting Day in a regular election, the complainant who made the request or the Member or former Member whose conduct is concerned makes a written request to the Integrity Commissioner that the investigation be commenced.

(6) The Integrity Commissioner shall retain all records related to the complaint and investigation.

Integrity Commissioner Investigation - Sections 6 – 9

6. Notwithstanding any other provisions of this Protocol, in the year of a regular election the following rules apply during the period starting on Nomination Day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996* and ending on Voting Day in a regular election, as set out in section 5 of the Act:

- (i) there shall be no requests for an inquiry about whether a Member has contravened the Code applicable to the Member;
- (ii) the Integrity Commissioner shall not report to the municipality about whether in their opinion, a Member has contravened the Code applicable to the Member; and,
- (iii) the municipality shall not consider whether to impose penalties referred to in subsection 223.4(5) of the *Municipal Act, 2001*, on a Member.

7. (1) The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the intake process has been completed and an investigation has been commenced. If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report and must advise the parties of the date the report will be available.

(2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Municipal Council outlining the findings, the terms of any settlement or recommended penalty. The City Clerk shall process the report for the next meeting of Municipal Council.

(3) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behavior or activity does not continue.

(4) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Municipal Council except as part of a semi-annual or other periodic report.

8. If the Integrity Commissioner determines that there has been no contravention of the Code or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

9. Notwithstanding any other provision of this Protocol, the Integrity Commissioner shall not make any report to Municipal Council or to any other person during the period of time starting on Nomination Day and ending on Voting Day in any year in which a regular municipal election will be held, as set out in the *Municipal Elections Act, 1996*.

Municipal Council Review – Section 10

10. (1) Municipal Council shall consider and respond to the report within 90 days after the day the report is laid before it.

(2) Municipal Council shall not consider whether to impose sanctions on a Member, where the Integrity Commissioner makes a report to the Municipal Council regarding a contravention of the Code, during the period of time starting on Nomination Day and ending on Voting Day in a year in which a regular election will be held, as set out in the *Municipal Elections Act, 1996*.

(3) In responding to the report, Municipal Council may vary a recommendation that imposes a penalty, subject to section 223.4, subsection (5) of the *Municipal Act, 2001*, but shall not refer the recommendation other than back to the Integrity Commissioner.

(4) Upon receipt of recommendations from the Integrity Commissioner, Municipal Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code impose either of two penalties:

- (a) a reprimand; or
- (b) suspension of the remuneration paid to the member in respect of his/her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days.

(5) The Integrity Commissioner may also recommend that Municipal Council impose one of the following sanctions:

- (a) written or verbal public apology;
- (b) return of property or reimbursement of its value or of monies spent;
- (c) removal from membership of a committee; and,
- (d) removal as a chair of a committee.

(6) The Integrity Commissioner has the authority to apply sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* and investigate complaints or initiate an investigation of suspected violations of the Act. If the Integrity Commissioner determines that a violation has occurred, the Integrity Commissioner may apply to a judge for determination of the questions of whether the member has contravened sections 5, 5.1 or 5.2 of the Act.

Confidentiality – Section 11

11. (1) A complaint will be processed in compliance with the confidentiality requirements in sections 223.5 and 223.6 of the *Municipal Act*, which are summarized in the following subsections.

(2) The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.

(3) All reports from the Integrity Commissioner to Council will be made available to the public.

(4) Any references by the Integrity Commissioner in a semi-annual or other periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.

(5) The Integrity Commissioner, in a report to Council on whether a member has violated the Code, shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

Appendix B8

Bill No.
2021

By-law No. CPOL.-48()-____

A by-law to amend By-law No. CPOL.-48-244, as amended, being “Debt Management Policy”, to add intergenerational equity and maintaining a strong credit rating to objectives, and to add clarifying language in the policy section.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-48-244, as amended, being “Debt Management Policy”, to add intergenerational equity and maintaining a strong credit rating to objectives, and to add clarifying language in the policy section.;

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

1. By-law No. CPOL.-48-244, as amended, being “Debt Management Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Debt Management Policy

Policy Name: Debt Management Policy

Legislative History: Enacted June 13, 2017 (By-law No. CPOL.-48-244); Amended June 26, 2018 (By-law No. CPOL.-354-345); Amended June 15, 2021 (By-law No. CPOL.-_____)

Last Review Date: June 15, 2021

Service Area Lead: Director, Financial Planning & Business Support (or written designate)

1. Policy Statement

1.1 Purpose

The purpose of this policy is to establish objectives for debenture and other forms of financing necessary to meet The Corporation of the City of London’s (the “City”) infrastructure and operating requirements as prescribed by the relevant sections of the Municipal Act, 2001, c 25 (the “Act”), specifically Part XIII Debt and Investment, and the applicable regulations thereunder.

This policy also establishes strategies for managing debt, including establishing parameters related to new debt being authorized or issued and ensuring that debt is at a level that will not impair the financial position or the credit rating of the City.

1.2 Objectives

The primary objectives of this policy, in priority order, are as follows;

a) Adherence to statutory requirements

The City shall secure temporary or long-term borrowing for municipal purposes as prescribed by the Act, specifically Part XIII Debt and Investment and the applicable regulations thereunder, including, but not limited to Ontario Regulation 403/02 Debt and Financial Obligation Limits; Ontario Regulation 438/97 Eligible investments, Related Financial Agreements and Prudent Investment; Ontario Regulation 247/01 Variable Interest Rate Debentures and Foreign Currency; Ontario Regulation 276/02 Bank Loans; and Ontario Regulation 653/05 Debt-Related Financial Instruments and Financial Agreements, as amended.

b) Maintain a strong credit rating

The City shall strive to maintain a strong credit rating. A strong credit rating is a key factor in minimizing the cost of debt and accessing capital markets in an efficient manner. In addition, a strong credit rating is required to meet the statutory requirements for entering into certain types of financing arrangements.

c) Intergenerational equity

The City shall structure debt financing in a way that is fair and equitable to those who pay and those who benefit from projects over time.

d) Managing long-term cost of financing

The City shall ensure that the debt program uses a systematic approach that minimizes the impact of debt servicing costs.

2. Definitions

- 2.1. **Annual Repayment Limit:** Under Regulation 403/02: Debt and Financial Obligation Limits, this limit represents the maximum amount which the municipality has available to commit to payments relating to debt and financial obligations without seeking the approval of the Ontario Land Tribunal. This limit is provided annually to a municipality by the Ministry of Municipal Affairs and Housing, additionally this limit must be updated by the City Treasurer prior to Council authorizing any increase in debt financing for capital expenditures.
- 2.2. **Authorized Debt:** Council approved debt financing as a source of funding for capital projects.
- 2.3. **Capital Financing:** A generic term for the financing of capital assets. This can be achieved through a variety of sources such as tax levy, grants, reserve funds and debt.
- 2.4. **Capital Plan:** The budget for capital projects i.e. the expenditures and resources required for capital projects.
- 2.5. **City Treasurer:** The individual appointed by the municipality as treasurer.
- 2.6. **Credit Rating:** A rating assigned by a credit rating agency as to the credit worthiness of an entity's debt obligations.
- 2.7. **Debenture:** A formal written obligation to pay specific sums on certain dates. In the case of a municipality debentures are typically unsecured (i.e. backed by general credit rather than by specified assets).
- 2.8. **Debt Management Policy:** Refers to this document.
- 2.9. **Debt Program:** Refers to the practices related to authorizing debt, issuing debt and monitoring debt. For example, part of the debt program includes issuing debt and the particulars related to issuing debt specifically the amount, timing and structure of the issuance.
- 2.10. **Debt Servicing Costs:** Cash that is required to cover the repayment of interest and principal on a debt and other costs associated with issuing debt.
- 2.11. **Financial Guarantee:** An agreement whereby the City will take responsibility for the payment of debt in the event that the primary debtor fails to perform.
- 2.12. **Growth Project:** A capital project that will service growth and is included in the Development Charges Background Study.
- 2.13. **Intergenerational Equity:** In economic, psychological, and sociological contexts, is the concept or idea of fairness or justice between generations.
- 2.14. **Internal Debt Financing Cap:** The City's internal limit on debt as a source of capital financing for capital projects which is set by the City Treasurer. This limit is not referring to limits imposed by the Act or regulations thereunder.

- 2.15. **Issued Debt:** A fixed obligation, such as a debenture, notes or other agreements between the issuer (the borrower) and the lender. Municipalities issue debt to finance a variety of projects such as infrastructure projects.
- 2.16. **Lease Financing Agreement:** A financial lease agreement for the purposes of obtaining long term financing of a capital undertaking of the municipality. For example, leasing of computer equipment.
- 2.17. **Letter of Credit:** A binding document from a bank guaranteeing that a buyer's payment to a seller will be received on time and for the correct amount. In the event that the buyer is unable to make payment on the purchase, the bank will be required to cover the full or remaining amount of the purchase (debt).
- 2.18. **Lifecycle Renewal Project:** A capital project for the rehabilitation or renewal of existing infrastructure due to obsolescence, health and safety concerns, or general deterioration of assets related to use or age.
- 2.19. **Service Improvement Project:** A capital project that provides a new or expanded level of service to the municipality or enhances an operational service area.

3. **Applicability**

This policy applies to all financial obligations made by the City on its own behalf and on behalf of its agencies, boards and commissions as well as the Elgin Area Primary Water Supply and Huron Primary Water Supply System in the City's capacity as the Administering Municipality, in accordance with the Transfer Orders issued September 15, 2000.

The following types of financial obligations are excluded from this policy;

- a) Lease Financing Agreements;
- b) Financial Guarantees; and
- c) Letters of Credit

4. **The Policy**

4.1. **Strategy**

4.1.1. Limiting and Reducing Authorized Debt

- a) The City shall limit the amount of debt authorized on an annual basis by applying debt financing to projects in the capital plan in a manner consistent with the following;
 - i) Debt financing may be utilized as a source of funding for growth projects;
 - ii) Debt financing may be utilized as a source of funding for service improvement projects after all other funding options have been applied and exhausted; and
 - iii) Debt financing shall only be authorized as a source of funding for lifecycle renewal projects after all other funding options have been applied and exhausted.
- b) The City Treasurer shall have the authority to change the above application of debt financing as a source of funding for projects in the capital plan.
- c) The City shall limit debt financing as a source of funding in the capital plan by way of an internal debt cap. The City Treasurer shall have the authority to set and modify the internal debt cap such that the internal debt cap meets the City's long-term financing strategies and does not contravene the Act or regulations thereunder.

- d) Authorized debt shall be reduced as follows;
 - i) As prescribed by the Council approved Surplus/Deficit and Assessment Growth Policies.
 - ii) By the amount of surplus debt financing in the capital financing budget in a given year, unless otherwise directed by the City Treasurer.

4.1.2. Minimizing Risk Associated with Issuing Debt

- a) The City shall not issue long-term financing on projects/capital works until they are substantially complete or a significant milestone is achieved.
- b) The timing and amount of debt issued in a given year shall be at the discretion of the City Treasurer or designate after consideration of cash flow requirements, budget constraints, and market conditions. This discretion must be exercised in accordance with the Act and the regulations.
- c) The City's general practice shall be to issue debt that is denominated in Canadian dollars with fixed interest rates over the term. Notwithstanding, if a borrowing structure is presented for which there is a material financial advantage and/or it is deemed prudent for the City to issue debt that is subject to interest rate fluctuations, the City may, at the discretion of the City Treasurer, consider entering into this type of arrangement. Variable interest rate structures must be in accordance with Ontario Regulation 247/01.
- d) Temporary financing instruments may be issued either for operating or capital purposes. Temporary financing for amounts that the City considers necessary to meet the expenses during the current fiscal year until the receipt of taxes and other revenues shall be in accordance with Section 407 of the Act and the temporary borrowing by-law passed by Council.

4.1.3. Managing Debt Servicing Costs

- a) The City Treasurer shall set debt servicing cost targets for each rate base (i.e. property tax supported, wastewater, water, and development charges) and these targets shall be a general guideline and utilized in the development of the City's budgets. These targets shall align with the City's long-term financing strategies and be subject to the requirements of the Act.
- b) The City shall strive to maintain a strong credit rating to assist in securing a favourable cost of borrowing.
- c) The City shall have a term preference of 10 years for debentures or other types of long-term financing for capital works. The term of long-term financing shall not extend beyond the lifetime of the capital work for which the debt was incurred and shall not exceed 40 years in accordance with Section 408 (3) of the Act. The term preference as well as structure of long-term financing instruments will be at the discretion of the City Treasurer or designate and subject to the requirements of the Act.
- d) The City shall monitor debt servicing costs and annual repayment limits as prescribed under Ontario Regulation 403/02: Debt and Financial Obligation Limits. The City shall also utilize other benchmarks, measures, indicators, ratios and limits as determined relevant and appropriate by the City Treasurer or designate to monitor debt levels and servicing costs. These measures shall include, but are not limited to debt servicing costs as a percentage of gross operating expenditures, debt financing as a

percentage of the capital budget, debt per household and debt servicing costs as a percentage of revenue.

4.2 Reporting

In addition to any information requested by Council, or any information that the City Treasurer considers appropriate, the following shall be reported to Council;

- a) The status of issued and authorized debt as well as debt servicing costs through the budget monitoring reports;
- b) Projections for debt levels and debt servicing costs through the budget process; and
- c) Debenture issuances.

Appendix B9

Bill No.
2021

By-law No. CPOL.-80()-____

A by-law to amend By-law No. CPOL.-80-312, as amended, being “Dedication of Fire Stations”, to update applicability by changing the number of fire stations from seven to six.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-80-312, as amended, being “Dedication of Fire Stations”, to update applicability by changing the number of fire stations from seven to six;

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

1. By-law No. CPOL.-80-312, as amended, being “Dedication of Fire Stations”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule "A"



London
CANADA

Dedication of Fire Stations

Policy Name: Dedication of Fire Stations

Legislative History: Enacted August 22, 2017 (By-law No. CPOL.-80-312); Amended June 26, 2018 (By-law No. CPOL.-287-278); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Fire Chief, London Fire Department, Neighbourhood and Community-Wide Services

1. Policy Statement

That a policy be adopted to provide for the dedication of fire stations in recognition of London firefighters who have lost their lives in the line of duty.

2. Definitions

Not applicable.

3. Applicability

This policy applies to six existing facilities (Station Nos. 5, 7, 8, 10, 11, and 14) as well as any stations constructed in the future.

4. The Policy

That applicable fire stations be dedicated in memory of fallen firefighters who have lost their lives in the line of duty.

Appendix B10

Bill No.
2021

By-law No. CPOL.-202()-____

A by-law to amend By-law No. CPOL.-202-454, as amended, being “Discretionary Benefits”, to address the intent of the policy and the new provincial model towards life stabilization.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-202-454, as amended, being “Discretionary Benefits”, to address the intent of the policy and the new provincial model towards life stabilization;

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

1. By-law No. CPOL.-202-454, as amended, being “Discretionary Benefits”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Discretionary Benefits

Policy Name: Discretionary Benefits

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-202-454);
Amended August 10, 2021 (By-law No. CPOL.-202-

Last Review Date: August 10, 2021

Service Area Lead: Ontario Works Administrator

1. Policy Statement

This policy sets the parameters for the use of the Discretionary Benefits budget.

2. Definitions

Discretionary Benefits Program – The Discretionary Benefits Program is in place to provide financial assistance to those who meet established income eligibility criteria for items and services related to their health, safety and physical well being.

3. Applicability

This policy applies to Londoners that meet established financial eligibility. An application process exists to determine eligibility and verification of need.

4. The Policy

That a policy be established whereby the Discretionary Benefits budgets be used to provide financial assistance to those who meet established criteria for items and services that impact their health, safety and physical well being.

This program is administered at the discretion of the Municipality and is cost-shared with the Provincial Government. Within established protocols, services are provided such as emergency dental, dentures, vision care, health and personal safety items, beds and appliances, funerals and moving expenses in accordance with the current budget available and any contract agreements and rates in effect.

Appendix B11

Bill No.
2021

By-law No. CPOL.-140()-____

A by-law to amend By-law No. CPOL.-140-392, as amended, being “Financial Assistance for Program Activity Fees”, to update and clarify language, to add a new section 4.11 concerning applicants receiving financial assistant from the province, and to renumber the sections accordingly.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-140-392, as amended, being “Financial Assistance for Program Activity Fees”, to update and clarify language, to add a new section 4.11 concerning applicants receiving financial assistant from the province, and to renumber the sections accordingly;

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

1. By-law No. C CPOL.-140-392, as amended, being “Financial Assistance for Program Activity Fees”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Financial Assistance for Program Activity Fees

Policy Name: Financial Assistance for Program Activity Fees

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-140-392); Amended June 26, 2018 (By-law No. CPOL.-291-282); Amended August 10, 2021 (By-law No. CPOL.-___)

Last Review Date: August 10, 2021

Service Area Lead: Manager of Administration and Attractions

1. Policy Statement

The intent of the policy is to:

- 1.1. Ensure that a system of financial assistance, that is easy to access by low-income Londoners, exists for directly related participation costs for recreation and leisure activities and programs offered by the City of London;
- 1.2. Provide a system of financial assistance that, within budget availability, helps as many low-income Londoners as possible to participate in recreation and leisure opportunities offered by the City of London; and,
- 1.3. Provide a system of financial assistance that is simple to understand for all customers and is easy for staff to administer.

These goals are consistent with existing corporate strategies, including the Parks and Recreation Strategic Master Plan.

2. Definitions

Not applicable.

3. Applicability

This policy provides financial assistance with the cost of registration fees, identified program materials, supplies and equipment costs, assistive devices and related supports. All City of London, recreation and leisure programs, memberships and pass plans, and admissions offered through *PlayYourWay Online* are eligible for support.

4. The Policy

Policy Conditions

- 4.1. London residents/taxpayers who considers themselves or their families unable to pay the full registration fee can apply for financial assistance (self-declaration).
- 4.2. Financial assistance is limited to a maximum value of \$300 per individual per 12 month period (from date of approval).
- 4.3. Financial assistance is available for all City of London, recreation and leisure programs, memberships and pass plans offered through PlayYourWay Online.

Policy Fee Schedule

- 4.4. A policy fee schedule based on Statistics Canada's Low-Income Cut offs will be used by staff to determine the amount of financial assistance provided to individuals or families. This schedule will be used for all recreation and leisure programs offered by the City of London. This policy fee schedule will be adjusted as required when new financial data becomes available from Statistics Canada.

PROCEDURE

Purpose

- 4.5. To determine the process for and amount of financial assistance that may be provided for eligible persons to participate in the City of London's recreation and leisure programs but who are unable to afford the associated program fees.

Application Process:

- 4.6. Requests to determine eligibility for financial assistance can be made in person, by telephone, mail or email. In person requests can be made at any Recreation Customer Service counter during regular business hours.
- 4.7. Documentation required to complete a request to determine eligibility for financial assistance includes:
 - a) Identification for each eligible family member;
 - b) Proof of family income; and
 - c) Proof of residency.
- 4.8. No supporting documentation is copied or retained, and application documents are maintained securely for 1 year after which point they are destroyed.
- 4.9. Eligible participants may register for recreation and leisure programs and activities through on-line registration, telephone or in person. Participants who are paying a percentage of the course fee must submit payment prior to receiving confirmation of registration in the program.
- 4.10. All applicants are to be advised at the time of the request that an appeal process exists and of the terms of the process (see Appeal Process).
- 4.11. Note: Applicants currently receiving Ontario Works (OW) or Ontario Disability Support Program (ODSP) benefits are automatically eligible for financial assistance. They must provide proof of benefits along with identification for each eligible family member.

Funding Process

- 4.11. Each year the City of London will establish a fund which will be used exclusively for the purpose of providing financial assistance to low-income Londoners who want access to recreation and leisure program activities offered by the City.
- 4.12. The amount of the fund will vary yearly as determined by the City's budgeting process.
- 4.13. The fund can be accessed prior to the start of each session on a "first-come, first-served basis" until it is exhausted. Once the fund is exhausted, applicants may have to wait until the following budget year and reapply when funding permits.
- 4.14. Demand for the fund and other indicators will be tracked and used for future forecasting of funding needs for financial assistance.

Communication Process

- 4.15. Information about the existence of the policy and how to access it will be developed and updated as necessary for distribution to community agencies and other stakeholders that serve low-income Londoners.
- 4.16. City staff will continue to work with the community to monitor the accessibility of recreation and leisure opportunities for low income Londoners.

Appeal Process

- 4.17. At the time of application, each customer will be notified of the ability to appeal and, where necessary, the details of the process as outlined below. Customers requesting a reconsideration of their eligibility or their rate of financial assistance are required to submit a letter or email to the Supervisor, Recreation Customer Service, indicating the following:
 - a) Full name, address, telephone number, date of initial application for financial assistance;

- b) Reason for request for reconsideration (e.g., extraordinary expenses); and
 - c) All supporting documents (e.g. receipts, medical notes, etc.).
- 4.18. Requests will be forwarded to the Supervisor, Recreation Customer Service, within 5 days of receipt of the appeal. All requests for reconsideration will be examined by the Supervisor, Customer Service (or designate) in consultation with the customer. Appeal decisions will be considered final.

Appendix B12

Bill No.
2021

By-law No. CPOL.-114()-____

A by-law to amend By-law No. CPOL.-114-366, as amended, being “Flags at City Hall Policy”, to clarify that flags at the back entrance of City Hall are to be removed over the winter.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-114-366, as amended, being “Flags at City Hall Policy”, to clarify that flags at the back entrance of City Hall are to be removed over the winter;

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

1. By-law No. CPOL.-114-366, as amended, being “Flags at City Hall Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Flags at City Hall

Policy Name: Flags at City Hall

Legislative History: Adopted September 19, 2017 (By-law No. CPOL.-114-366); Amended July 24, 2018 (By-law No. CPOL.-114(b)-417); Amended June 11, 2019 (By-law No. CPOL.-114(c)-158); Amended August 10, 2021 (By-law No. CPOL.-____)

Last Review Date: August 10, 2021

Service Area Lead: City Clerk

1. Policy Statement

1.1 This policy sets out the requirements for the flying of flags at City Hall.

2. Definitions

2.1 Not applicable.

3. Applicability

3.1 This policy shall apply to any person or organization seeking to fly a flag at City Hall.

4. The Policy

4.1 Flags at Front Entrance of City Hall

a) The following flags shall be permitted to be flown at City Hall on the flag poles over the front entrance of City Hall:

i) flags deemed by the City Clerk to be in accordance with the flag etiquette of Canada as established by Heritage Canada (restricted to the flag of the City of London, Canadian provinces, the Canadian flag, the personal flags and standards of the Royal Family and the Governor General and the Lieutenant Governors throughout Canada, the Royal Union flag, and the flags of the United Nations, the North Atlantic Treaty Organization and the Commonwealth); and,

ii) an appropriate flag on the occasion of a visiting dignitary, on the day of the dignitary's visit to London City Hall, as a gesture of respect and friendship.

4.2 Flags in City Hall

a) As an annual observance to recognize the anniversary of the London Township Treaty, the five signatory First Nations (Chippewas of the Thames First Nation, Chippewas of Kettle and Stoney Point First Nation, Walpole Island First Nation, Aamjiwnaang First Nation and Caldwell First Nation) shall be invited to have their flags displayed on September 7th of each year, in City Hall. In the event that September 7th falls on a day on which City Hall is closed, the flags shall be displayed on the first day prior to September 7th that City Hall is open for business.

4.3 Community Flag Pole

- a) The following flags shall be permitted to be flown at City Hall on the Community Flag Pole installed at the northwest corner of City Hall, facing Wellington Street:
 - i) the Canadian flag at such times as there is no flag of a charitable or non-profit organization to be flown as provided for in 4.3a)ii), or at such times as the half-masting of a flag is in order, as provided for under 4.5c), below; and,
 - ii) to celebrate achievement, the flag of a charitable or non-profit organization to help increase public awareness of their programs and activities; an organization that has achieved national or international distinction or made a significant contribution to the community, or an organization that has helped to enhance the City of London in a positive manner.
- b) The following guidelines shall be observed for the flying of flags permitted under 4.3a)ii), above:
 - i) the organization's flag will fly in connection with a particular event by an organization;
 - ii) no flags of commercial, religious or political organizations shall be permitted;
 - iii) no flags of a group or organization whose undertakings or philosophy are contrary to City of London policies or by-laws, or espouse hatred, violence or racism shall be permitted;
 - iv) an organization's flag shall be flown no more than once per calendar year;
 - v) organizations shall be required to submit requests for their organization's flag to fly on an annual basis;
 - vi) a flag shall be flown for a period of up to one week, or for the duration of the associated event, whichever is less; and,
 - vii) flags shall only be raised and lowered on those business days that City Hall is open.

4.4 Flags at Back Entrance of City Hall

- a) The following flags shall be permitted to be flown at City Hall on the flag poles over the back entrance of City Hall facing Reginald Cooper Square:
 - i) The flags of all the provinces and territories and the Canadian Flag are hung, in order of confederation, over the back entrance facing Reginald Cooper Square. The Canadian Flag is hung as per the standards outlined in the National Flag of Canada Etiquette issued from the Federal Government.
- b) The precedence for flag order (from left to right) as per the Position of Honour is as follows:
 - i) the National Flag of Canada;
 - ii) the flags of other sovereign nations in alphabetical order (if applicable);
 - iii) the flags of the provinces of Canada (in the order in which they joined Confederation); and,
 - iv) the flags of the territories of Canada (in the order in which they joined Confederation).
- c) The flags are raised in the spring, and removed before winter.

4.5 General

- a) The City Clerk will administer the policy for the flying of flags at City Hall.
- b) The following guidelines shall apply to resolving conflicts arising from this policy:
 - i) conflicts between the flying of flags in accordance with 4.1a)i) and 4.1a)ii) shall be settled firstly in favour of those flags being flown in accordance with 4.1a)i) and secondly in favour of those flags being flown in accordance with 4.1a)ii);
 - ii) conflicts between the flying of flags in accordance with 4.3a)i) and 4.3a)ii) shall be settled firstly in favour of those flags being flown in accordance with 4.3a)i) and secondly in favour of those flags being flown in accordance with 4.3a)ii);
 - iii) conflicts between the dates requested for flags to be flown by two or more organizations on the Community Flag Pole shall be settled in favour of the organization which first made its request; and,
 - iv) in the event there is a dispute between an organization and the City Clerk as to the eligibility of a request, the appeal process shall be through the Standing Committee of Council whose mandate it is to deal with such matters, with the Municipal Council having full and final say as to whether or not the request to fly a flag will be granted.
- c) The following guidelines shall be observed for the half-masting of the Canadian flag on the Community Flag Pole:
 - i) the flying of the Canadian flag at half-mast denotes a period of official mourning or commemoration;
 - ii) the City of London will fly the Canadian flag on the Community Flag Pole at half-mast in the event of a death or to commemorate a solemn occasion. The Canadian flag will be lowered at the direction of the Mayor. In consultation with the Mayor, the City Clerk will provide instruction to lower the Canadian flag on the Community Flag Pole;
 - iii) the position of the Canadian flag when flying at half-mast will depend on its size, the length of the mast and its location; but as a general rule, the centre of the Canadian flag shall be exactly half-way down the mast;
 - iv) the official period of mourning is defined as the day of passing until the day of the funeral; and,
 - v) the Canadian flag will be flown at half-mast on the Community Flag Pole to commemorate the following occasions:

Date	Occasion
April 28	National Day of Mourning for Persons Killed or Injured in the Workplace
August 9	Peacekeepers' Day
Last Sunday in September	National Peace and Police Officers' Memorial Day
November 11	Remembrance Day*
	*Half-masting shall occur at 11:00 a.m. or according to the prescribed order of service at the Cenotaph.
December 6	National Day of Remembrance and Action on Violence Against Women

Appendix B13

Bill No.
2021

By-law No. CPOL.-139()-____

A by-law to amend By-law No. CPOL.-139-391, as amended, being “Gender Equity in Recreation Services”, to modernize language in three definitions (2.2 to 2.4), and to add a section 4.iii under Policy to address removing barriers.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-139-391, as amended, being “Gender Equity in Recreation Services”, to modernize language in three definitions (2.2 to 2.4), and to add a section 4.iii under Policy to address removing barriers;

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

1. By-law No. CPOL.-139-391, as amended, being “Gender Equity in Recreation Services”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Gender Equity in Recreation Services

Policy Name: Gender Equity in Recreation Services

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-139-391); Amended June 26, 2018 (By-law No. CPOL.-284-275); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Deputy City Manager, Neighbourhood and Community-Wide Services

1. Policy Statement

This policy addresses The Corporation of the City of London’s commitment to providing welcoming and equitable recreation opportunities for everyone, regardless of gender, gender expression, or gender identity.

2. Definitions

- 2.1. **Equity** - The rights of the individual to an equitable share of the goods and services in society. However, equality of treatment will not guarantee equal results. Creating equal results sometimes requires treating people differently from each other. Focusing on the results instead of the treatment is the concept of equity.
- 2.2. **Gender** - Whereas sex is a person’s physical characteristics, gender can refer to the individual and/or social experience of being a man, a woman, or neither. Social norms, expectations, and roles related to gender vary across time, space, culture, and individuals.
- 2.3. **Gender Expression** - How a person publicly presents or expresses their gender. This can include behaviour and outward appearance, such as dress, hair, make-up, body language, and voice. A person’s chosen name and pronoun are also common ways people express their gender. All people, regardless of their gender identity, have a gender expression and they may express it in any number of ways.
- 2.4. **Gender Identity** - Each person’s internal and individual experience of gender. It is a person’s sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person’s gender identity may be the same as or different from their birth-assigned sex.

3. Applicability

This policy applies to all City of London recreation programs, parks, facilities, and services. Accordingly, it applies to all recreation employees, volunteers, users, and individuals or businesses contracted by the Corporation to provide or support recreation programs, parks, facilities, and services.

4. The Policy

Gender equity in recreation will be provided within the community, regardless of gender identity and gender expression. Recognizing the many personal, social, economic and environmental benefits to health and quality of life that are derived by participating in physical activity and through positive leisure lifestyle development, the City of London is therefore committed to:

- i) ensuring that a full range and variety of gender equitable recreation opportunities are available in all areas of the community and are accessible in safe and welcoming environments for all Londoners, regardless of gender identity and gender expression;
- ii) working with the community to provide gender equitable recreation opportunities, projects, programs, services, staffing and facilities which are consistent with this policy;
- iii) removing gender-related barriers that may prevent Londoners from participating in recreation; and
- iv) allocating appropriate resources to accomplish this above noted commitment.

Appendix B14

Bill No.
2021

By-law No. CPOL.-29()-____

A by-law to amend By-law No. CPOL.-29-225, as amended, being “Grants to Centennial Hall”, to remove outdated language.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-29-225, as amended, being “Grants to Centennial Hall”, to remove outdated language;

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

1. By-law No. CPOL.-29-225, as amended, being “Grants to Centennial Hall”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule "A"



London
CANADA

Grants to Centennial Hall

Policy Name: Grants to Centennial Hall

Legislative History: Enacted June 13, 2017 (By-law No. CPOL.-29-225); Amended June 26, 2018 (By-law No. CPOL.-341-332); Amended August 10, 2021 (By-law No. CPOL.-____)

Last Review Date: August 10, 2021

Service Area Lead: Director, Financial Planning & Business Support (or designate)

1. Policy Statement

The purpose of this policy is to formalize and clarify practices on grants to organizations utilizing Centennial Hall.

2. Definitions

Not Applicable.

3. Applicability

This policy applies to the use of Centennial Hall as it relates to organizations receiving financial assistance from the City of London.

4. The Policy

That a policy be established to provide that should Municipal Council wish to support an organization using Centennial Hall, Municipal Council should give direct financial assistance to that organization without any reference to Centennial Hall.

It is noted that by following this procedure, the organization receiving the financial assistance from the City of London would be expected to deal directly with the Management of Centennial Hall on the same basis as any other individual or group wishing to use Centennial Hall and its facilities.

It is also noted that the following concepts and understandings are hereby accepted by Municipal Council with respect to Centennial Hall, namely:

- a) Centennial Hall was constructed as a multi-purpose building and because of this fact its diversity is its strength, permitting it to cater to a cross-section of the community; and
- b) the original intention of Municipal Council was that Centennial Hall would be managed as closely as possible in a private enterprise manner, and Municipal Council continues to support the Centennial Hall Management in this concept.

Appendix B15

Bill No.
2021

By-law No. A.-6151()-____

A by-law to amend By-law No. A.-6151-17, as amended, being “A by-law to establish policies for the sale and other disposition of land, hiring of employees, procurement of goods and services, public notice, accountability and transparency, and delegation of powers and duties, as required under section 270(1) of the *Municipal Act, 2001*”, be amended by deleting and replacing Schedule “B” – “Hiring of Employees Policy”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS on December 17, 2007 the Municipal Council of The Corporation of the City of London enacted By-law A.-6151-17, being “A by-law to establish policies for the sale and other disposition of land, hiring of employees, procurement of goods and services, public notice, accountability and transparency, and delegation of powers and duties, as required under section 270(1) of the *Municipal Act, 2001* (the “Council Policy By-law”);

AND WHEREAS it is deemed expedient to amend Schedule B – Hiring of Employees Policy to By-law No. A.-6151-17;

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

1. By-law No. A.-6151-17, being the “Council Policy By-law”, is hereby amended by deleting Schedule “B” – Hiring of Employees Policy to By-law No. A.-6151-17 in its entirety and replacing it with the attached new Schedule “B”, which shall be Schedule “B” to By-law A.-6151-17.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “B”



London
CANADA

Hiring of Employees Policy

Policy Name: Hiring of Employees Policy

Legislative History: Adopted December 17, 2007 (By-law No. A.-6151-17); Amended September 19, 2017 (By-law No. A.-6151(p)-333); Amended March 27, 2018 (By-law No. A.-6151(r)-120); Amended July 24, 2018 (By-law No. A.-6151(t)-380); Amended August 10, 2021 (By-law No. A.-6151-_____)

Last Review Date: August 10, 2021

Service Area Lead: Manager, Recruitment and HR Advisory Services

1. Policy Statement

- 1.1. The Corporation of the City of London (“City”) is committed to ensuring that all matters related to recruitment and employment are carried out in a fair and unbiased manner, and that all applicants will have an equal opportunity for employment in compliance with legislative provisions.

2. Definitions

- 2.1. **City** –The Corporation of the City of London

3. Applicability

- 3.1. This policy applies to individuals, including employees of the City, who are applying for positions within the City and employees involved in the City’s recruitment and selection process.

4. The Policy

- 4.1 As an employer, the City is committed to workplace diversity and inclusion. Having a variety of people in our workplace helps our organization to be more flexible, creative, and responsive. It helps us provide better service to our diverse community. The City is committed to building a supportive and diverse workplace, representative of our community.
- 4.2 The City recognizes that every applicant has a right to equal treatment with respect to recruitment and employment without discrimination or harassment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.
- 4.3 The City is committed to maintaining accessible hiring and recruitment practices including providing reasonable accommodations in all parts of the hiring process for people identifying as having a disability.
- 4.4 Every bona fide application will be considered by the People Services Division.
- 4.5 Applicants having close relatives already employed by the City shall not be excluded from consideration of employment with the City. Prospective new hires or candidates for transfer or promotion must declare during the recruitment and selection process any family relationships with individuals who directly or indirectly supervise or manage the position being applied to. Additionally, existing employees must declare and not participate in or influence any part of the recruitment and selection process where another family member is an internal or external applicant for a position.

4.6 It is the expectation of Council that hiring practices and decision making will be centered on transparency, integrity, equal opportunity and will be free from any undue influence.

Appendix B16

Bill No.
2021

By-law No. CPOL.-43()-____

A by-law to amend By-law No. CPOL.-43-239, as amended, being “Identification of Operating Surpluses – Boards and Commissions”, to align wording in applicability and policy sections with the budget monitoring process.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-43-239, as amended, being “Identification of Operating Surpluses – Boards and Commissions”, to align wording in applicability and policy sections with the budget monitoring process;

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

1. By-law No. CPOL.-43-239, as amended, being “Identification of Operating Surpluses – Boards and Commissions”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Identification of Operating Surpluses – Boards and Commissions

Policy Name: Identification of Operating Surpluses – Boards and Commissions

Legislative History: Enacted June 13, 2017 (By-law No. CPOL.-43-239); Amended June 26, 2018 (By-law No. CPOL.-351-342); Amended August 10, 2021 (By-law No. CPOL.-____)

Last Review Date: August 10, 2021

Service Area Lead: Director, Financial Planning & Business Support (or written designate)

1. Policy Statement

The purpose of this policy is to formalize and clarify practices on the identification of operating surpluses by the City of London’s Boards and Commissions.

2. Definitions

Not Applicable.

3. Applicability

This policy applies to the City of London’s Boards and Commissions as it relates to the submission of their operating budget results.

4. The Policy

That a policy be established requiring the City of London’s Boards and Commissions to identify operating surpluses semi-annually as part of the Operating Budget Monitoring process as outlined in the City’s Surplus/Deficit Policy. The use or disposition of any surpluses will be determined through collaboration between the City of London and the particular Board or Commission.

Appendix B17

Bill No.
2021

By-law No. CPOL.-185()-_____

A by-law to amend By-law No. CPOL.-183-435, as amended, being “Leasing and Licencing of City-Owned Land”, to be amended to incorporate wording from policy to be repealed “Leasing Parkland”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-183-435, as amended, being “Leasing and Licencing of City-Owned Land”, to be amended to incorporate wording from policy to be repealed “Leasing Parkland”;

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

1. By-law No. CPOL.-183-435, as amended, being “Leasing and Licencing of City-Owned Land”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule "A"



London
CANADA

Leasing and Licencing of City-Owned Land

Policy Name: Leasing and Licencing of City-Owned Land

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-183-435); Amended July 24, 2018 (By-law No. CPOL.-183(a)-442); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Director, Realty Services

1. Policy Statement

The purpose of this policy is to formalize and clarify practices on the leasing and licencing of City of London owned lands.

2. Definitions

Not Applicable.

3. Applicability

This policy applies to all City of London owned lands.

4. The Policy

Vacant City of London Owned Lands

- 4.1. When an application has been received, the Realty Services Division initiates action to rent vacant City of London owned and/or controlled lands for other than agricultural purposes. The Realty Services Division will ascertain if there are any restrictions or conditions on renting that may be imposed by any City Service Area, Board or Commission, and further confirm that the intended use is permitted under the existing Zoning By-laws with due consideration being given to the Official Plan.
- 4.2. If there are no objections from the Administration, the Realty Services Division will contact the abutting property owner(s) where possible and advise them that the City of London intends to rent the lands and of the proposed use.
- 4.3. If there are no objections from the abutting owner(s), and providing the term is for one year or less, with a 60-day cancellation clause, the Realty Services Division will estimate market rent and after giving the abutting owner(s) an opportunity to rent on those terms and if not accepted by the abutting owner(s), advertise the property for rent.
- 4.4. Should objections be received from the abutting owner(s), the Realty Services Division will first contact the objectors and attempt to answer the objections and failing that, forward its recommendations with the objections to the appropriate standing committee for consideration.
- 4.5. If authority is then received to rent, advertising will commence to rent the property in accordance with Council's instructions with all Offers to Rent received, delivered to the Director, Realty Services.
- 4.6. Where a prospective Lessee requests a term of more than one year, the Realty Services Division will prepare a lease and forward the same lease along with its

recommendations through the Deputy City Manager to the appropriate standing committee and Council for their consideration.

- 4.7. Collection of revenue and Policy regarding non-payment of rent will follow existing policy.

Renting of Vacant City-Owned Lands for Agricultural Purposes

- 4.8. When an application has been received, the Realty Services Division initiates action to rent vacant City of London owned and/or controlled lands for other than agricultural purposes. The Realty Services Division will ascertain if there are any restrictions or conditions on renting that may be imposed by any City of London Service Area, Board or Commission, and further confirm that the intended use is permitted under the existing Zoning By-laws with due consideration being given to the Official Plan.
- 4.9. If there are no objections from the Administration on renting the lands, the Realty Services Division, will prepare specifications and recommend to City Council that the Manager of Purchasing be authorized to call tenders for the rental of the property, with such bids to indicate the price, terms and the intended crop or use.
- 4.10. Upon the opening of the tenders the Manager of Purchasing shall forward them to the Realty Services Division for recommendation.
- 4.11. Collection of revenue and steps for non-payment of rent will follow existing Policy.
- 4.12. Persons renting City of London owned farm land shall pay to the City of London 100% of the annual rental fee at the time of the signing of the lease/rental agreement.

Appendix B18

Bill No.
2021

By-law No. CPOL.-77()-____

A by-law to amend By-law No. CPOL.-77-309, as amended, being “Legal Services and Accounts”, to change claim amount to align with thresholds in the Procurement Policy.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-77-309, as amended, being “Legal Services and Accounts”, to change claim amount to align with thresholds in the Procurement Policy;

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

1. By-law No. CPOL.-77-309, as amended, being “Legal Services and Accounts”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule "A"



London
CANADA

Legal Services and Accounts

Policy Name: Legal Services and Accounts

Legislative History: Enacted August 22, 2017 (By-law No. CPOL.-77-309); Amended July 24, 2018 (By-law No. CPOL.-77(a)-412); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Deputy City Manager, Legal Services

1. Policy Statement

1.1. This policy establishes the functions and duties of the City Solicitor's Office.

2. Definitions

In this policy,

2.1. "**City Solicitor**" means the person appointed to the position of Deputy City Manager, Legal Services;

2.2. "**City Solicitor's Office**" includes those employees, agents and other persons to whom any of the City Solicitor's responsibilities have been implicitly or explicitly delegated.

2.3. "**Corporation**" means the Corporation of the City of London and includes the Council, its Committees, and the several departments of the civic administration.

2.4. "**Local board**" has the meaning set out in the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time.

3. Applicability

This Policy applies to the responsibilities undertaken by the City Solicitor's Office.

4. The Policy

Functions and Duties

4.1. The functions and duties of the City Solicitor's Office shall be to:

- a) provide legal advice to the Corporation in matters of law connected with and within the authority or jurisdiction of the Corporation;
- b) act as counsel for the Corporation in administrative, civil and criminal proceedings;
- c) institute such proceedings and take such steps in those proceedings as are considered reasonably necessary for the protection and advancement of the Corporation's interest;
- d) discharge such other responsibilities as are at any time assigned to it.

4.2. Notwithstanding Section 2, the City Solicitor's Office shall not act as counsel or legal adviser:

- a) on behalf of any person in connection with any dealings with the Corporation;
 - b) on behalf of any local board without the consent of Council unless the interests of the local board and the Corporation are identical;
 - c) in respect of any matter, the undertaking of which is contrary to law and the rules and regulations of The Law Society of Ontario.
- 4.3. Unless otherwise directed by the Council, the City Solicitor's Office shall not be required to advise any member of Council as to whether the member or any other member of Council has or may have a conflict of interest pursuant to the *Municipal Conflict of Interest Act*, R.S.O. 1990, Chapter M.50.
- 4.4. a) Where it is in the best interests of the Corporation to do so, the City Solicitor's Office may retain outside legal counsel or agents to act for or represent the Corporation in any matter or proceeding, or to act as agent for the City Solicitor's Office provided provision has been made in the current budget for the payment of such counsel or agents.
- b) Where no official or employee of the Corporation is able or qualified to provide expert, technical or special knowledge with respect to any matter or proceeding involving the Corporation and such knowledge is considered reasonably necessary for the advancement or protection of the Corporation's interests, or where the Council has directed that such a person or persons be engaged, the City Solicitor's Office may engage one or more experts or persons having technical or special knowledge to assist in an advisory or other capacity or to provide expert opinion evidence and their services and disbursements may be paid out of the same provision in the current budget as for the payment of outside legal counsel, or such other manner as the Council directs.
- c) Before payment is made for services rendered and disbursements, the City Solicitor's Office shall ensure that each account submitted sets out in reasonable detail the services rendered and disbursements, and the City Solicitor's Office shall examine and approve each account as proper for payment having regard to the following:
- i) time expended;
 - ii) complexity of the matters dealt with;
 - iii) degree of responsibility assumed;
 - iv) monetary value of the matter in issue;
 - v) importance of the matter to the Corporation;
 - vi) degree of skill and competence demonstrated; and
 - vii) results achieved.
- d) Where the City Solicitor's Office calls any account or item therein into question and is dissatisfied with the explanation or revision of the account or item, the City Solicitor's Office shall apply to have the account assessed by the appropriate Court or Official.

Settlement of Claims

- 4.5. A claim or demand of whatever nature by or against the Corporation which does not exceed \$50,000.00 exclusive of costs, may be settled by the City Solicitor with the advice of any department or division interested in the claim provided, in the case of a claim against the Corporation, provision has been made in the current budget for the payment of such claims.

Action When Time Constrained

- 4.6. Where it is not practicable, prior to the expiration of the time limited by or under any Act or Order for doing any act or taking any action conducive to the interests of the Corporation, to obtain instructions from the Council, the City Manager, or the City Solicitor, the City Solicitor's Office may do or take such actions (including

the payment of any fee relating thereto) and shall report the reasons and actions forthwith to the City Solicitor for such further action as may be considered appropriate.

Costs to and Against the City

- 4.7. The City Solicitor's Office shall seek an award of costs to the Corporation in any matter where costs may be awarded to a successful litigant, unless the Council or the City Solicitor have directed otherwise.
- 4.8. Costs which are awarded to the Corporation or which are payable to the Corporation by agreement or otherwise, shall be demanded in every instance and, if not fixed, shall be calculated in accordance with the prevailing practice unless the Council authorizes the:
 - a) waiver of a demand for costs, or
 - b) acceptance of a specified amount for costs upon such terms, if any, as may be considered appropriate under the circumstances

General

- 4.9. The City Solicitor may make recommendations to Council on any matter whether or not covered by this policy.
- 4.10. Where anything is directed or permitted to be done by this policy, any authority necessary to enable the doing of the thing is also given hereby, and, where the doing of anything requires the enactment of a by-law, the City Clerk may request Council directly to pass the by-law.

Appendix B19

Bill No.
2021

By-law No. CPOL.-33()-____

A by-law to amend By-law No. CPOL.-33-229, as amended, being “Lessee Protection and Non-Competitive Clauses”, to change the title to “Lessee Protection and Non-Competitive Clauses – Centennial Hall” to reflect the scope of the policy.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-33-229, as amended, being “Lessee Protection and Non-Competitive Clauses”, to change the title to “Lessee Protection and Non-Competitive Clauses – Centennial Hall” to reflect the scope of the policy;

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

1. By-law No. CPOL.-33-229, as amended, being “Lessee Protection and Non-Competitive Clauses”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Lessee Protection and Non-Competitive Clauses – Centennial Hall

Policy Name: Lessee Protection and Non-Competitive Clauses – Centennial Hall

Legislative History: Enacted June 13, 2017 (By-law No. CPOL.-33-229); Amended June 26, 2018 (By-law No. CPOL.-345-336); Amended August 10, 2021 (By-law No. CPOL.-____)

Last Review Date: August 10, 2021

Service Area Lead: Director, Financial Planning & Business Support (or written designate)

1. Policy Statement

The purpose of this policy is to formalize and clarify practices for the negotiation of lessee protection or non-competitive clauses as it relates to events at Centennial Hall.

2. Definitions

Not Applicable.

3. Applicability

This policy applies to the planning of events at Centennial Hall.

4. The Policy

That a policy be established whereby the Manager of Centennial Hall is authorized to negotiate such lessee protection or non-competitive clauses, not exceeding thirty days between events having the same or similar audience appeal, as may be appropriate in the sole discretion of the Manager.

Appendix B20

Bill No.
2021

By-law No. CPOL.-38()-____

A by-law to amend By-law No. CPOL.-38-234, as amended, being “London Community Grants Policy”, to delete reference to Housing Development Corporate, London (HDC) in section 4.3(b)(v).

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-38-234, as amended, being “London Community Grants Policy”, to delete reference to Housing Development Corporate, London (HDC) in section 4.3(b)(v);

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

1. By-law No. CPOL.-38-234, as amended, being “London Community Grants Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London Community Grants Policy

Policy Name: London Community Grants Policy

Legislative History: Enacted June 13, 2017 (By-law No. CPOL.-38-234); Amended June 26, 2018 (By-law No. CPOL.-283-274); Amended April 23, 2019 (By-law No. CPOL.-390-124); Amended February 2, 2021 (By-law No. CPOL.-402-35); Amended August 10, 2021 (By-law No. CPOL.-____)

Last Review Date: August 10, 2021

Service Area Lead: Deputy City Manager, Neighbourhood and Community-Wide Services

1. Policy Statement

The objective of this Policy is to outline the criteria for the London Community Grants Program. Funding through this program will be aligned with the City of London’s Strategic Plan and will grant funding to community organizations to advance the priorities of the Strategic Plan.

2. Definitions

- 2.1 **“Not-for-Profit”** refers to an organization incorporated without share capital under Part III of the *Corporations Act* or under the *Not-for-Profit Corporations Act*.
- 2.2 **“Grant Application”** refers to the application associated with each granting category.
- 2.3 **“Grant Agreement”** refers to the legal agreement that is signed after an application has been deemed successful under the City of London (“the City”) Community Grants Program. The Grant Agreement defines the terms and conditions under which the City of London grant will be made and cannot be altered without prior approval.
- 2.4 **“Strategic Plan”** refers to the current City of London Strategic Plan.
- 2.5 **“Host Organization”** refers to an incorporated not-for-profit organization that may act as a sponsor to an unincorporated organization in order for the unincorporated organization to be eligible for this grant. The Host Organization will be issued funding associated with the funding activity and will assume financial and legal responsibility for the funded activity and adhere to associated reporting requirements to be outlined in the Grant Agreement.
- 2.6 **“Funder”** refers to an organization that provides money for a particular purpose. This includes foundations, other government sources (Federal and Provincial), etc.
- 2.7 **“Procedural Error”** in reference to the Appeals Process, refers to a mistake that may have been made as a result of not following the process for the allocation of grants as outlined in this Policy.

3. Applicability: Funding Categories

Applications for London Community Grants will be considered under the following categories:

3.1 Multi-Year Grants

Multi-Year Grants are up to four (4) year agreements with the City of London for community organizations pursuing initiatives in alignment with the City of London's Strategic Plan or through Council-directed emerging priorities.

3.2 Innovation and Capital Grants

- a) Innovation grants are provided to new, emerging organizations and/or initiatives that engage in one or more of the following:
 - **New idea** – proven or promising early-stage innovations that need additional support to create the capacity and conditions to be effectively sustained;
 - **Collaboration** – new, emerging organizations, initiatives or collaborations that engage in dynamic community partnerships and innovative improvements to service delivery and system collaboration;
 - **Transformation of service delivery** – creative new approaches to social innovation that engage multiple stakeholders in creative collaboration to improve system delivery and/or coordination OR provide an opportunity for a sector to do things differently.
- b) Capital grants are provided for projects involving construction or purchase of physical assets, including, but not limited to, land, building and associated renovation costs. Applications to the Capital category will be considered for the following purposes:
 - **Purchase of Land and Buildings:** Grants are made in this category only when the purchase is required for the immediate capital project.
 - **Construction Costs:** Grants in this category will be for costs associated with new facilities or renovation costs associated with the provision of additional program/service space.

4. The Policy

4.1 General Program Requirements: The Grant

- a) The proposed initiative must meet the definition of the relevant funding category as outlined in Section 3 of this policy.
- b) Community need for the proposed project must clearly be demonstrated and indicate how the applicant organization is best suited to meet this need.
- c) The proposed initiative must be available to a broad cross-section of the London community.
- d) All projects must conform to all relevant legal standards and requirements and should be physically accessible to all persons.
- e) A minimum of 25% of the total funding for the Multi-Year and Innovation and Capital Funding Streams will be allocated to applications whose proposals would support anti-Black racism, anti-Indigenous racism, anti-oppression, diversity, inclusion and equity, it being noted that if no applications are received that would support these initiatives, the funding may be allocated to those applications that meet the London Community Grants Program Policy.

4.2 Specific Program Requirements

- a) Innovation
 - i) Considering the one-year term of funding for Innovation Grants, applications under this category will be strongly assessed for ongoing program sustainability. The Applicant must demonstrate a clear plan for how the proposed program will be funded after the term of the grant.
- b) Capital
 - i) The applicant must present information that demonstrates their long-term intent to remain in the building. If funding has been received to make capital improvements to the property, the organization may be required to repay a portion of the grant back to the City in the event the property is vacated. The exact terms will be laid out in the Grant Agreement signed upon notification of the awarded grant.
 - ii) All Capital projects must be either tendered or open to competitive bidding by two or more parties.
 - iii) Rehabilitation and replacement of existing facilities will be preferred as opposed to projects involving the construction of new facilities.
 - iv) Capital funding will not be granted for appliances or equipment. Funding will only be provided for construction costs for work that will be affixed to the building.
 - v) Preference will be given to organizations that demonstrate a willingness to cooperate with the community and other organizations to share the space.
 - vi) Unincorporated organizations will not be eligible to apply for Capital funding.
 - vii) Applicant must demonstrate they have applied to relevant Federal and Provincial government funding streams that align with the capital project deliverables.

4.3 Eligibility

- a) General Eligibility
 - i) A City of London grant should not be considered as the sole source of funding for the organization. City of London grants are intended to be supplementary to other sources of funding. Organizations will be expected to leverage opportunities for funding from other funders and to provide information about other sources of funding, both received and applied to, to the City of London.
 - ii) A grant made to an organization in any year is not to be regarded as a commitment by the City to continue the grant in future years.
 - iii) In making grants, the City may impose conditions as it deems fit. Specific terms and conditions will be outlined in the Grant Agreement upon award of funding.
 - iv) The amount of funding allocated to the municipal granting program will be confirmed each year as part of the annual budget process.
- b) Organization Eligibility
 - (i) Organizations must be located in London (this means the organization must have an office located in London, but not

necessarily the head office, and that grant supported projects must take place in London) and may be asked to provide proof of address for verification.

- (ii) Only registered not-for-profit organizations, with some exclusions (noted in 4.3(c) below) will be considered for a grant through the London Community Grants Program.
- (iii) Organizations in receipt of City of London funding (including, but not limited to Purchase of Service Agreements) will not be eligible to receive additional City of London funding for the same project.
- (iv) Agencies, Boards, and Commissions of the City of London are not eligible for grants through this program.
- (v) Organizations seeking development and capital funding to support the creation of new community based supportive housing initiatives are not eligible.
- (vi) Applicant organizations must have an active Board of Directors that is independent from senior staff of the organization.

c) **Eligibility Exclusions for Unincorporated Organizations**

- i) An unincorporated organization may submit an application under the Innovation category of the Innovation and Capital stream, but must officially become incorporated before any funding can be allocated to the organization.
- ii) An unincorporated organization may apply to the London Community Grants Program (Multi-Year or Innovation Category) in partnership with a Host Organization. Under these criteria, City funding will be allocated to the Host Organization in support of the funded activity, with the host organization held to account for the terms and conditions outlined in the Grant Agreement.
- iii) There are no eligibility exclusions for an organization's not-for-profit status under the Capital category of this program.

4.4 Financial Eligibility

- a) The organization must demonstrate strong financial responsibility and capability in carrying out its service to this community.
- b) The City of London, through its grants process will not contribute to outstanding deficits.
- c) The financial state of the organization will be reviewed through the grant application process. The City of London will not fund organizations that have a structural deficit.
- d) The organization must indicate a clear financial plan and demonstrate efficient use of City funds in the project.
- e) The organization must show that it has thoroughly explored all other available sources of funding. The organization must identify the full cost of the project along with all sources and amounts of confirmed and pending revenue.
- f) The organization must demonstrate fund-raising capabilities and illustrate a future plan for the project.
- g) In conjunction with a comprehensive review of the proposed initiative, funding will be directed to organizations in greater need of financial support.

- g) The organization must indicate other City contributions that are made to the organization (purchase of service, tax exemptions, etc.).

4.5 Community Review Panel

- a) Grant applications will be assessed by the community review panel in accordance with the program's respective guidelines.
- i) A community review panel of up to 11 individuals will be convened to make decisions regarding the allocation of London Community Grants. The community review panel will be comprised of the following members:
- Community member (2-3)
 - Expert in subject matter (specific to priorities of the Strategic Plan or Council-directed emerging priorities) (3-4)
 - Funder (1)
 - Outcomes measurement expert (1)
 - Financial expert (1)
 - City Staff (1-2).
- b) Selection
- i) Civic Administration will seek qualified London residents to be part of the community review panel based on the composition of the Panel defined above.
- ii) Priority will be given to community members from diverse backgrounds, and staff will aim to have a cross representation of the community on the panel.
- c) Decision Making
- i) Decisions about all funding allocations will be determined by the Community Review Panel in accordance with the relevant program guidelines with the exception of capital funding requests in excess of the approved budget for the Innovation and Capital Stream. Capital funding requests in excess of the available budget will be reviewed by the Community Review Panel and, if recommended, be referred to the budget process noting that a detailed business case must be submitted as part of the budget request.
- ii) All applications, regardless of the granting category, will be assessed for both alignment with, and ability to advance the City's Strategic Plan and/or Council-directed emerging priorities.

4.6 Grant Appeal Process

- a) All decisions related to grant applications for the London Community Grants Program are open to appeal by the grant applicant.
- b) Applicants to the London Community Grants Program may appeal a decision based on two criteria:
- i) New Information: From the time the grant application was initially submitted, new information that could impact the grant decision became available that, for good reason, was not available at the time of the initial application; or,
- ii) A Procedural Error was made when assessing the grant application.
- c) The Director of Community Development and Grants or designate will

review all appeals in accordance with the Appeals Guideline to determine which appeals meet the criteria for further review.

- d) Legitimate appeals will be referred to the Deputy City Manager, Neighbourhood and Community-Wide Services.
- e) The Deputy City Manager, Neighbourhood and Community-Wide Services may refer the funding appeal to any member of the Senior Leadership Team, depending on the relevant area of the City's Strategic Plan or Council-directed emerging priorities under which the proposed initiative has been aligned.
- f) Decisions of all appeals will be final.

Appendix B21

Bill No.
2021

By-law No. CPOL.-156()-____

A by-law to amend By-law No. CPOL.-156-408, as amended, being “Mayor – Contracted Staff”, to add clarifying language about benefits.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-156-408, as amended, being “Mayor – Contracted Staff”, to add clarifying language about benefits;

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

1. By-law No. CPOL.-156-408, as amended, being “Mayor – Contracted Staff”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Mayor – Contracted Staff

Policy Name: Mayor – Contracted Staff

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-156-408); Amended July 24, 2018 (By-law No. CPOL.-156(a)-385); Amended August 10, 2021 (By-law No. CPOL.-____)

Last Review Date: August 10, 2021

Service Area Lead: Manager, Recruitment and HR Advisory Services

1. Policy Statement

- 1.1. This policy ensures a consistent approach is applied to the recruitment process when hiring contracted staff within the Mayor’s Office.

2. Definitions

Not applicable.

3. Applicability

- 3.1. The policy applies to the Office of the Mayor and potential contracted employees whose services may be retained.

4. The Policy

- 4.1 The Mayor is authorized to retain the services of contracted employees for periods not to exceed the current term of the Mayor, subject to the following:
 - a) The selection of the contracted employees will be at the discretion of the Mayor or designate.
 - b) Subject to the eligibility requirements of the applicable plans, the employees shall be entitled to participate in the City’s Extended Health Benefits only (the “Benefit Plans”), in accordance with the terms of the Benefit Plans and applicable policies for management employees as amended from time to time. The employees shall not be entitled to participate in any other benefits provided by the City, including but not limited to any life insurance, short term disability and long term disability plans.
 - c) The compensation of the contracted employees will be accommodated within the approved budget of the Mayor’s office.

Appendix B22

Bill No.
2021

By-law No. CPOL.-18()-____

A by-law to amend By-law No. CPOL.-18-214, as amended, being “Mayor’s New Year’s Honour List Policy”, to clarify eligibility criteria for nomination.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-18-214, as amended, being “Mayor’s New Year’s Honour List Policy”, to clarify eligibility criteria for nomination;

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

1. By-law No. CPOL.-18-214, as amended, being “Mayor’s New Year’s Honour List Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Mayor’s New Year’s Honour List Policy

Policy Name: Mayor’s New Year’s Honour List Policy

Legislative History: Adopted June 13, 2017 (By-law No. CPOL.-18-214); Amended April 24, 2018 (By-law No. CPOL.-18(a)-144); Amended July 24, 2018 (By-law No. CPOL.-18(b)-390); Amended October 15, 2019 (By-law No. CPOL.-18(c)-288); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 This policy establishes the Mayor’s New Year’s Honour List for the recognition of persons who have contributed in an outstanding manner to the community of London in one of the categories of Accessibility, Age Friendly, Arts, Distinguished Londoner, Diversity and Race Relations, Environment, Heritage, Housing, Humanitarianism, Safety & Crime Prevention and Sports.

2. Definitions

- 2.1 Not applicable.

3. Applicability

- 3.1 This Council policy applies to all persons who have contributed in an outstanding manner to the community of London in prescribed categories.

4. The Policy

4.1 Categories

Persons may be recognized in any of the following categories:

- a) Accessibility (i.e. contributions to foster an environment of inclusion that embraces citizens of all abilities);
- b) Age Friendly (i.e. contributions to empowering older adults and advancing an age friendly community);
- c) Arts (i.e. contributions to fostering and/or the production of human creativity);
- d) Diversity and Race Relations (i.e. contributions to the elimination of hate and discrimination).
- e) Environment (i.e. contributions to the awareness, preservation and protection of the environment);
- f) Heritage (i.e. contributions to the awareness, preservation and protection of heritage resources);
- g) Housing (i.e. contributions to the provision of safe and accessible housing for all members of the community);
- h) Humanitarianism (i.e. contributions to human welfare through philanthropic and other efforts);

- i) Safety & Crime Prevention (i.e. contributions to a safe and secure community);
- j) Sports (i.e. contributions to the awareness of and participation in sports activity and/or demonstrated excellence within a particular sports activity);
or
- k) Distinguished Londoner (i.e., outstanding contribution to community collaboration or acts of good will by giving back to our City).

4.2 Nominating Committees/Organizations

The following Committees/Organizations shall nominate individuals in the respective categories:

- a) Accessibility – Accessibility Advisory Committee
- b) Age Friendly – Age Friendly London Network
- c) Arts – London Arts Council
- d) Diversity and Race Relations – Diversity, Inclusion and Anti-Oppression Advisory Committee
- e) Environment – Advisory Committee on the Environment
- f) Heritage – London Advisory Committee on Heritage
- g) Housing – London Housing Advisory Committee
- h) Humanitarianism – Diversity, Inclusion and Anti-Oppression Advisory Committee
- i) Safety & Crime Prevention – Community Safety and Crime Prevention Advisory Committee
- j) Sports – London Sports Council
- k) Distinguished Londoner – Each Council Member may submit one (1) name to the Mayor for consideration. The Mayor may select up to four (4) individuals for recommendation to Municipal Council.

4.3 Conditions

The following conditions shall apply to the nomination of individuals:

- a) no more than one person in each category shall be named in any one year, except for the category of Distinguished Londoner, subject to:
 - i) a person may not necessarily be named in each category each year;
 - ii) City Council may, at its sole discretion and on an exception basis, choose to recognize two individuals in any one category in a given year should the City Council determine that two individuals have inseparably partnered in contributing to their respective category, thereby increasing the aggregate amount of nominees beyond the usual maximum of ten persons to be named in any one year;
- b) the recipients shall be chosen for long standing contributions in their respective categories;
- c) the name of any one individual shall be included on the Honour List only once in their lifetime;

- d) any person currently serving as a member of any one of the Advisory Committees, City Council, Civic Administration or organizations referred to in 4.2 shall not be eligible for naming to the list during their term of appointment or employment with the City;
- e) nominees being recommended by the Advisory Committees or organizations referred to in 4.2 shall receive at least seventy-five percent of the total eligible votes on the respective Advisory Committee or organization.

4.4 Form of Recognition

- a) The recipients shall be honoured at the first meeting of City Council in January, with a reception for themselves and one guest, and presentation of an appropriately-worded certificate.
- b) A plaque shall be displayed in a prominent public area of City Hall honouring those persons named each year to the Mayor's New Year's Honour List and shall be updated annually by the City Clerk.

Appendix B23

Bill No.
2021

By-law No. CPOL.-45()-____

A by-law to amend By-law No. CPOL.-45-241, as amended, being “Multi-Year Budget Policy”, to update definition and policy sections, and to clarify applicability to the property tax supported as well as water and wastewater budgets.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-45-241, as amended, being “Multi-Year Budget Policy”, to update definition and policy sections, and to clarify applicability to the property tax supported as well as water and wastewater budgets;

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

1. By-law No. CPOL.-45-241, as amended, being “Multi-Year Budget Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Multi-Year Budget Policy

Policy Name: Multi-Year Budget Policy

Legislative History: Enacted June 13, 2017 (By-law No. CPOL.-45-241); Amended July 24, 2018 (By-law No. CPOL.-45(a)-374); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Director, Financial Planning & Business Support (or written designate)

1. Policy Statement

Municipal Act, 2001, Section 291(1) authorizes a municipality to prepare and adopt a budget covering a period of two to five years in the first year to which the budget applies or in the year immediately preceding the first year to which the budget applies. The process for preparing and adopting a multi-year budget and the requirements for a municipality’s budget are prescribed in the *Municipal Act, 2001*.

If a municipality chooses to adopt a multi-year budget, establishing an annual review process is mandatory as outlined in section 291(4) of the *Municipal Act, 2001*. The annual review process requires Council to readopt the budget for that year and subsequent years that the budget applies in order to ensure the municipality has sufficient funds to pay all debts, amounts required for sinking funds or retirement funds, and amounts required for boards, commissions or other bodies. Also, pursuant to section 290(6) of the *Municipal Act, 2001* the passing of a multi-year budget does not limit the power of a municipality to amend or revoke a budget adopted under section 290 nor does it remove the obligation of a municipality to levy taxes/rates in each year. Integration and alignment of Council’s Strategic Plan to the multi-year budget links the delivery of the Strategic Plan with the funding requirements. Benefits of multi-year budgeting include the following:

- Alignment of longer-term goals and objectives with longer-term funding plans;
- Greater certainty is provided to tax/rate payers/residents about the future direction of taxes/rates and the timing of implementation of the Strategic Plan;
- Improved accountability and transparency over spending plan changes; and
- Prioritization principles aligned with service delivery principles that include:
 - Risk profile
 - Degree and speed of implementation.
 - Balancing competing needs across various strategic areas of focus.
 - Impact to the community.

Purpose

The purpose of the Multi-Year Budget policy is to define the approach to be used for multi-year budgeting and Council approvals.

2. Definitions

2.1. **Capital Budget** – A budget that funds new infrastructure projects as well as expands and maintains existing infrastructure. Some of the expenses could include: A new arena, widening roads, and roof replacement on an existing community centre.

2.2. **City of London** – means The Corporation of the City of London

- 2.3. **City Treasurer** – The individual appointed by the municipality as treasurer.
- 2.4. **Civic Service Areas** – Service Areas that operate within the Corporation.
- 2.5. **Boards and Commissions** – Groups outside the Corporation, typically (although not always) funded by the municipal tax base, that provide specific and/or specialized services to the London community.
- 2.6. **Budget** – Means an estimated financial plan of revenue and expenditure for a set period of time.
- 2.7. **Multi-Year Budget** – Approval of a four year operating and capital budget.
- 2.8. **Multi-Year Budget Policy** – Refers to this policy.
- 2.9. **Municipal Act** – Refers to legislation that governs municipalities in Ontario.
- 2.10. **Net Budget** – The net budget is the cost to deliver the City of London’s programs and services, after accounting for all non-tax/non-rate revenues and subsidies received. This is the portion of the budget that is paid for through property taxes or utility rates.
- 2.11. **Operating Budget** – A budget that funds the day to day operations of the municipality. Some of the expenses could include personnel, utilities, and reserve fund contributions.

3. **Applicability**

The scope of multi-year budgeting, including both operating and capital, extends to all City of London Service Areas, boards, and commissions and applies to both the property tax supported as well as water and wastewater & treatment rate supported budgets.

4. **The Policy**

4.1. **Approvals / Adjustments to Multi-Year Budget:**

- 4.1.1. A Multi-Year Budget is developed covering a four year time period beginning in the second year of a new Council term. Annual updates for years two and three will be brought forward for Council consideration during the remaining Council term. The first year of a new Council term will reconfirm the fourth year of the Multi-Year Budget.
- 4.1.2. Early in a new Council term, Council will develop its Strategic Plan. Council will approve a four year average annual tax levy adjustment from rates and four year water and wastewater rates that address municipal inflationary pressures and funding for additional investments that are aligned with Council’s Strategic Plan.
- 4.1.3. After Council approves the Strategic Plan and the Multi-Year Budget, Civic Administration will prepare corporate business plans that clearly outline the current state and future direction of each service. The business plans will identify the strategies and priorities that are driving the strategic direction of the service. All strategies and priorities must be aligned with the Council’s Strategic Plan and the funding approved through the Multi-Year Budget. Throughout the Multi-Year Budget process, business plans will be modified for material changes that result from any material amendments through annual updates.
- 4.1.4. The Civic Administration will present to Council a budget that is in compliance with the *Municipal Act, 2001*. The budget will contain adjustments to reflect inflationary pressures and additional investments or disinvestments that would further adjust the budget requirement. Each

additional investment or disinvestment submitted for Council consideration shall be supported with a comprehensive business case.

4.1.5. In the first year of a budget cycle, the Civic Administration will be seeking approval of a Multi-Year Budget for a four year period. Commencing in the second year and in each subsequent year of the multi-year budget, Council is required by the *Municipal Act, 2001* to review and readopt the budget for that year. As part of the review process, Council is required to make changes that are required for the purpose of making the budget compliant with the provisions of the *Act* which include ensuring that the municipality has sufficient funds to pay all debts, amounts required for sinking funds or retirement funds and amounts required for boards, commissions or other bodies. As such, Council will have the opportunity to make other amendments to the budget annually. In addition to the matters required to be addressed by the *Municipal Act, 2001*, the scope of annual budget changes may include, but are not limited to, the following:

- a) **New or Changed Regulation** – A new or changed legislation or regulation with a financial impact to the municipality.
- b) **New Council Direction** – A new Council direction that has transpired after the approval of the Multi-Year Budget.
- c) **Cost or Revenue Driver** – A corporate or service area budget adjustment as a result of changes in economic conditions.

Proposed changes to future years' operating budgets should only be brought forward and approved once per year. Adjustments are limited to once per year, during the annual update period, to ensure that all requests are considered together.

4.1.6. The City Treasurer or designate is authorized to make adjustments considered "housekeeping" in nature including operating and capital budget transfers made by a service that do not change the net budget.

4.1.7. The City Treasurer or designate would be authorized to release budget funds prior to a new Multi-Year Budget or Annual Budget Update approval up to a prorated amount based on the previous fiscal year's approved budget. Such authorization will continue for a reasonable period of time until budget approval of a new Multi-Year Budget or Annual Budget Update.

Appendix B24

Bill No.
2021

By-law No. CPOL.-170()-_____

A by-law to amend By-law No. CPOL.-170-422, as amended, being “Notices of OPA and ZBA Received From Other Municipalities”, to clarify that where there are no municipal concerns identified by the Director, Planning & Development, no response or further action is required.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-170-422, as amended, being “Notices of OPA and ZBA Received From Other Municipalities”, to clarify that where there are no municipal concerns identified by the Director, Planning & Development no response or further action is required;

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

1. By-law No. CPOL.-170-422, as amended, being “Notices of OPA and ZBA Received From Other Municipalities”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Notices of OPA and ZBA Received From Other Municipalities

Policy Name: Notices of OPA and ZBA Received From Other Municipalities

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-170-422); Amended June 26, 2018 (By-law No. CPOL.-337-328); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Director, Planning & Development

1. Policy Statement

This policy directs notice of Official Plans and Zoning By-law amendments from other municipalities to the Director, Planning & Development to ensure administrative review with regards to municipal concerns.

2. Definitions

Not applicable.

3. Applicability

This policy applies to the City Clerk, the Director, Planning & Development regarding notice of amendments to Official Plans and Zoning By-laws from other municipalities.

4. The Policy

That a policy be established whereby all notices received by the City Clerk from other municipalities concerning proposed or adopted amendments to Official Plans and Zoning By-laws be forwarded directly to the Director, Planning & Development for review and action as follows:

- a) where there are no municipal concerns identified by the Director, Planning & Development no response or further action is required;
- b) where there are municipal concerns identified by the Director, Planning & Development shall prepare a report for submission to the Planning and Environment Committee that indicates such concerns and recommends a course of action to be taken by the Municipal Council relating to the proposed or adopted amendment.

Appendix B25

Bill No.
2021

By-law No. CPOL.-31()-____

A by-law to amend By-law No. CPOL.-31-227, as amended, being “Objectives of Centennial Hall”, to add clarifying language in section 4(b).

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-31-227, as amended, being “Objectives of Centennial Hall”, to add clarifying language in section 4(b);

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

1. By-law No. CPOL.-31-227, as amended, being “Objectives of Centennial Hall”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule "A"



London
CANADA

Objectives of Centennial Hall

Policy Name: Objectives of Centennial Hall

Legislative History: Enacted June 13, 2017 (By-law No. CPOL.-31-227); Amended June 26, 2018 (By-law No. CPOL.-343-334); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Director, Financial Planning & Business Support (or written designate)

1. Policy Statement

The purpose of this policy is to formalize and clarify practices on the operation of Centennial Hall.

2. Definitions

Not Applicable.

3. Applicability

This policy applies to the operation of Centennial Hall.

4. The Policy

That the following objectives pertaining to the operation of Centennial Hall be established:

- a) to strive to operate the Hall on at least a "break-even basis";
- b) to make available public hall rentals for non-profit community groups and organizations;
- c) to establish a rental fee structure for non-profit community groups and organizations that will permit continued use of the facilities by such groups and organizations;
- d) to maximize revenues within a fee structure that recognizes reduced rentals for non-profit community groups and organizations;
- e) to provide for the public hall needs of entrepreneurs and others for the promotion of business, conventions, cultural, entertainment, industrial and religious events;
- f) to actively market the use of the facilities to increase revenues;
- g) to carry out improvements to the facilities that will enhance the use of the facilities and increase the revenue potential; and
- h) to maintain a high standard of maintenance of the facilities in keeping with the Civic Centre Complex.

Appendix B26

Bill No.
2021

By-law No. CPOL.-145()-_____

A by-law to amend By-law No. CPOL.-145-397, as amended, being “Policy for waiving or reducing fees for use of city owned community centres and recreation facilities” be amended to change the policy title to “Request to Waive or Reduce Facility Rental Fees”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-145-397, as amended, being “Policy for waiving or reducing fees for use of city owned community centres and recreation facilities” be amended to change the policy title to “Request to Waive or Reduce Facility Rental Fees”;

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

1. By-law No. CPOL.-145-397, as amended, being “Policy for waiving or reducing fees for use of city owned community centres and recreation facilities”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
4. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Request to Waive or Reduce Facility Rental Fees

Policy Name: Request to Waive or Reduce Facility Rental Fees

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-145-397); Amended June 26, 2018 (By-law No. CPOL.-286-277); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Deputy City Manager, Neighbourhood and Community- Wide Services

1. Policy Statement

Request to Waive or Reduce Facility Rental Fees Policy will assist in determining if rental fees for facility rental may be waived or reduced for an organization requesting this in connection to booking space in City of London community centres and recreation facilities including pools, sport fields, and arenas.

2. Definitions

Rental Fees - Refers to the fees approved by the City of London's Fees and Charges by-law to cover the fee for use of a space and does not apply to other 'extra fees', tariffs, licences, and insurance costs that may be required by the nature of the activity.

3. Applicability

- 3.1 Certain community and recreation groups may be eligible to apply for a waiver or reduction of rental fees for community centre and recreation facility space if they meet all of the following conditions of eligibility of application:
- a) must be a non-profit corporation, OR
must be a newly created organization (established within 12 months of applying for the waiver or reduction of fees) which can prove they are operating on a not-for-profit basis;
 - b) must be a London-based organization and at least 80% of participants/members are London residents;
 - c) must provide evidence that regular rental fees constitute a real barrier or hardship;
 - d) activity meets a recreation or community development priority of the City of London (physical activity, healthy eating, literacy, poverty reduction, community engagement or capacity building, activities for under-served groups);
 - e) activity does not duplicate an existing program or activity;
 - f) activity is open to the public, or membership in the requesting organization is open to the public;
 - g) activity must not be for the purpose of generating revenue, including fundraising; and

- h) activity must comply and conform with applicable legislation, Council policies and by-laws, and is not contrary to law, including but not limited to the Ontario Human Rights Code, and the Criminal Code.
- i) The request to waive or reduce fees may be approved for up to a maximum of 15 bookings within one calendar year, or in exceptional circumstances such further bookings as approved by the Deputy City Manager, Neighbourhood and Community-Wide Services.

4. The Policy

- 4.1. The administration of this Policy is assigned to the Deputy City Manager, Neighbourhood and Community-Wide Services, or their written designate ("Deputy City Manager"). Deputy City Manager shall generally perform all of the administrative functions under this Policy, and without limitation may:
 - a) receive and process all applications for waiving or reducing fees;
 - b) issue approvals for waiving or reducing fees in accordance with the provisions of this Policy and applicable By-laws;
 - c) impose terms and conditions on approvals in accordance with this Policy; and
 - d) refuse to issue an approval, or revoke or suspend an approval, in accordance with this policy.
- 4.2. The approval of a waiver or reduction of fees, along with entering into a Facility Rental Contract, shall constitute authorization of the Deputy City Manager, for the purposes of the City of London's Parks & Recreation Area By-law.
- 4.3. Requests for use of space as approved under this Policy will be accommodated within un-booked capacity within regular operating hours of facilities.

Authority of the Deputy City Manager- Waiver or Reduction of Fees

- 4.4. The power and authority to refuse to issue an approval to waive or reduce fees, to cancel, revoke or suspend an approval, to impose terms and conditions, including special conditions, on an approval, or to exempt any person from all or part of this Policy are delegated to the Deputy City Manager.
- 4.5. Notwithstanding any other provision of this Policy, the Deputy City Manager may impose terms and conditions on any approval any time during the term of the approval, as are necessary in the opinion of the Deputy City Manager to give effect to this Policy.
- 4.6. The City of London reserves the right to refuse to enter into a Facility Rental Contract with respect to any application for a waiver or reduction of fees for an event on City of London Property.

Appendix B27

Bill No.
2021

By-law No. CPOL.-123()-_____

A by-law to amend By-law No. CPOL.-123-375, as amended, being “Promotion of Corporate Products to City Employees” be amended to change the policy title to “Promotion of Corporate Products or Services to City Employees”, and to update general guidelines.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-123-375, as amended, being “Promotion of Corporate Products to City Employees” be amended to change the policy title to “Promotion of Corporate Products or Services to City Employees”, and to update general guidelines;

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

1. By-law No. CPOL.-123-375, as amended, being “Promotion of Corporate Products to City Employees”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Promotion of Corporate Products or Services to City Employees

Policy Name: Promotion of Corporate Products or Services to City Employees

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-123-375); Amended July 24, 2018 (By-law No. CPOL.-123(a)-378); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Manager, Rewards and Recognition

1. Policy Statement

1.1 To establish a consistent approach for the promotion of corporate products or services to employees of The Corporation of the City of London (“City”).

2. Definitions

2.1 **City** –The Corporation of the City of London

3. Applicability

3.1 This policy applies to individuals, groups, and companies wishing to promote products or services to City employees.

3.2 City sponsored programs such as corporate wellness programs, technology purchasing programs, or any other promotions or sponsorships approved in writing by the City Manager do not fall under this policy.

4. The Policy

4.1 General Guidelines

- a) Individuals, groups, and companies wishing to promote products or services must request and complete a [Request to Promote Products or Services to City Employees](#) form.
- b) Completed forms must be submitted to the People Services Division for review. A cross-functional team that may include representatives from Finance, Communications, People Services and Legal will review the forms quarterly for suitability and to ensure that any offer:
 - i) Is made available to all employees.
 - ii) Adheres to City Policies; including, but not limited to, the [Procurement of Goods and Services Policy](#), [Code of Ethics](#), [Respectful Workplace Policy](#) and [Corporate Identity Policy](#).
 - iii) Does not place the City in any type of financial risk.
- c) The cross-functional team approves the notice of any promotion for posting on the City’s intranet.
- d) Promotional events or direct solicitation is not allowed in City owned or occupied facilities.

Appendix B28

Bill No.
2021

By-law No. A.-6151()-_____

A by-law to amend By-law No. A.-6151-17, being “A by-law to establish policies for the sale and other disposition of land, hiring of employees, procurement of goods and services, public notice, accountability and transparency, and delegation of powers and duties, as required under section 270(1) of the *Municipal Act, 2001*” by deleting and replacing Schedule “E”, being “Public Notice Policy”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS on December 17, 2007 the Municipal Council of The Corporation of the City of London enacted By-law A.-6151-17, being “A by-law to establish policies for the sale and other disposition of land, hiring of employees, procurement of goods and services, public notice, accountability and transparency, and delegation of powers and duties, as required under section 270(1) of the *Municipal Act, 2001*” (the “Council Policy By-law”);

AND WHEREAS it is deemed expedient to amend Schedule “E” – “Public Notice Policy” to By-law No. A.-6151-17;

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

1. By-law No. A.-6151-17, being “A by-law to establish policies for the sale and other disposition of land, hiring of employees, procurement of goods and services, public notice, accountability and transparency, and delegation of powers and duties, as required under section 270(1) of the *Municipal Act, 2001*”, is hereby amended by deleting Schedule “E” in its entirety and replacing it with the attached new Schedule “E”, which shall be Schedule “E” to By-law A.-6151-17.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021



Public Notice Policy

Policy Name: Public Notice Policy

Legislative History: Adopted December 17, 2007 (By-law No. A.-6151-17); Amended July 22, 2008 (By-law No. A.-6151(a)-267); Amended October 3, 2017 (By-law No. A.-6151(q)-486); Amended (By-law No. A.-6151(u)-419); Amended August 10, 2021 (By-law No. A.-6151-_____)

Last Review Date: August 10, 2021

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 City Council and the Civic Administration acknowledge the importance of having an informed public. This commitment is delineated in the City Council’s values of:

Good Governance;
Driven by Community;
Acting with Compassion; and
Moving Forward through Innovation.

This policy describes the circumstances in which notice shall be provided to the public and the form, manner, and times notice shall be given as required under section 270(1)4 of the *Municipal Act, 2001*.

2. Definitions

For the purpose of this policy,

- 2.1 “**City**” – shall mean The Corporation of the City of London
- 2.2 “**Council**” - shall mean the Municipal Council of The Corporation of the City of London
- 2.3 “**Newspaper**” - shall mean a document that:
- a) is printed in sheet form, published at regular intervals of a week or less and circulated to the general public; and
 - b) consists primarily of news of current events of general interest
- 2.4 “**Website**” – shall mean the City of London official website at www.london.ca

3. Applicability

- 3.1 This policy shall apply to notice provided by the City to the public on various matters.

4. The Policy

- 4.1 Notice to the public shall be provided in the circumstances and in the form, manner, and times as follows:
- a) All circumstances set out in Appendix “A”, attached, in the form, manner and times as set out in Appendix “A”;

- b) If required by any Act or Regulation, in the form, manner and times as prescribed in the Act or Regulation;
 - c) If required by another by-law, in the form, manner and times as set out in the said by-law;
 - d) If directed by Council, in the form, manner and times as specified by Council; or
 - e) In circumstances where, in the opinion of the City Clerk, notice is reasonable and necessary, in the form, manner and times as determined by the City Clerk.
- 4.2 No additional notice shall be required for subsequent meetings where a matter has been deferred or referred to a subsequent meeting by the Council or a Standing Committee of the Council.
- 4.3 The notice requirements under this Policy are minimum requirements and the City Clerk may give notice to the public in an extended manner if, in the opinion of the City Clerk, the extended manner is reasonable and necessary in the circumstances.
- 4.4 Where any of the form, manner or times of notice are not specified in Appendix "A", an Act, Regulation or by-law, or where Council directs that notice be given under section 4.1(d), or the City Clerk determines that notice be given under section 4.1(e), the form, manner or times of notice shall be determined by the City Clerk.

PUBLIC NOTICE POLICY - APPENDIX A

Circumstance	Summary of Requirement	Form, Manner and Times Notice to be Given
<p>BUDGET (Section 291 <i>Municipal Act, 2001</i>) Adoption of Multi-year Operating, Capital, Water and Wastewater Budgets of the City Budget public participation meeting(s)</p>	<p>Notice of Intent to adopt the budget. Notice of public participation meeting(s) with respect to the adoption of the budget.</p>	<p>Notice of intent to adopt the budget shall be posted on the City’s website and may also be published once in a newspaper of general circulation in the City of London at least 7 days in advance of the Council meeting at which the budget will be considered for adoption. Notice of any public participation meetings with respect to the budget shall be posted on the City’s website and may also be published once in a newspaper of general circulation in the City of London at least 7 days in advance of the public participation meeting.</p>
<p>SCHEDULE OF MEETINGS – REGULAR AND SPECIAL (Section 238(2)(2.1), <i>Municipal Act, 2001</i>) Annual Schedule of Regular Council, and Standing Committee Meetings (Section 240, <i>Municipal Act, 2001</i>) Special meetings of Council and Special Standing Committee Meetings</p>	<p>Public notice to advise of the annual schedule of regular meetings of Council and Standing Committees. Public notice to advise of special meetings of Council, and/or Standing Committees.</p>	<p>Notice of the annual schedule of regular meetings of Council and Standing Committees shall be posted on the City’s website in accordance with the Procedure By-law. Notice of any special meetings of Council and/or Standing Committees outside of the annual schedule of regular meetings shall be posted on the City’s website in accordance with the Procedure By-law.</p>

Circumstance	Summary of Requirement	Form, Manner and Times Notice to be Given
<p>FEE OR CHARGE BY-LAW (Section 391, 400(f), <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of a minimum of one Standing Committee meeting to consider the enactment of a fee or charge by-law. The notice shall specify when and where information in regard to such a by-law may be obtained.</p> <p>Public notice required to advise of a Council meeting to consider the enactment of fees and charges by-laws regarding items in the Multi-year Property Tax-Supported Budget and Multi-year Water Services and Wastewater and Treatment Budgets.</p>	<p>Notice to advise of a Standing Committee meeting to consider the enactment of a fee or charge by-law shall be posted on the City's website and may also be published once in a newspaper of general circulation in the City of London at least 7 days in advance of the meeting at which the fee or charge by-law is to be considered.</p> <p>Notice to advise of a Council meeting to consider the enactment of fees and charges by-laws regarding items in the Multi-year Property Tax-Supported Budget and Multi-year Water Services and Wastewater and Treatment Budgets shall be posted on the City's website and may also be published once in a newspaper of general circulation in the City of London at least 7 days in advance of the Council meeting at which the fee or charge by-law is to be considered.</p>
<p>SEIZURE OF PERSONAL PROPERTY – PUBLIC AUCTION Seizure of Personal Property by City Treasurer to recover taxes and costs of the seizure. (Section 351(8), <i>Municipal Act, 2001</i>)</p>	<p>Subject to certain conditions, the Treasurer or their agent may seize personal property to recover taxes and costs of the seizure. The Treasurer or their agent is required to give the public notice of the time and place of public auction and of the name of the person whose personal property is to be sold.</p>	<p>The Treasurer or Treasurer's agent shall give notice of the time and place of public auction of seized personal property to recover taxes and costs of the seizure, together with the name of the person whose personal property has been seized. Notice shall be published once in a newspaper of general circulation in the City of London at least 14 days prior to the auction.</p> <p>One notice sent by regular pre-paid mail to the sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy a minimum of 21 days prior to the auction.</p>

Circumstance	Summary of Requirement	Form, Manner and Times Notice to be Given
PROPOSAL TO RESTRUCTURE THE MUNICIPALITY (Section 173, <i>Municipal Act, 2001</i>)	Public notice to advise of the holding of a public meeting before Council votes on whether to support or oppose a restructuring proposal.	Notice to advise of a public meeting to consider a restructuring proposal shall be posted on the City's website and shall also be published once in a newspaper of general circulation in the City of London at least 7 days in advance of the public meeting at which the restructuring is to be considered.
CHANGE OF NAME OF MUNICIPALITY (Section 187, <i>Municipal Act, 2001</i>)	Public notice to advise of the holding of a Standing Committee meeting to consider the enactment of a by-law to change the municipality's name.	Notice to advise of a Standing Committee meeting to consider the enactment of a by-law to change the municipality's name shall be posted on the City's website and shall also be published once in a newspaper of general circulation in the City of London at least 7 days in advance of the Standing Committee meeting at which the matter is to be considered.
DISSOLUTION OR CHANGE TO LOCAL BOARD (Section 216, <i>Municipal Act, 2001</i>)	Notice to a local board required to advise of Standing Committee meeting to consider the enactment of a by-law to dissolve or change the local board.	One notice sent by regular, prepaid mail to the local board a minimum of 14 days prior to the Standing Committee meeting.
CHANGES TO COMPOSITION OF COUNCIL (Section 217, <i>Municipal Act, 2001</i>)	Public notice required to advise of the holding of a public meeting by the Standing Committee designated by Council to consider the matter prior to Council's consideration of changes to the composition of Council.	Notice to advise of the holding of a public meeting by the Standing Committee designated by Council to consider the matter prior to Council's consideration of changes to the composition of Council, shall be posted on the City's website and shall also be published once in a newspaper of general circulation in the City of London at least 7 days in advance of the Standing Committee meeting at which the matter is to be considered.

Circumstance	Summary of Requirement	Form, Manner and Times Notice to be Given
<p>ESTABLISHMENT OF WARDS (Section 222, <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of the Standing Committee designated to first consider the matter prior to the Council's consideration of the enactment of a by-law dividing or re-dividing the wards or dissolving wards.</p>	<p>Notice to advise of a meeting of the Standing Committee designated to first consider the matter prior to the Council's consideration of the enactment of a by-law dividing or re-dividing the wards or dissolving wards, shall be posted on the City's website and shall also be published once in a newspaper of general circulation in the City of London at least 7 days in advance of the Standing Committee meeting at which the matter is to be considered.</p> <p>Notice advising of the passing of a by-law dividing or re-dividing the wards or dissolving wards shall be published once in a newspaper of general circulation in the City of London within 15 days of the passing of the by-law, specifying the last day for filing a notice of appeal.</p>
<p>NEW PROCEDURE BY-LAW (Section 238, <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of a Standing Committee meeting to consider enactment of a new Procedure By-law or revisions to the existing Procedure By-law.</p>	<p>Notice to advise of a Standing Committee meeting to consider the enactment of a new Procedure By-law or revisions to the existing Procedure By-law shall be posted on the City's website and may also be published once in a newspaper of general circulation in the City of London at least 7 days in advance of the Standing Committee meeting at which the matter is to be considered.</p>
<p>LICENSING BY-LAW (Section 151, <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of the intention to consider the enactment of a licensing by-law.</p>	<p>Notice to advise of a Standing Committee meeting to consider the enactment of a licensing by-law shall be posted on the City's website and shall also be published once in a newspaper of general circulation in the City of London at least 7 days in advance of the Standing Committee meeting at which the matter is to be considered.</p>

Circumstance	Summary of Requirement	Form, Manner and Times Notice to be Given
NAMING OR RENAMING OF A HIGHWAY OR PRIVATE ROAD (Section 11(3), <i>Municipal Act, 2001</i>)	Public notice required to advise of the intention to pass a by-law naming or re-naming a private road.	Notice of the intention to pass a by-law to name or rename a private road shall be posted on the City's website and shall also be published once in a newspaper of general circulation in the City of London at least 7 days in advance of the Standing Committee meeting at which the matter will be considered.
HIGHWAY CLOSURE OR PERMANENT ALTERATION – ACCESS DENIED TO ANY PROPERTY	Public notice required to advise all affected property owners of a Standing Committee meeting to consider the enactment of a by-law to close or permanently alter a highway when such closure or permanent alternation would deny access to a property.	One notice sent by registered mail to the last known address of the affected property owner(s), a minimum of 14 days before the Standing Committee meeting.
SALE AND OTHER DISPOSITION OF LAND	Public notice required to advise of the intention to sell or otherwise dispose of municipally owned land.	Notice shall be in accordance with the Sale and Other Disposition of Land Policy.
LOW IMPACT PLANNED LIFECYCLE RENEWAL/REPLACEMENT/MAINTENANCE FOR RECREATION FACILITIES AND PARKS INITIATIVES, PROJECTS AND DEVELOPMENTS - AMENITIES AND/OR SMALL STRUCTURES THAT REQUIRE CANCELLATION OF EVENT(S) OR PROGRAM(S) OR RESULTS IN A TEMPORARY CLOSURE OF MORE THAN ONE DAY	Public notice to advise users and/or public of the commencement of construction and temporary closure of the space.	Signage onsite a minimum of 2 weeks prior to commencement of work. Notice will indicate nature of work, estimated timing of construction and contact information.
REPURPOSING OF EXISTING RECREATION FACILITIES OR PARKS ON A LONG TERM OR PERMANENT BASIS.	Public notice to advise users and public of the commencement of construction and temporary closure of the facility or park and of the intended repurposing.	Signage on site, notice posted on the City's website, written notice to the Ward Councillor, Community Association and neighbours within 200 meters of site 6 weeks prior to commencement of work. Notice will indicate nature of work, estimated timing of construction and contact information.

Circumstance	Summary of Requirement	Form, Manner and Times Notice to be Given
NEW PARKS	Public notice to advise users, the public and neighbours of the commencement of construction of new parks.	Signage on site, notice posted on the City's website, written notice to the Ward Councillor, Community Association and neighbours within 200 meters of site a minimum of 2 weeks prior to commencement of work.
NEW RECREATIONAL FACILITIES	Public notice to advise of the commencement of construction of a new facility.	Signage onsite and notice on the City's website indicating the intention to construct a new facility 3 months in advance of commencement of construction.
PARKS AND RECREATION MASTER PLAN AND SPORT STRATEGIES (e.g., SKATEPARK STRATEGY, DOGS OFF LEASH STRATEGY)	Public notice to advise of the intention to develop a city-wide initiative or strategy.	Notification published once in a newspaper of general circulation in the City of London and on the City's website of the intention to start development of an initiative or strategy.
UNUSUAL CIRCUMSTANCES – RECREATIONAL FACILITIES, PARKS OR STRUCTURES Emergency situations may occur, and in particular when a health and safety concern arises, immediate action is necessary and notification cannot occur prior to the commencement of such work.	No requirement of notice in emergency circumstances.	No notification will be given prior to commencement of emergency work.
ENVIRONMENTAL ASSESSMENT TERMS OF REFERENCE	Public notice to advise of a Standing Committee meeting to consider the approval of Terms of Reference for an Environmental Assessment and to make the draft Terms of Reference available to the public. Terms of Reference for Environmental Assessments are undertaken when required by provincial legislation.	Notice to advise of a Standing Committee meeting to consider the approval of draft Terms of Reference for an Environmental Assessment shall be posted on the City's website at least 30 days in advance of the Standing Committee meeting at which the matter is to be considered, and a copy of the draft Terms of Reference shall be available on the City's website during the notice period.
MUNICIPAL MANAGEMENT OF NEW PRIVATE COMMERCIAL PARKING LOT (Traffic and Parking By-law PS-113)	Public notice to advise of intention to implement new municipally managed private commercial parking lot.	Notice of intent shall be posted on the City's website and may also be published once in a newspaper of general circulation in the City of London at least seven days in advance of the committee meeting.

Appendix B29

Bill No.
2021

By-law No. CPOL.-188()-____

A by-law to amend By-law No. CPOL.-188-440, as amended, being “Real Property Acquisition Policy”, be amended to incorporate changes to legislation.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-188-440, as amended, being “Real Property Acquisition Policy” be amended to incorporate changes to legislation;

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

1. By-law No. CPOL.-188-440, as amended, being “Real Property Acquisition Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Real Property Acquisition Policy

Policy Name: Real Property Acquisition Policy

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-188-440); Amended July 24, 2018 (By-law No. CPOL.-188(a)-447); Amended August 10, 2021 (By-law No. CPOL.-____)

Last Review Date: August 10, 2021

Service Area Lead: Director, Realty Services

1. Policy Statement

- 1.1. The City of London acquires real property rights, as required, for municipal purposes consistent with City mandated programs, projects, policies and strategic plans. The general direction for this Policy is set out in “Acquisition and Disposition of Lands policies in Our Tools part of the Official Plan (The London Plan). The City of London will acquire real property rights in a transparent, fair and competitive process to ensure the best interest of the City are met.

Purpose

- 1.2. The purpose of this Policy is to establish and maintain a consistent and equitable framework for the acquisition of real property interests that support Council approved projects, programs, policies and strategic plans.

Governing Principles

- 1.3. The Policy is based on the City of London governing principles:
- Good Government
 - Respect and Integrity
 - Community Engagement
 - Fiscal Responsibility

2. Definitions

- 2.1. **Appraisal** – an appraisal is a formal, written, impartial estimate or opinion of value of an adequately described property, as of a specific date, and supported by the presentation and analysis of relevant data.
- 2.2. **Asset Rationalization** – a process to support decision-making related to the acquisition, remediation or disposal of real property, in a cost effective manner, while assuring that essential program and service delivery objectives are not compromised.
- 2.3. **Capital Projects** – have funding or budgets in place and are included in the City’s Capital Budget.
- 2.4. **City Mandated Programs** – support City of London initiatives, as reflected in the Official Plan or Capital Program.
- 2.5. **Client Department** – a City department that is a client of Realty Services and requires a real property for an approved program or project.
- 2.6. **Conflict of Interest** – a situation in which the personal interests of officers, Council Members and key staff members come into conflict, or appear to come into conflict, with the interests of the City.

- 2.7. **Council Approval Report** – a report to Council recommending approval of an acquisition by the City of London.
- 2.8. **Delegated Authority** – authority to approve pursuant to the Delegation of Authority By-law No. A-1, as amended.
- 2.9. **Due Diligence** – any activities required prior or during the acquisition of real property that will effectively assist in the decision making process of the acquisition and will provide a thorough understanding of the potential asset.
- 2.10. **Easement** – a partial interest in real property that is registered on title. An easement reflects the acquisition of property rights either on the surface, above or below ground and can be permanent or temporary and identifies a specific use.
- 2.11. **Expropriation** – acquiring real property without the consent of the owner, by an expropriating authority in the exercise of its statutory powers.
- 2.12. **Highest and Best Use** – that use, which, at the time of the appraisal, is most likely to produce the greatest net return, in money or amenities, over a given period of time.
- 2.13. **Lease** – a legal and binding agreement between two or more parties that specifies a specific property interest, for a specific term, for the right of a specific purpose of use, for a stated consideration and executed by the parties to the agreement.
- 2.14. **Market Rent** – what a willing landlord might reasonably expect to receive, and a willing tenant might reasonably expect to pay for the tenancy, in comparison with rent levels for similar properties in similar areas, if offered in the competitive market.
- 2.15. **Market Value** – the most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.
- 2.16. **Public–Private Partnerships (P3)** – legal agreements between government and private sector entities, for the purpose of providing public infrastructure, community facilities and related municipal services.
- 2.17. **Real Estate Professional** – an individual or firm qualified to provide, in accordance with the City’s current standing offer(s), appraisal and/or real estate consulting services.
- 2.18. **Real Property** – real property includes land, buildings, anything that is erected or growing on or affixed to the surface of the land, minerals and anything subsurface, and all rights issuing out of, annexed to, and exercisable without or about land such as leases, licenses, mortgages, air rights, easements and rights of access.
- 2.19. **Request for Proposal (RFP)** – a process where a need is identified, but the method by which it will be achieved is not prescribed at the outset. This process allows prospective suppliers to propose solutions or methods to arrive at a desired result.
- 2.20. **Real Property Rights** – any right, interest or benefit in land, but is not limited to, fee simple acquisitions, leases, licenses, options, permits, air rights, density transfers, permanent easements, rights-of-way, linear corridors, and other limited interests such as joint-use agreements, temporary working easements, access

easements, permissions to enter and construct, and any other legal binding agreement related to the acquisition of property rights for the City of London.

2.21. **Service Area Needs Assessment** – a client Service Area’s report documenting the need for and purpose of acquiring real property.

3. Applicability

This Policy applies where real property rights are acquired by the City of London and includes any right, interest or benefit in land including, but not limited to fee simple acquisitions, leases, licenses, options, air rights, density transfers, permanent easements, rights-of-way, linear corridors, and other limited interests such as joint-use agreements, temporary working easements, access easements, permissions to enter and construct, and any other legal binding agreement related to the acquisition of real property rights. This Policy applies to all City of London employees, and any agents acting on behalf of the City and consultants authorized to acquire real property on behalf of the City.

Real property such as road dedications and easements that are acquired pursuant to the provisions of the Planning Act and any regulations there under will continue to be dealt with as part of that process. Real property acquired through the expropriation process will continue to be dealt with as part of that process and in accordance with the Expropriations Act.

In addition, the following municipal and provincial legislation relate to the acquisition of interests of real property:

- *Municipal Act, 2001*, s. 6, s.8 and s.11
- *City of London Act, 1999*, s.12.3 (1) and s.12.5 (1)
- *Housing Development Act, 1990*, c. H.18, s. 17
- *Ontario Heritage Act, 1990*, c. O.18, s. 36 (1),36 (2) and s. 45
- By-Law No. A-1-11012, February 28, 2011, City of London
- By-Law No. CP-9-20006, September 15, 2020, City of London
- *Municipal Conflict of Interest Act, 1990*, c. M.50
- City of London Official Plan (The London Plan)
- City of London Official Plan (1989)

4. The Policy

4.1. Policy Requirements

The City of London, Realty Services, shall undertake the acquisition of real property interests in conformity with this Policy, unless otherwise directed by the City Council (Council).

4.2. Service Area Needs Assessment

Prior to initiating an acquisition of any real property rights as defined in Section 2., the client department will prepare on its behalf, or on behalf of a partner agency, a Service Area acquisition needs assessment. The needs assessment shall:

- a) provide justification and rationale for the proposed acquisition;
- b) state the municipal need or issue the acquisition will satisfy;
- c) evaluate the total cost of ownership including the impact of on-going operating and estimated capital expenditures over the life cycle of the asset;
- d) discuss the risks and benefits of the acquisition;
- e) identify, if any, options to asset acquisition;
- f) evaluate, if required, the lease term and proposed conditions compared to the market;
- g) prepare a Net Present Value analysis (NPV) that considers the financial costs and benefits of these options; and

- h) identify, if any, unique factors that are applicable to the acquisition, including applicable policies, plans or strategies of the City.

All assessments shall be vetted through the Realty Services and Finance in collaboration with the client Service Area to determine whether the City's existing real property inventory, or any capital works initiatives, may fulfill the client's requirements and determine the impact, if any, on the remainder of the City's real estate portfolio. In the case of leased property, this process shall apply to all potential leased premises and shall be evaluated by Realty Services.

4.2.1. Service Areas Needs Assessment Exemptions

For real property rights required for infrastructure, environmental acquisition, emergency scenarios and other municipal purposes at the discretion of Realty Services, a Service Area needs assessment shall not be required prior to completing the transaction.

4.3. Council Approval

City Council approval of a project shall include authority for the appropriate person(s) or body to initiate and undertake legal surveys, appraisals, environmental assessments, heritage, archaeology, negotiations, expropriations, legal and other such related activities or reports, as may be required. A budget item must be approved for the program or project, including the costs of acquiring a real property and operational budget impacts, before action is taken to acquire property.

4.4. Funding

A source of funding for the acquisition of real property, life cycle costs, including ongoing annualized operating costs of the asset, must be identified through a Council approved budget item, specific to the program, project or policy defining the need, or allocated from an approved Service Area budget, with approval of the City Treasurer.

4.5. Methods of Acquisition

Realty Services shall make a determination of the most appropriate method of acquisition, taking into account the needs of the City mandated programs, projects, policies and strategic plans and the best interests of the City and the public interest to achieve these objectives in a timely, fiscally responsible manner, adhering to existing policies and procedures, legislation and applicable Council direction, as amended, from time to time.

4.5.1. Negotiation

Negotiation is the preferred method of obtaining all types of real property rights and interests through a fair and equitable agreement mutually acceptable to all parties. Compensation may be provided as though acquisition was pursuant to the *Expropriations Act*. Negotiations may be conducted with a specific property owner as a result of a direct interest in a particular property or in an emergency situation. Negotiations may originate from a request for proposal with multiple proponents initially, until one is selected for completion of a transaction. Realty staff may negotiate directly with other levels of government, utility companies or other agencies, for direct acquisitions.

4.5.2. Unsolicited Proposals

- a) Unsolicited proposals relating to real property matters, including either requesting the City to acquire a specific property or enter into a lease agreement, shall be:
 - i) subject to the principles of the *Procurement of Goods and Services Policy*;

- ii) in compliance with Section 4.5.14. of this Policy with respect to Emergency Acquisitions;
 - iii) in compliance with the Delegation By-laws for approval and execution for Sole Source and Single Source; and
 - iv) in all circumstances, immediately referred to Realty Services for review.
- b) In addition to a Service Area needs assessment as identified in Section 4.2. of this Policy, all unsolicited proposals under consideration and review by Realty Services must aim to:
- i) stimulate or support the economic development and growth for the City;
 - ii) illustrate the benefit of acting upon a limited or single opportunity; and
 - iii) identify budget resources for the acquisition including ongoing annualized operating costs of the asset.

Upon review by Realty Services, a report shall be forwarded to Council.

4.5.3. Request for Proposal (RFP)

The City of London may initiate the acquisition of a fee simple or lease interest in real property through a request for proposal process. The RFP process shall comply with the *Procurement of Goods and Services Policy*. The City shall not be obligated to enter into negotiations and complete a transaction under this process.

4.5.4. Expropriation

Where project requirements must be met in a timely manner, or where negotiation is unsuccessful, expropriation may be considered. The City of London has the authority to expropriate land in accordance with the provisions of the *Expropriations Act*. Expropriation will be used as a last resort for acquisition purposes. Where necessary, Service Area departments should allow for a minimum of 18 months to 24 months lead time in their project planning, in anticipation that real property acquisition by expropriation may be required.

4.5.5. Charitable Donations

The City may acquire real property through gifts or donations, subject to Council approval, or that of its delegated authority. Before accepting a gift of real property, an analysis to determine the conditions of the gift, existing restrictions or encumbrances and assumption of liabilities or any tax implications, shall be carried out. A charitable donation receipt may be issued in the amount of the appraised market value of the donated real property. An independent appraisal shall determine the market value of any donated real property. A satisfactory Phase I Environmental Site Assessment will also be required.

4.5.6. Development Approval Process

This Policy does not apply to acquisitions of real property rights such as parkland dedications, road widening or easements obtained through pursuant to approvals under the *Planning Act* including conditions of final approval for subdivisions, site plans or consents.

4.5.7. Tax Sales – Vesting in Municipality

The municipality may acquire real property, pursuant to Part XI of the *Municipal Act, (Sale of Land for Tax Arrears)* by registering a Notice of

Vesting. Procedures on the Treatment of Properties That Do Not Sell at Municipal Tax Sales are outlined in Section 4.9.

4.5.8. Land Exchanges

When an acquisition is contemplated in support of the natural heritage system, as provided for in the London Official Plan or the City's parks and open space system or other municipal purposes, and it is determined that an exchange of City-owned surplus real property is in the best interests of the City, negotiation shall be initiated based on the market value of the respective real properties, pursuant to the *Sale and Other Disposition of Land Policy* as set out in Schedule "A" of By-law No. 6151-17. Land Exchanges may be considered for other acquisitions of real property in accordance with a departmental needs assessment.

4.5.9. Public Private Partnerships (P3)

The City of London may acquire or dispose of an interest in real property as part of a Public-Private Partnership (P3) to provide infrastructure, municipal capital facilities and related services that would benefit the municipality, the private sector and City residents.

4.5.10. Other Agencies

The City of London may acquire interests in real property as the result of a transfer of jurisdiction from one level of government to another, such as transfer of highways.

4.5.11. Other Levels of Government and Institutions

The City of London may take advantage of its preferred position as a government agency to acquire interests in real property, prior to property being available on the open market, from other levels of government, school boards and conservation authorities.

4.5.12. Land Assembly

The City of London may acquire property with the intent of a land assembly to satisfy a City mandate, policy, project or strategic plan that supports long term economic growth and be in the public interest.

4.5.13. Acquisition of Real Property by Lease/License

The City of London may, for a specified time period, acquire real property in the form of a lease or license agreement. Leases and licenses may be short or long term, and on terms and conditions satisfactory to Realty Services and the client Service Area. Lease hold interests may be acquired for a nominal sum from other levels of government or at market value. Leases can be entered into under the following situations:

- a) In the form of a long term land lease in conjunction with a P3;
- b) A commercial lease for accommodation for a specific client Service Area to fulfill a municipal requirement;
- c) An option to secure a future fee simple acquisition;
- d) Emergency situations;
- e) Where no fee simple acquisition is available and a current municipal project is approved;
- f) As an interim use; or
- g) As deemed appropriate by Realty Services and the client Service Area as an alternative to fee simple acquisition that would meet the municipal and City residents requirements without a capital expenditure.

The lease or license agreement shall be in form and content satisfactory to the City Solicitor and Realty Services. Leasehold interests must be obtained through a transparent, fair and competitive process and should include consideration of a RFP procedure.

All lease or license agreements must be in compliance with all aspects of this Policy.

4.5.14. Emergency Acquisitions

The City of London Realty Services, is authorized, to acquire any interest in real property in an emergency situation for the purposes of this Policy, an emergency situation shall be any unforeseen circumstances identified in Section 14.2 of the *Procurement of Goods and Services Policy*. In these situations, Realty Services shall provide an information report to Council, including source of financing, as soon as possible after the acquisition.

4.6. Special Acquisitions

4.6.1. Heritage Properties

Cultural Heritage policies in the City Building Policies part of the Official Plan (The London Plan) provides the policy rationale for the acquisition of properties of heritage value and interest. When acquiring real property that may have a heritage designation or historical value, a comprehensive analysis of that property shall be conducted involving Realty Services and appropriate City Service Areas. The analysis will include:

- Identification of the heritage designation or historical value of the real property (*This should include both buildings and cultural heritage landscapes and “natural heritage”*);
- Confirmation of the City of London program(s) to be implemented at this heritage property;
- Identification of the heritage value of the real property after consultation with the London Advisory Committee on Heritage;
- Identification of the desired long-term use or protection of the real property;
- Assessment of the impact of the operational costs of the real property on the City; and
- Development of an asset management plan, which forecasts the capital renewal and re-investment requirements, to preserve the heritage property.
- Prior to the acquisition of a heritage property, Realty Services requires confirmation that the client Service Area and/or City Council have provided the funding and approval for the acquisition.

4.6.2. Parkland Acquisition

The City of London may acquire real property to ensure the sustainability of its natural heritage system and the connectivity of its parks and open space system, as outlined under Land Acquisition Policies in the Green Space Place Type Policies and Parkland Acquisition and Dedication policies in Our Tools parts of the Official Plan (The London Plan). The acquisition of parkland to achieve the objectives of this section may occur through purchase, donation, bequest, expropriation, or through dedication as provided for under the *Planning Act*.

A combination of the various methods of acquisition may be required by the City in order to deliver on a specific mandate, policy or plan or to

capitalize on an opportunity for the benefit of the City that can be illustrated in the Service Area needs assessment.

The Parkland Conveyance & Levy By-law, CP-9-20006 effective January 1, 2021 sets out conveyance, levy, and calculation procedures along with prescribed valuation as a condition of development or redevelopment for residential purposes of any land within the city.

4.7. Due Diligence Activities

4.7.1. Appraisal – Fee Simple or Partial Interest

An appraisal is a formal, written, impartial estimate or opinion of value of an adequately described property, as of a specific date, and supported by the presentation and analysis of relevant data.

All real property acquisitions shall be supported with a current market value appraisal. An appraisal shall be no more than twelve months old or some shorter time-frame at the discretion of the Director, Realty Services. An appraisal will be completed and the appraisal report executed by an independent real estate professional who is accredited with the Appraisal Institute of Canada or by a qualified City staff appraiser. Where the estimated market value is \$750,000 or greater, a second appraisal will be required, one of which will be undertaken by an independent real estate professional.

Appraisal reports will be based on the “Highest and Best Use” of the property in accordance with current standards of practice within the real estate industry and within the guidelines of the Appraisal Institute of Canada, which may be amended, from time to time.

4.7.2. Appraisal – Leasehold Interests

Prior to entering into a lease agreement, a market rent study shall be completed by an independent real estate professional or a qualified City staff appraiser at the discretion of the Director, Realty Services. For the purposes of this Policy market rent is defined as what a willing landlord might reasonably expect to receive, and a willing tenant might reasonably expect to pay for the tenancy, in comparison with rent levels for similar properties in similar areas, if offered in the competitive market.

4.7.3. Acquisition at Market Value

Real property rights shall be acquired on the basis of market value, and where applicable, entitlements, as defined by the Expropriations Act, unless other considerations are included in the transaction and approved by City Council. Where there is a variance between the appraised value and the acquisition price, that variance shall be explained in the approval report.

4.7.4. Environmental Due Diligence

The City of London shall complete a pre-screening on all real property to be acquired to identify potential contamination issues associated with real property e.g., Historical Land Use Inventory (HLUI). When an acquisition involves the entire fee simple interest (total buyout), or where it is deemed necessary by the client Service Area, for the acquisition of a lesser interest, a Phase I Environmental Site Assessment (ESA) shall be completed.

All such ESAs shall be completed in accordance with the Canadian Standards Association (CSA) and site remediation criteria, as set out by

provincial regulations. Whenever possible or appropriate, acquisition agreements may provide for the indemnification of the City of London by the vendor for environmental conditions.

4.7.5. Compliance with Section 106 of the *Municipal Act*

Section 106 of the *Municipal Act, 2001* states that the City “shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose.” The municipality shall not grant assistance by:

- a) giving or lending any property of the municipality, including money;
- b) guaranteeing borrowing;
- c) leasing or selling property of the municipality at below fair market value; or
- d) giving a total or partial exemption from any levy, charge or fee.

The acquisition of any real property rights shall comply with Section 106 of the *Municipal Act, 2011*.

4.8. Roles And Responsibilities

4.8.1. City Council

Unless otherwise provided for by By-law, City Council approval is required for the acquisition of real property right in accordance with the provisions of this Policy and any and all applicable By-laws and Legislation. In accordance with By-law A-1, as amended, executing authority is then delegated to the appropriate City officials.

Elected officials, appointed officers and employees shall not knowingly cause or permit anything to be done or communicated to anyone in a manner which is likely to cause any person to have an unfair advantage or disadvantage in obtaining a contract for the acquisition of real property from the City. This also includes a contract with any other municipality, local board or public body involved in the purchase of real property rights either jointly or in co-operation with the City. Council Members shall operate within the conflict of interest guidelines as set out in this Policy and under the *Municipal Conflict of Interest Act*.

Elected officials shall separate themselves from the procurement process and have no involvement whatsoever in specific procurements. Elected officials should not see any documents or receive any information related to a particular procurement while the procurement process is ongoing. Elected officials who receive inquiries from suppliers related to any specific procurement shall immediately direct those inquiries to the Director, Realty Services, or the City Treasurer.

4.8.2. Realty Services

Realty Services is responsible for:

- a) Servicing the real estate needs of the client Service Area and agencies, boards and commissions identified in this Policy which can include real estate acquisitions and consulting services or advice on any real estate matters;
- b) Negotiating and representing the City on behalf of all Service Areas with perspective buyers, sellers, landlords, tenants and any other business partners with respect to any real property right proposed transaction whether it be a fee simple, partial acquisition, disposition or lease as defined in Section 2.;

- c) Coordinating with the client Service Area and Finance to review property inventory, prepare a Service Area needs assessment and conduct all real estate activity related to an acquisition;
- d) Reporting to Committee and Council on real estate transactions, subject to the provisions of this Policy; and
- e) Ensuring completion of real estate transactions and monitoring executed lease agreements to ensure all terms and conditions are adhered to.

4.8.3. City Solicitor

The City Solicitor or designate shall act as legal counsel to Service Areas and advise Council on real property transactions. The City Solicitor has authority to undertake all legal actions required to complete a real property transaction, including expropriation proceedings.

4.8.4. Client Service Area

The Client Service Area is responsible for:

- a) Requesting the services of the Realty Services when becoming aware of a real property requirement for acquisition of a fee simple, leasehold or partial interest as further defined in Section 2. or consulting purposes;
- b) Reviewing the existing real property inventory and other acquisition initiatives, in consultation through its Realty Services and Finance, to determine if real property needs can be met through current inventory or initiatives, prior to the initiation of an acquisition;
- c) Ensuring that the asset rationalization effort and confirmation that the acquisition requirement satisfies its City-mandated program, that includes participation in the preparation of the Service Area needs assessment;
- d) Providing confirmation to Realty Services that Capital and Operating Budgets to support an acquisition of real property is available prior to any site search or negotiations are undertaken by Realty Services; and
- e) Referring all third party inquires on real estate acquisition to Realty Service.

4.8.5. Finance Supports

Finance Support is responsible for:

- a) Ensuring any and all payments required under a real estate transaction, including leases/licenses are paid in accordance with the terms of the agreement to ensure no potential penalties to the City;
- b) Providing financial analysis and comment in a departmental needs assessment for property acquisitions in collaboration with the client Service Areas and Realty Services;
- c) Ensuring, in collaboration with the client Service Areas, that no existing corporate asset will meet the current property initiative;
- d) Identifying sources of funding for any proposed initiative;
- e) Providing leadership for RFP process as required by this Policy; and
- f) Engaging the Purchasing Office to support negotiations, as required.

4.8.6. Conflict of Interest

No elected official, appointed officer or employee of the City, agency, board or commission, shall have any interest either directly or indirectly of the real property to be acquired or considered for acquisition and must comply with the *Municipal Conflict of Interest Act*. Once known, any interest must be disclosed to Realty Services, Corporate Asset Management. No party having a Conflict of Interest, even once disclosed, shall have any authority to negotiate the transaction. Direct or indirect interest shall include, but not limited to, being an owner, or partial owner, of the property or a party to financing the asset.

4.8.7. Monitoring/Contraventions

Realty Services will administer the application of this Policy to ensure that all policy requirements are met.

4.9. Schedule A

Procedures on the Treatment of Properties That Do Not Sell at Municipal Tax Sales

- 4.9.1. After a failed tax sale, circulate the property to internal departments and external agencies in accordance with City Policy for the sale of City owned properties in order to determine if they have any interest in the property should the City vest the property; (If there is internal or agency interest in a property this interest will be presented to the appropriate Standing Committee of Council and Council for a decision as to whether or not to take ownership for the department or agency after conducting a Phase 1 and Phase 2 ESA as considered appropriate).
- 4.9.2. Conduct a Phase 1 Environmental Site Assessment (ESA).
- 4.9.3. Conduct a Phase 2 Environmental Site Assessment where appropriate as indicated by the Phase 1 ESA.
- 4.9.4. Report to the appropriate standing Committee and if there is no internal department or external agency interest in the property, market the property by issuing a Request for Proposal which shall include an evaluation criteria with weighted scoring and a draft Agreement of Purchase and Sale.
- 4.9.5. Evaluate the submissions received from the Request for Proposal and prepare a recommendation report for the Standing Committee for the Proponent with the highest technical combined score for the property acquisition.
- 4.9.6. Vest property and convey to purchaser after approval of sale agreement by the Standing Committee and Council.
- 4.9.7. Apply the proceeds of the sale against the tax arrears, deem any remaining tax arrears uncollectible and write off the remaining tax arrears upon registration of the notice of vesting of the property by the City.

Notes

- 4.9.8. Clauses in a form satisfactory to the City Solicitor will be included in the Agreement of Purchase and Sale to clarify that the property is being sold by the City on an as is, where is basis and that the purchaser acknowledges that the City has regulatory liability limitation from MOE orders under the EPA for the time that it owns the property (for up to five (5) years).

- 4.9.9. Where encumbrances of the Federal or Provincial Governments or their agencies exist City staff will attempt to negotiate a resolution of the interest as part of or prior to Step 4.9.4.
- 4.9.10. Where it is determined that a property has no environmental risks or liabilities or where the estimated market value will exceed the estimated costs of clean up, City staff may vest the property at any time and follow standard procedures for the designation and sale of surplus City land.
- 4.9.11. Where it is determined that environmental risks or liabilities are so severe with respect to a property that the City should not vest a property even for the purposes of immediate transfer then a recommendation to take no action with respect to the property will be provided to Council by staff.

4.10. References

City of London Council Policy Manual
Sale and Other Disposition of Land Policy

Legislative and Administrative Authorities

City of London Delegation of Authority By-law A-1-101007
City of London Execution of Certain Documents By-law A-1-11012
City of London Official Plan (1989)
City of London Official Plan (The London Plan)
Expropriations Act, 1990
Environmental Assessment Act, 1990
Ontario Heritage Act, 1990
Housing Development Act, 1990
Municipal Act, 2001
Municipal Tax Sales Act, 1990
Ontario Municipal Board Act, 1990
Planning Act, 1990
By-Law CP-9-20006 Parkland Conveyance & Levy By-Law

Enquiries

For more information on this Policy, contact:
Director, Realty Services
The Corporation of the City of London
300 Dufferin Avenue, London ON, N6B 1Z2
Tel: 519-661-2500, ext. 5445

Appendix B30

Bill No.
2021

By-law No. CPOL.-30()-____

A by-law to amend By-law No. CPOL.-30-226, as amended, being “Reduced Rental Rates for Non-Profit Groups”, be amended to update staff titles and reference to the Fees and Charges By-law.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-30-226, as amended, being “Reduced Rental Rates for Non-Profit Groups”, be amended to update staff titles and reference to the Fees and Charges By-law;

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

1. By-law No. CPOL.-30-226, as amended, being “Reduced Rental Rates for Non-Profit Groups”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule "A"



London
CANADA

Reduced Rental Rates for Non-Profit Groups

Policy Name: Reduced Rental Rates for Non-Profit Groups

Legislative History: Enacted June 13, 2017 (By-law No. CPOL.-30-226); Amended June 26, 2018 (By-law No. CPOL.-342-333); Amended August 10, 2021 (By-law No. CPOL.-____)

Last Review Date: August 10, 2021

Service Area Lead: Director, Financial Planning & Business Support (or written designate)

1. Policy Statement

The purpose of this policy is to formalize and clarify practices on the rental of Centennial Hall to non-profit groups.

2. Definitions

Not Applicable.

3. Applicability

This policy applies to all non-profit organizations that are booking events at Centennial Hall.

4. The Policy

That a policy be established whereby the rental of the auditorium to non-profit organizations which book a series of events, in advance, (at least six events per calendar year) and which require a very limited amount of set-up and maintenance is at a reduced rate. Such reduced rates will be included in the Fees & Charges By-law as approved annually by City Council.

Appendix B31

Bill No.
2021

By-law No. CPOL.-368()-____

A by-law to amend By-law No. CPOL.-368-372, being “Reserve and Reserve Fund Policy”, be amended to update policy section to ensure policy directive for external loans and refinements to principles to be considered if Council approves external loans.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-368-372, being “Reserve and Reserve Fund Policy”, be amended to update policy section to ensure policy directive for external loans and refinements to principles to be considered if Council approves external loans;

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

1. By-law No. CPOL.-368-372, being “Reserve and Reserve Fund Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Reserve and Reserve Fund Policy

Policy Name: Reserve and Reserve Fund Policy

Legislative History: Adopted July 24, 2018 (By-law No. CPOL.-368-372); Amended August 10, 2021 (CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Director, Financial Planning & Business Support (or written designate)

1. Policy Statement

A Policy governing the management and administration of reserves and reserve funds. The purpose of the Policy is to establish guiding principles, primary objectives, key management and administrative responsibilities, and standards of care for reserves and reserve funds managed by the City.

2. Definitions

- 2.1. **Budget:** An estimated financial plan of revenue and expenditure for a set period of time.
- 2.2. **Capital Asset Renewal & Replacement:** A category of reserve funds established to provide funding for the repair and maintenance of existing City assets to ensure city-owned assets do not deteriorate over time.
- 2.3. **Capital Asset Growth:** A category of reserve funds established to provide funding to new capital initiatives while allowing the City to stabilize the cost of purchasing major capital assets by spreading the cost over multiple years.
- 2.4. **City:** The Corporation of the City of London.
- 2.5. **City Treasurer:** The individual appointed by the municipality as treasurer.
- 2.6. **Contingencies/Stabilization & Risk Management:** A category of reserves and reserve funds designed to fund future obligations which are based on calculated estimates and to mitigate unforeseen events or one-time unanticipated revenue losses and expenses.
- 2.7. **Debt:** Any obligation for the payment of money. For Ontario municipalities, debt would normally consist of debentures as well as either notes or cash from financial institutions, but could also include loans from discretionary reserves and reserve funds.
- 2.8. **Development Charges Background Study:** The background study undertaken by the City for its current Development Charges By-law.
- 2.9. **Discretionary Reserves and Reserve Funds:** A reserve or reserve fund created by Council to set aside revenue to finance a future expenditure for which Council has the authority to spend money.
- 2.10. **GFOA:** Refers to the Government Finance Officers Association of the United States and Canada, a professional association of state, provincial and local finance officers dedicated to the sound management of financial resources.

- 2.11. **Intergenerational Equity:** In economic, psychological, and sociological contexts, is the concept or idea of fairness or justice between generations.
- 2.12. **Liquidity:** A measure of an asset's convertibility to cash.
- 2.13. **MFOA:** Refers to Municipal Finance Officers Association of Ontario, a professional association which promotes the interests of its members in carrying out their statutory and financial responsibilities by initiating studies and sponsoring seminars to review, discuss and develop positions on important policy and financial management issues.
- 2.14. **Obligatory Reserve Funds:** A reserve fund created when senior government statute or agreement requires that revenue received for special purposes be segregated from the general revenues of the municipality. Obligatory reserve funds are to be used solely for the purpose prescribed for them by statute or agreement.
- 2.15. **PSAB:** Refers to the Public Sector Accounting Board, an independent board with the authority to set accounting standards for the public sector.
- 2.16. **Reserve:** An appropriation from net revenue and/or cost savings at the discretion of Council, after the provision for all known expenditures. It has no reference to any specific asset and does not require the physical segregation of money or assets as in the case of a reserve fund. Municipal Councils may set up reserves for any purpose for which they have the authority to spend money.
- 2.17. **Reserve Fund:** Funds that have been set aside either by a by-law of the municipality or by a requirement of senior government statute or agreement to meet a future event. As a result, reserve funds are either "discretionary" being those set up by Council, or "obligatory" being those set up by virtue of a requirement of senior government statute or agreement. Municipal councils may set up reserve funds for any purpose for which they have the authority to spend money.
- 2.18. **Revolving Reserves and Reserve Funds:** Reserves and reserve funds used to fund normal course operating requirements or cash flow deficiencies that do not require Council approval provided they conform with intent of originating resolution or by-law.
- 2.19. **Specific Projects & New Initiatives:** A category of reserves and reserve funds established for planned savings within the budget to fund projects or expenses either identified at the time the reserve or reserve fund is set-up or after, which allows the City to save for planned or unanticipated projects or expenses that may arise and do not have another funding source.

3. Applicability

This Policy applies to all reserves and reserve funds administered by the City, including those administered for any of the City's Local Boards, Commissions, Agencies, or Corporations.

Furthermore, the Policy applies to all City employees who are responsible for the establishment, monitoring, administration and management of the City's reserves and reserve funds.

4. The Policy

4.1. Principles & Objectives

The guiding principles for reserves and reserve funds shall be:

a) Budget and Strategic Financial Plan

Reserves and reserve funds shall form an integral component of the City's budget and strategic financial plan.

b) Liquidity

Reserves and reserve funds shall be kept at an adequate level to ensure the City has sufficient cash flow to meet its financial obligations; including but not limited to:

- i) Replace and rehabilitate capital infrastructure assets as required;
- ii) Supply funds for new capital assets identified in the City's long-term plans, or that arise from time-to-time;
- iii) Fund long-term contingencies and potential liabilities; and
- iv) Provide a buffer for significant unanticipated expenditures, or loss of revenues beyond the control of the City.

c) Intergenerational Equity

Reserve and reserve fund balances shall be maintained to support the principle of intergenerational equity whereby the generation of citizens who benefit from an investment are also responsible for financing it to the greatest extent possible.

d) Credit Rating and Cost of Borrowing

Reserve and reserve fund balances impact the City's credit rating and associated cost of borrowing thus at a minimum, reserve and reserve fund balances shall be maintained at levels that support the maintenance of the City's credit rating awarded by Bond Rating Agencies.

e) Reserve and Reserve Fund Types

The type of reserves and reserve funds the City shall maintain are as follows:

- i) *Obligatory* - A *reserve fund* created when a senior government statute and/or agreement requires that revenue received for special purposes be segregated from the general revenues of the municipality. Obligatory reserve funds are to be used solely for the purpose prescribed for them by statute or agreement.
- ii) *Discretionary* - A *reserve or reserve fund* created by Council to set aside revenue and/or cost savings to finance a future expenditure for which Council has the authority to spend money.

The primary objectives for reserves and reserve funds shall be in priority order:

f) Adherence to Statutory Requirements

- i) It shall be the City's practice to establish and maintain segregated reserve funds that meet all statutory obligations.
- ii) Reserves and reserve funds shall be managed in accordance with the *Municipal Act, 2001, as amended*, this includes:
 - Section 10 (2) authorizing single-tier municipalities to pass by-laws respecting accountability, transparency and financial management;
 - Section 290 (2) the budget shall set out the estimated revenues and expenditures of reserves and reserve funds contained within a municipality's budget;
 - Section 291 covering multi-year budget requirements of municipalities;
 - Section 417 (4) that money raised for a reserve fund shall be paid into a special account and shall be invested only in securities or classes of securities prescribed;

- Section 418 (3) as allowed by the Corporation, shall combine money held in any fund (including General, Capital and Reserves and Reserve Funds) for investment purposes; and
 - Section 418 (4) that earnings from combined investments shall be credited to each segregated fund in proportion to the amount invested in it.
- iii) Reserves shall be established by Council resolution which governs the purpose, funding sources, and drawdowns of the fund.
- iv) Reserve funds shall be established by Council by-law which governs the purpose, funding sources, drawdowns, and investment of the fund.

g) Promotion of Financial Stability and Flexibility

- i) It shall be the City's practice to maintain adequate reserves and reserve funds within the following categories to achieve long-term financial stability and flexibility (see definitions for detailed description of categories):
- Obligatory,
 - Capital Asset Renewal and Replacement,
 - Capital Asset Growth,
 - Special Projects and New Initiatives, and
 - Contingencies/Stabilization and Risk Management.
- ii) The City shall strive to maintain reserve and reserve fund levels in line with public service associations best practices (Municipal Finance Officers Association (MFOA), Government Finance Officers Association (GFOA), Public Sector Accounting Board (PSAB), etc.), bond rating agencies standards and other municipalities with comparable credit ratings.

h) Provision for Major Capital Expenditures

- i) It shall be the City's goal to maintain adequate reserves and reserve funds to replace and rehabilitate major capital assets, as required, and to provide for new capital assets that have been identified in the long-term capital plan. To achieve this goal, the following budget practices will be applied where applicable:
- Reserve funds for the full cost of replacement or rehabilitation of major assets will be funded from ongoing operations at a rate which reflects the consumption of that asset by current ratepayers. Contributions to these funds will commence in the fiscal year that the asset is acquired or put into service and will be based on an estimate of the useful life of the asset.
 - Obligatory reserve funds will be maintained for growth, parkland and gas tax related capital projects. The growth related obligatory reserve funds will be fully funded from developer contributions. Components of the growth related projects which benefit the existing ratepayers or for which a discount has been given, shall be funded from tax/rate funding sources in the year the project is built. Notwithstanding, debt may be issued for growth projects when required in accordance with the *Development Charges Act, 1997, as amended*, and other pertinent City policies.

i) Reduce Tax/Rate Supported Debt

- i) As per the principles of the Council approved Capital Budget and Financing Policy, the City shall use reserve and reserve fund balances as a source of financing for capital projects.
- ii) When appropriate, the City shall use reserve and reserve fund balances as a source of debt substitution for capital projects which were previously approved with debt financing.

- iii) If discretionary reserves and reserve funds are below established targets, all or a portion of the future debt servicing cost savings resulting from reserve and reserve fund balances applied towards debt substitution shall be considered for future contributions to discretionary reserves or reserve funds at the discretion of the City Treasurer, it being noted that such contributions are subject to Council approval through the City's budgetary process.

4.2. Reserve and Reserve Fund Management

a) Establishment and Modification of Reserves and Reserve Funds:

- i) Reserves and reserve funds shall only be established or modified if they are supported by a financial plan identifying the funding needs, targets, contribution sources, projected drawdowns and investment of funds.
- ii) Target funding levels shall be established for every reserve and reserve fund. Methods for calculating reserve and reserve fund targets shall be determined on a case-by-case basis considering the following:
 - Purpose of fund,
 - Certainty of end needs,
 - Best practices/standards regarding the identification of need and target balance levels (MFOA, GFOA, PSAB, etc.), and
 - Economic factors.
- iii) Reserve and reserve fund balances and associated targets shall be reviewed periodically to ensure adequate reserve and reserve fund levels are maintained for a ten year period.

b) Investment of Reserves and Reserve Funds:

- i) Reserves and reserve funds shall be invested while ensuring adequate liquidity is maintained;
- ii) Reserves and reserve funds shall be invested in accordance with the Council approved Investment Policy;
- iii) Investment income earned on reserves shall be recognized as revenue in the operating budget;
- iv) Investment income earned on reserve funds shall be recognized as revenue in each specific reserve fund according to its proportionate share of the investment portfolio.

c) Contributions To/Drawdowns From Reserves and Reserve Funds:

- i) Contributions to/drawdowns from reserves and reserve funds shall be made in accordance with applicable resolution, by-law and this Policy.
- ii) Contributions to/drawdowns from reserves and reserve funds shall be approved by Council as part of the annual budget process, or specifically by resolution with the following exceptions:
 - Direct contributions to/drawdowns from reserves and reserve funds such as development charges revenue, or Dearness Home gift donations;
 - Contributions to/drawdowns from that are a direct result of Council approved by-laws or resolutions such as Surplus/Deficit Policy;
 - Transfer of funds between reserves and reserve funds based upon adequacy analysis or other related information, at the discretion of the City Treasurer, or designate; and
 - Use of "revolving" reserves and reserve funds for the purpose approved by Council such as Workplace Safety Insurance Board claims.

- iii) Council approved contributions to/drawdowns from reserves and reserve funds not realized shall be reported to Council as part of the budget monitoring reports, or budgetary process.
 - iv) Contributions to/drawdowns from reserves and reserve funds shall take into account intergenerational equity between current and future tax/rate payers.
- d) **Lending/Temporary Borrowing of Reserves and Reserve Funds:**
- i) Intra-fund lending between reserves and reserve funds shall be permitted to temporarily finance capital and/or operating cash flow deficiencies to avoid external borrowing costs provided that all loans/transfers bear the City's internal rate of return and principal and interest are credited to the appropriate reserve or reserve fund source.
 - ii) External loans are generally discouraged due to the administrative effort associated with managing those loans. However, should Council elect to approve a loan to an external party, the loan should be in accordance with Section 107 of the *Municipal Act, 2001, as amended*. Prior to approving such loans, the following principles should be considered:
 - External loans shall only be made to public agencies/groups and shall benefit the public;
 - The term of external loans should not exceed five years;
 - Appropriate security shall be provided to protect the interests of the City;
 - The financial profile of the borrower shall be reviewed;
 - Adequate reserves and reserve funds should be available for the term of the external loan; and
 - An appropriate interest rate shall be applied, noting that principal and interest shall be credited to the appropriate reserve or reserve fund source.
 - iii) All lending/temporary borrowing shall be provided from discretionary reserve and reserve fund balances as the loaning of obligatory reserve funds is prohibited under the *Development Charges Act, 1997, as amended*.
 - iv) Under the *Development Charges Act, 1997, as amended*, debt may be included as a capital cost to leverage development charge (DC) revenue while waiting for DC collections to catch up to growth-related spending. Intra-fund borrowing between DC reserve funds is also permitted. In both cases, amounts borrowed must be repaid at the City's internal rate of return and principal and interest are credited to the appropriate reserve or reserve fund source.
- e) **Termination of Reserves and Reserve Funds:**
- i) A discretionary reserve or reserve fund shall be terminated (wound down and closed) when the program or project it supports meets any of the following criteria:
 - No longer in the scope of the City's strategic plans;
 - Program commitments have been completed and no future commitments are expected; and
 - The City Treasurer is confident that balances in other areas can mitigate the need to hold any remaining reserve or reserve fund balance.
 - ii) Reserves or reserve funds identified for termination shall be reported to Council for review and approval. Reports to Council shall include recommendations regarding the timing of wind down, closure and the allocation of fund balances.

4.3. Standard of Care

a) Delegation of Authority

- i) Once Council approves reserves by resolution and reserve funds by by-law, the City Treasurer shall have overall authority for the reserves and reserve funds managed by the City.
- ii) The City Treasurer may delegate management authority over the reserves and reserve funds managed by the City to a designate.
- iii) The City Treasurer, or designate has the responsibility for setting reserve and reserve fund targets, it being noted targets will be periodically reported to Council through reserve and reserve fund reports (see Reporting Requirements below).
- iv) The City Treasurer, or designate shall have overall responsibility for this Policy, and the authority to implement a program for reserves and reserve funds and establish procedures consistent with the content of this Policy. Administrative responsibilities shall include, but are not limited to the following:
 - Determines need for reserves and reserve funds for operating and capital budgets.
 - Sets targets for reserves and reserve funds in line with directives contained in this Policy and other pertinent policies.
 - As part of the reporting to Council, reviews and reports on the adequacy and continuing need for reserves and reserve funds managed by the City.
 - Preparation and presentation of reports and/or by-laws associated with the establishment, monitoring, or termination of reserves and reserve funds.
 - Develops appropriate practices, procedures and processes for the investment of reserves and reserve funds in line with legislative requirements, the City's Investment Policy and other pertinent policies.
 - Prepares the City's long-term strategic financial plan with consideration of appropriate reserves and reserve funds to effectively meet the City's operating and capital budget financing needs.
 - Ensures reserves and reserve funds managed by the City are in line with senior government statutes and agreements and other pertinent policies.

b) Reporting Requirements:

- i) The City Treasurer, or designate shall prepare the following reports regarding reserves and reserve funds managed by the City:
 - Annual Audited Financial Statements - the annual audited financial statements shall be prepared in accordance with Public Sector Accounting Standards.
 - Reserve and Reserve Fund Report - a financial plan forecasting reserve and reserve fund balances and a comparison to target objectives shall be prepared periodically based on the most current information available; this report may include the establishment of new, modification of existing and termination of existing reserves and reserve funds.
 - Budget Reports - reserve and reserve fund balances, projected contributions and planned drawdowns for a ten year period shall be presented in each Multi-Year Budget. Annual changes to reserve and reserve fund balances shall be presented with each Annual Budget Update, or specifically by resolution if required.
 - DC Reserve Funds Report - an annual report detailing pertinent information regarding DC reserve funds shall be presented to Council as required by the *Development Charges Act, 1997, as amended*.
 - Other reports in line with this Policy shall be brought forward to Council as needed.

Appendix B32

Bill No.
2021

By-law No. CPOL.-368(_)-____

A by-law to amend By-law No. CPOL.-396-7, being “Respectful Workplace Policy (Anti-Harassment/ Anti-Discrimination)”, be amended to add clarifying language.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-396-7, being “Respectful Workplace Policy (Anti-Harassment/ Anti-Discrimination)”, be amended to add clarifying language;

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

1. By-law No. CPOL.-396-7, being “Respectful Workplace Policy (Anti-Harassment/ Anti-Discrimination)”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)

Policy Name: Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)

Legislative History: Replaces Workplace Harassment and Discrimination Prevention Policy Enacted September 19, 2017 (By-law No. CPOL.-155-407) and amended July 24, 2019 (By-law No. CPOL.-155(a)-384); Adopted December 10, 2019, in force and effect March 1, 2020 (By-law No. CPOL.-396-7); Amended August 10, 2021 (By-law No. CPOL.-____)

Last Review Date: August 10, 2021

Service Area Lead: Director, People Services

1. Policy Statement

- 1.1 The Corporation of the City of London (“City”) is committed to providing a safe and supportive workplace in which the diversity, dignity, and perspectives of all individuals are valued and respected.
- 1.2 Harassment and discrimination in the workplace are prohibited by law. Under Ontario’s [Human Rights Code](#), every person has a right to equal treatment in employment without discrimination and the right to be free from harassment in the workplace. Workplace measures to prevent and address workplace harassment are also required by the [Occupational Health and Safety Act](#).
- 1.3 The City will not tolerate, ignore, or condone harassment, discrimination, or reprisal of any of its employees in the workplace by anyone, including other employees, elected officials, members of the public, customers/clients, volunteers, contractors, and consultants. Workplace harassment, discrimination, and reprisal are serious forms of misconduct that may result in corrective and and/or disciplinary actions, up to and including termination of employment.

2. Definitions

The following definitions are intended to assist employees in understanding terms referenced in this policy. To the extent definitions may not be identical to legal definitions, they shall be interpreted and applied in accordance with applicable legislation, including the *Human Rights Code* and *Occupational Health and Safety Act*.

- 2.1 **Discrimination** – Actions or behaviours that result in unfavourable treatment or which have a negative impact on an individual or group because of one or more of the prohibited grounds listed in the *Human Rights Code*. Discrimination may be intentional or unintentional. It may involve direct actions that are outright discriminatory, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people.
- 2.2 **Disrespectful Behaviour** – Failing or refusing, through words or actions, to treat others in a professional, courteous, civil, dignified, fair, and equitable manner.
- 2.3 **Harassment** – Engaging in offensive, hurtful, upsetting, or embarrassing comment or conduct that a person knows or ought reasonably to know is unwelcome. The fact that a person does not explicitly object to harassing behaviour, or appears to be going along with it, does not mean the behaviour is welcomed, consented to, or is not harassing. Harassment usually involves more than one incident or a pattern of behaviour, but a single incident may be sufficiently serious, offensive, or harmful to constitute harassment.

Harassment may be:

- a) **Personal** – directed at an individual(s) but not based on any prohibited ground listed in the *Human Rights Code*; or
- b) **Code-based** – based on one or more of the prohibited grounds listed in the *Human Rights Code*. Code-based harassment is also a form of discrimination.

Harassment of a worker in the workplace, including sexual harassment of a worker in a workplace, is collectively referred to as “workplace harassment” for the purposes of the *Occupational Health and Safety Act*.

2.4 **Poisoned Work Environment** – A hostile, humiliating, or uncomfortable workplace that is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that intimidate, demean, or ridicule a person or group. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned work environment. Pornography, pin-ups, offensive cartoons, insulting slurs or jokes, and malicious gossip are examples of comments and conduct that can “poison the workplace” for employees.

2.5 **Prohibited Grounds** – The *Human Rights Code* prohibits harassment and discrimination in employment based on one or more of the following grounds:

- race
- ancestry
- place of origin
- colour
- ethnic origin
- citizenship
- creed (religion, including atheism)
- sex (includes pregnancy and breast feeding)
- sexual orientation
- gender identity
- gender expression
- age
- record of offences (criminal conviction for a provincial offence or for an offence for which a pardon has been received)
- marital status (includes married, single, widowed, divorced, separated, living together in a conjugal relationship outside of marriage, whether in a same-sex or opposite sex relationship)
- family status (such as being in a parent-child relationship)
- disability (includes mental, physical, developmental, or learning disabilities)
- association or relationship with a person identified by one of the listed grounds
- perception that one of the listed grounds applies, whether or not it actually does

2.6 **Reprisal** – Any act of retaliation or revenge against a person for:

- Raising a concern or making a complaint under this policy (whether on their own behalf or on behalf of another)
- Participating or cooperating in an investigation or other complaint resolution process under this policy
- Associating with or assisting a person identified in the above bullets

2.7 **Sexual Harassment** – Harassment based on sex, sexual orientation, gender identity, or gender expression and includes:

- Engaging in offensive, hurtful, upsetting, or embarrassing comment or conduct because of sex, sexual orientation, gender identity or gender expression that a person knows or ought reasonably to know is unwelcome;
- Making a sexual solicitation (i.e., request) or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; and
- Retaliating against or threatening to retaliate against an individual for the rejection of a sexual solicitation or advance where the retaliation or threat of retaliation is by a person in a position to confer, grant or deny a benefit or advancement to the individual.

Sexual harassment of a worker in the workplace is referred to as “workplace sexual harassment” for the purposes of the *Occupational Health and Safety Act*.

2.8 **Supervisor** – When referenced in this policy means a management supervisor.

2.9 **Workplace** – Includes all sites, facilities, and other locations where the business, work, or social activities of the City take place. (See also the Applicability section below).

3. **Applicability**

3.1 This policy applies to:

- All City employees, including full-time, part-time, temporary, probationary, and casual employees
- Elected officials
- Volunteers (including members of Advisory Committees, Special Committees and Task Forces)
- Interns and students on placements
- Contractors and consultants acting on behalf of the City

3.2 Members of the public, including visitors to City facilities and individuals accessing services or conducting business with the City, are expected to adhere to the standards of conduct set out in this policy, including refraining from workplace harassment and discrimination of employees, elected officials, and persons acting on behalf of the City.

3.3 This policy applies at all City workplaces, whether during or outside of normal working hours and whether at or away from the worksite. This includes:

- All City facilities and worksites
- All City vehicles
- Any other location where City employees are performing work-related duties or carrying out responsibilities on behalf of the City, including work-related travel and off-site meetings, conferences, seminars, and training.
- Locations at which work-related social functions take place, including formal events officially sanctioned by the City and informal after-work social gatherings where behaviours could have an impact on the workplace.
- Social media sites (e.g., Facebook, Twitter, Instagram, etc.) and internet sites, where posts may be connected to the workplace or could have an impact on the workplace or working relationships.

3.4 This policy also applies to communications by telephone, cell phone, email, text message, or other electronic instant messaging platforms where the communication may be connected to the workplace or have an impact on the

workplace or working relationships, whether the computer, phone, or other electronic device used to make the communication is a personal or -corporate-issued device.

4. The Policy

4.1 Purpose

The purpose of this policy is to:

- a) Set expectations and standards of behaviour for a respectful, safe, and supportive workplace.
- b) Define behaviours that may be offensive and prohibited by law and/or this policy.
- c) Clarify roles and responsibilities with respect to interpersonal behaviour in the workplace.
- d) Outline measures to prevent and address prohibited behaviour, including harassment, discrimination, and reprisal.
- e) Address the City's obligations under applicable employment laws, including the *Human Rights Code* and *Occupational Health and Safety Act*.

4.2 Expected Behaviour

- a) Employees will interact with one another, members of the public, and all others in the workplace in a professional, courteous, civil, dignified, fair, and equitable manner.

4.3 Prohibited Behaviour

The following behaviours are prohibited in the workplace:

- Disrespectful Behaviour
- Discrimination
- Harassment (Personal and Code-based), including Sexual Harassment
- Reprisal

See [Appendix A](#) for examples of the prohibited behaviours listed above.

4.4 Roles and Responsibilities

- a) Creating and maintaining a respectful workplace is a shared responsibility. Every individual to whom this policy applies, as well as individuals who attend at City workplaces, or who access services or conduct business with the City, are expected and required to abide by the standards of behaviour set out in this policy.
- b) Employees who are subjected to or witness prohibited behaviour in the workplace should consult the Respectful Workplace Dispute Resolution and Complaint Procedures ("[Resolution/Complaint Procedures](#)" – [Appendix B](#)) which outline various options available to address and resolve such behaviour.

4.4.1 All Employees

Every employee has a responsibility to create and maintain a respectful workplace. This includes to:

- a) Ensure words and actions are consistent with this policy.

- b) Raise concerns as soon as possible of prohibited behaviour.
- c) Accept responsibility for their workplace behaviours and their impact on others.
- d) Cooperate in investigations and handling of alleged prohibited behaviour upon request.
- e) Maintain confidentiality related to investigations of alleged prohibited behaviour.
- f) Participate in training associated with this policy.

4.4.2 Managers/Supervisors

Managers and supervisors have additional responsibilities to create and maintain respectful workplaces and must act immediately on observations or allegations of prohibited behaviour.

A manager or supervisor may be held responsible if they are aware of an incident of prohibited behaviour but do not take steps to resolve or address it.

Managers and Supervisors must:

- a) Ensure work-related practices/procedures in their areas are free from barriers and do not discriminate against groups or individuals.
- b) Set a good example by ensuring their own words and conduct adhere to this policy.
- c) Be aware of what constitutes prohibited behaviour and the procedures in place for addressing and resolving such behaviour.
- d) Act promptly to address observations or allegations of prohibited behaviour.
- e) Consult and work cooperatively with Human Rights and People Services as needed.
- f) Keep a detailed record of any violations of this policy and corrective actions taken and report this information to Human Rights as required.
- g) Support training and awareness activities related to this policy.
- h) Ensure this policy is distributed and posted in a location that is easily accessible by all employees and any other individuals who enter the workplace and ensure contractors and consultants who enter the workplace are aware of this policy.
- i) Implement disciplinary/corrective actions and workplace restoration measures as required.
- j) Monitor the workplace where prohibited behaviour has occurred to ensure it has stopped.
- k) Provide appropriate support to all those in their work area affected by prohibited behaviour, including witnesses.

4.4.3 Non-management Supervisors

Non-management supervisors must likewise set a good example by ensuring their behaviour complies with this policy and must report all observations, concerns, and/or complaints of prohibited behaviour to their supervisor/manager

or Human Rights immediately to be addressed in accordance with the Resolution/Complaint Procedures (Appendix B).

4.4.4 Enterprise Supports Service Area

4.4.4.1 Human Rights Division (Human Rights)

The focus of Human Rights is to assist in preventing, correcting, and remedying prohibited behaviours. Human Rights does not advocate for, act on behalf of, or represent any party in a dispute (complainant, respondent, or management). All complaints to Human Rights will be dealt with in an unbiased manner.

Human Rights is responsible for:

- a) Reviewing and recommending updates to this policy.
- b) Providing information to employees, including to managers and supervisors, regarding this policy and the various options available for raising, addressing, and resolving concerns and complaints of prohibited behaviour.
- c) Making referrals to agencies for counselling and assistance when required.
- d) Receiving complaints, including conducting intakes.
- e) Recommending appropriate interim measures, and complaint resolution and investigation options.
- f) Conducting independent investigations.
- g) Assisting in implementing resolutions of complaints.
- h) All tracking of concerns and complaints under this policy.

4.4.4.2 People Services Division (People Services)

People Services is responsible for:

- a) Removing barriers in hiring and employment policies, practices, and procedures that may have the effect of discriminating against groups or individuals.
- b) Reporting all complaints of prohibited behaviour to Human Rights, including grievances alleging harassment, discrimination and/or reprisal filed under a collective agreement.
- c) Consulting with Human Rights as required with respect to alleged prohibited behaviour.
- d) Ensuring this policy is distributed and posted in a location that is easily accessible by all employees and any other individuals who enter the workplace and ensure contractors and consultants who enter the workplace are aware of this policy.
- e) Providing training on this policy and related practices and procedures.
- f) Providing support to managers and supervisors in responding to and addressing matters under this policy.

- g) Making referrals to agencies for counselling and assistance where required.

4.4.4.3 Emergency Management and Security Division (Security)

The focus of Security is to protect and promote the safety and security of City workplaces, employees, and the public by assisting in preventing and addressing prohibited behaviours where safety may be at risk. Security is responsible for:

- a) Providing advice and assistance to address concerns and complaints of prohibited behaviour against a member of the public or where the physical safety of employees or others may be at risk.
- b) Making referrals to agencies for counselling and assistance when required.
- c) Receiving complaints alleging a member of the public has engaged in prohibited behaviour, including conducting intakes and determining appropriate interim measures.
- d) Determining informal actions and conducting independent investigations of complaints of prohibited behaviour against a member of the public.
- e) Consulting and working cooperatively with Human Rights and People Services as required.
- f) Recommending and implementing appropriate corrective action involving members of the public when required.
- g) Reporting prohibited behaviour by members of the public and corrective actions taken to Human Rights as required.

4.4.5 Respectful Workplace Ombudsperson (RWO)

The RWO is available as a neutral and confidential resource for employees to obtain information regarding their rights and obligations under this policy. The RWO advocates for fair and transparent processes under this policy and related practices and procedures but does not act as an advocate for or provide legal advice to individuals.

The RWO will:

- a) Receive and respond on a confidential basis to questions from employees regarding this policy.
- b) Provide assistance to employees as they proceed through the Resolution/Complaint Procedures.
- c) Review complaints from employees related to processes and procedures undertaken by the City under this policy and make recommendations to the City Manager for improvements.
- d) Report annually to the City Manager about their interactions with employees related to this policy and identify themes and potential options for action and improvement.

4.4.6 Joint Health and Safety Committees

The City's Joint Health and Safety Committees will be consulted and may provide input and feedback with respect to the implementation and maintenance of this policy and related processes and procedures in accordance with the *Occupational Health and Safety Act*.

4.4.7 Unions/Associations

Union/Association officials are available for confidential consultation and to provide representation to both complainants and respondents if they are Union/Association members. Union/Association officials can also make a referral to agencies for counselling and assistance where required.

4.4.8 Community Agencies

Community agencies are available to provide confidential advice to individuals affected by complaints.

4.5 Communication

- a) This policy shall be posted on the City's website, City's intranet, and in the City's workplaces.

4.6 Respectful Workplace Training

- a) Employees, elected officials, interns, and students on placement, will receive mandatory training on this policy upon assuming their respective roles in the workplace. Thereafter, as appropriate, they will receive refresher or in-service training with respect to specific rights and/or obligations arising from the *Human Rights Code* and/or the *Occupational Health and Safety Act* and will be reminded of the complaint mechanisms to enforce those rights and any substantial changes.

4.7 Policy Review Process

- a) The City is committed to continuing to enhance its respectful workplace policies, practices, and procedures. This policy will be reviewed as often as necessary, but at least annually, to ensure it remains current and is appropriately implemented. Employees and their representatives are encouraged to provide input and feedback to Human Rights, People Services, or the RWO.

4.8 Policy Implementation

- a) Implementation of this policy will be in accordance with applicable Council and/or City by-laws, policies and procedures, legislation, and collective agreement provisions.

4.9 Related Resources

- [Accommodation of Employees with Disabilities Procedure](#)
- [Code of Conduct for Members of Council](#)
- [Formal Investigation Process](#)
- [General Policy for Advisory Committees](#)
- Public Conduct Administrative Practice
- [Rzone Policy](#)
- [Time Off for Religious Observances Guideline](#)
- [Use of Technology Administrative Procedure](#)
- [Workplace Violence Prevention Policy](#)
- [Criminal Code](#)
- [Municipal Freedom of Information and Protection of Privacy Act](#)
- [Occupational Health and Safety Act](#)
- [Ontario Human Rights Code](#)

Appendix A: Examples of Prohibited Behaviours

The following are some examples of the prohibited behaviours listed in Section 4.3 above.

Disrespectful Behaviour

Examples could include:

- Teasing or joking that intimidates, embarrasses, or humiliates
- Belittling and use of profanity
- Using sarcasm or a harsh tone
- Deliberately expressing or exhibiting disinterest when an employee is speaking
- Spreading gossip or rumours that damage one's reputation
- Condescending or patronizing behaviour
- Actions that invade privacy or one's personal workspace
- Deliberately excluding an employee from basic civilities (e.g., saying "good morning"), relevant work activities, or decision making

Any of the behaviours listed above could also constitute discrimination (if based on one or more of the prohibited grounds) or harassment (if the behaviour is repeated, occurs in combination with other prohibited behaviours, or is severe).

Discrimination

If based on one or more of the prohibited grounds, examples could include:

- Excluding an employee from workplace activities
- Refusing to work with another employee
- Denial of hiring, promotion, work assignment, career development or training
- Failing or refusing to accommodate short of undue hardship
- Denial of services to any individual or group of individuals

Harassment

Examples of **Personal Harassment** could include:

- Angry shouting/yelling
- Abusive or violent language
- Physical, verbal, or e-mail threats or intimidation
- Aggressive behaviours (e.g., slamming doors, throwing objects)
- Targeting individual(s) in humiliating practical jokes
- Excluding, shunning, or impeding work performance
- Negative blogging or cyberbullying
- Retaliation, bullying, or sabotaging
- Unreasonable criticism or demands
- Insults or name calling
- Public humiliation
- Communicating via any means (e.g., verbal, electronic mail, voice mail, print, social media posts, or radio) that is demeaning, insulting, humiliating, or mocking

Examples of **Code-based Harassment** could include (if based on one or more of the prohibited grounds):

- Insulting, offensive, humiliating or mocking remarks, gestures, jokes, slurs, or innuendos.
- Name calling, including using derogatory or offensive terms or language.
- Refusing to work or interact with an employee.
- Attaining, viewing, retaining, or distributing insulting, derogatory, or offensive information from the internet or other sources.

- Vandalism of an individual's property.
- Interference with a person's ability to perform their work responsibilities.
- Offensive, derogatory, insulting, or demeaning communication via any means (e.g., verbal, electronic mail, voice mail, print, social media posts, or radio).
- Displaying pictures, graffiti or other materials that are derogatory or offensive.

Harassment Does Not Include:

- Reasonable performance of management or supervisory functions, including:
 - performance/probation reviews/appraisals
 - performance management (including coaching, counselling, discipline)
 - organizational changes/restructuring
 - shift/vacation scheduling
 - work direction
 - work assignments/work location
- Occasional disagreements or personality conflicts between co-workers.
- Stressful events encountered in the performance of legitimate duties.
- A single comment or action unless it is serious and has a lasting harmful effect.

Sexual Harassment

Examples could include:

- Comments, jokes, slurs, innuendos or taunting about a person's body, attire, sex, sexual orientation, gender identity, or gender expression.
- Comments or conduct of a sexual nature (verbal, written, physical).
- Jokes of a sexual nature which cause awkwardness or embarrassment.
- Negative stereotypical comments based on gender, sex, or sexual orientation.
- Gender related comments about an individual's physical characteristics or mannerisms.
- Displaying or distributing pornographic pictures or other offensive material.
- Inappropriate touching, gestures, leering, staring or sexual flirtations.
- Sexual assault (also an offence under the [Criminal Code](#)).
- Persistent unaccepted solicitations for dates (including unwelcome contact subsequent to the end of an intimate relationship).
- Unwelcome solicitation(s) made by a person in a position to confer or deny a workplace benefit or advancement on the recipient.
- Unwelcome comments or questions about a person's sex life.

Reprisal

Examples could include:

- Issuing discipline, changing work location or hours, demoting, denying of advancement or promotional opportunities, or threatening to carry out such actions if done as an act of retaliation or revenge.
- Bullying, threats, or other intimidating behaviour.
- Making false allegations of workplace misconduct.
- Pressuring an individual to withdraw or change a complaint or witness statement.

Appendix B: Respectful Workplace Dispute Resolution and Complaint Procedures

1. Purpose

These procedures are intended to:

- a) Outline internal options available for employees to raise concerns of prohibited behaviour for resolution and/or investigation.
- b) Inform managers and supervisors of actions required to address concerns and complaints of prohibited behaviour.
- c) Inform employees of what they can expect to occur in the event they raise a concern of prohibited behaviour, or are a witness to, or accused of such behaviour.
- d) Inform employees of available supports to assist them in raising concerns of prohibited behaviour or in the event they are accused of or witness such behaviour.
- e) Outline actions that will be taken to prevent, correct, and remedy incidents of prohibited behaviour.

2. Definitions

For the purposes of these procedures,

- 2.1 **Complainant** – A person(s) alleging they have been subjected to prohibited behaviour under this policy.

Note: Complaints of prohibited behaviour will be accepted from any source that provides reasonable grounds for concern (e.g., witnesses, unions/associations, or other third parties). These individuals will not be considered “complainants” for the purpose of these Resolution/Complaint Procedures or the City’s [Formal Investigation Process](#).

- 2.2 **Prohibited Behaviour** – Behaviour in the workplace that is prohibited by this policy (see Policy, Section 4.3 above).

- 2.3 **Respondent** – The person(s) who is alleged to have engaged in prohibited behaviour.

- 2.4 **Respectful Workplace Response Team** – Shall be comprised of the City Manager, relevant Deputy City Manager, Director, People Services, or their designate(s), and a member of the City Solicitor’s Office.

3. Complaints Involving the City Manager/Deputy City Managers/Director, People Services/Human Rights Intake Administrator

- a) Complaints received through these Resolution/Complaint Procedures alleging the City Manager has engaged in prohibited conduct (alone or in conjunction with another respondent(s)) shall be forwarded to the Director, People Services or the City Solicitor as soon as possible. Upon receipt of a complaint, the Director, People Services or the City Solicitor will immediately refer the complaint to an external third party.
- b) Complaints received through these Resolution/Complaint Procedures alleging a Deputy City Manager, the Director, People Services, or the Human Rights Intake Administrator (alone or in conjunction with another respondent(s) other than the City Manager) has engaged in prohibited behaviour shall be forwarded to the City Manager as soon as possible. Upon receipt of a complaint, the City Manager will immediately refer the complaint to an external third party.

- c) The external third party will perform all the functions assigned to People Services and/or Human Rights as described in this procedure and the Formal Investigation Process.
- d) In the case of the City Manager, if the external third party determines that a formal investigation is required, they will provide the investigation report and their recommendations, if any, to the Committee designated by the Municipal Council to deal with such matters. The Committee, after consultation with the external third party and such other external and/or internal resources as appropriate and required (e.g., external legal counsel, member of the City Solicitor's Office, Director, People Services), shall make recommendations to the Municipal Council relating to corrective and/or disciplinary actions, and the Municipal Council shall consider, adopt, or otherwise deal with the recommendations from the Committee.
- e) In the case of a Deputy City Manager, Director, People Services, and the Human Rights Intake Administrator, if the external third party determines that a formal investigation is required, they will provide the investigation report and their recommendations, if any, to the City Manager. The City Manager, after consultation with such other external and/or internal resources as appropriate and required (e.g., external legal counsel, member of the City Solicitor's Office, Director, People Services) will determine or, where required, will recommend to the Committee designated by the Municipal Council to deal with such matters, appropriate corrective and/or disciplinary action.

In all other respects, the Resolution/Complaint Procedures below will apply to the processing of the complaint.

4. Complaints Involving a Member of Council (Including the Mayor)

- a) Complaints received through these Resolution/Complaint Procedures alleging a Member of Council has engaged in prohibited conduct shall be forwarded to the Director, People Services as soon as possible. In the event the Director, People Services, determines that a formal investigation of the complaint is required, they will immediately refer the complaint to the Integrity Commissioner to conduct an investigation in accordance with the Integrity Commissioner's procedures. Where such a request is made to the Integrity Commissioner, the Director, People Services shall be the complainant for the purposes of the Integrity Commissioner's procedures.
- b) Where the Integrity Commissioner conducts an investigation, the Integrity Commissioner will provide results to the Director, People Services in accordance with the Integrity Commissioner's procedures. Based on the Integrity Commissioner's reporting, the Director, People Services will provide the complainant with a written summary of the findings.
- c) Where there are findings of a violation of this policy, the Director, People Services will refer the findings to the Respectful Workplace Response Team to implement appropriate corrective action to ensure the behaviour stops in accordance with section 7.4 below.
- d) As noted in Section 7.10 below, other complaint avenues for raising concerns of prohibited behaviour by a Member of Council may be available, including directly to the Integrity Commissioner as provided for in the [Code of Conduct for Members of Council](#).

In all other respects, the Resolution/Complaint Procedures below will apply to the processing of the complaint.

5. Complaints Involving Members of the Public Attending at City Workplaces and/or Accessing City Services

- a) The Director, Emergency Management and Security, or designate, in addition to the individuals listed in sections 6.1 and 6.2 below, is available to provide advice, guidance and assistance to employees and supervisors/managers regarding available options to raise and resolve concerns of prohibited behaviour by a member of the public.
- b) The Director, Emergency Management and Security, or designate, in consultation with Human Rights as needed, may also determine an appropriate informal course of action that may effectively resolve a complaint against a member of the public in a timely and fair manner as outlined in section 6.3 below. All findings of harassment, discrimination, and/or reprisal determined through informal action, as well as any corrective actions taken, shall be reported to Human Rights.
- c) In addition to the Director, People Services and in accordance with section 6.5 below, the Director, Emergency Management and Security or designate, in consultation with Human Rights as needed, may determine that further inquiry into a complaint of prohibited conduct against a member of the public is necessary and, if so, a formal investigation of the matter will be conducted in accordance with the City's Formal Investigation Process.
- d) Where there are findings of a violation of this policy, corrective action shall be determined in accordance with section 7.4 below.
- e) The Director, Emergency Management and Security or designate, shall report all findings of harassment, discrimination, and/or reprisal determined through formal investigation, as well as any corrective actions taken, to Human Rights.

In all other respects, the Resolution/Complaint Procedures set out below will apply to the processing of a complaint against a member of the public.

6. Resolution/Complaint Procedures

- a) There are a number of internal options available to raise and resolve concerns of prohibited behaviour under this policy, including:
 - 1) Consultation – Obtaining Advice and Assistance
 - 2) Individual Action – Talking to the Respondent
 - 3) Informal Action – Dispute Resolution without Formal Investigation
 - 4) Mediation
 - 5) Formal Investigation
 - b) Whether all options are available or appropriate in a particular case will depend on the nature of the concerning behaviour and/or the parties involved. In all cases, concerns should be raised and addressed as soon as possible. Where appropriate, and especially when raised right away, individual, or informal actions can bring about a quick resolution and prevent escalation of workplace disputes.
- ### **6.1 Consultation – Obtaining Advice and Assistance**
- a) Employees who believe they have witnessed or been subjected to prohibited behaviour may benefit from having access to information and advice before deciding how to proceed with a concern. Employees may consult any member of management or Human Rights or People Services staff. These individuals have responsibility to take action to resolve and stop prohibited behaviour (see Roles and Responsibilities – Policy, Section 4.4). They can provide advice, assistance, coaching, and referrals

to assist employees in addressing the dispute themselves where appropriate to do so. Depending on the nature and circumstances of the concern raised, these individuals may be obligated to initiate an investigation even if the complainant does not wish to pursue that option.

- b) The RWO is also available to provide neutral, confidential advice and information regarding available resolution and complaint options (see Policy, Section 4.4.5).
- c) Employees who are members of a bargaining unit may also consult their Union/Association representative.

6.2 Individual Action – Talking to the Respondent

- a) If an employee believes they are being subjected to prohibited behaviour and there are no immediate health or safety concerns, it is recommended the respondent be told as soon as possible that their behaviour is unwelcome and must stop.
- b) It is not necessary for the employee to advise the respondent directly. The communication may be done verbally, via e-mail, transcribed, or other suitable means. It is recommended that if the communication is done verbally, what was said, as well as the date, time, and place, be documented. Human Rights and People Services staff, a Union/Association representative, any member of management, or a trusted friend may assist.
- c) It is recommended that the complainant maintain a detailed record of incidents of prohibited behaviour, including the number of occurrences, date(s), time(s), place(s), nature of the offensive behaviour(s), names of individuals who may have observed the incidents and all actions taken.
- d) If addressing the respondent directly could raise health or safety risks, escalate the dispute, or is not appropriate, complainants may take other resolution options outlined in these procedures.

6.3 Informal Action – Dispute Resolution without Formal Investigation

- a) If individual action is not appropriate or if the prohibited behaviour continues after asking the person to stop, the employee shall advise their manager/supervisor or Human Rights of their complaint, preferably in writing. Where the employee's manager/supervisor is involved in the complaint, the employee may advise a more senior member of management. Managers and supervisors will report all complaints of behaviour that may constitute harassment, discrimination, or reprisal to Human Rights as soon as possible. When uncertain, managers/supervisors should consult Human Rights for guidance.
- b) Where the prohibited behaviour alleged is not harassment, discrimination, or reprisal, the manager or supervisor in consultation with Human Rights, as needed, and with the parties to the dispute, if appropriate, may determine an appropriate informal course of action that will effectively resolve the complaint in a timely and fair manner without the need for formal investigation. If the prohibited behaviour warrants disciplinary action, the supervisor or manager must consult with Human Rights or People Services staff before issuing discipline. The manager or supervisor shall document and report to Human Rights any informal action taken, including any corrective/disciplinary action(s) implemented, to resolve the complaint.
- c) Where the alleged prohibited behaviour may constitute harassment, discrimination, or reprisal, the Director, People Services, or designate, in consultation with Human Rights, and with the complainant if appropriate,

will determine whether an informal course of action may be appropriate.

- d) Circumstances in which an informal course of action may be appropriate include the following:
 - i) Where the alleged misconduct is minor in nature.
 - ii) Where all the facts necessary for resolution are known without the need for further inquiry.
 - iii) Where no other resources or special expertise are required for an impartial and timely resolution.
 - iv) Where the alleged misconduct is acknowledged by the respondent, the parties to the complaint are in agreement as to how to effectively resolve the issues, and the agreed upon resolution is acceptable to the appropriate manager(s) and the Director, People Services or designate.

Informal action may include, among other actions:

- i) Consulting, advising, meeting with and/or interviewing those involved in the complaint (i.e., an informal review/investigation).
- ii) Reviewing documentary evidence (e.g., emails).
- iii) Communication of findings to the parties to the complaint and making recommendations to remedy concerns.
- iv) A facilitated discussion to resolve the issues.
- e) The *Occupational Health and Safety Act* requires employers to conduct an investigation that is appropriate in the circumstances of all incidents and complaints of workplace harassment. Therefore, options for informal action that do not include investigation will not be available for complaints of workplace harassment until after an appropriate investigation has been completed.
- f) Where there are findings of prohibited behaviour determined through informal action, communication of those findings will be in accordance with the Communication of Findings section of the City's Formal Investigation Process.

6.4 Mediation

- a) Mediation is a form of informal action. It is a voluntary process whereby the complainant and respondent meet with a trained mediator to determine whether the complaint can be resolved in a mutually satisfactory manner.
- b) Mediation is not appropriate in all circumstances. For example, when there are allegations of severe discrimination or harassment which, if substantiated, would result in disciplinary action, or where there are potential health or safety concerns. If the Director, People Services or designate, in consultation with Human Rights, deems mediation appropriate, it will be offered to the parties but will only be conducted with the consent of both the complainant and the respondent.
- c) It is preferable that mediation be attempted prior to a formal investigation but will remain available to the parties throughout the investigation process. Where workplace harassment is alleged, mediation will only be available, if deemed appropriate, after an investigation is completed as required by the *Occupational Health and Safety Act*.

- d) During the mediation process, the complainant and the respondent may, if desired, be accompanied by a Union/Association representative or a trusted friend.
- e) If a mediated settlement is reached, the terms of the settlement shall be reduced to writing and signed by the complainant, respondent, and the mediator. If the settlement requires any action on the part of the City, the agreement of the Director, People Services or designate will be required.
- f) Discussions at the mediation will be treated as carried out with a view to coming to a settlement. Discussions will be treated as privileged and confidential to the full extent permitted by law.

6.5 Formal Investigation

- a) If mediation or other informal options to resolve the complaint are not appropriate or are unsuccessful or where the Director, People Services or designate, in consultation with Human Rights, determines that further inquiry is necessary, a formal investigation into the matter will be conducted.
- b) Corporate-initiated Investigations: In circumstances where a complaint is made by someone other than the alleged victim, the City may conduct a formal investigation where the Director, People Services or designate, in consultation with Human Rights, deems it appropriate, including where allegations of harassment or discrimination warrant further action/investigation or where the alleged victim does not wish to submit a complaint. The City may also conduct a formal investigation where there is information to suggest the existence of an outstanding specific or systemic problem in the workplace.
- c) Formal investigations and communication of the findings from such investigations will be conducted in accordance with the City's Formal Investigation Process.

7. General Provisions

7.1 Refusal to Act or Investigate

- a) The City may refuse to act or investigate or may discontinue an informal action or investigation where:
 - The behaviour alleged, if true, would not be a breach of this policy.
 - The complaint is anonymous and there is insufficient information to warrant any or further steps.
 - The complaint is vexatious or made in bad faith (see Section 7.5 below).
 - Another complaint avenue has been pursued or engaged regarding the same or a related concern/complaint.
 - Having regard to all of the circumstances, further investigation of the matter is unnecessary.

7.2 Interim Measures

- a) In certain circumstances such as where health or safety is at issue, it may be necessary to take immediate measures. In such a case, interim measures shall be determined by the Director, People Services, or designate, in consultation, where appropriate, with Human Rights, other members of the Respectful Workplace Response Team, Director, Emergency Management and Security, and/or the London Police Service. Interim measures may include relocating a party or placing a party on a non-disciplinary suspension with pay pending the resolution of the complaint or outcome of the investigation. The Director, Emergency

Management and Security, or designate, in consultation, where appropriate, with Human Rights, other members of the Respectful Workplace Response Team, and/or the London Police Service, shall determine interim measures with respect to members of the public. The implementation of interim measures does not mean that conclusions have been reached relating to the allegations.

7.3 Support for Parties

- a) The City recognizes that involvement in a workplace investigation may be stressful and emotionally upsetting. Complainants, respondents, witnesses, and other affected employees may access the counselling services and support provided by the City's employee assistance provider. Additionally, complainants may wish to access counselling and support through outside agencies.
- b) Parties to a complaint also have the right to be accompanied by a support person of their choice during meetings relating to a complaint made pursuant to these procedures, including their Union/Association representative, if applicable, or a trusted friend (e.g., another manager if they are a management employee). Where the Human Rights Intake Administrator/investigator is of the opinion that the presence of the support person is inappropriate (e.g., they have a conflict) or is hindering the process, the relevant party may select another support person provided that doing so does not hinder or unduly delay the meeting/process.
- c) As these procedures are intended as an internal means of addressing prohibited behaviour outside of more formal legal proceedings, parties are not entitled to select legal counsel as their support person.

7.4 Corrective Action and/or Disciplinary Action

- a) Where a finding of a violation of this policy that does not constitute harassment, discrimination, or reprisal has been made, the applicable Division Manager, in consultation with the Director, People Services, or designate, will determine appropriate corrective and/or disciplinary actions.
- b) Where a finding of harassment, discrimination, or reprisal in violation of this policy has been made, the Respectful Workplace Response Team will determine appropriate corrective and/or disciplinary actions.
- c) Where it is determined that corrective or disciplinary action is to be taken against an employee of the City, such action may include the following:
 - An apology
 - Coaching or counselling
 - Education or training
 - Warning
 - Suspension or leave without pay
 - Demotion
 - Transfer
 - Termination of employment
- d) The appropriate manager or supervisor will implement corrective or disciplinary actions to be taken against an employee.
- e) Where it is determined that corrective action is to be taken against members of Council, volunteers (including members of Advisory Committees, Special Committees, and Task Forces), students on placements, contractors, consultants, members of the public, including City clients or customers, the City will take such corrective action as is reasonable in the circumstances and permitted by law to ensure the

prohibited behaviour stops. This may include barring the person from City facilities or discontinuing business with contractors or consultants. The Director, Emergency Management and Security or designate will be consulted with respect to determining any corrective action to be taken against members of the public.

- f) The City may also implement any systemic remedies it deems appropriate.

7.5 Vexatious/Bad Faith Complaints

- a) Where it is determined that the complainant has made a vexatious or bad faith complaint or an individual makes allegations knowing them to be false, the Respectful Workplace Response Team will take appropriate corrective and/or disciplinary action which may include the same corrective and/or disciplinary actions noted above.
- b) A complaint is vexatious or made in bad faith if it is made for the purpose of annoying, embarrassing or harassing the respondent, out of spite or vindictiveness, or the complainant is engaging in improper behaviour such as fraud, deception, or intentional misrepresentation.
- c) A complaint that is made in good faith but is not substantiated does not constitute a vexatious or bad faith complaint.

7.6 Timing of Complaint

- a) A complaint under these procedures should be made as soon as possible after the prohibited behaviour occurred and no later than one year after the last incident occurred unless there are reasons why it was not possible to bring it forward sooner. Where failure to make a complaint in a timely fashion affects the ability of the City to conduct a full and complete investigation, the City may decline to deal with the complaint.

7.7 Timing of Completion of Actions/Investigation

- a) The City will complete any informal actions or formal investigations pursuant to these procedures in a timely manner and within three (3) months from the date of receiving a complaint/initiating an investigation, unless there are extenuating circumstances (e.g., illness, complex investigation) warranting a longer period. The Human Rights Intake Administrator/investigator, supervisor, or manager responsible for handling a complaint under these procedures will update the parties to the complaint on a regular basis (approximately every two to three weeks) as to the status of their complaint and anticipated next steps.

7.8 Confidentiality

- a) The administration of these procedures will be in accordance with the [Municipal Freedom of Information and Protection of Privacy Act](#) ("MFIPPA"). All complaints received under these procedures will be considered strictly confidential subject to the City's obligation to safeguard employees, to conduct a thorough investigation, take appropriate corrective and/or disciplinary action, or to otherwise disclose information as required by law. The parties to the complaint and any witnesses are also expected to maintain confidentiality. Unwarranted breaches of confidentiality will result in corrective and/or disciplinary action.

7.9 Complaint Records

- a) Where an investigation results in corrective and/or disciplinary action against an employee, a record of such action will be placed in the employee's People Services file. Where there is insufficient evidence to prove that prohibited conduct occurred, no record of the complaint shall be placed in the respondent's People Services file.
- b) All records pertaining to enquiries and complaints under this policy will be kept in confidential storage separate from employees' People Services files. All records will be subject to the provisions of *MFIPPA* as noted above.

7.10 Other Avenues of Complaint

- a) In addition to these internal resolution and complaint procedures, there may be other avenues available to pursue complaints of prohibited behaviour. Depending on the nature of the behaviour at issue and the parties involved, other complaint avenues may include an Application to the Human Rights Tribunal of Ontario, a complaint to the Ministry of Labour, an application to the Ontario Labour Relations Board, a civil action, a criminal complaint, a complaint to the Integrity Commissioner, and a grievance pursuant to the terms of an applicable collective agreement.
- b) These resolution/complaint procedures are not intended to interfere with or restrict employees' rights to pursue any other available avenue(s) of complaint, including pursuant to the Ontario *Human Rights Code* and the *Occupational Health and Safety Act*. Where appropriate and/or required by law, the City will conduct its own independent investigation into the allegations and make its own determination in accordance with this policy even when another avenue of complaint is pursued. This includes circumstances where there may be a related criminal proceeding.

Appendix B33

Bill No.
2021

By-law No. CPOL.-46()-____

A by-law to amend By-law No. CPOL.-46-242, as amended, being “Surplus/Deficit Policy”, be amended to add clarifying language in the policy section and renumber accordingly.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-46-242, as amended, being “Surplus/Deficit Policy”, be amended to add clarifying language in the policy section and renumber accordingly;

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

1. By-law No. CPOL.-46-242, as amended, being “Surplus/Deficit Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



London
CANADA

Surplus/Deficit Policy

Policy Name: Surplus/Deficit Policy

Legislative History: Enacted June 13, 2017 (By-law No. CPOL.-46-242); Amended October 16, 2018 (By-law CPOL.-46(a)-500); Amended August 10, 2021 (By-law No. CPOL.-_____)

Last Review Date: August 10, 2021

Service Area Lead: Director, Financial Planning & Business Support

1. Policy Statement

The purpose of this policy is to establish a priority framework for the allocation of any operating surpluses and funding for any operating deficits.

2. Definitions

- 2.1 **Authorized Debt:** Council approved debt financing as a source of funding for capital projects.
- 2.2 **City Treasurer:** The individual appointed by the municipality as treasurer.
- 2.3 **Deficit:** In the operating budget, when there is an excess of expenditures over revenues.
- 2.4 **Multi-Year Budget:** Approval of a four year operating and capital budget.
- 2.5 **Operating Budget:** A budget that funds day to day operations. Some of the expenses could include personnel, utilities, and reserve fund contributions.
- 2.6 **Property Tax Supported Budget:** A budget that includes property taxes as a primary source of revenue used to fund City programs and services.
- 2.7 **Reserve:** An appropriation from net revenue and/or cost savings at the discretion of Council, after the provision for all known expenditures. It has no reference to any specific asset and does not require the physical segregation of money or assets as in the case of a reserve fund. Municipal Councils may set up reserves for any purpose for which they have the authority to spend money.
- 2.8 **Reserve Fund:** Funds that have been set aside either by a by-law of the municipality or by a requirement of senior government statute or agreement to meet a future event. Municipal Councils may set up reserve funds for any purpose for which they have the authority to spend money.
- 2.9 **Reserve Fund Policy:** A policy governing the management and administration of reserve and reserve funds, establishing guiding principles, primary objectives, key management and administrative responsibilities, and standards of care for reserves and reserve funds managed by the City.
- 2.10 **Surplus:** In the operating budget, when there is an excess of revenues over expenditures.
- 2.11 **Wastewater & Treatment Rate Supported Budget:** A budget to fund services exclusively related to the collection and treatment of wastewater and stormwater through rates charged to users of the system.
- 2.12 **Water Rate Supported Budget:** A budget to fund services exclusively related to

the distribution of potable water through rates charged to users of the system.

3. Applicability

This policy applies to the annual operating budgets for the Property Tax Supported Budget, Water Rate Supported Budget, and Wastewater & Treatment Rate Supported Budget, unless otherwise stated.

4. The Policy

4.1. Principles

4.1.1. All surpluses and deficits be treated as one-time in nature.

4.1.2. The year-end operating surplus or deficit for the Property Tax Supported Budget, Water Rate Supported Budget, and Wastewater & Treatment Rate Supported Budget will only be allocated (surplus) or funded (deficit) within the operations and reserves and reserve funds of each respective Budget.

Property Tax Supported Budget – In a Year of Surplus

- a) The City Treasurer, or designate is authorized to contribute an amount to the Operating Budget Contingency Reserve (OBCR) not to exceed the reserve target balance established through the Reserve and Reserve Fund Policy, subject to the contribution to the OBCR being confirmed by the Municipal Council.
- b) The City Treasurer, or designate is authorized to contribute an amount to the Unfunded Liability Reserve Fund not to exceed:
 - i) The Reserve Fund target balance established through the Reserve and Reserve Fund Policy; and
 - ii) Operational savings realized from personnel and contingency budgets at year-end.
- c) Remaining surplus to be reported in the Operating Budget Year-End Monitoring Report with the surplus contributed to the OBCR to balance year-end operations. The remaining surplus allocations shall be drawn down from the OBCR and allocated in accordance with the following proportions:
 - i) 50% of any operating surplus shall be applied to reduce authorized but unissued debt, it being noted that debt reduction will reduce future years' debt servicing costs. If the operating surplus allocation exceeds the authorized debt amount, the authorized debt shall be reduced to nil with the remaining surplus added to the allocations specified in 4.1.2 (c)(ii) and (c)(iii).
 - ii) 25% of any operating surplus shall be contributed to the Community Investment Reserve Fund to be allocated at the discretion of Municipal Council.
 - iii) 25% of any operating surplus shall be contributed to the Capital Infrastructure Gap Reserve Fund (or other reserve fund to mitigate infrastructure needs at the discretion of the City Treasurer) to address future infrastructure needs.

Property Tax Supported Budget – In a Year of Deficit

- d) The City Treasurer, or designate is authorized to drawdown from the OBCR to balance year-end operations.

Wastewater & Treatment Rate Supported Budget – In a Year of Surplus

- e) The City Treasurer, or designate is authorized to contribute an amount to the Wastewater Budget Contingency Reserve not to exceed the reserve target balance established through the Reserve and Reserve Fund Policy, subject to the contribution to the Wastewater Budget Contingency Reserve being confirmed by the Municipal Council.
- f) Remaining surplus to be reported in the Operating Budget Year-End Monitoring Report with the surplus contributed to the Wastewater Budget Contingency Reserve to balance year-end operations. The remaining surplus allocations shall be drawn down from the Wastewater Budget Contingency Reserve and allocated in accordance with the following proportions:
 - i) 50% of any operating surplus shall be applied to reduce Wastewater & Treatment authorized but unissued debt, it being noted that debt reduction will reduce future years' debt servicing costs. If the operating surplus allocation exceeds the authorized debt amount, the authorized debt shall be reduced to nil with the remaining surplus added to the allocation specified in 4.1.2 (f)(ii).
 - ii) 50% of any operating surplus shall be contributed to the Sewage Works Reserve Fund to address future infrastructure needs.

Wastewater & Treatment Rate Supported Budget – In a Year of Deficit

- g) The City Treasurer, or designate is authorized to drawdown from the Wastewater Budget Contingency Reserve to balance year-end operations.

Water Rate Supported Budget – In a Year of Surplus

- h) The City Treasurer, or designate is authorized to contribute an amount to the Water Budget Contingency Reserve not to exceed the reserve target balance established through the Reserve and Reserve Fund Policy, subject to the contribution to the Water Budget Contingency Reserve being confirmed by the Municipal Council.
- i) Remaining surplus to be reported in the Operating Budget Year-End Monitoring Report with the surplus contributed to the Water Budget Contingency Reserve to balance year-end operations. The remaining surplus allocations shall be drawn down from the Water Budget Contingency Reserve and allocated in accordance with the following proportions:
 - i) 50% of any operating surplus shall be applied to reduce Water authorized but unissued debt, it being noted that debt reduction will reduce future years' debt servicing costs. If the operating surplus allocation exceeds the authorized debt amount, the authorized debt shall be reduced to nil with the remaining surplus added to the allocation specified in 4.1.2 (i)(ii).
 - ii) 50% of any operating surplus shall be contributed to the Waterworks Reserve Fund to address future infrastructure needs.

Water Rate Supported Budget – In a Year of Deficit

- j) The City Treasurer, or designate is authorized to drawdown from the Water Budget Contingency Reserve to balance year-end operations.

4.2 Reporting

The City Treasurer, or designate shall provide the following reports related to year-end projected or actual surplus or deficit positions:

- i) Operating Budget Mid-Year Monitoring Report (January 1st to June 30th)
- ii) Operating Budget Year-End Monitoring Report (January 1st to December 31th)

Appendix B34

Bill No.
2021

By-law No. CPOL.-167()-_____

A by-law to amend By-law No. CPOL.-167-419, as amended, being “Urban Design Awards”, be amended to add language to include virtual processes and to clarify selection process for People’s Choice Award (Student).

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-167-419, as amended, being “Urban Design Awards”, be amended to add language to include virtual processes and to clarify selection process for People’s Choice Award (Student);

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

1. By-law No. CPOL.-167-419, as amended, being “Urban Design Awards”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
4. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Schedule “A”



Urban Design Awards

Policy Name: Urban Design Awards

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-167-419); Amended June 26, 2018 (By-law No. CPOL.-335-326); Amended June 11, 2019 (By-law No. CPOL.-167(a)-162); Amended August 10, 2021 (By-law No. CPOL.- ____)

Last Review Date: August 10, 2021

Service Area Lead: Manager, Community Planning, Urban Design & Heritage

1. Policy Statement

The City of London Urban Design Awards Program is intended to recognize, celebrate and inspire design excellence in the City of London. Awards will be granted for exceptional projects that represent visionary thinking and “raise the bar” for design excellence in London.

Urban Design Awards will be granted once every two years. Planning & Development will be responsible for administering this program in accordance with the Terms of Reference.

At the conclusion of the Awards process, a ceremony will be held for the purpose of recognizing and celebrating winners of the Urban Design Awards and for promoting the urban design agenda in the community as a whole.

The winning submission(s) of the London Urban Design Awards will be automatically submitted to the RAIC (Royal Architectural Institute of Canada) National Urban Design Awards program, which are held in the year between of the biennial London Urban Design Awards. This will be an opportunity for local developers, architects, urban designers, as well as the City to showcase their developments and compete for Urban Design Awards at the national level.

2. Definitions

Not applicable.

3. Applicability

Projects are eligible for an Urban Design Award where they are developed up to 5 years prior to the awards year. Submissions for Awards can be submitted by a project owner, a member of the team that is associated with the project, a member of Council, a member of municipal staff, or a member of the general public. To be eligible for an Award, submissions must be received by the City of London Planning & Development office within the prescribed deadline date and all entries must meet submission requirements. It should be clear that public projects, including those developed by the City of London, are eligible for awards.

4. The Policy

4.1. SUBMISSION REQUIREMENTS

Submissions will only be accepted where they meet the following requirements:

- An abstract of the project is provided to explain its design qualities and how this project significantly adds to the quality of the public realm in London. The abstract should also touch on those items that are outlined in the relevant awards category descriptions below (Section 7). This abstract is to be provided in the

electronic format specified by the City.

- Two display boards maximum (sizes will be specified).
- A photo slide show, not exceeding 50 photographs, illustrating the design qualities of the project described in the abstract. This slide show is to be provided in the electronic format specified by the City.

These submissions will allow for submissions to be presented on the City's web site, and also allow for innovative display techniques for the awards ceremony and circulation of the awards.

All materials submitted to the City of London become property of the City of London and will not be returned to the applicant. Furthermore, submission of materials implies consent for the City of London to disseminate such materials at the sole discretion of the City.

4.2. AWARDS PROCESS

A call for submissions will be issued in spring of an Awards year. Planning & Development will engage in a rigorous process to raise awareness in the community that the City has issued a call for Urban Design Awards submissions. This may include, but is not limited to, advertising in newspapers, use of the City's web site, mail-outs to members of the design, architecture, landscape architecture, planning, and development industry. It may also include other vehicles, such as the preparation of a poster or other such materials, to raise awareness of the Awards, and the agenda for urban design excellence in London.

Judging of the projects will occur in summer of the Awards year. This will allow for judges to view projects including vegetation in a state of full bloom. The jury will compile a short list of projects from amongst the entries submitted. Planning & Development staff will arrange for the jury to visit the sites of the projects on the short list. This may include virtual site visits.

It shall be at the sole discretion of the jury to determine whether or not Awards will be recommended in any or all of the awards categories in a given year. A maximum of 5 urban design awards will be granted, except in exceptional circumstances. Awards will be granted in autumn of the Awards year.

Planning & Development staff will disseminate information relating to the award winning projects through the use of various mediums, including, but not limited to: web site posting, posters or other publications relating to the next design awards call for submissions, displays in prominent public spaces, etc.

4.3. AWARDS PRESENTATION

Awards will be presented to the Urban Design Award winners at a ceremony, which may combine other activities intended to advance the agenda for urban design excellence in London. Ceremonies may be held in person or virtually. Those earning honourable mention will also be congratulated at this ceremony. Two awards will be given to each award winning team. Additional awards can be ordered by winners for additional members of the team, at a cost to the winners which covers the expense of the City purchasing these awards.

4.4. URBAN DESIGN AWARDS JURY

An Urban Design Awards Jury, made up as follows, will be established annually by the City.

Voting Members:

- The Chair of the Planning Committee of Council or an appointed designate
- The President of the London Society of Architects or an appointed designate
- The Chair of the Southwestern Ontario District of the Ontario Professional Planners Institute or an appointed designate
- The President of the London Branch of the Ontario Association of Landscape Architects or an appointed designate
- An Urban Designer from outside the community (who is not involved with any

projects under consideration)

Limitations:

- No member of the Jury shall serve for more than 3 consecutive design award terms.
- No member of the jury shall be related, in any substantive way, to any projects under consideration.

Chair:

- The jury will elect from amongst its Members a Chair and a Vice-Chair at its first meeting each year.

Designates:

- Designates from any of the above groups will be accepted where jurors disqualify themselves from serving on the jury, where a jury member has already served three consecutive awards terms, or where the above-identified person cannot make himself/herself available for serving on the jury.

4.5. AWARDS CATEGORIES

The following Awards Categories and Awards are hereby established:

4.5.1. Buildings

An individual building, or a composition of buildings, which achieves urban design excellence through its relationship to the public realm, its massing, detailing and pedestrian amenity. Entrants should document and highlight how the building, or group of buildings, contributes to the quality of place. All types of buildings are eligible whether "landmark" or "background," new construction or a restoration/transformation. Building types could include: Main Street Mixed Use, Residential (multi-unit, apartment), Commercial, Institutional or Industrial.

The primary criteria for assessing the merit of entries in this category will be:

- Positive contribution to the public realm/quality of place;
- Architectural excellence;
- Demonstration of fulfilling a clearly articulated urban design intent.

4.5.2. Buildings (Small Scale Residential)

A residential building, which achieves urban design excellence through its relationship to the surrounding neighbourhood, its massing, siting and detailing. Entrants should document and highlight how the building, contributes to the overall character as well as to the quality of place in the neighbourhood in which it is located. All types of small scale non-apartment residential buildings are eligible whether new construction or restoration/transformation. Building types could include single detached residential, townhouses, semi's, 2-, 3-, or 4-plexes.

The primary criteria for assessing the merit of entries in this category will be:

- Positive contribution to the character of the existing neighbourhood/quality of place;
- Architectural excellence;
- Demonstration of fulfilling a clearly articulated urban design intent.

4.5.3. Public Realm Enhancements

Elements can be defined as a stand-alone object, or landscape element which contributes significantly to the quality of the public realm. It should provide a memorable image, reinforce the human scale and enhance the character of the surrounding area. Examples include:

- Benches

- Gateways
- Light fixtures
- Walkways
- Fences
- Work of art

4.5.4. Public Spaces and Landscapes

Public space - generally related to, and defined by, adjacent buildings or natural/manmade elements -- which provides an extension to the public realm in an exemplary way.

Examples are:

- Courtyards
- Plazas
- Forecourts
- Gardens
- Trails
- Mews
- Parks

4.5.5. Large places and neighbourhoods

This includes designs for a new or renovated large-scale areas of the city. The project must be completed to such extent as to allow the jury to clearly understand and evaluate the plan.

The submissions in this category should clearly state the existing conditions and demonstrate how the plan creatively resolves and addresses multiple objectives and competing interests. The submission should also provide evidence of community involvement and acceptance.

Examples are:

- Area plans
- Subdivisions
- Industrial parks
- Campus plans
- Streetscapes

4.5.6. Restoration, Rehabilitation and Adaptive Reuse

This includes renovated, restored and adaptively reused buildings and groups of buildings. Submissions should demonstrate urban design excellence through their relationship to the surrounding neighbourhood, interface with the public realm and ability to highlight the original character and historic elements of the building. The transformation should be visible on the exterior of the building(s).

The submissions in this category should clearly state the history and pre-construction conditions and uses of the building(s) and demonstrate the scope of work that was involved in the restoration, renovation or adaptive reuse.

Winning submissions in this category will be submitted under the most appropriate National Urban Design Awards category.

4.5.7. People's Choice Award

One winner will be chosen from all of the submissions in all categories to receive a People's Choice Award. All submissions will be considered for this award and a formal entry into this category is not required.

The winning entry will be selected by public voting held prior to the awards ceremony. City Planning staff will disseminate information relating to the People's Choice Award through the use of various mediums, including, but not limited to: web site posting,

posters, social media, etc. Voting will be conducted through online, in person and accessible methods. Voting will be open to all City of London residents.

Winning submissions in this category will not be eligible for the National Urban Design Awards hosted by RAIC, unless they have won in another category.

4.5.8. People's Choice Award (Student)

Post-secondary students will be invited to submit urban design projects. Student projects may be hypothetical, but must be designs related to locations within the city of London. Submissions should demonstrate urban design excellence through their relationship to the surrounding neighbourhood, interface with the public realm, massing, detailing and pedestrian amenity. Submissions must include elements of the public realm as well as buildings.

The winning entry will be selected by public voting held prior to, or during the awards ceremony. City Planning staff will disseminate information relating to the People's Choice Award (Student) through the use of various mediums, including, but not limited to: web site posting, posters, social media, etc. Voting will be conducted through online, in person and accessible methods. Voting will be open to all City of London residents. Dependent on the number of submissions, the jury may elect to shortlist the top entries, or forego this category.

Winning submissions in this category will not be eligible for the National Urban Design Awards hosted by RAIC.

It should be clear that these categories ARE INTENDED TO:

- Explain what types of projects are eligible for an Urban Design Award;
- Describe, in very general terms, how these projects will be evaluated; and
- Help to encourage submissions that are of a very high quality.

It should be equally clear that these categories ARE NOT INTENDED TO:

- Limit the number of awards that can be granted within a single category;
- Require that an award be granted in every category where there is not a submission that warrants an award; and
- Limit a submission to competing only against those projects that are within their category.

Where the Jury deems it to be appropriate, honourable mention will be given to those projects that did not win an award, but exhibited many excellent design traits worthy of recognition.

4.6. NATIONAL URBAN DESIGN AWARDS (HOSTED BY ROYAL ARCHITECTURAL INSTITUTE OF CANADA)

Following the Urban Design Awards ceremony the winning submissions will be given instructions as to how their projects can be submitted to the National Urban Design Awards program. The Submission requirements for the National Urban Design Awards can be found on the RAIC website.

Appendix C1

Bill No.
2021

By-law No. CPOL.-xxx-xxx

A by-law to repeal By-Law No. CPOL.-132-384, as amended, being “Leasing Parkland”, as this Policy has been incorporated into the Policy titled “Leasing and Licensing of City Owned Land”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to repeal By-law No. CPOL.-132-384, as amended, being “Leasing Parkland”, as this Policy has been incorporated into the Policy titled “Leasing and Licensing of City Owned Land”, and the Municipal Council has determined that this Council Policy is no longer required;

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

1. By-law No. CPOL.-132-384, as amended, being “Leasing Parkland” is hereby repealed.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Appendix C2

Bill No.
2021

By-law No. CPOL.-xxx-xxx

A by-law to repeal By-Law No. CPOL.-138-390, being “Parkland Accounts”, as the Policy is redundant as the information is contained in other legislation or other policies.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to repeal By-law No. CPOL.-138-390, being “Parkland Accounts”, as the Policy is redundant as the information is contained in other legislation or other policies, and the Municipal Council has determined that this Council Policy is no longer required;

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

1. By-law No. CPOL.-138-390, being “Parkland Accounts” is hereby repealed.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Appendix C3

Bill No.
2021

By-law No. CPOL.-xxx-xxx

A by-law to repeal By-Law No. CPOL.-233-50, as amended, being the Policy titled "Siting of Safe Consumption Facilities and Temporary Overdose Prevention Sites in London", as the Policy is redundant as the London Plan policies 1099A-1099F are now in force and effect.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to repeal By-law No. CPOL.-233-50, as amended, being the Policy titled "Siting of Safe Consumption Facilities and Temporary Overdose Prevention Sites in London", because the Policy is redundant as the London Plan policies 1099A-1099F are now in force and effect, and the Municipal Council has determined that this Council Policy is no longer required;

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

1. By-law No. CPOL.-233-50, as amended, being the Policy titled "Siting of Safe Consumption Facilities and Temporary Overdose Prevention Sites in London" is hereby repealed.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Appendix C4

Bill No.
2021

By-law No. CPOL.-xxx-xxx

A by-law to repeal By-Law No. CPOL.-132-384, as amended, being the Policy titled “Value of Parkland Dedication”, as the Policy is redundant as the information is contained in the Policy titled “Parkland Dedication Cash in lieu”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to repeal By-law No. CPOL.-132-384, as amended, being the Policy titled “Value of Parkland Dedication”, as the Policy is redundant as the information is contained in the Policy titled “Parkland Dedication Cash in lieu”, and the Municipal Council has determined that this Council Policy is no longer required;

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

1. By-law No. CPOL.-132-384, as amended, being the Policy titled “Value of Parkland Dedication” is hereby repealed.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 10, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 10, 2021
Second Reading – August 10, 2021
Third Reading – August 10, 2021

Appendix D1: to be repealed



London
CANADA

Leasing Parkland

Policy Name: Leasing Parkland

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-131-383);
Amended June 26, 2018 (By-law No. CPOL.-290-281)

Last Review Date: February 7, 2019

Service Area Lead: Managing Director - Parks and Recreation

1. Policy Statement

This policy ensures parkland will be used appropriately.

2. Definitions

Not applicable.

3. Applicability

This policy applies to the leasing or permitting of parkland.

4. The Policy

That a policy be established whereby any land designated as parkland by by-law will not be leased for any purpose other than those stipulated in subsection 13(5), of the *Public Parks Act, R.S.O. 1990*, Chapter P.46, which reads as follows:

"Where a park has been purchased or has been acquired by the board or by the corporation of the municipality, otherwise than by gift or devise, or by dedication to the public by the owner of the land, freely, or at a nominal price or rental, the board may set apart a sufficient part thereof for athletic purposes or for the purposes of sport, exhibitions or other lawful amusements or entertainments, and may lease it for such purposes, for such times and on such terms as the board may see fit, but the powers conferred by this subsection are not exercisable with respect to any park unless the board has applied for and received the approval of the council."

Appendix D2: to be repealed



London
CANADA

Parkland Accounts

Policy Name: Parkland Accounts

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-138-390)

Last Review Date: April 11, 2019

Service Area Lead: Division Manager, Parks Planning and Operations

1. Policy Statement

This policy establishes a parkland reserve fund.

2. Definitions

Not applicable.

3. Applicability

This policy applies to the maintenance of a reserve fund for the acquisition of land, the development, management and restoration of parks and open spaces and other recreational needs.

4. The Policy

That the following policy be established for creation of a parkland reserve fund.

- a) Funds received from cash-in-lieu payments for parkland dedication will be maintained in a separate fund and used for the acquisition of land, the development, management and restoration of parks and open spaces and other recreational needs.
- b) The account shall maintain with a minimum balance of \$300,000 for advantageous acquisitions as they may arise.
- c) The City Treasurer will present to Council a public financial statement containing the following:
 - i) the opening and closing balances,
 - ii) any land or machinery acquired with the funds,
 - iii) any buildings erected, improved or repaired with the funds,
 - iv) details of the amount spent, and
 - v) how capital costs for the land, machinery or buildings described above will be funded if the costs are not fully covered by the special fund

Appendix D3: to be repealed



London
CANADA

Siting of Safe Consumption Facilities and Temporary Overdose Prevention Sites in London

Policy Name: Siting of Safe Consumption Facilities and Temporary Overdose Prevention Sites in London

Legislative History: Enacted January 30, 2018 (By-law No. CPOL.-233-50); Amended June 26, 2018 (By-law No. CPOL.-340-331)

Last Review Date: April 11, 2019

Service Area Lead: Manager, Long Range Planning and Sustainability

1. Policy Statement

This policy is to define a Supervised Consumption Facility (SCF) and Temporary Overdose Prevention Site (TOPS), to provide criteria for the siting of these facilities, and to establish an engagement process for proponents of an application to permit these facilities.

2. Definitions

2.1. Supervised Consumption Facility - means a facility that has received an exemption from the Controlled Drugs and Substances Act, where people can bring their illicit drugs to consume in a sterile and safer environment. These sites have equipment and trained staff present to oversee a person's drug consumption and assist in the event of an overdose or other health risk. These facilities may offer additional health and drug-related support services. These facilities are intended to provide such services on an ongoing, rather than temporary, basis.

2.2. Temporary Overdose Prevention Site - means a temporary facility that has received an exemption from the Controlled Drugs and Substances Act, where people can bring their illicit drugs to consume in a sterile and safer environment. These sites have equipment and trained staff present to oversee a person's drug consumption and assist in the event of an overdose or other health risk. Unlike supervised consumption facilities, these facilities are to be temporary in nature, existing for two years or less.

3. Applicability

The policy applies to proponents of an application to permit a Supervised Consumption Facility (SCF) or Temporary Overdose Prevention Site (TOPS).

4. The Policy

4.1. Siting of Supervised Consumption Facilities

It is a policy of the City of London to ask that any proponent of a supervised consumption facility (SCF) implement the following location, design and engagement measures through the process of siting their facility:

4.1.1. Location Criteria to Benefit Those Who Use Such Facilities

For the benefit of those who use supervised consumption facilities, they should be sited in a location that is:

- Within close proximity to, or near, communities where drug consumption is prevalent

- Well serviced by transit
- Discrete, allowing for reasonable privacy for those using the facility
- Separated from busy pedestrian-oriented commercial areas
- Separated from public spaces that generate pedestrian traffic or may generate crowds from time to time
- Close to an area with other drug addiction related support services

4.1.2. Location Criteria to Avoid Land Use Conflicts

In addition to those criteria listed in Part 1, above, to avoid land use conflicts, supervised consumption facilities should be sited in a location that is:

- Separated from busy commercial areas or active public spaces that could generate conflicts between the general public and those leaving these facilities after consuming
- Separated from parks
- Separated from key pedestrian corridors in the Core Area
- Separated from public elementary or secondary school properties
- Separated from municipal pools, arenas and community centres and the Western Fairgrounds
- Not within the interior of a residential neighbourhood

4.1.3. Site Design Criteria

In addition to those location criteria listed in Part 1 and Part 2 of this policy, supervised consumption facilities should be designed to:

- Incorporate Crime Prevention Through Environmental Design (CPTED) principles
- Meet municipal bylaws and provincial regulations for accessibility
- Orient building entrances to allow for reasonably discrete entry and exit
- Ensure that building waiting areas and vestibules are adequately sized to avoid line-ups or waiting outside of the building
- Allow for easy visual surveillance of the facility and its surrounding site from the street
- Avoid opportunities for loitering, such as the installation of seating areas or landscape features that can be used for seating.

4.1.4. Engagement Measures

Consultation processes required by the Federal and Provincial governments must be met. In addition, proponents of supervised consumption facilities should host a meeting with property owners, business owners, and residents within a minimum of 120m of the proposed site to describe the proposal and operational procedures planned for the facility, hear the neighbouring property owners concerns, allow for consideration of measures that could be taken to mitigate these concerns, and establish a system for ongoing communication with the community.

4.2. Siting of Temporary Overdose Prevention Sites (TOPS)

It is recognized, through this policy, that temporary overdose prevention sites are intended to address a public health emergency. In addition, they are intended to be temporary in nature. Accordingly, it is understood that all of the siting and design criteria identified in Part A, above, may not be achievable. However, any proponent of a temporary overdose prevention site should ensure that the majority of these location and design criteria are met and that the facility is not located within the interior of a residential neighbourhood or near a public elementary or secondary school.

The engagement measures identified for supervised consumption facilities in Part A, above, should be implemented for temporary overdose prevention sites, but may occur after the facility has been established.

The Province has indicated that, to address a public health emergency, temporary overdose prevention sites may be approved by the Ministry of Health and Long Term Care on a time limited basis (3 to 6 months) with the possibility of extension. To recognize this temporary status, Council requests that applications to the Province for extensions of temporary overdose prevention sites not be approved if they result in such uses existing for more than two years.

Rather, the need for such services should be addressed through a supervised consumption facility.

Appendix D4: to be repealed



Value of Parkland Dedication

Policy Name: Value of Parkland Dedication

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-132-384);
Amended June 26, 2018 (By-law No. CPOL.-328-319)

Last Review Date: April 11, 2019

Service Area Lead: Division Manager, Parks Planning and Operations

1. Policy Statement

This policy establishes the method for determining the value of land for 5% land dedications or the payment of cash in lieu.

2. Definitions

Not applicable.

3. Applicability

This policy establishes the value of parkland for dedication or the payment of cash in lieu to the City of London.

4. The Policy

That the following policy for establishing a value for 5% land dedications or the payment of cash in lieu be established:

- a) Cash-in-lieu of parkland dedication values will be set out in Table 1 of By-law CP-9, Parkland Dedication. These values will be evaluated by an Accredited Appraiser (AACI), of the City's choice, on a biennial basis (every 2 years) to ensure the values of the by-law reflect the current market value;
- b) Realty Services will retain an independent Accredited Appraiser (AACI) to undertake the review and through Planning Services to make recommendations to Council on the appropriate amendments; and
- c) For non-residential cash-in-lieu of parkland payments, an appraisal shall be undertaken by an Accredited Appraiser (AACI) and be submitted to Development and Compliance Services and Realty Services for review and confirmation.