



Regular Meeting of Council
Agenda

Date: November 23, 2020
Time: 1:00 pm
Location: Council Chambers Level 2, City Hall

Due to COVID-19 this meeting will be conducted as a virtual meeting, with no public attendance. Only the Mayor, along with a clerk and audio/visual technician, will be in council chambers, with all other staff and members of council participating in the meeting by calling in remotely. The meeting will be live web streamed, as usual, and archived on the city website.

Pages

1. **Call to Order:**
2. **National Anthem:**
3. **Regrets:**
4. **Proclamations:**
 - 4.1. World Vegan Day: November 1, 2020
 - 4.2. Fresh Start with Art Day: November 12, 2020
 - 4.3. Day of Awareness for Survivors of Financial Abuse and Economic Injustice: November 26, 2020
 - 4.4. Zero Tolerance for Woman Abuse Month: November 2020
 - 4.5. Crohn's and Colitis Awareness Month: November 2020
 - 4.6. Giving Tuesday: December 1, 2020
 - 4.7. Chamber of Commerce Day: December 2, 2020
 - 4.8. International Day of Person's with Disabilities: December 3, 2020
5. **Motion to Approve Council Minutes:**

Confirm the minutes of the following meeting of Council:

- 5.1. Regular meeting of Council October 19, 2020
- 5.2. Special meeting of Council November 2, 2020
- 5.3. Special meeting of Council November 12, 2020

6. Recognitions and Achievements:

7. Presentations:

8. Declarations of Interest:

9. Delegations:

Requests to delegate to this virtual meeting can be made by completing the online delegation registration form at www.burlington.ca/delegation, or by submitting a written request by email to the Clerks Department at cityclerks@burlington.ca by 9:00 am on the day the meeting is to be held. All requests to delegate must contain a copy of the delegate's intended remarks which will be circulated to all members of Council in advance as a backup should any technology issues occur. If you do not wish to delegate, but would like to submit feedback, please email your comments to cityclerks@burlington.ca. Your comments will be circulated to Council members in advance of the meeting and will be attached to the minutes, forming part of the public record.

10. Recommendations from Standing Committees:

- 10.1. Environment, Infrastructure and Community Services meeting of November 9, 2020

1 - 6

- a. Significant weather event declaration (RPF-34-20)

- Delegate authority to the Director of Roads, Parks and Forestry or designate, to declare the beginning and end of a significant weather event for the purposes of the Municipal Act, 2001, O. Reg.239/02 – Minimum Maintenance Standards for Municipal Highways, on such terms as the Director of Roads, Parks and Forestry or designate considers appropriate; and

- Authorize the Executive Director of Legal Services & Corporation Counsel to prepare for Council approval, all necessary by-laws to implement delegated authority as outlined in roads, parks and forestry department report RPF-34-20

- b. Revival and extension of the Burlington-Hamilton Boundary Road Maintenance Agreement (RPF-32-20)

Authorize and direct staff to negotiate, and the Mayor and Clerk be authorized and directed to enter into, on behalf of the City of Burlington, a revival and extension agreement of the Boundary and Connecting Highway Maintenance and Repair Agreement between the City of Burlington and the City of Hamilton dated June 3, 2008 and any necessary ancillary documents for a term of one (1) year, in a form satisfactory to the City Solicitor and with content satisfactory to the Director of Parks and Roads and Forestry; and

Authorize and direct staff to negotiate and the Mayor and Clerk be authorized and directed to enter into, on behalf of the City of Burlington, a new Boundary and Connecting Highway Maintenance and Repair Agreement between the City of Burlington and the City of Hamilton, and any necessary ancillary documents which sets out the roles, responsibilities, and obligations of the parties with respect to shared road segments along the municipal boundary line in a form satisfactory to the City Solicitor and with content satisfactory to the Director of Roads, Parks and Forestry.

- c. Public tree removal report – 2477 Queensway Drive (RPF-33-20)

Approve the request by the applicant to remove eight (8) city trees in order to proceed with the submitted site plan application 535-019/18; and

Instruct the applicant, Siva Kumar, to provide compensation for tree removal by providing cash in lieu of replacement totaling \$15,800.00. The funds will provide for new tree plantings elsewhere in the City and includes care and maintenance for the first two years; and

Direct that all associated costs with respect to the removal of the trees (including stump removal) will be the responsibility of the applicant, and the contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

- d. Parking capacity measures at Beachway and Lowville Park (RS-09-20)

Refer recreation services department report RS-09-20 regarding parking capacity measures at Beachway and Lowville Parks to staff to report back to the Environment, Infrastructure and Community Services Committee in Q1 of 2021 outlining options with regards to parking at Beachway and Lowville parks including but not limited to communication, beautification, infrastructure, and costing options.

e. Gypsy Moth Budget Request (RPF 35-20)

Approve the aerial application of Foray 48B with active ingredient *Bacillus thuringiensis* 'Kurstaki' ("Btk") to 108 hectares of City and Conservation Halton land as detailed in roads, parks and forestry department report RPF-35-20 at a cost of \$140,150 funded from the Tax Rate Stabilization Reserve Fund; and

Approve the single source procurement for the aerial application of the biological pesticide *Bacillus thuringiensis* 'Kurstaki' ("Btk") to Zimmer Air Services Ltd, based on the technical nature of the work and specialized equipment required.

f. Fireworks By-law (BFD-03-20)

Enact new City of Burlington Fireworks By-law XX-2020, attached as Appendix "C" to Report BFD-03-20, satisfactory to the Executive Director of Legal Services & Corporation Counsel; and

Enact amended City of Burlington Licensing By-law No. 42-2008, attached as Appendix "D" to Report BFD-03-20, satisfactory to the Executive Director of Legal Services & Corporation Counsel; and

Enact amended City of Burlington Nuisance and Noise Control By-law No. 49-2008, attached as Appendix "E" to Report BFD-03-20, satisfactory to the Executive Director of Legal Services & Corporation Counsel; and

Amend Fireworks By-Law 84-2020 section 4.1 to read 'No person shall discharge or cause or permit the discharge of any Consumer Fireworks except between dusk and 11:00 p.m. on Canada Day and Victoria Day only.'

g. Confidential City of Burlington License/Lease Agreements

through the pandemic (RS-07-20)

Pursuant to section 239(2)(k) of the Municipal Act, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

Instruct staff to proceed in accordance with the instructions sought in confidential recreation services department report RS-07-20; and

Authorize the Mayor and City Clerk to execute any documents in connection with this matter; and

Direct the Mayor to write to the local Members of Parliament to request that tenants in municipally owned facilities be eligible for direct rent relief, and notify the Halton Mayors, the Regional Chair, TEAM Burlington, Federation of Canadian Municipalities and the Association of Municipalities of Ontario.

h. Confidential leasing matter (EICS-26-20)

Pursuant to section 239(2)(k) of the Municipal Act, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

Instruct staff to proceed as outlined in confidential environment, infrastructure and community services report EICS-26-20; and

Authorize the Mayor and City Clerk to execute any documents in connection with this matter.

10.2. Community Planning, Regulation and Mobility meeting of November 10, 2020

7 - 11

a. Plan of Subdivision for 600 Maplehill Drive (PL-58-20)

Direct staff to continue to work with the applicant (T. Johns Consulting Group) on behalf of 2531820 Ontario Inc. in regards to the submitted residential Plan of Subdivision for 600 Maplehill Drive (formerly 607 Dynes Road).

b. Amendments to Property Standards By-law 28-2009 (BB-07-20)

Approve the amendments to By-law 28-2009, otherwise known as the "Property Standards By-law", to change the date in which

heat is required in rental buildings, to require building owners to provide alternative refuse disposal options in writing, and to clarify the location of applicable fees, as outlined in Appendix A to building and by-law department report BB-07-20, in a form satisfactory to the City Solicitor.

c. Procedure By-law amendments (CL-18-20)

Enact amendments to the Procedure By-law, as amended, outlined in clerks department report CL-18-20 with respect to the following; special meetings, addendum issuance timelines, correspondence, petitions and various housekeeping matters; and

Add the following: 42.2 f) must be within the jurisdiction of the City.

d. 2021 calendar of meetings (CL-19-20)

Approve the 2021 calendar of meetings for Burlington City Council and its standing committees, as amended, outlined in Appendix A of clerks department report CL-19-20; and

Enact an amendment to Procedure By-law 04-2020, as amended, substantively in the form, and as attached as Appendix C to allow for the following changes to the Council schedule as indicated in report CL-19-20:

- Environment, Infrastructure and Community Services Committee (EICS) change meeting date to Thursdays;
- Corporate Services, Strategy, Risk and Accountability Committee (CSSRA) change meeting date to Wednesdays;
- Council Workshop change meeting date to Mondays; and
- Council meetings change meeting date to Tuesdays and amend the start time to 1:00 p.m. with a potential evening session held at 6:30 p.m.; and

Move all Council Workshops forward to the preceding Monday of committee week, with the exception of February which would move to February 8, 2021; and

Move the January 2021 and 2022 committee meeting dates from the first week of the month to the second and third weeks of the month.

- a. Financial status report as at September 30, 2020 (F-37-20)

Receive and file finance department report F-37-20 providing the financial status as at September 30, 2020.

- b. Bill 197, Covid-19 Economic Recovery Act, 2020 (F-47-20)

Receive and file finance department report F-47-20 regarding Bill 197, Covid-19 Economic Recovery Act, 2020.

- c. 2021 rates and fees (F-41-20) (SD-26-20)

Approve the 2021 rates and fees outlined in finance department report F-41-20, effective January 1, 2021 unless otherwise indicated; and

Approve By-Law X-2020, attached as Appendix A to finance department report F-41-20 and repeal By-Law 52-2019, effective January 1, 2021; and

Enact the amending by-law to the City of Burlington Site Alternation By-law No. 64-2014, attached as Appendix B to finance department report F-41-20, in a form satisfactory to the Executive Director of Legal Services & Corporation Counsel; and

Direct the Director of Recreation Services to summarize options for a fee reduction program and provide recommendations, if any, for consideration by City Council on November 23, 2020 on:

- continuation of the 25% fee reduction for all city rental users, including both for-profit and not-for-profit organizations, from January to June 2021;
- phased fee reduction for all city rental users, including both for-profit and not-for-profit organizations, of 20% for Q1, 15% for Q2, 10% for Q3 and no reduction for Q4 of 2021;
- 25% fee reduction for indoor city rental users only; and
- implementation of a grant application program to direct funding where most needed. (SD-26-20)

d. Future of LaSalle Park (L-32-20)

Direct the Executive Director of Legal Services & Corporation Counsel or their designate to proceed with the instructions given during the in-camera session regarding the future of LaSalle Park.

e. Confidential legal advice respecting a planning matter (L-25-20)

Pursuant to Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Authorize the Executive Director of Legal Services & Corporation Counsel or their designate to proceed in accordance with the instructions given in confidential legal department report L-25-20.

f. Confidential litigation update, June 1 to Sept. 30, 2020 (L-29-20)

Pursuant to Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

Direct the Executive Director of Legal Services & Corporation Counsel or their designate to proceed in accordance with the instructions sought in matters 14, 19, 26 and 37 and the balance of confidential legal department report L-29-20 be received and filed.

g. Confidential contingency report (F-38-20)

Pursuant to Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

Receive and file finance department report F-38-20 providing the status of the reserve for contingencies as at September 30, 2020.

10.4. Council Workshop meeting of November 16, 2020

18 - 19

There were no recommendations from this meeting.

11. Motion to Approve Standing Committee Minutes:

Approve the following minutes:

- 11.1. Environment, Infrastructure and Community Services meeting Minutes of November 9, 2020
- 11.2. Community Planning, Regulation and Mobility meeting Minutes of November 10, 2020
- 11.3. Corporate Services, Strategy, Risk and Accountability meeting Minutes of November 12, 2020
- 11.4. Council Workshop meeting Minutes of November 16, 2020

12. Reports of Municipal Officers:

- 12.1. Ranked choice voting consultation (CL-20-20) 20 - 36

Approve the public engagement strategy for ranked choice voting consultation attached as Appendix A to clerks department report CL-20-20; and

Approve the withdrawal of \$30,000 from the election reserve to fund the ranked choice voting consultation and engagement.
- 12.2. Regional smoking and vaping in public places by-law (CL-23-20) 37 - 60

Whereas on July 15, 2020 Halton Regional Council approved Report MO 15-20 – Smoking and Vaping in Public Places and enacted Halton Region By-law 40-20, to Prohibit Smoking and Vaping in Public Places within the Regional Municipality of Halton; and

Whereas pursuant to the Municipal Act, 2001, S.O. 2001, c.25, Section 115, (5) when a smoking in public places by-law from an upper tier municipality is passed, a majority of councils of all its lower municipalities must pass a resolution giving their consent, representing a majority of all electors in the upper tier municipality;

Therefore, be it resolved that the Council for the Corporation of the City of Burlington consents to the passage and implementation of Halton Region By-law 40-20, to Prohibit Smoking and Vaping in Public Places within the Regional Municipality of Halton; and

That a copy of this resolution be sent to the municipal clerks of Halton Region, Town of Oakville, Town of Milton and the Town of Halton Hills to provide notice of giving consent to Halton Region By-law 40-20.
- 12.3. Appointment of Fire Chief (HR-05-20) 61 - 63

Confidential Appendix A to be distributed under separate cover.
Pursuant to Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees.

Approve recommendations contained within Confidential Appendix A as attached to report HR-05-20.

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|-------|--|---------|
| 12.4. | Financial support for Recreation facility user groups due to impacts of COVID (RS-11-20) | 64 - 69 |
| | Direct the Director of Recreation Services to implement Option 2 of a rate reduction strategy, to take effective January 1, 2021, to provide support for recreation facility user groups impacted by COVID, as outlined in Report RS-11-20. | |
| 12.5. | Winter holiday opportunities 2020/2021 (RS-12-20) | 70 - 74 |
| | Direct the Director of Recreation Services to implement Option C for the 2020/2021 winter holiday season as outlined in report RS-12-20; and | |
| | Direct the Director of Recreation Services to implement a household rental program in arenas, pools and gyms to encourage people to stay active with members from their households. | |
| 12.6. | Public tree removal report – 2447 Orchard Rd (RPF-36-20) | 75 - 83 |
| | Approve the request by the applicant to remove one (1) city tree in order to proceed with the submitted development application 20-469806; and | |
| | Instruct the applicant, Stephen Albanese, IBI Group, to provide compensation for tree removal by providing cash in lieu of replacement totaling \$1,200.00. The funds will provide for new tree plantings elsewhere in the City and includes care and maintenance for the first two years; and | |
| | Direct that a development related permit fee of \$680.00 plus HST is to be obtained as a condition of a tree permit; and | |
| | Direct that all associated costs with respect to the removal of the tree (including stump removal) will be the responsibility of the applicant, and the contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate. | |
| 12.7. | Parking fees waived for 90 min in downtown Burlington (ADM-12-20) | 84 - 85 |
| | Amend Parking Bylaw 39-2016 to accommodate for 90 minutes of waived parking fees within the Burlington Downtown Business Area boundary; and | |

Direct City Staff to review the potential use of the Parking District Reserve Fund to offset the impact of the associated loss of revenue; and

That the amendment take effect as soon as operationally possible with the understanding that the BDBA and DPC will continue to monitor and review the changing needs of small local business during the declared emergency.

12.8. Veteran Square: naming of the area around Burlington Cenotaph (ADM-13-20)

86 - 87

Name the area around the Burlington Cenotaph as “Veteran Square”; and

Direct staff to erect signage in accordance with this naming; and

That all residents have access to an area of significance to honour our veterans, peace keepers, and their families every day of the year.

13. Notices of Motion:

14. Motions:

14.1. Final City of Burlington resolution calling for gas-fired electricity generation phase-out (ADM-10-20)

Whereas the Government of Ontario is planning to increase electricity generation and greenhouse gas pollution from Ontario’s gas-fired power plants by more than 300% by 2025 and by more than 400% by 2040, reversing more than a third of the greenhouse gas pollution reductions achieved by phasing out our coal-fired power plants; and

Whereas greenhouse gas pollution is causing temperatures in Canada to rise at more than double the rate of the rest of the world, causing impacts to municipal operations and affecting residents of the City of Burlington; and

Whereas the City of Burlington has declared a climate emergency and is taking measures to mitigate and adapt to the climate impacts caused by increasing greenhouse gas pollution; and

Whereas there are feasible, cost-effective alternatives to increasing gas-fired electricity generation without increasing greenhouse gas pollution at costs well below the current price for Ontario’s nuclear energy (9.5 cents/kWh), including:

- energy efficiency investments;
- low-cost, distributed, renewable energy, providing employment in Ontario communities and restoring our leadership in this industry;
- the purchase of low-cost power offered by the Province of Quebec from its existing hydroelectric generating stations; and
- using Quebec's system of reservoirs like a giant battery to back-up made-in-Ontario renewable power, eliminating the need to use gas-fired power plants for this purpose;

Therefore be it resolved that the City of Burlington requests the Government of Ontario to place an interim cap of 2.5 megatonnes per year on greenhouse gas pollution from Ontario's gas-fired power plants and develop and implement a plan to address future energy needs through investing in renewable energy and purchasing low-cost hydro-electric power from the Province of Quebec, making gas-fired electricity generation no longer necessary and supporting its phase-out by 2030 to help Ontario and the City of Burlington meet their climate targets; and

That this resolution be sent to the Premier of Ontario, the Minister of Energy, Northern Development and Mines, the Minister of the Environment, Conservation and Parks, all local MPPs, the Association of Municipalities of Ontario and copied to the Region of Halton and local municipalities of Oakville, Milton and Halton Hills.

14.2. Protecting Conservation Authorities resolution (ADM-11-20)

Whereas the City of Burlington has been well served by both Conservation Halton and Credit Valley Conservation; and

Whereas we rely on the watershed expertise provided by local conservation authorities to protect residents, property, and local natural resources on a watershed basis by regulating development under the Conservation Authorities Act, ensuring compliance with the Regulations and engaging in reviews of applications submitted under the Planning Act; and

Whereas new legislation introduces changes and new sections that could remove and/or significantly hinder conservation authorities' participation in and support of local planning appeal processes and their ability to protect development from natural hazards; and

Whereas the changes allow the Minister to make decisions without consideration of local conditions, the Conservation Authority Board approved policies, watershed data and technical expertise; and

Whereas the Legislation suggests that the Minister will have the ability

to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs; and

Whereas municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs; and

Whereas municipalities believe that the appointment of municipal representatives on conservation authority boards should be a municipal decision; and the Chair and Vice Chair of the conservation authority boards should be duly elected; and

Whereas the changes to the 'Duty of Members' contradicts the fiduciary duty of a conservation authority board member to represent the best interests of the conservation authority and its responsibility to the watershed; and

Whereas conservation authorities have already aligned approaches through Memorandums of Understanding with local watershed municipalities to reduce delays, avoid duplication and improve service delivery for all clients; and

Whereas changes to the legislation will create more red tape and costs for the conservation authorities, their municipal partners, and cause delays in the development approval process; and

Whereas municipalities value and rely on the natural habitats and water resources within conservation authority jurisdictions for the health and well-being of residents; municipalities value conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value conservation authorities' work to ensure safe drinking water;

Therefore be it resolved;

That the Province of Ontario work with conservation authorities to address their concerns by repealing and/or amending changes to the Conservation Authorities Act and the Planning Act set out in Bill 229; and

That the Province of Ontario delay enactment of clauses affecting municipal concerns; and

That the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of conservation authority municipal budget processes; and

That the Province respect the current conservation authority/municipal relationships; and

That the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role; and

That a copy of this resolution be forwarded to Premier Ford, Minister of the Environment, Conservation and Parks, our local MPPs, our local MPs, Prime Minister Justin Trudeau, Minister of Environment and Climate Change, the Leaders of all opposition parties, Halton Region, the City of Burlington, the Town of Milton, the Town of Halton Hills, the town of Oakville, Conservation Halton, Credit Valley Conservation, the Association of Municipalities of Ontario, and be made publicly available.

15. Motion to Receive and File Council Information Packages:

Receive and file the following Information Packages, having been prepared and distributed to Council:

- 15.1. Council Information Package October 22, 2020
- 15.2. Council Information Package October 29, 2020
- 15.3. Council Information Package November 5, 2020
- 15.4. Council Information Package November 12, 2020
- 15.5. Council Information Package November 19, 2020

16. Motion to Receive and File Information Items:

Receive and file information items, having been considered by Council:

- 16.1. Memorandum from Councillor Nisan and Councillor Sharman regarding final City of Burlington resolution calling for gas-fired electricity generation phase-out (ADM-10-20) 88 - 90
- 16.2. Memorandum from Councillor Nisan regarding protecting Conservation Authorities (ADM-11-20) 91 - 113
- 16.3. Memorandum from Kevin Arjoon, City Clerk regarding revised 2021 Schedule with direction from the CPRM Committee (CL-19-20) 114 - 119

17. Motion to Consider Confidential Items:

18. Motion to Approve By-Laws:

Enact and pass the following by-laws which are now introduced, entitled and numbered as indicated below:

- 18.1. 84-2020: A By-law to Regulate the Discharge of Fireworks and to Repeal and Replace By-law 125-1992.
- 18.2. 85-2020: A By-law to amend By-law 42-2008, as amended, to provide for the licensing, regulating and governing businesses in the City of Burlington.
- 18.3. 86-2020: A By-law to amend Nuisance and Noise Control By-law 19-2003, being a by-law to prohibit and regulate certain public nuisances and noises in the City of Burlington.
- 18.4. 87-2020: A By-law to appoint Municipal Law Enforcement Officers for the City of Burlington.
- 18.5. 88-2020: A By-law to amend By-law Number 28-2009, being a by-law to prescribe standards for the maintenance and occupancy of properties in the City of Burlington.
- 18.6. 89-2020: A By-law to amend By-law 04-2020 to provide for the rules of order of Council and its Committees to allow for changes to the Special Meetings, Correspondence, Petitions, and housekeeping matters.
- 18.7. 90-2020: A By-law to amend By-law 04-2020 to provide for the rules of order of Council and its Committees to allow for changes to the Council Schedule.
- 18.8. 91-2020: A By-law to assume parcels of land in the City of Burlington as Public Highway.
- 18.9. 92-2020: A By-law to establish and impose certain 2021 rates and fees for services, activities or the use of property.
- 18.10. 93-2020: A By-law to amend Site Alteration By-law 64-2014, being a by-law to prohibit and regulate the placing, dumping, cutting or removal of fill or the altering of grades or drainage on any lands.
- 18.11. 94-2020: A By-law to amend By-law 39-2016 being a by-law to regulate parking and idling in the City of Burlington.

19. Motion to Confirm Proceedings of the Council Meeting:

Enact and pass By-law Number 95-2020, being a by-law to confirm the proceedings of Council at its meeting held Monday, November 23, 2020, being read a first, second and third time.

20. Statements by Members:

21. Motion to Adjourn:

Adjourn this Council now to meet again at the call of the Mayor.



Environment, Infrastructure & Community Services Committee Meeting
Minutes

Date: November 9, 2020
Time: 9:30 am
Location: Council Chambers - members participating remotely

Members Present: Kelvin Galbraith (Chair), Lisa Kearns, Rory Nisan, Shawna Stolte, Paul Sharman, Angelo Bentivegna, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Mary Battaglia, Joan Ford, Chris Glenn, Scott Hamilton, Allan Magi, Nancy Shea-Nicol, Vito Tolone, David Thompson (Audio/Video Specialist), Suzanne Gillies (Clerk), Karen Roche

1. Declarations of Interest:

None.

2. Delegation(s):

None.

3. Consent Items:

3.1 Significant weather event declaration (RPF-34-20)

Moved by Councillor Kearns

Delegate authority to the Director of Roads, Parks and Forestry or designate, to declare the beginning and end of a significant weather event for the purposes of the Municipal Act, 2001, O. Reg.239/02 – Minimum Maintenance Standards for Municipal Highways, on such terms as the Director of Roads, Parks and Forestry or designate considers appropriate; and

Authorize the Executive Director of Legal Services & Corporation Counsel to prepare for Council approval, all necessary by-laws to implement

delegated authority as outlined in roads, parks and forestry department report RPF-34-20

CARRIED

3.2 Revival and extension of the Burlington-Hamilton Boundary Road Maintenance Agreement (RPF-32-20)

Moved by Councillor Kearns

Authorize and direct staff to negotiate, and the Mayor and Clerk be authorized and directed to enter into, on behalf of the City of Burlington, a revival and extension agreement of the Boundary and Connecting Highway Maintenance and Repair Agreement between the City of Burlington and the City of Hamilton dated June 3, 2008 and any necessary ancillary documents for a term of one (1) year, in a form satisfactory to the City Solicitor and with content satisfactory to the Director of Parks and Roads and Forestry; and

Authorize and direct staff to negotiate and the Mayor and Clerk be authorized and directed to enter into, on behalf of the City of Burlington, a new Boundary and Connecting Highway Maintenance and Repair Agreement between the City of Burlington and the City of Hamilton, and any necessary ancillary documents which sets out the roles, responsibilities, and obligations of the parties with respect to shared road segments along the municipal boundary line in a form satisfactory to the City Solicitor and with content satisfactory to the Director of Roads, Parks and Forestry.

CARRIED

4. Regular Items:

4.1 Parking capacity measures at Beachway and Lowville Park (RS-09-20)

Moved by Councillor Kearns

Refer recreation services department report RS-09-20 regarding parking capacity measures at Beachway and Lowville Parks to staff to report back to the Environment, Infrastructure and Community Services Committee in Q1 of 2021 outlining options with regards to parking at Beachway and Lowville parks including but not limited to communication, beautification, infrastructure, and costing options.

CARRIED

4.2 Gypsy Moth Budget Request (RPF 35-20)

Moved by Councillor Nisan

Approve the aerial application of Foray 48B with active ingredient *Bacillus thuringiensis* 'Kurstaki' ("Btk") to 108 hectares of City and Conservation Halton land as detailed in roads, parks and forestry department report RPF-35-20 at a cost of \$140,150 funded from the Tax Rate Stabilization Reserve Fund; and

Approve the single source procurement for the aerial application of the biological pesticide *Bacillus thuringiensis* 'Kurstaki' ("Btk") to Zimmer Air Services Ltd, based on the technical nature of the work and specialized equipment required.

CARRIED

4.3 Fireworks By-law (BFD-03-20)

Moved by Mayor Meed Ward

Enact new City of Burlington Fireworks By-law XX-2020, attached as Appendix "C" to Report BFD-03-20, satisfactory to the Executive Director of Legal Services & Corporation Counsel.

Enact amended City of Burlington Licensing By-law No. 42-2008, attached as Appendix "D" to Report BFD-03-20, satisfactory to the Executive Director of Legal Services & Corporation Counsel.

Enact amended City of Burlington Nuisance and Noise Control By-law No. 49-2008, attached as Appendix "E" to Report BFD-03-20, satisfactory to the Executive Director of Legal Services & Corporation Counsel; and

Amend Fireworks By-Law 84-2020 section 4.1 to read 'No person shall discharge or cause or permit the discharge of any Consumer Fireworks except between dusk and 11:00 p.m. on Canada Day and Victoria Day only.'

CARRIED

Amendment:

Moved by Councillor Nisan

Amend Fireworks By-Law 84-2020 section 4.1 to read 'No person shall discharge or cause or permit the discharge of any Consumer Fireworks except between dusk and 11:00 p.m. on Canada Day and Victoria Day only.'

CARRIED

4.4 Public tree removal report – 2477 Queensway Drive (RPF-33-20)

Moved by Councillor Kearns

Approve the request by the applicant to remove eight (8) city trees in order to proceed with the submitted site plan application 535-019/18; and

Instruct the applicant, Siva Kumar, to provide compensation for tree removal by providing cash in lieu of replacement totaling \$15,800.00. The funds will provide for new tree plantings elsewhere in the City and includes care and maintenance for the first two years; and

Direct that all associated costs with respect to the removal of the trees (including stump removal) will be the responsibility of the applicant, and the contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

CARRIED

5. Confidential Items:

5.1 Confidential City of Burlington License/Lease Agreements through the pandemic (RS-07-20)

Moved by Councillor Kearns

Instruct staff to proceed in accordance with the instructions sought in confidential recreation services department report RS-07-20; and

Authorize the Mayor and City Clerk to execute any documents in connection with this matter; and

Direct the Mayor to write to the local Members of Parliament to request that tenants in municipally owned facilities be eligible for direct rent relief, and notify the Halton Mayors, the Regional Chair,

TEAM Burlington, Federation of Canadian Municipalities and the Association of Municipalities of Ontario.

CARRIED

Amendment:

Moved by Mayor Meed Ward

Direct the Mayor to write to the local Members of Parliament to request that tenants in municipally owned facilities be eligible for direct rent relief, and notify the Halton Mayors, the Regional Chair, TEAM Burlington, Federation of Canadian Municipalities and the Association of Municipalities of Ontario.

CARRIED

5.2 Confidential leasing matter (EICS-26-20)

Moved by Councillor Sharman

Instruct staff to proceed as outlined in confidential environment, infrastructure and community services report EICS-26-20; and

Authorize the Mayor and City Clerk to execute any documents in connection with this matter.

CARRIED

6. Procedural Motions:

Moved by Councillor Bentivegna

Move into closed session in accordance with the following provisions under the Municipal Act, Section 239(2)(k) of the Municipal Act, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board in regards to recreation services department report RS-07-20 regarding license/lease agreements through the pandemic and environment, infrastructure and community services report EICS-26-20 regarding a confidential leasing matter.; and

Section 239 (2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, with respect to environment, infrastructure and community services report EICS-26-20 regarding a confidential leasing matter.

CARRIED

7. Information Items:

Moved by Councillor Nisan

Receive and file the following item, having been given due consideration by the Environment, Infrastructure and Community Services Committee.

CARRIED

7.1 Staff presentation regarding parking capacity measures at Beachway and Lowville Park (RS-09-20)

8. Staff Remarks:

9. Committee Remarks:

10. Adjournment:

11:17 a.m. (recessed), 11:25 a.m. (reconvened), 12:20 p.m. (recessed) 1:00 p.m. (reconvened), 1:09 p.m. (closed), 2:33 p.m. (public)

Chair adjourned the meeting at 2:40 p.m.



Community Planning, Regulation & Mobility Committee Meeting

Minutes

Date: November 10, 2020
Time: 9:30 am
Location: Council Chambers - members participating remotely

Members Present: Shawna Stolte (Chair), Rory Nisan (Vice Chair), Kelvin Galbraith, Lisa Kearns, Paul Sharman, Angelo Bentivegna, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Heather MacDonald, Kwab Ako-Adjei, Nick Anastasopoulos, Kevin Arjoon, Jamie Tellier, Vito Tolone, David Thompson (Audio/Video Specialist), Jo-Anne Rudy (Clerk)

1. Declarations of Interest:

None

2. Statutory Public Meetings:

The Community Planning, Regulation and Mobility Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 9-20 on November 10, 2020 to approve a direction to staff to continue working with the applicant on the Plan of Subdivision for 600 Maplehill Drive. Having considered the oral and written comments received from staff and delegations, the Community Planning, Regulation and Mobility Committee approved report PL-58-20.

2.1 Recommendation report for a Plan of Subdivision for 600 Maplehill Drive (PL-58-20)

Moved by Councillor Stolte

Direct staff to continue to work with the applicant (T. Johns Consulting Group) on behalf of 2531820 Ontario Inc. in regards to the submitted residential Plan of Subdivision for 600 Maplehill Drive (formerly 607 Dynes Road).

CARRIED

- a. Staff presentation regarding a Plan of Subdivision for 600 Maplehill Drive (PL-58-20)
- b. Diana Morris, T. Johns Consulting Group, provided information on the Plan of Subdivision for 600 Maplehill Drive. (PL-58-20)
- c. Marsha Paley expressed concern with the Plan of Subdivision for 600 Maplehill Drive, specifically as it relates to the servicing of the development and the need for traffic impact guidelines. (PL-58-20)
- d. Anne and Dave Marsden spoke to the Plan of Subdivision for 600 Maplehill Drive and supported the comments made by Marsha Paley. (PL-58-20)
- e. Correspondence from Drew and Natalie Garside regarding a Plan of Subdivision for 600 Maplehill Drive (PL-58-20)

3. Delegation(s):

- 3.1 Anne and Dave Marsden, Community Health, Safety and Access Advocates, spoke to Procedure By-law amendments. (CL-18-20)
- 3.2 Anne and Dave Marsden, Community Health, Safety and Access Advocates spoke to the 2021 calendar of meetings. (CL-19-20)

4. Consent Items:

- 4.1 Amendments to Property Standards By-law 28-2009 (BB-07-20)

Moved by Councillor Galbraith

Approve the amendments to By-law 28-2009, otherwise known as the “Property Standards By-law”, to change the date in which heat is required in rental buildings, to require building owners to provide alternative refuse disposal options in writing, and to clarify the location of applicable fees, as outlined in Appendix A to building and by-law department report BB-07-20, in a form satisfactory to the City Solicitor.

CARRIED

5. Regular Items:

- 5.1 Procedure By-law amendments (CL-18-20)

Moved by Councillor Kearns

Enact amendments to the Procedure By-law, **as amended**, outlined in clerks department report CL-18-20 with respect to the following; special meetings, addendum issuance timelines, correspondence, petitions and various housekeeping matters; **and**

Add the following: 42.2 f) must be within the jurisdiction of the City.

CARRIED

Amendment:

Moved by Councillor Kearns

Add the following: 42.2 f) all matters must be within the jurisdiction of the City.

CARRIED

Amendment:

Moved by Councillor Stolte

Direct the City Clerk to explore the option of having a delegate room on the first floor of City Hall.

LOST

5.2 2021 calendar of meetings (CL-19-20)

Moved by Mayor Meed Ward

Approve the 2021 calendar of meetings for Burlington City Council and its standing committees, **as amended**, outlined in Appendix A of clerks department report CL-19-20; and

Enact an amendment to Procedure By-law 04-2020, as amended, substantively in the form, and as attached as Appendix C to allow for the following changes to the Council schedule as indicated in report CL-19-20:

- Environment, Infrastructure and Community Services Committee (EICS) change meeting date to Thursdays;
- Corporate Services, Strategy, Risk and Accountability Committee (CSSRA) change meeting date to Wednesdays;
- Council Workshop change meeting date to **Mondays**; and

- Council meetings change meeting date to Tuesdays and amend the start time to 1:00 p.m. with a potential evening session held at 6:30 p.m.; **and**

Move all Council Workshops forward to the preceding Monday of committee week, with the exception of February which would move to February 8, 2021; and

Move the January 2021 and 2022 committee meeting dates from the first week of the month to the second and third weeks of the month.

CARRIED

Amendment:

Moved by Councillor Nisan

Move all Council Workshops forward to the preceding Monday of committee week, with the exception of February which would move to February 8, 2021.

CARRIED

Amendment:

Moved by Councillor Kearns

Move the January 2021 and 2022 committee meeting dates from the first week of the month to the second and third weeks of the month.

CARRIED

5.3 Ranked choice voting consultation (CL-20-20)

Moved by Mayor Meed Ward

Refer clerks department report CL-20-20 regarding ranked choice voting consultation to the November 23, 2020 Council meeting.

CARRIED

6. Confidential Items:

None

7. Procedural Motions:

None

8. Information Items:

- 8.1 Presentation from Curt Benson, Director of Planning Services and Chief Planning Official, Halton Region - Downtown Burlington Urban Growth Corridor (UGC) and Major Transit Station Area (MTSA) Supplemental Discussion Paper (CPRM-10-20)
- 8.2 Delegation notes from Anne and Dave Marsden, Community Health, Safety and Access Advocates, regarding Procedure By-law amendments and 2021 calendar of meetings (CL-18-20, CL-19-20)

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

10:13 a.m. (recessed), 10:23 a.m. (reconvened), 11:13 a.m. (recessed), 11:20 a.m. (reconvened), 12:40 p.m. (recessed), 1:33 p.m. (reconvened)

Chair adjourned the meeting at 3:13 p.m.



Corporate Services, Strategy, Risk and Accountability Committee Meeting

Minutes

Date: November 12, 2020
Time: 9:30 am
Location: Council Chambers - members participating remotely

Members Present: Rory Nisan (Chair), Paul Sharman, Kelvin Galbraith, Lisa Kearns, Shawna Stolte, Angelo Bentivegna, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Kwab Ako-Adjei, Joan Ford, Chris Glenn, Sheila Jones, Karen Roche, Allan Magi, Nancy Shea-Nicol, David Thompson (Audio/Video Specialist), Georgie Gartside (Clerk)

1. Declarations of Interest:

Councillor Galbraith declared an interest with Appendix C of L-29-20 - Confidential litigation update, as his home residence is within 50 metres of the subject matter. Councillor Galbraith previously declared a conflict on this matter and as such, did not receive Appendix C of report L-29-20.

2. Delegation(s):

2.1 David Jones, Kids Play Sports (and on behalf of MS2 Dance and Fitness), shared concerns regarding 2021 rates and fees (F-41-20)

3. Consent Items:

3.1 Financial status report as at September 30, 2020 (F-37-20)

Moved by Councillor Galbraith

Receive and file finance department report F-37-20 providing the financial status as at September 30, 2020.

CARRIED

3.2 Bill 197, Covid-19 Economic Recovery Act, 2020 (F-47-20)

Moved by Councillor Galbraith

Receive and file finance department report F-47-20 regarding Bill 197, Covid-19 Economic Recovery Act, 2020.

CARRIED

4. Regular Items:

4.1 COVID-19 emergency response verbal update (CSSRA-12-20)

Note: this item was approved at the Special Council meeting of November 12, 2020.

Moved by Mayor Meed Ward

Utilize the additional \$125,000 approved at the August 13, 2020 Special Council meeting for round two of the Burlington Safe Restart COVID-19 Business Relief Grant program to support main street business and complement the Digital Main Street and Provincial Safe Restart COVID-19 programs.

CARRIED

4.2 Service re-design interim modifications and resumptions (CM-33-20) (SD-24-20)

Note: this item was approved at the Special Council meeting of November 12, 2020.

Moved by Councillor Stolte

Direct the City Manager to proceed with implementing the interim service delivery program recommendations as outlined in Appendix A of city manager's office report CM-33-20 outlining recreation services winter recreation; and

Direct the Chief Financial Officer to track and monitor the financial implications of the above service delivery program changes in the ongoing COVID-19 financial impact reporting to Council; **and**

Direct the Director of Recreation Services to investigate outdoor skating opportunities such as artificial ice and portable ice plant operations and report back at the December 10, 2020 Corporate Services, Strategy, Risk and Accountability Committee. (SD-24-20)

CARRIED

Amendment (SD-24-20)

Moved by Mayor Meed Ward

Direct the Director of Recreation Services to investigate outdoor skating opportunities such as artificial ice and portable ice plant operations and report back at the December 10, 2020 Corporate Services, Strategy, Risk and Accountability Committee.

CARRIED

4.3 Free skates and sticks and pucks (CM-33-20) (SD-25-20)

Moved by Mayor Meed Ward

Direct the Director of Recreation Services to report back at the November 23, 2020 City Council meeting on the total cost of operating 17 free skates and 6 free sticks and pucks, for council consideration, and seek a potential alternative sponsor or sponsors for these skates. (SD-25-20)

CARRIED

4.4 2021 rates and fees (F-41-20) (SD-26-20)

Moved by Councillor Galbraith

Approve the 2021 rates and fees outlined in finance department report F-41-20, effective January 1, 2021 unless otherwise indicated; and

Approve By-Law X-2020, attached as Appendix A to finance department report F-41-20 and repeal By-Law 52-2019, effective January 1, 2021; and

Enact the amending by-law to the City of Burlington Site Alternation By-law No. 64-2014, attached as Appendix B to finance department report F-41-20, in a form satisfactory to the Executive Director of Legal Services & Corporation Counsel; **and**

Direct the Director of Recreation Services to summarize options for a fee reduction program and provide recommendations, if any, for consideration by City Council on November 23, 2020 on:

- **continuation of the 25% fee reduction for all city rental users, including both for-profit and not-for-profit organizations, from January to June 2021;**

- **phased fee reduction for all city rental users, including both for-profit and not-for-profit organizations, of 20% for Q1, 15% for Q2, 10% for Q3 and no reduction for Q4 of 2021;**
- **25% fee reduction for indoor city rental users only; and**
- **implementation of a grant application program to direct funding where most needed. (SD-26-20)**

CARRIED

Amendment (SD-26-20)

Moved by Mayor Meed Ward

Direct the Director of Recreation Services to summarize options for a fee reduction program and provide recommendations, if any, for consideration by City Council on November 23, 2020 on:

- continuation of the 25% fee reduction for all city rental users, including both for-profit and not-for-profit organizations, from January to June 2021;
- phased fee reduction for all city rental users, including both for-profit and not-for-profit organizations, of 20% for Q1, 15% for Q2, 10% for Q3 and no reduction for Q4 of 2021;
- 25% fee reduction for indoor city rental users only; and
- implementation of a grant application program to direct funding where most needed.

CARRIED

4.5 Future of LaSalle Park (L-32-20)

Moved by Councillor Galbraith

Direct the Executive Director of Legal Services & Corporation Counsel or their designate to proceed with the instructions given during the in-camera session regarding the future of LaSalle Park.

CARRIED

5. Confidential Items:

5.1 COVID-19 emergency response verbal update (if required)

This item was not required.

5.2 Confidential legal advice respecting a planning matter (L-25-20)

Moved by Councillor Sharman

Authorize the Executive Director of Legal Services & Corporation Counsel or their designate to proceed in accordance with the instructions given in confidential legal department report L-25-20.

CARRIED

5.3 Confidential litigation update, June 1 to Sept. 30, 2020 (L-29-20)

Moved by Councillor Bentivegna

Direct the Executive Director of Legal Services & Corporation Counsel or their designate to proceed in accordance with the instructions sought in matters 14, 19, 26 and 37 and the balance of confidential legal department report L-29-20 be received and filed.

CARRIED

5.4 Confidential Appendix C to Future of LaSalle Park (L-32-20)

See Item 4.4 for the approved motion on this item.

5.5 Confidential contingency report (F-38-20)

Moved by Mayor Meed Ward

Receive and file finance department report F-38-20 providing the status of the reserve for contingencies as at September 30, 2020.

CARRIED

6. Procedural Motions:

6.1 Motion to proceed into closed session

Moved by Councillor Kearns

Move into closed session in accordance with the following provisions under the Municipal Act:

Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, with respect to confidential legal department report L-25-20 regarding legal advice respecting a planning matter; and

Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, with respect to confidential legal department report L-29-20 providing the litigation update, June 1 to Sept 30, 2020; and

Section 239(2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board with respect to confidential Appendix C to legal department report L-32-20 regarding the Future of LaSalle Park.

CARRIED

7. Information Items:

7.1 Delegation material from David Jones, Kids Play Sports (and on behalf of MS2 Dance and Fitness), regarding 2021 rates and fees (F-41-20)

7.2 Correspondence from Danielle Tardif, Outlaw Sports, regarding 2021 rates and fees (F-41-20)

7.3 Staff presentation regarding COVID-19 emergency response verbal update (CSSRA-12-20)

8. Staff Remarks:

9. Committee Remarks:

10. Adjournment:

11:55 a.m. (recessed), 12:02 p.m. (reconvened), 12:37 p.m. (recessed), 1:45 p.m. (reconvened), 1:52 p.m. (closed), 4:25 p.m. (public)

Chair adjourned the meeting at 4.33 p.m.



Council Workshop Meeting

Minutes

Date: November 16, 2020
Time: 1:00 p.m.
Location: Council Chambers - members participating remotely

Members Present: Angelo Bentivegna (Chair), Kelvin Galbraith, Lisa Kearns, Rory Nisan, Shawna Stolte, Paul Sharman, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Kwab Ako-Adjei, Nick Anastasopoulos, Kevin Arjoon, Mary Battaglia, Laura Boyd, Sue Connor, Joan Ford, Chris Glenn, Scott Hamilton, Sheila Jones, Heather MacDonald, Allan Magi, Angela Morgan, Karen Roche, Nancy Shea-Nicol, Christine Swenor, Jamie Tellier, Vito Tolone, David Thompson (Audio/Video Specialist), Georgie Gartside (Clerk)

1. Declarations of Interest:

None.

2. Delegation(s):

None.

3. Consent Items:

None.

4. Regular Items:

4.1 Strategic Plan check-in and review (CWC-06-20)

5. Confidential Items:

None.

6. Procedural Motions:

None.

7. Information Items:

Moved by: Councillor Galbraith

Receive and file the following item, having been given due consideration by the Corporate Services, Strategy, Risk and Accountability Committee.

CARRIED

7.1 Staff presentation regarding strategic plan check-in and review (CWC-06-20)

8. Staff Remarks:

9. Committee Remarks:

10. Adjournment:

2:12 p.m. (recessed), 2:20 p.m. (reconvened)

Chair adjourned the meeting at 4:12 p.m.



SUBJECT: Ranked choice voting consultation

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Clerks Department

Report Number: CL-20-20

Wards Affected: All

File Numbers: 165-01

Date to Committee: November 10, 2020

Date to Council: November 23, 2020

Recommendation:

Approve the public engagement strategy for ranked choice voting consultation attached as Appendix A to clerks department report CL-20-20; and

Approve the withdrawal of \$30,000 from the election reserve to fund the ranked choice voting consultation and engagement.

PURPOSE:

An Engaging City

- Good Governance

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

On June 9, 2016 the Province of Ontario passed legislative amendments to the *Municipal Elections Act* by way of the *Municipal Elections Modernization Act 2016* (MEMA). The MEMA set forth several substantive amendments to the Act, one of which was to provide municipalities the option to offer ranked ballots to electors, which would

allow an elector to rank the candidates in their preference. On September 16, 2016 Ontario Reg. 310/16 was introduced which provides further guidance on how ranked ballot elections are to be introduced, approved by local councils and administered throughout the electoral process.

On September 28, 2020 City Council directed the City Clerk to initiate the consultation process as outlined in Ontario Reg. 310/16 with respect to ranked ballots, and return to the Corporate Services, Strategy, Risk & Accountability (CSSRA) Committee with a supplemental report outlining an engagement plan, a proposed timeline, and a proposed consultation budget with an accompanying request for withdrawal from the Elections Reserve. The City Clerk was also directed to keep in mind the need to be representative in the public consultation process.

Bill 218 - Supporting Ontario's Recovery and Municipal Elections Act

Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020 was introduced in the Ontario Legislature on October 20, 2020. The Bill is proposing to amend the Municipal Elections Act and remove the option of ranked ballots. Staff are monitoring the passage of the Bill but intended to follow up on the supplemental report as the current timelines for ranked ballot engagement are short. Should the Bill be amended or withdrawn, any delays in approving the engagement plan would affect the launch of a potential campaign. A delay in launching the campaign may lead to a compressed public consultation process and appear as closed consultation. Should Bill 218 pass, the City of Burlington will not be pursuing ranked ballot consultation. If this report is in process when the Bill is passed the Chair will be asked to deem the report moot and receive and file it for information purposes. If the option to pursue ranked ballots is removed from the Municipal Elections Act, the City will not be pursuing this consultation.

What are Ranked Ballots?

Most municipal elections employ a first past the post methodology when tabulating ballots and declaring an elected candidate. In **first past the post** elections, customarily, a voter can select one choice per matter. When tabulating the votes, the candidate with the most votes is elected.

In a **ranked ballot system**, voters have the option of selecting up to three candidates, ranking them by preference of their first, second, and third choice. Current legislation allows a municipal council to determine the number of rankings, and if not selected three choices is a default. The candidate who achieves the threshold of 50 percent plus one vote is elected. After tabulating the votes, if there is no candidate who meets the determined threshold, then the candidate with the fewest votes is eliminated. The ballots that selected the eliminated candidate as the first choice are now redistributed to

the remaining candidates, this time using those voters' second choice candidate. This process is repeated until a candidate who achieves the 50 percent plus one threshold is determined. Legislation dictates that if a council passes a by-law it must pertain to both Mayor and Council seats. There cannot be a difference in voting method between the Mayor and Council.

Legislative Requirements

With respect to the process, and in accordance with the provisions of O. Reg. 310/16 and the Municipal Elections Act, as amended, Council must pass a by-law to switch to ranked ballots by May 1, 2021. Prior to passing of the by-law, Council must hold a two-step consultation, and what has been stipulated in the Regulation is the minimum amount of consultation and public notice that should be completed by a municipality.

1. Host an open house to provide information to the public about ranked ballot elections, at least 15 days before the public meeting and with at least thirty (days) public notice, and
2. Hold a public meeting to hear feedback from residents, with at least thirty (30) days public notice.

During the consultation, at the open house and the public meeting, council must make all of the following available to the public:

- information about how ranked ballot elections work, including how the votes are counted;
- an estimate of how much ranked ballot elections would cost;
- a description of any voting equipment and vote-counting equipment that is being considered for use in the election; and,
- a description of any alternative voting method being considered for use in the election.

Based on the Regulation, staff have created a timeline that highlights the legislated deadlines that must be scheduled, and notice provisions that must be adhered to. For a detailed listing of the consultation, a communications and engagement plan has been attached as Appendix A.

Section of Regulation	Activity	Date
10(5)	Launch Get involved Burlington Materials	January 14, 2021
10(4)	Open House Public Notice Published in Paper	January 14, 2021
10(2)	Open Houses	February 17, 18, 2021
11(2)	Notice for Public Meeting	February 18, 2021

(9(4)	Report and Agenda for Public Meeting published.	March 12, 2021
11(1)	Public Meeting hosted by CSSRA	March 22, 2021
	CSSRA Agenda published with RB Report	March 26, 2021
	CSSRA Meeting – Recommendation on Ranked Ballots	April 8, 2021
8 (1)(a)	Council Meeting to Approve By-law (Deadline May 1, 2021)	April 20, 2021

Public Engagement Plan

As noted in staff report CL-06-20, a ranked ballot election represents a significant change for candidates, election administrators and the electorate. It represents a fundamental departure from the current system of First Past the Post (FPTP) and that the composite ballot may feature several ways to select a candidate(s). In addition, it is important that the electorate have as much information as possible on how a ranked ballot election is conducted and how much it will cost.

The Clerks department worked with Corporate Communications, including staff from the engagement division to create an engagement plan. In creating the plan, it was decided to re-brand ranked ballots to ranked choice voting as it was a user focused term. In addition, the plan establishes three key objectives:

1. to ensure that electors are aware of the ranked choice voting system, know how a ranked choice voting election works and how much it will cost;
2. to ensure that electors are aware of the engagement opportunities including dates and times, how their contributions will be considered and how they can access information about ranked choice voting elections; and
3. when and how decisions of council will be made on ranked choice voting.

The engagement plan outlines the information that will be produced for the public regarding ranked choice elections and will be disseminated by way of the City's website, signage, print media, social media and news releases. Many of these components of the engagement plan would be initiated over the next few months, in advance of the initial round of public open houses that are proposed to be held in February 2021, and all of which will be virtual and hosted by an independent moderator. Council would then hold the statutory public meeting in March 2021 and pass the required By-law by May 1, 2021 in order to adhere to legislative requirements.

Virtual Open Houses

Due to COVID-19 the engagement plan focuses on creating virtual opportunities for the public to attend and learn about the concept of ranked choice voting. A series of public open houses are proposed to be held in February 2021. It is anticipated that the open

houses may mirror the virtual format established by the Official Plan engagement. In addition, staff are anticipating the use of a consultant to help run the sessions. Spanning over two days, the virtual open houses will be strategically placed at different times during the day to appeal to a wider audience. Clerks department staff will be in attendance to provide clarification, only when required and will mostly be in attendance to observe and take notes. To reduce barriers attendees will have an opportunity to submit questions in advance or may choose to ask questions live at the sessions through use of the video conferencing technology.

The format will be that a presentation will be delivered which explains how ranked choice voting works, how much a ranked choice election may potentially cost and the impacts on overall election administration. The session would then feature an opportunity for residents to ask questions. Conducting the open houses will ensure that the public is aware of the process and the concept of ranked choice voting in advance of the statutory public meeting which will be held in March 2021, and the opportunity to delegate when the report and recommendations come forward in April 2021 to the CSSRA Committee.

Stakeholder Engagement

In addition to the statutory engagement as outlined in Regulation 310/16 the Clerks department will make presentations to various stakeholder groups around the city. The staff team are still in process of developing an extensive stakeholder list. At present staff will make use of existing advisory committees of Council, such as the Burlington Accessibility Advisory Committee, Seniors' Advisory Committee, and the Inclusivity Advisory Committee.

Get Involved Burlington Webpage & Online Survey

A Get Involved Burlington page will be created to help manage the project and serve as a resource to residents seeking information on the concepts, status updates and contact information. Having a project page will allow staff to have a permanent presence on the site to inform of the following:

- a landing page with an overview;
- key dates;
- key information
 - what is ranked choice voting?;
 - how is a winner determined in a ranked choice election?;
 - what are the potential changes and costs of a ranked choice election?;
 - a document library;

- news or updates on key information; and
- contact information.

In addition, the site will also feature an online survey that will ask the following questions:

Question 1: Do you prefer choosing one candidate or being able to choose three?

Question 2: : How confident are you that you understand how a winner is determined?

Question 3: Are you in favour of changing to a ranked choice vote for the 2022 Municipal Election?

Question 4: What other election related policies do you think the City should engage the public on? [Will feature a text box to fill, to encourage comments and open answers.]

As directed by Council the survey will be closed to only registered users of Get Involved Burlington, and staff will work to filter results to provide a picture of what Burlington residents had to say. Results will be communicated to Council and will be posted to the site, to close the loop with participants.

Social Media (Twitter and Facebook) Posts

Social media will be used to advise residents of the ranked choice voting consultation process, where they can get information on ranked choice voting, to invite residents to the open house (information and education sessions) and the statutory public meetings. Any feedback received from social media engagement (comments, replies) will be provided to staff for analysis and review.

Videos

A video will be created that explains what ranked choice voting is, how ranked choice voting works, and how votes are counted. The video will be available for the public open houses, public meetings, on the City's website, etc. Staff are hoping to use a common video that had been used by municipalities in 2018. If the video could be used in the campaign, significant project savings will be realized.

City Talk Newsletter

An article will be placed in the Spring edition of City Talk advising residents of the public consultation process and the date that Council is expected to consider the final recommendation report. In addition, a broadcast through Get Involved Burlington will be used, which will be a direct email to approximately 6,000 registered users.

Statutory Public Meeting

Staff are proposing to have the Chair of CSSRA host the statutory public meeting. The format will be similar to a planning statutory public meeting and an outline will be provided to Council by way of the publishing the agenda and compiling of the Chair's script.

Engagement after May 2021

Should Council pass the by-law in advance of May 1, 2021 there will be approximately 20 months before Election Day in October and throughout this period information will continue to be provided to residents. The Clerks Department will work with Corporate Communications to revamp the engagement plan, with lessons learned from the previous engagement. In addition, materials created during the pre-ranked choice engagement will be reshaped and used for the long-term engagement plan. Open houses will be planned for the fall 2021 and possibly the spring 2022 and hosted by staff to reduce overhead costs.

Strategy/process

As there are no in-person public sessions due to COVID-19, significant thought has been put into the development of a multi-pronged engagement plan. Residents will be encouraged to use any or all methods of contacting the Clerks department to get involved. Accommodations may be made based on need. Staff will work to ensure that any potential barriers to participation are addressed.

Options Considered

Ontario Regulation 310/16 outlines the minimum requirements for engagement that must be undertaken before a local council may make a decision on ranked choice voting. In terms of the engagement plan, it outlines an engagement that goes above the minimum standards, as due to COVID-19 in person gathering sizes are limited and therefore there will be no in-person sessions.

Financial Matters:

Should Council direct staff to initiate the public consultation process with respect to ranked choice voting, the proposed budget could be utilized. Through the report staff are requesting a one-time withdraw from the reserve to accommodate the public consultation expenses. Staff anticipate that it may cost approximately \$30,000 to fund the consultation. The following is a general estimation of costs for the engagement and it is also included in Appendix A.

Item	Details	Cost
City Update ad	<ul style="list-style-type: none"> • Full page ad • Half page ad 	\$1,300 (full) \$650 (half)
Consultant	<ul style="list-style-type: none"> • Host 3 virtual open houses • Public meeting • Facilitate/writing of the report 	\$5,000 – \$7,000 per session
Direct mail	<ul style="list-style-type: none"> • Postcard • Brochure 	\$10,000 – \$15,000
Halton Multicultural Council	<ul style="list-style-type: none"> • Survey and survey responses translation into top 5 languages in Halton 	\$900 per language
Online ads	<ul style="list-style-type: none"> • Inside Halton – Burlington Post 	\$800
Social Media boosts	<ul style="list-style-type: none"> • Corporate social media channels 	\$500
Video	<ul style="list-style-type: none"> • Promotional video on what is ranked choice voting 	\$3,500

Potential Savings

Upon review, there may be some cost savings if staff do not use a consultant or a host for the open houses and to generate a report. However, due to the current workload of the Clerks department this may prove difficult and may affect the output. In addition, staff are working with other municipalities to obtain an educational video used by many municipalities in 2018. If this can be arranged, there may be additional savings that would be achieved. Public education materials generated from the consultation regarding ranked choice voting could be re-used throughout the electoral process should Council choose to allow ranked choice voting for the 2022 election.

Total Financial Impact

A one-time withdrawal of \$30,000 from the Election Reserve.

Source of Funding

Election reserve is provided to support the election costs. Each year there is an annual contribution of \$160,000. Should Council pass a by-law to proceed with ranked choice voting, the funding model for the reserve will need to be revised to ensure that there are sufficient funds for the 2022 municipal election and any by-elections that may occur.

Other Resource Impacts

Recent re-organizations to the clerks department has reduced FTE resources. A manager position dedicated to committee and election services is no longer a resource in the clerks department. Therefore, should Council choose to pursue ranked choice voting, previous Council requests and reviews may need to reprioritize for staff to meet the legislated May 1, 2021 deadline.

Climate Implications

Internet voting and online consultations may reduce the need for travel. Lowered travel rates may help to reduce the carbon footprint associated with voting or attending in-person meetings.

Engagement Matters:

No public consultation was provided in creating this report. Staff relied on in-house expertise from Corporate Communications, including engagement staff. The full report centers on engagement on ranked choice voting, and conducting a public engagement campaign, which will support the overarching legislative requirements for public consultation as outlined in Ontario Regulation 310/16.

Conclusion:

Should Council approve, staff will continue to build the stakeholder list and to start building materials. It is anticipated that the first ad will be launched mid-January, which means much of the work to begin crafting materials will start shortly after the Council approval on November 23, 2020.

Respectfully submitted,

Kevin Arjoon

City Clerk

905-335-7600 ext 7702

Appendices:

A. Engagement and communication plan - ranked choice voting

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

Ranked Ballots and Ranked Choice Voting

City of Burlington - Engagement and Communications Plan

Background

On June 9, 2016, the Province of Ontario passed legislative amendments to the Municipal Elections Act by way of the Municipal Elections Modernization Act 2016 (MEMA). The MEMA set forth several substantive amendments to the Act, one of which was to provide municipalities the option to offer ranked ballots to electors, which would allow an elector to rank the candidates in their preference. On Sept. 16, 2016, Ontario Regulation 310/16 was introduced which provides further guidance on how ranked ballot elections are to be introduced, approved by local councils and administered throughout the electoral process.

What are Ranked Ballots?

Most municipal elections employ a first past the post methodology when tabulating ballots and declaring an elected candidate. In first past the post elections, customarily, a voter can select one choice per matter. When tabulating the votes, the candidate with the most votes is elected. In a ranked ballot system, voters have the option of selecting up to three candidates, ranking them by preference of their first, second, and third choice. The candidate who achieves the threshold of 50 percent plus one vote is elected. After tabulating the votes, if there is no candidate who meets the determined threshold, then the candidate with the fewest votes is eliminated. The ballots that selected the eliminated candidate as the first choice are now redistributed to the remaining candidates, this time using those voters' second choice candidate. This process is repeated until a candidate who achieves the 50 percent plus one threshold is determined. Legislation dictates that if a council passes a bylaw it must pertain to both Mayor and Council seats. There cannot be a difference in voting method between the Mayor and Council.

Municipal Experience

During the 2018 municipal election in Ontario there was low uptake on ranked ballot elections. Two municipalities, the City of Kingston and the City of Cambridge, included referendums or questions on their ballots asking electors if they were in favour of ranked choice voting for Mayor and Councillors. In 2018, the City of London in Ontario was the only municipality that used ranked ballots, and their experience is used as a case study for the City of Burlington on the ranked ballot method.

Burlington Approach

Through staff report CL-06-20, Burlington City Council considered how ranked ballots were used during the 2018 Ontario municipal election and sought direction on ranked ballots for the 2022 election.

On Sept. 28, 2020, City Council directed the City Clerk to initiate the process as outlined in Ontario Regulation 310/16 with respect to consultation on ranked ballots, and return to the Corporate Services, Strategy, Risk & Accountability (CSSRA) Committee with a supplemental

report outlining an engagement plan, a proposed timeline, and a consultation budget with an accompanying request for withdrawal from the Elections Reserve. The City Clerk was also directed to keep in mind the need to be representative in the public consultation process.

Project Overview

- On Sept. 28, 2020, Burlington City Council voted to direct the City Clerk to initiate public engagement on ranked ballots for the 2022 municipal election.

Decision Statement

At the beginning of an engagement process, it is helpful to know, “what is the decision to be made?” The decision statement clearly identifies:

- What decision needs to be made?
- Who is the decision-maker?
- When the decision is required?

By May 1, 2021, Burlington City Council is required to pass a bylaw if they would like to introduce ranked ballots in the 2022 municipal election. Prior to passing the bylaw, Council must hold a two-step consultation, as legislated by MEMA:

1. Host an open house to provide information to the public about ranked ballot elections, at least fifteen (15) days before the public meeting and with at least thirty (30) days public notice, and
2. Hold a public meeting to hear feedback from residents, with at least thirty (30) days public notice.

During the consultation, at the open house and the public meeting, Council must make all of the following available to the public:

- information about how ranked ballot elections work, including how the votes are counted
- an estimate of how much ranked ballot elections would cost
- a description of any voting equipment and vote-counting equipment that is being considered for use in the election
- a description of any alternative voting method being considered for use in the election.

Summary of Stakeholders

A stakeholder is anyone who has an interest or concern about a specific topic and therefore any elector in the City of Burlington is deemed a stakeholder. In determining who the stakeholders are for this project, those who have influence or power over the work and those that have an interest in its outcome, they are:

- Residents and resident groups, including adults 55+, newcomers, rural Burlington, young families, millennials and youth
- Community organizations, special interest, advocacy, and activism groups
- Businesses and their groups
- Council Advisory Committees and arms-length city agencies
- Elected officials
- Media
- City staff

Objectives of Engagement

The objectives provide a clear understanding of what the public engagement will strive to achieve through the discussion about ranked ballots and ranked choice voting.

- Ensure electors are aware of the ranked ballot voting system, know how a ranked ballot election works and how much it will cost
- Ensure electors are aware of the engagement opportunities, including dates and times, how their contributions will be considered and how they can access information about ranked ballot elections
- Ensure electors are informed about when and how decisions of Council related to ranked ballots will be made.

Project Milestones and Engagement Level

Timing (WHEN)	Milestone	Message (WHAT)	Stakeholders (WHO)	Level of Engagement
Dec. 2020	Engagement and Communications Plan	Develop the engagement and communications plan	Stakeholders as identified above	Consult
Jan. 14, 2021	Launch Get Involved Burlington project page		Stakeholders as identified above	Inform
Feb. 4 – 25, 2021	Survey to be hosted on Get Involved Burlington	Resident to provide feedback on use of ranked ballots for 2022 election	The survey will be open to registered users of Get Involved Burlington. Only those with a valid Burlington postal code will be considered in the analysis of the survey responses.	Consult

Feb. 17 and 18, 2021	Virtual Open Houses (3 open houses over the course of 2 days)		Stakeholders as identified	Consult
March 22, 2021	Public Meeting – hosted by Corporate Services, Strategy, Risk and Accountability (CSSRA) Committee		Stakeholders as identified	Consult
April 8, 2021	Council decision		Stakeholders as identified	Inform
April 2021	Outreach of Council decision		Stakeholders as identified	Inform

Policies and Factors That Cannot be Influenced

- The Regional Chair for the Halton Region Council will continue to be directly elected using the first past the post electoral system. In accordance with legislation, ranked ballots must be selected by all lower tier municipalities for the Regional Chair to be placed on the ballot as a ranked choice. At this time, none of the lower tier municipal units in Halton Region have resolved to implement ranked ballots for the 2022 election.
- Candidates for school board trustee would still be elected using the first past the post electoral system.
- The voting methods (i.e. internet, paper ballot, telephone and mail) and equipment (optical scan tabulators) are determined by Council and not subject to the engagement.

Forms of Involvement and Communication to the Public

Timing (WHEN)	Milestone	Form of Involvement	Form of Communication
Jan. 14, 2021	Open House: Public Notice	Consult	<ol style="list-style-type: none"> 1. City Update ad 2. Social media, including Twitter, Instagram posts and stories, and Facebook posts and events 3. Media release 4. Web page with dedicated, friendly URL, e.g. burlington.ca/ranked ballots 5. Slider on homepage of burlington.ca 6. Content for Councillor e-newsletters 7. Get Involved e-newsletter 8. City calendar 9. Utilize local youth and multicultural groups to share messaging

			10. Video to explain ranked ballot system 11. Infographics to explain ranked ballot system
Feb. 4 – 25, 2021	Promotion of survey on ranked ballots on Get Involved Burlington		1. City Update ad 2. Online Metroland ads 3. Social media, including Twitter, Instagram posts and stories, and Facebook posts and events 4. Media release 5. Slider on homepage of burlington.ca 6. Content for Councillor e-newsletters 7. Get Involved e-newsletter 8. City calendar 9. Printed communication sent by direct mail 10. Translation of communications materials into top 5 languages spoken in Burlington 11. Utilize local youth and multicultural groups to share messaging 12. Video to explain ranked ballots 13. Infographics to explain ranked ballot system
Feb. 17 and 18, 2021	Virtual Open Houses (3 open houses over the course of 2 days)	Consult	
Feb. 18, 2021	Public Meeting: Public Notice		1. City Update ad 2. Social media 3. Web content
March 12, 2021	Report and Agenda for Public Meeting published		1. Media release – thank you for taking part in survey, and next steps. 2. Social media posts
March 22, 2021	Public meeting hosted by Corporate Services, Strategy, Risk and Accountability (CSSRA) Committee	Inform and Consult	3. Web content 4. City calendar 5. Get Involved newsletter
March 26, 2021	Corporate Services, Strategy, Risk and Accountability (CSSRA) Committee agenda published with ranked ballots report		1. Social media 2. Web content
April 8, 2021	Corporate Services, Strategy, Risk and Accountability (CSSRA) Committee Meeting – recommendation on ranked ballots		1. Media release 2. Social media, including Twitter, Instagram posts and stories, and Facebook posts and events 3. Slider on homepage of burlington.ca

April 20, 2021	Council Meeting to approve by-law (deadline of May 1, 2021)		4. Content for Councillor e-newsletters 5. Get Involved e-newsletter 6. City calendar 7. Video to explain ranked ballots 8. Infographics to explain ranked ballot system
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How the City Will Collect and Respond to Feedback

Get Involved Burlington is the City's engagement portal. The City will host a survey on getinvolvedburlington.ca where residents will be able to submit their feedback on ranked ballots. The survey will be open to those registered or who register to the Get Involved Burlington engagement portal and have a valid Burlington postal code and will only be allowed to complete the survey once. Non-Burlington postal codes will not be included in the results.

The City will inform residents with the following disclaimer at the start of the survey:

Your participation in this survey is voluntary. Personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act. Individual responses will be kept confidential and will be used to help develop the policy on use of ranked ballots for the City of Burlington. Non-identifiable summaries of responses may be developed and shared publicly. For questions regarding the collection, use and disclosure of this information please contact amanda.fusco@burlington.ca

Evaluating the Public Engagement Process

To assist in measuring how the public participation contributed to the project decision to be made, the following will be used to evaluate the public participation process.

1. Once project is complete, measure the degree to which community members felt they:

- a) Understood the project's process and its limitations
- b) Understood how the feedback they provided influenced the outcome

2. Evaluate each form of engagement.

How did each of the engagement approaches used help to achieve the engagement objectives?

3. Analyze how the feedback received about the forms of engagement impacted the overall public participation process as the project moved forward.

Project Overview

Timing	Milestone	Roles & Responsibilities
Dec. 2020	Develop creative and communications materials	Communications staff
Jan. 14, 2021	Get Involved Burlington project page	Engagement staff
Jan. 14, 2021	Open House – Public Notice	Communications staff
January or February 2021	Presentations to Advisory Committees	Clerks staff
Feb. 4 – 25, 2021	Host survey on ranked ballots	Engagement staff
Feb. 17 and 18, 2021	Open House – Virtual	Clerks staff
Feb. 18, 2021	Public Meeting – Public Notice	Communications staff
March 12, 2021	Report and Agenda for Public Meeting	Clerks staff
March 22, 2021	Public Meeting hosted by CSSRA	Clerks staff
March 26, 2021	CSSRA Agenda published with ranked ballots report	Clerks staff
April 8, 2021	CSSRA Meeting – recommendation on ranked ballots	Clerks staff
April 20, 2021	Council Meeting – approval of by-law (deadline is May 1, 2021)	Clerks staff

Budget Overview

Item	Details	Cost
City Update ad	<ul style="list-style-type: none"> • Full page ad • Half page ad 	\$1,300 (full) \$650 (half)
Consultant	<ul style="list-style-type: none"> • Host 3 virtual open houses • Public meeting • Facilitate/writing of the report 	\$5,000 – \$7,000 per session
Direct mail	<ul style="list-style-type: none"> • Postcard • Brochure 	\$10,000 – \$15,000
Halton Multicultural Council	<ul style="list-style-type: none"> • Survey and survey responses translation into top 5 languages in Halton 	\$900 per language
Online ad's	<ul style="list-style-type: none"> • Inside Halton – Burlington Post 	\$800
Social Media boosts	<ul style="list-style-type: none"> • Corporate social media channels 	\$500
Video	<ul style="list-style-type: none"> • Promotional video on what is ranked ballots 	\$3,500



SUBJECT: Regional Smoking and Vaping in Public Places By-law

TO: Mayor and Members of Council

FROM: Clerks Department

Report Number: CL-23-20

Wards Affected: All

File Numbers:

Date to Committee: Na

Date to Council: November 23, 2020

Recommendation:

Whereas on July 15, 2020 Halton Regional Council approved Report MO 15-20 – Smoking and Vaping in Public Places and enacted Halton Region By-law 40-20, to Prohibit Smoking and Vaping in Public Places within the Regional Municipality of Halton; and

Whereas pursuant to the Municipal Act, 2001, S.O. 2001, c.25, Section 115, (5) when a smoking in public places by-law from an upper tier municipality is passed, a majority of councils of all its lower municipalities must pass a resolution giving their consent, representing a majority of all electors in the upper tier municipality;

Therefore, be it resolved that the Council for the Corporation of the City of Burlington consents to the passage and implementation of Halton Region By-law 40-20, to Prohibit Smoking and Vaping in Public Places within the Regional Municipality of Halton; and

That a copy of this resolution be sent to the municipal clerks of Halton Region, Town of Oakville, Town of Milton and the Town of Halton Hills to provide notice of giving consent to Halton Region By-law 40-20.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture

Background and Discussion:

In Ontario, municipalities are granted authority under section 11 of *the Municipal Act, 2001, S.O. 2001, c.25* (the Act) to enact by-laws respecting the health, safety and well-being of individuals within its jurisdiction. Section 115 of the Act permits municipalities to prohibit or regulate the smoking of tobacco or cannabis in public places and workplaces.

On July 15, 2020 Halton Region enacted a By-law for Smoking and Vaping in Public Places. Correspondence from Halton Region was issued on July 23, 2020 (attached as appendix A) and distributed to Council as part of the Council Information Package on August 6, 2020.

This report is before Council as there is a requirement under the Act, (section 115, subsection 5) relating to the passage of a by-law regarding smoking in public places, outlining actions that must be taken by lower tier municipalities. Subsection 5 outlines the following process:

115 (5) A by-law passed by an upper-tier municipality under this section shall not come into force unless,

- (a) a majority of all votes on the council of the upper-tier municipality are cast in its favour; and
- (b) after the by-law is passed, a majority of the councils of all its lower-tier municipalities have passed resolutions giving their consent to the by-law; and
- (c) the total number of electors in the lower-tier municipalities that pass resolutions under clause (b) form a majority of all the electors in the upper-tier municipality.

Pursuant to Section 115 of the Act, resolutions from Halton Region's the lower tier municipalities are required providing consent to the by-law, which must also represent the majority of electors in the Region resulting in a Triple Majority. To facilitate this process, a recommendation is presented for the City of Burlington Council to approve and give their consent to the by-law. This matter is procedural in nature only.

Enforcement of this by-law will be completed by Region of Halton Public Health staff so there will be no incremental workload impact to City of Burlington By-law Enforcement. Should Council approve the recommendation, correspondence notification that the city has issued consent will be provided to all municipal clerks within the Region of Halton.

Strategy/process

Not applicable.

Options Considered

Not applicable.

Financial Matters:

Not applicable.

Total Financial Impact

Not applicable.

Source of Funding

Not applicable

Other Resource Impacts

Not applicable.

Climate Implications

Not applicable.

Engagement Matters:

The attached report from Halton Region outlines the consultation that occurred.

Conclusion:

This report is procedural in nature, and has been written in accordance with the Act, section 115 (5). Should Council approve the recommendation, the Clerks department will ensure that the necessary notifications are issued.

Respectfully submitted,

Kevin Arjoon

City Clerk

905-335-7600 ext. 7702

Appendices:

- A. Correspondence dated July 23, 2020, Halton Region notifying of Regional Resolution, and attaching Report MO-15-20 – Smoking and Vaping in Public Places By-Law

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.



VIA EMAIL

July 23, 2020

Legislative & Planning Services
Department
Office of the Regional Clerk
1151 Bronte Road
Oakville ON L6M 3L1

City of Burlington, Kevin Arjoon
Town of Halton Hills, Suzanne Jones
Town of Milton, Meghan Reid
Town of Oakville, Vicki Tytaneck

Please be advised that at its meeting held Wednesday, July 15, 2020, the Council of the Regional Municipality of Halton adopted the following resolution:

RESOLUTION: MO-15-20 – Smoking and Vaping in Public Places By-Law

1. THAT By-Law No. 24-09 (Outdoor Smoking Prohibition By-Law) be repealed and replaced with an updated by-law as set out in Report No. MO-15-20 re: "Smoking and Vaping in Public Places By-Law" and that the Director of Legal Services be authorized to prepare such a by-law based on the draft by-law in Attachment # 1.
2. THAT upon its passage, the Regional Clerk forward a copy of the by-law together with Report No. MO-15-20 to the City of Burlington, Town of Halton Hills, Town of Milton and Town of Oakville with the request that each Council pass a resolution giving its consent to the by-law.

Enclosed please find a copy of Report No. MO-15-20 together with By-Law No. 40-20 for your information. Please request that your Council take the action noted in Recommendation #2.

If you have any questions please contact me at extension 7110 or the e-mail address below.

Sincerely,

Graham Milne
Regional Clerk
graham.milne@halton.ca



The Regional Municipality of Halton

Report To:	Regional Chair and Members of Regional Council
From:	Hamidah Meghani, Commissioner and Medical Officer of Health
Date:	July 15, 2020
Report No. - Re:	MO-15-20 – Smoking and Vaping in Public Places By-Law

RECOMMENDATION

1. THAT By-Law No. 24-09 (Outdoor Smoking Prohibition By-Law) be repealed and replaced with an updated by-law as set out in Report No. MO-15-20 re: "Smoking and Vaping in Public Places By-Law" and that the Director of Legal Services be authorized to prepare such a by-law based on the draft by-law in Attachment # 1.
2. THAT upon its passage, the Regional Clerk forward a copy of the by-law together with Report No. MO-15-20 to the City of Burlington, Town of Halton Hills, Town of Milton and Town of Oakville with the request that each Council pass a resolution giving its consent to the by-law.

REPORT

Executive Summary

- The Provincial government enacted the [Smoke-Free Ontario Act, 2017](#) (SFOA, 2017) on October 17, 2018. The Act prohibits the smoking of tobacco and cannabis and the use of electronic cigarettes in prescribed places.
- The Regional By-Law No. 24-09 prohibits the smoking of tobacco within nine meters from any entrance or exit of buildings owned or leased by The Regional Municipality of Halton or its local municipalities. The smoking of cannabis and the use of an electronic cigarette are not covered under this by-law.
- The proposed updated Regional by-law would restrict the smoking of tobacco and cannabis and the use of an electronic cigarette in public parks and public areas within nine metres from any entrance or exit of municipally owned or leased buildings and of child care centres.

Background

In 2009, Regional By-Law No. 24-09 was passed to prohibit the smoking of tobacco within nine meters from any entrance or exit of municipally owned or leased buildings. The smoking of cannabis and the use of an electronic cigarette are not covered under this by-law.

On October 17, 2018, the federal government legalized cannabis use, and in response, the provincial government enacted the *SFOA, 2017* on the same day. To protect workers and the public from second-hand smoke and vapour, the *SFOA, 2017* prohibits the smoking of tobacco and cannabis, and the use of electronic cigarettes in prescribed places and areas. Attachment #2 lists the places where the smoking of tobacco and cannabis and use of an electronic cigarette are prohibited under the *Smoke-Free Ontario Act, 2017* and *O. Reg 268/18*.

In Ontario, municipalities are granted authority under section 11 of the [Municipal Act, 2001](#) to enact by-laws respecting the health, safety and well-being of individuals within its jurisdiction. Section 115 of the [Municipal Act, 2001](#) permits municipalities to prohibit or regulate the smoking of tobacco or cannabis in public places and workplaces.

In June of 2019, Regional Council received Report No. MO-12-19, which advised that staff were exploring options to update Regional By-law No. 24-09 to include the smoking of cannabis, the use of an electronic cigarette and the use of a waterpipe in prescribed areas.

Pursuant to Section 115 of the *Municipal Act, 2001*, a triple majority is required for a Regional by-law passed under this section to come into force. This means that a majority of all votes on Regional Council must be cast in its favour and that a majority of the local Councils representing a majority of the Region's electors must pass resolutions consenting to the by-law.

Discussion

Public Health staff used an evidence-informed approach when considering recommended inclusions for the updated Regional by-law. This consisted of an evidence review and an environmental scan of other municipal by-laws in Ontario.

Findings from the evidence review indicate that second-hand smoke exposure in outdoor settings can be just as harmful as second-hand smoke exposure in indoor settings. Second-hand smoke produced from cannabis is considered as harmful to a non-smoker as cigarette smoke. Smoke from non-tobacco ('herbal shisha') waterpipes contains carbon monoxide, ultrafine particles, heavy metals and aldehydes. Report Nos. MO-05-19, MO-35-19 and MO-05-20 provided information on the health risks of electronic cigarette and tobacco use and the adverse health effects of second-hand vapour and second-hand smoke exposure.

An environmental scan of municipal by-laws in Ontario found 103 municipal by-laws which exceeded the provisions in the *SFOA, 2017*. Several more municipalities have passed by-laws to address tobacco, cannabis, electronic cigarette and waterpipe use within their municipalities since the environmental scan was completed.

Staff consulted with Conservation Halton and Credit Valley Conservation Authority (CVC) regarding their possible inclusion in the Regional by-law. Conservation Halton recently updated its smoking policy to include the smoking of cannabis, the use of electronic cigarettes and the use of waterpipes and at this time did not want to be included. CVC currently has a policy that prohibits the smoking of cannabis on any CVC owned/managed land unless a medical certificate for its use is provided. Over the 2019-2020 operating seasons, CVC will be reviewing by-laws and policies of partner municipalities, consulting with stakeholders and will bring forward an updated smoking policy to the CVC Board for approval in summer of 2020.

Public Health staff met with representatives from the four local municipalities to discuss recommended inclusions for the updated Regional by-law. A survey was provided to each municipal representative with a request to coordinate internal consultations to determine the level of municipal support for the following recommendations:

- prohibiting the smoking of cannabis, the use of an electronic cigarette, and the use of a waterpipe in public parks and public areas within nine metres from any entrance or exit of child care centres
- prohibiting waterpipe use in an enclosed workplace or public place
- appointing municipal law enforcement officers to enforce the Regional by-law

There was support among the four local municipalities for an expanded Regional by-law to address electronic cigarettes, cannabis and waterpipe use and there was general support for the prohibition of the use of these products in public parks and public areas within nine metres of a child care centre as well as waterpipe use in enclosed workplaces/public places.

Public health staff enforce the existing Regional By-law No. 24-09. The preference of the local municipalities is for the enforcement of the new proposed by-law to remain with public health staff. The draft by-law provides flexibility should the local municipalities choose to be included in the future.

While there was support for the prohibition of waterpipe use in an enclosed workplace and public place, consultation with waterpipe establishment owners identified a need to better understand the impacts of enacting a waterpipe by-law. A report outlining the impacts and recommended approach will be presented to Regional Council for consideration at a later date.

As a result of the consultation, the following is included in the proposed Regional by-law:

- The smoking of tobacco and cannabis and the use of electronic cigarettes would be prohibited in the following places:
 - Public areas within nine metres from any entrance or exit of municipally owned or leased buildings
 - Public areas within nine metres from any entrance or exit of child care centres
 - Public parks (public parks would include land owned by a municipality that is designed or used for public recreation including, but not limited to, parklands, parkettes, trails, playgrounds, sports fields, playing fields, beaches and dog parks, and includes any lane and walkway leading thereto, any parking lots connected thereto, and any spectator or player seating areas)
- Enforcement will be conducted by public health inspectors, with an option for the local municipalities to appoint their staff as enforcement officers under the by-law.

As outlined in the draft by-law, included as Attachment #1, there is a requirement for the posting of prescribed signage throughout all public parks and at all entrances or exits of child care centres and Regional or municipally owned or leased buildings. Initial costs for signage is estimated to be \$40,000, which will be covered by the Region. Replacement signage will also be provided by the Region.

Non-compliance with the by-law will be investigated on a complaint basis. A progressive enforcement approach to achieve compliance will be used by public health inspectors. Progressive enforcement includes the use of education, warnings and graduated charging options to reflect the frequency and severity of the level of non-compliance.

Conclusion

By including additional products and prohibited places in the updated Regional by-law, Halton residents will be further protected from the harms of smoking and vaping.

FINANCIAL/PROGRAM IMPLICATIONS

The cost for staff resources to enforce the proposed by-law and signage costs will be accommodated within the approved 2020 Budget and Business Plan.

Respectfully submitted,



Matthew Ruf
Director, Healthy Environments &
Communicable Disease



Hamidah Meghani, MD
Commissioner and Medical Officer of Health

Approved by



Jane MacCaskill
Chief Administrative Officer

If you have any questions on the content of this report,
please contact:

Matthew Ruf

Tel. # 7508

Attachments: Attachment #1 - Draft By-Law No. XX-20
Attachment #2 - Places where smoking of tobacco, cannabis and use of an electronic
cigarettes are prohibited

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. XX-20

A BY-LAW TO PROHIBIT SMOKING AND VAPING IN PUBLIC PLACES WITHIN THE REGIONAL MUNICIPALITY OF HALTON AND TO REPEAL BY-LAW NO. 24-09.

WHEREAS subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the *Municipal Act*), authorizes Regional Council to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS subsection 115(1) of the *Municipal Act* authorizes a municipality to prohibit or regulate the smoking of tobacco or cannabis in public places and workplaces;

AND WHEREAS Regional Council in its capacity as the Region's Board of Health has a duty under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7 to protect the public from exposure to second-hand smoke.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

1.0 DEFINITIONS

In this By-law:

- (a) "ashtray" means a receptacle or similar equipment for tobacco and/or cannabis ashes and for cigarette and cigar butts;
- (b) "cannabis" has the same definition as in section 2(1) of the *Cannabis Act*, S.C. 2018, c. 16;
- (c) "child care centre" means a child care centre within the meaning of the *Child Care and Early Years Act, 2014*, S.O. 2014, c. 11, Sched. 1, and for greater certainty does not include home child care or in-home services as defined in that Act;
- (d) "electronic cigarette" means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine;
- (e) "Enforcement Officer" means a public health inspector acting under the direction of the Medical Officer of Health for the Region or a person appointed by any Local Municipality for the purpose of enforcing the provisions of this By-law;
- (f) i. "entrance or exit", in connection with a municipally owned or leased building, means any entrance or exit used by the public and/or staff to enter or exit the building, but in the case of a building leased only in part by the Municipality

means only such entrance or exit used exclusively for the purpose of entering into or exiting from the premises leased by the Municipality and not for the purpose of entering into or exiting from premises leased by any other tenant(s) or premises used in common with any other tenant(s); “entrance or exit” also means any external serving window of a municipally owned building, or part thereof, which is used as a concession stand;

- ii. “entrance or exit”, in connection with a child care centre, means any entrance or exit used by the children attending the child care centre and/or their parents or guardians to enter or exit the building, but in the case of a building used only in part by the child care centre means only such entrance or exit that is either (a) used only to access the child care centre and no other part of the building or (b) designated by signage as an entrance or exit intended to access the child care centre;
- (g) “Local Municipality” means the Corporation of the City of Burlington, the Town of Oakville, the Town of Milton or the Town of Halton Hills;
- (h) “Municipality” means the Region or a Local Municipality;
- (i) “municipally owned or leased building” means any building owned or leased, in whole or in part, by a Municipality and includes, but is not limited to, municipal offices, community centres, libraries, indoor swimming pools, arenas, museums, art galleries, public washrooms, recreational centres, police stations, fire halls and ambulance stations, but does not include a building used by or for the purposes of the Halton Community Housing Corporation; and “municipally owned building” and “municipally leased building” shall have corresponding meanings;
- (j) “operator”, in connection with a child care centre, means a person who has control or management of the child care centre;
- (k) “public park” means land owned by a Municipality that is designed or used for public recreation including, but not limited to, parklands, parkettes, trails, playgrounds, sports fields, playing fields, beaches and dog parks, and includes any lane and walkway leading thereto, any parking lots connected thereto, and any spectator or player seating areas;
- (l) “Region” means The Regional Municipality of Halton;
- (m) “Regional Council” means the Council of the Region;
- (n) “Smoke-Free Ontario Act, 2017” means the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, Sched. 3;
- (o) “use”, with respect to electronic cigarettes, includes any of the following:
 - i. inhaling vapour from an electronic cigarette,

- ii. exhaling vapour from an electronic cigarette,
 - iii. holding an activated electronic cigarette;
- (p) “vape” means to use an electronic cigarette; and “vaping” has a corresponding meaning.

2.0 INTERPRETATION AND SCOPE

- 2.1 In the event of a conflict between any provisions of this By-law and the Smoke-Free Ontario Act, 2017, the provision that is more restrictive prevails, subject to subsection 18 of the Smoke-Free Ontario Act, 2017.
- 2.2 Any reference in this By-law to any statutes, regulations or by-laws shall be deemed to be a reference to such statutes, regulations or by-laws, as amended, restated or replaced from time to time.

3.0 PROHIBITIONS

- 3.1 No person shall smoke or hold lighted tobacco, smoke or hold lighted cannabis, or use an electronic cigarette in the following places:
- (a) within nine (9) metres from any entrance or exit of a municipally owned or leased building,
 - (b) within nine (9) metres from any entrance or exit of a child care centre,
 - (c) in a public park.
- 3.2 The application of section 3.1 is not affected by the absence or presence of signage referred to in sections 4.1 and 4.2.

4.0 SIGNS

- 4.1 Each Municipality shall ensure that no smoking/no vaping signs are posted in a conspicuous manner and not obstructed from view on or immediately next to every entrance or exit of each of its municipally owned and leased buildings and throughout each public park, and that such signs be in sufficient numbers and in locations to clearly identify the prohibition set out in section 3.1.
- 4.2 Each operator of a child care centre shall ensure that no smoking/no vaping signs are posted in a conspicuous manner and not obstructed from view on or immediately next to every entrance or exit of its child care centre, and that such signs be in sufficient numbers and in locations to clearly identify the prohibition set out in section 3.1.

4.3 The signs required pursuant to sections 4.1 and 4.2 shall be provided to the Local Municipalities and to operators of child care centres by the Region and the costs of producing the signs shall be the Region's responsibility. Each Local Municipality and each operator of a child care centre shall be responsible for advising the Region of the number of signs it requires.

4.4 The owner of a municipally leased building or building used in whole or in part for the purpose of a child care centre shall permit the Municipality or the operator of the child care centre, as applicable, to post the signs required pursuant to section 4.1 or 4.2.

4.5 No person shall remove, cover up, mutilate, deface or alter any sign required to be posted pursuant to section 4.1 or 4.2.

5.0 ASHTRAYS

5.1 The owner of any building to which this By-law applies or of a public park shall ensure that ashtrays are not available for use within any area where the smoking or holding of lighted tobacco or lighted cannabis is prohibited pursuant to section 3.1.

6.0 EXCEPTIONS

6.1 This By-law does not apply to any portion of a highway as defined in the Municipal Act or to any private property other than private property which:

- (a) is owned by the owner of a building to which this By-law applies, and
- (b) constitutes the area within nine (9) metres from any entrance or exit of such building to which this By-law applies, provided that such area is not directly adjacent to a doorway that leads to premises leased by any other tenant(s) or premises used in common with any other tenant(s) of the same building.

7.0 LISTS OF PREMISES TO WHICH THIS BY-LAW APPLIES

7.1 No later than sixty (60) days after this By-law comes into force and effect, the Clerk of each Local Municipality shall provide to the Medical Officer of Health for the Region a list of all buildings owned or leased, in whole or in part, by the Local Municipality and a list of public parks.

8.0 INSPECTIONS AND ENFORCEMENT

8.1 The provision of this By-law may be enforced by Enforcement Officers.

8.2 Enforcement Officers may inspect public parks, any entrance or exit of a municipally owned or leased building or child care centre and the area surrounding any such entrance or exit for the purpose of determining if the provisions of this By-law are being complied with.

9.0 OBSTRUCTION AND FALSE STATEMENT PROHIBITED

9.1 No person shall hinder or obstruct an Enforcement Officer who is acting pursuant to the authority of this By-law.

9.2 No person shall knowingly produce a false document or make a false or misleading statement to an Enforcement Officer who is acting pursuant to the authority of this By-law.

10.0 EVIDENCE

10.1 In a prosecution pursuant to this By-law, a justice presiding over the proceeding may infer that any substance or thing in question is tobacco within the meaning of this By-law from the fact that a witness describes it as tobacco or by a name that is commonly applied to tobacco.

10.2 In a prosecution pursuant to this By-law, a justice presiding over the proceeding may infer that any substance or thing in question is cannabis within the meaning of this By-law from the fact that a witness describes it as cannabis or by a name that is commonly applied to cannabis.

10.3 In a prosecution pursuant to this By-law, a justice presiding over the proceeding may infer that any substance or thing in question is an electronic cigarette within the meaning of this By-law from the fact that a witness describes it as an electronic cigarette or by a name that is commonly applied to an electronic cigarette.

11.0 OFFENCES AND PENALTIES

11.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine in accordance with the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

12.0 EFFECTIVE DATE

12.1 This By-law comes into force and effect on the date which is ninety (90) days after the date on which the Clerk of the Region has received certified copies

of resolutions giving consent to this By-law passed by the councils of three of the Local Municipalities.

12.2 By-law No. 24-09 shall be repealed on the date this by-law comes into force and effect.

13.0 HEADINGS FOR REFERENCE ONLY

13.1 The headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

14.0 SEVERABILITY

14.1 If, for any reason, any provision of this By-law is held invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part, or dealt with in any other way.

15.0 SHORT TITLE

15.1 The short title of this By-law is the “Halton Region Smoking/Vaping By-law”.

READ and PASSED this ____ day of _____, 2020.

REGIONAL CHAIR

REGIONAL CLERK

Report No. MO-XX-XX

Under the *Smoke-Free Ontario Act, 2017* and *O. Reg 268/18*, places where the smoking of tobacco and cannabis and use of an electronic cigarette are prohibited include:

- Enclosed public places or workplaces
- Outdoor grounds of schools, and all public places within 20 metres of these grounds
- Indoor common areas in condos, apartment buildings and university/college residences
- Child care centres or where an early years program is provided
- Places where home child care is provided
- Reserved seating areas at outdoor sports and entertainment locations
- Outdoor grounds of hospitals (public/private) and psychiatric facilities
- Nine metres from the entrance or exit of hospitals (public/private), psychiatric facilities, long-term care homes, independent health facilities
- Outdoor grounds of certain provincially-owned office buildings
- Restaurant/bar patios and public areas within nine metres (excluding certain veterans' organizations)
- Children's playgrounds and public areas within 20 metres
- Publicly owned sporting areas, spectator areas adjacent to sporting areas and public areas within 20 metres
- Sheltered outdoor areas with a roof and more than two walls which the public or employees frequent, or are invited to (e.g. bus shelter)
- Outdoor grounds of community recreational facilities, and public areas within 20 metres of those grounds
- Vehicles or boats that are being driven or is at risk of being put in motion (cannabis only)
- Motor vehicles when a person under the age of 16 is present (smoking of tobacco and use of an electronic cigarette)

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 40-20

A BY-LAW TO PROHIBIT SMOKING AND VAPING IN PUBLIC PLACES WITHIN THE REGIONAL MUNICIPALITY OF HALTON AND TO REPEAL BY-LAW NO. 24-09.

WHEREAS subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the *Municipal Act*), authorizes Regional Council to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS subsection 115(1) of the *Municipal Act* authorizes a municipality to prohibit or regulate the smoking of tobacco or cannabis in public places and workplaces;

AND WHEREAS Regional Council in its capacity as the Region's Board of Health has a duty under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, to protect the public from exposure to second-hand smoke.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

1.0 DEFINITIONS

1.1 In this By-law:

- (a) "ashtray" means a receptacle or similar equipment for tobacco and/or cannabis ashes and for cigarette and cigar butts;
- (b) "cannabis" has the same definition as in section 2(1) of the *Cannabis Act*, S.C. 2018, c. 16;
- (c) "child care centre" means a child care centre within the meaning of the *Child Care and Early Years Act, 2014*, S.O. 2014, c. 11, Sched. 1, and for greater certainty does not include home child care or in-home services as defined in that Act;
- (d) "electronic cigarette" means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine;
- (e) "Enforcement Officer" means a public health inspector acting under the direction of the Medical Officer of Health for the Region or a

person appointed by any Local Municipality for the purpose of enforcing the provisions of this By-law;

(f) i) "entrance or exit", in connection with a municipally owned or leased building, means any entrance or exit used by the public and/or staff to enter or exit the building, but in the case of a building leased only in part by the Municipality means only such entrance or exit used exclusively for the purpose of entering into or exiting from the premises leased by the Municipality and not for the purpose of entering into or exiting from premises leased by any other tenant(s) or premises used in common with any other tenant(s); "entrance or exit" also means any external serving window of a municipally owned building, or part thereof, which is used as a concession stand;

ii) "entrance or exit", in connection with a child care centre, means any entrance or exit used by the children attending the child care centre and/or their parents or guardians to enter or exit the building, but in the case of a building used only in part by the child care centre means only such entrance or exit that is either (a) used only to access the child care centre and no other part of the building or (b) designated by signage as an entrance or exit intended to access the child care centre;

(g) "Local Municipality" means the Corporation of the City of Burlington, the Town of Oakville, the Town of Milton or the Town of Halton Hills;

(h) "Municipality" means the Region or a Local Municipality;

(i) "municipally owned or leased building" means any building owned or leased, in whole or in part, by a Municipality and includes, but is not limited to, municipal offices, community centres, libraries, indoor swimming pools, arenas, museums, art galleries, public washrooms, recreational centres, police stations, fire halls and ambulance stations, but does not include a building used by or for the purposes of the Halton Community Housing Corporation; and "municipally owned building" and "municipally leased building" shall have corresponding meanings;

(j) "operator", in connection with a child care centre, means a person who has control or management of the child care centre;

(k) "public park" means land owned by a Municipality that is designed or used for public recreation including, but not limited to, parklands, parkettes, trails, playgrounds, sports fields, playing fields, beaches and dog parks, and includes any lane and walkway leading

thereto, any parking lots connected thereto, and any spectator or player seating areas;

(l) "Region" means The Regional Municipality of Halton;

(m) "Regional Council" means the Council of the Region;

(n) "Smoke-Free Ontario Act, 2017" means the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, Sched. 3;

(o) "use", with respect to electronic cigarettes, includes any of the following:

- i) inhaling vapour from an electronic cigarette,
- ii) exhaling vapour from an electronic cigarette,
- iii) holding an activated electronic cigarette;

(p) "vape" means to use an electronic cigarette; and "vaping" has a corresponding meaning.

2.0 INTERPRETATION AND SCOPE

2.1 In the event of a conflict between any provisions of this By-law and the Smoke-Free Ontario Act, 2017, the provision that is more restrictive prevails, subject to subsection 18 of the Smoke-Free Ontario Act, 2017.

2.2 Any reference in this By-law to any statutes, regulations or by-laws shall be deemed to be a reference to such statutes, regulations or by-laws, as amended, restated or replaced from time to time.

3.0 PROHIBITIONS

3.1 No person shall smoke or hold lighted tobacco, smoke or hold lighted cannabis, or use an electronic cigarette in the following places:

- (a) within nine (9) metres from any entrance or exit of a municipally owned or leased building,
- (b) within nine (9) metres from any entrance or exit of a child care centre,
- (c) in a public park.

3.2 The application of section 3.1 is not affected by the absence or presence of signage referred to in sections 4.1 and 4.2.

4.0 SIGNS

- 4.1 Each Municipality shall ensure that no smoking/no vaping signs are posted in a conspicuous manner and not obstructed from view on or immediately next to every entrance or exit of each of its municipally owned and leased buildings and throughout each public park, and that such signs be in sufficient numbers and in locations to clearly identify the prohibition set out in section 3.1.
- 4.2 Each operator of a child care centre shall ensure that no smoking/no vaping signs are posted in a conspicuous manner and not obstructed from view on or immediately next to every entrance or exit of its child care centre, and that such signs be in sufficient numbers and in locations to clearly identify the prohibition set out in section 3.1.
- 4.3 The signs required pursuant to sections 4.1 and 4.2 shall be provided to the Local Municipalities and to operators of child care centres by the Region and the costs of producing the signs shall be the Region's responsibility. Each Local Municipality and each operator of a child care centre shall be responsible for advising the Region of the number of signs it requires.
- 4.4 The owner of a municipally leased building or building used in whole or in part for the purpose of a child care centre shall permit the Municipality or the operator of the child care centre, as applicable, to post the signs required pursuant to section 4.1 or 4.2.
- 4.5 No person shall remove, cover up, mutilate, deface or alter any sign required to be posted pursuant to section 4.1 or 4.2.

5.0 ASHTRAYS

- 5.1 The owner of any building to which this By-law applies or of a public park shall ensure that ashtrays are not available for use within any area where the smoking or holding of lighted tobacco or lighted cannabis is prohibited pursuant to section 3.1.

6.0 EXCEPTIONS

- 6.1 This By-law does not apply to any portion of a highway as defined in the Municipal Act or to any private property other than private property which:

- (a) is owned by the owner of a building to which this By-law applies, and
- (b) constitutes the area within nine (9) metres from any entrance or exit of such building to which this By-law applies, provided that such area is not directly adjacent to a doorway that leads to premises leased by any other tenant(s) or premises used in common with any other tenant(s) of the same building.

7.0 LISTS OF PREMISES TO WHICH THIS BY-LAW APPLIES

- 7.1 No later than sixty (60) days after this By-law comes into force and effect, the Clerk of each Local Municipality shall provide to the Medical Officer of Health for the Region a list of all buildings owned or leased, in whole or in part, by the Local Municipality and a list of public parks.

8.0 INSPECTIONS AND ENFORCEMENT

- 8.1 The provision of this By-law may be enforced by Enforcement Officers.
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9.0 OBSTRUCTION AND FALSE STATEMENT PROHIBITED

- 9.1 No person shall hinder or obstruct an Enforcement Officer who is acting pursuant to the authority of this By-law.
- 9.2 No person shall knowingly produce a false document or make a false or misleading statement to an Enforcement Officer who is acting pursuant to the authority of this By-law.

10.0 EVIDENCE

- 10.1 In a prosecution pursuant to this By-law, a justice presiding over the proceeding may infer that any substance or thing in question is tobacco within the meaning of this By-law from the fact that a witness describes it as tobacco or by a name that is commonly applied to tobacco.

10.2 In a prosecution pursuant to this By-law, a justice presiding over the proceeding may infer that any substance or thing in question is cannabis within the meaning of this By-law from the fact that a witness describes it as cannabis or by a name that is commonly applied to cannabis.

10.3 In a prosecution pursuant to this By-law, a justice presiding over the proceeding may infer that any substance or thing in question is an electronic cigarette within the meaning of this By-law from the fact that a witness describes it as an electronic cigarette or by a name that is commonly applied to an electronic cigarette.

11.0 OFFENCES AND PENALTIES

11.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine in accordance with the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

12.0 EFFECTIVE DATE AND REPEAL

12.1 This By-law comes into force and effect on the date which is ninety (90) days after the date on which the Clerk of the Region has received certified copies of resolutions giving consent to this By-law passed by the councils of three of the Local Municipalities.

12.2 By-law No. 24-09 shall be repealed on the date this by-law comes into force and effect.

13.0 HEADINGS FOR REFERENCE ONLY

13.1 The headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

14.0 SEVERABILITY

14.1 If, for any reason, any provision of this By-law is held invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part, or dealt with in any other way.

15.0 SHORT TITLE

15.1 The short title of this By-law is the "Halton Region Smoking/Vaping By-law".

READ and PASSED this 15th day of July, 2020.


REGIONAL CHAIR
REGIONAL CLERK

Report: MO-15-20



SUBJECT: Appointment of Fire Chief

TO: Mayor and Members of Council

FROM: Human Resources Department

Report Number: HR-5-20

Wards Affected: All

File Numbers: 315-01

Date to Committee: November 23, 2020

Date to Council: November 23, 2020

Recommendation:

Approve recommendations contained within Confidential Appendix A.

PURPOSE:

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

This report will outline the process followed to complete the recruitment for a new Fire Chief for the City of Burlington. As a Statutory Officer of the City of Burlington, Council must approve the appointment of this position.

Strategy/process

The position of Fire Chief was posted from September 9, 2020 to September 24, 2020 and numerous applications were received from candidates across and outside of the province.

First interviews were conducted by City Manager Tim Commisso, Executive Director of Environment, Infrastructure and Community Services, Allan Magi, Chief Building Official and Director of Building and By-Law, Nick Anastasopoulos, and Executive Director of

Human Resources, Laura Boyd. First interviews focused on the following skills and competencies:

- Technical Background;
- Strategic Leadership;
- Communication;
- People Leadership; and
- Collaboration with Key Stakeholders and Partners.

Upon completion of the interviews, the interview panel agreed on the top candidates who were offered the opportunity to attend a full day management assessment with Diane Locke of Ellis Locke and Associates. The assessment process combined in depth interviews with several hours of testing to assess each candidate's suitability for the role. Specifically, it focused on:

- Thinking Style;
- Interpersonal Style;
- Leadership Orientation;
- Work Orientation; and
- Personal preferences and Perspectives.

Once the assessments were completed, second interviews were conducted. Councilor Kelvin Galbraith, as Chair of the Environment, Infrastructure and Community Services Committee, joined the interview panel. Upon completion of the second interviews, the panel unanimously agreed upon the successful candidate.

Options Considered

NA

Financial Matters:

NA

Total Financial Impact

NA

Source of Funding

NA

Conclusion:

Approve the recommendation as outlined in Confidential Appendix A.

Respectfully submitted,

Laura Boyd

Executive Director of Human Resources

Ext. 7631

Appendices: (if none delete section)

A. Confidential Appendix A

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.



SUBJECT: Financial support for Recreation facility user groups due to impacts of COVID

TO: Mayor and Members of Council

FROM: Recreation Services Department

Report Number: RS-11-20

Wards Affected: all

File Numbers: 900-01

Date to Committee: November 23, 2020

Date to Council: November 23, 2020

Recommendation:

Direct the Director of Recreation Services to implement Option 2 of a rate reduction strategy, to take effective January 1, 2021, to provide support for recreation facility user groups impacted by COVID, as outlined in Report RS-11-20.

PURPOSE:

The purpose of this report is to present recommendations for Council's approval to support recreation facility users and businesses through financial support with respect to rental rates. This initiative connects with the following strategic directions of the City's 2018-2022 Strategic Plan - From Vision to Focus (V2F):

- Increase economic prosperity and community responsive city growth

The impact of COVID-19 on local businesses, including providers of Sport and Recreation opportunities, has been significant. Reducing recreation facility rental fees supports businesses struggling to maintain operations throughout COVID-19 restrictions, so they can grow again post-pandemic.

Background and Discussion:

The disruption of COVID-19 has been significant and has impacted the residents of Burlington in various ways. A slow return to service is already underway, and will

continue into 2021, based on the belief that offering programs where possible supports a sense of normalcy, belonging, and better health outcomes for residents.

Rent reduction is intended to provide relief for user groups and small businesses who use recreation facilities to run programs for the community, and whose operations have been negatively impacted by COVID related restrictions.

On August 13, 2020, Council approved a 25% rate reduction (except for school board facilities) for all facility renters effective June 1 to December 31, 2020. The impact of this rate reduction was initially projected to negatively impact revenues by ~\$135,000. A positive response and an easing of restrictions in early fall led to more rentals than anticipated and as such the adjusted projection on revenue impacts is ~\$200,000.

It is important to note, that the council direction was to apply a blanket rate reduction as way of providing relief to all users including for profit organization which could not be serviced through Burlington's Fee Waiver program due to rules against bonusing. Burlington's Fee Waiver program provides direct support to not-for-profit groups who can apply to use City Recreation Facilities for a reduced fee or, in some cases, have the fee waived entirely. This support is on a one-time basis. On a typical year, the City has a budget of \$14,200 to support these groups and any unused funds are transferred to the Fee Waiver fund for future years.

Burlington has a strong history of partnership with both not-for-profit organizations and small, for-profit businesses to provide recreation and sport opportunities for residents. These groups have been adversely affected by the restrictions for COVID-19, such as the requirement to cap the number of participants permitted in a facility at a given time, which reduces revenue, as well as the need for special protective equipment, extra cleaning and screening protocols, and training for staff, all of which increase expenses. Further, as residents continue to feel the economic impacts, there may be a temporary decline in participation numbers, coinciding with the tightening of household budgets.

Continuing rental rate reduction support into 2021 will help as many of these groups as possible survive this disruption, maintaining "something to come back to" post-pandemic. Groups will be encouraged to pass savings along to residents, lowering or maintaining the cost of participation for families and individuals. Priority is already given in the space allocation process to groups with a fee assistance program; this will continue with the goal of maximizing safe, accessible, and affordable participation in recreation and sport.

Effective November 13, 2020, Halton Region entered the control/red level of the [COVID-19 response framework: keeping Ontario safe and open](#). This change imposes more stringent measures and restrictions on Burlington residents. It is evident that the pandemic will continue well into 2021 and beyond and as a result, leaving long term and lasting negative impacts on the economy. It is expected that it will take residents and

businesses of Burlington a few years to return to normalcy, solidifying the need to provide facility users with financial relief as a small token of support.

Strategy/process

As a result of positive customer feedback and a council direction (SD-26-20)

Direct the Director of Recreation Services to summarize options for a fee reduction program and provide recommendations, if any, for consideration by City Council on November 23, 2020 on:

- continuation of the 25% fee reduction for all city rental users, including both for-profit and not-for-profit organizations, from January to June 2021;
- phased fee reduction for all city rental users, including both for-profit and not-for-profit organizations, of 20% for Q1, 15% for Q2, 10% for Q3 and no reduction for Q4 of 2021;
- 25% fee reduction for indoor city rental users only; and
- implementation of a grant application program to direct funding where most needed.

Staff are recommending an extension to the rental rate reduction into the 2021 fiscal year. The below are filters through which recommendations were reviewed:

- **Accessibility** such that the recommendation be applicable to the largest number of users.
- **Ease of use** such that the process is not cumbersome for users that have limited time available and be simple to administer for staff.
- **Fiscal responsibility** such that the recommendation be the most cost efficient and provide the best “bang for our buck” for both users and city budget.
- **Relevance** such that the recommendation aligns with rental trends experienced during COVID. For example, data illustrates that outdoor rentals were less impacted than indoor largely due to the Province and Public Health’s regulations.

Given the above, the following 4 recommendations are proposed by staff:

Option	Details	Financial Impact	Pros	Cons
Option 1	<p>a) Continue the 25% rental rate reduction for all of 2021</p> <p>OR</p> <p>b) Continue the 25% rate reduction from Jan-June 2021</p>	<p>a) ~\$590,000</p> <p>b) ~\$200,000</p>	This option is the easiest to implement for staff and provides the most relief to customers.	This option is the most expensive and may conflict with the relevance filter based on outdoor rental fill rates.
Option 2	Continue with rental rate reductions, but slowly step down the reduction and phase the program out over the course of 2021, with 20% reduction applied in the first quarter, 15% in Q2, 10% in Q3 and a return to regular rates in Q4.	~\$205,000	This option is the more complex for staff but offers the most flexibility and a targeted approach based on need with lower financial relief as we head into pandemic recovery. This option suggests that the program would end in Q4 2021.	This option suggests that COVID would be in a recovery state by mid to end of 2021, however the road to recovery may be longer and users may require financial relief beyond Q3 2021.
Option 3	Step down the reduction and phase it out as in Scenario 2 but further refine the scope to exclude playfields. Specifically, this option suggests a 20% reduction applied in the first quarter, 15% in Q2, 10% in Q3 and a return to regular rates in Q4 (playfields excluded).	~\$100,000	This option offers the same benefits as option 2. In addition, outdoor recreation experienced fewer restrictions and may experience a faster return to full service than indoor recreational groups. As a result, this	This option suggests that restrictions would be eased such that users would not experience financial burden in the summer months.

			option excludes playfields and therefore a more targeted financial relief approach.	
Option 4	Creation of a COVID fee waiver program such that organizations would apply and be provided with financial relief based on need. This program would operate separate from Burlington's fee waiver program.	\$~150,000	This option allows for a more targeted approach based on demonstrated need.	This would be very time consuming for user groups to submit and for staff to administer; could be problematic if the need expands past budget available. It is estimated that it would be require at minimum; 2 FTEs for 8 weeks to administer.

Options Considered

Staff are recommending option 2, "Continue with rental rate reductions, but slowly step down the reduction and phase the program out over the course of 2021, with 20% reduction applied in the first quarter, 15% in Q2, 10% in Q3 and a return to regular rates in Q4" at a financial ask of \$205,000. This option applies to all renters, requires no additional work from customers, offers a stepped down rate reduction that aligns with both need and fiscal responsibility.

Financial Matters:

The total financial impact of option 2 is estimated at approximately \$205,000 to be seen in rental revenue reduction for the 2021 budget year.

Source of Funding

The financial impact as a result of this recommendation will be included in the 2021 operating budget.

Climate Implications

Not applicable

Engagement Matters:

Staff received ample customer feedback illustrating the need for financial relief for user groups. Following the approval of the 25% rate reduction in 2020, staff engaged informally and formally with users regarding their satisfaction with the program and received positive feedback and the ask for an extension into the 2021 budget year. Should council support staff's recommendation, a communication plan will be rolled out to impacted customers.

Conclusion:

Providing recreation facility users with rate reduction for 2021 allows them to reduce their overhead costs and supports them as they work to survive the impacts of COVID and continue to offer programs to our community.

Respectfully submitted,

Emilie Cote

Manager of Business Services

905-335-7600 ext. 7771

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.



SUBJECT: Winter Holiday Opportunities 2020/2021

TO: Mayor and Members of Council

FROM: Recreation Services Department

Report Number: RS-12-20

Wards Affected: all

File Numbers: 915-01

Date to Committee: November 23, 2020

Date to Council: November 23, 2020

Recommendation:

Direct the Director of Recreation Services to implement Option C for the 2020/2021 winter holiday season as outlined in report RS-12-20; and

Direct the Director of Recreation Services to implement a household rental program in arenas, pools and gyms to encourage people to stay active with members from their households.

PURPOSE:

- Building more citizen engagement, community health and culture

Background and Discussion:

On November 12, 2020 at the Corporate Services Strategy, Risk and Accountability Committee the following staff direction was issued (CM-33-20) (SD-25-20)

Direct the Director of Recreation Services to report back at the November 23, 2020 City Council meeting on the total cost of operating 17 free skates and 6 free sticks and pucks, for council consideration, and seek a potential alternative sponsor or sponsors for these skates.

Since the committee meeting the Province of Ontario announced that Halton Region, including City of Burlington entered the control/red level of the [COVID-19 response framework: keeping Ontario safe and open](#). This announcement impacts the proposed

Holiday Skate Program as well the use of all recreation facilities by limiting activity spaces to 10 participants with no games or scrimmages. This has had a significant impact on recreational skating as well as user groups. As a result, a number of groups are cancelling facility rental times because of the new provincial limitations. With the additional facility availability staff would like to propose a, "Household Rental Program," to enable residents to have an opportunity to support their physical and mental wellness.

Strategy/process

Holiday Skates:

Staff have taken several action steps since Committee on November 12, 2020.

- Staff have reached out to Tim Horton's to see if they have any interest in sponsoring the modified holiday skate program this year before entertaining another sponsor. We have had some initial discussions with Tim Horton's and staff will provide a verbal update at Council on Monday.
- Staff have completed a financial analysis of offering the skates for free. Refer to the financial matters for the details. Council should note that in the red zone only 10 skaters are allowed on an indoor ice rink at any given time.
- Staff have also reviewed the arena schedules to see how many skates that can be offered.
- Given the limited number of skaters on the ice, staff have also looked at offering a modified service level by reducing the need to skate patrol on the ice for ten people. The skates will be supervised by arena operations staff and customer service staff.

Household Rentals:

- With the recent changes to 10 people per indoor room; gyms, ice pads, and meeting rooms and 50 people per pool and the encouragement by Public Health to only limit connections with people in the household, staff would like to propose a Household Rental program for residents.
- The program would use available ice, pool and gym time for households to come in to play and recreate for their physical and mental wellbeing.
- Household would pay the youth non-prime or youth rate depending on the facility for use of the facility.
- Staff are looking at one-hour rentals for gyms and pools and half hour rental for ice pads.

- Staff have seen this program in other municipalities the program has been popular and well received by residents.

Options Considered

As discussed at Committee there are several options that Council can consider if they would like to support free holiday skating.

Please note that the number of participants is reflective of a 10-person capacity per ice pad, in accordance with the Red zone.

The dollars reflected in the chart highlight the additional investment required to run these programs. Through previous reports on service resumption Council has approved the re-designed operations of arenas which captured arena fixed operating costs for the plant, full-time staff, additional part time staff to perform facility disinfection and being a greeter to ensure the COVID screening has been completed.

Options	Description	Further Investment required	Hours of Programming	Number of Participants
A	17 Public Skates and 6 Sticks and Pucks for free (the program outlined in report CM-33-20)	\$1,700	32	230
B	Offer 45 free skates for 1.5 hours in length	\$3,500	67.5	450
C	Offer 65 free skates for 1 hour in length	\$4,100	65	650

In addition to the options above staff would like to offer the following user pay programs which is consistent with past holiday programming.

Program	Further Investment required	Hours of Programming	Number of Participants
Sticks and Pucks	\$0	7	70
Public Skates for 18 years and older	\$100	9	60

Financial Matters:

Total Financial Impact

The total financial impact of option C with the paid holiday skate program is \$4,100 between the 2020 and 2021 operating budgets.

There are no additional financial impacts for the Household Rental Program.

Source of Funding

Staff will reflect the overexpenditure in the operating budgets and report through budget projections accordingly.

Other Resource Impacts

N/A

Climate Implications

Recreation facilities do have an impact on the climate where there are people using the facility or not. Staff continue to look for ways to offset the carbon footprint. Most recently the City has acquired an electric ice resurfacers which is an exciting step forward. Recreation staff continually work with staff from Capital Works to look for ways to reduce the operating carbon footprint in all recreation facilities.

Engagement Matters:

Staff did meet with colleagues in other municipalities regarding the Household Rental Program to ask about process, community use, etc.

Conclusion:

The holiday 2020/2021 season is going to be a challenge for many residents. Offering free skate opportunities to the community as well as a household rental program will provide residents an outlet to play and recreate for physical and mental wellness while being compliant with the provincial orders related to COVID-19.

Respectfully submitted,

Denise Beard

Manager of Community Development

905-330-4118

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.



SUBJECT: RPF-36-20 Public Tree Removal Report – 2447 Orchard Rd

TO: Mayor and Members of Council

FROM: Roads, Parks and Forestry Department

Report Number: RPF-36-20

Wards Affected: 5

File Numbers:

Date to Committee: Select date

Date to Council: November 23, 2020

Recommendation:

Approve the request by the applicant to remove one (1) city tree in order to proceed with the submitted development application 20-469806.

Instruct the applicant, Stephen Albanese, IBI Group, to provide compensation for tree removal by providing cash in lieu of replacement totaling \$1,200.00. The funds will provide for new tree plantings elsewhere in the City and includes care and maintenance for the first two years.

Direct that a development related permit fee of \$680.00 plus HST is to be obtained as a condition of a tree permit.

Direct that all associated costs with respect to the removal of the tree (including stump removal) will be the responsibility of the applicant, and the contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

PURPOSE:

Vision to Focus Alignment:

- Support sustainable infrastructure and a resilient environment
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

The subject property is located south of Dundas St, North of Pathfinder Drive, west of Sutton Drive. (See Fig. 1).

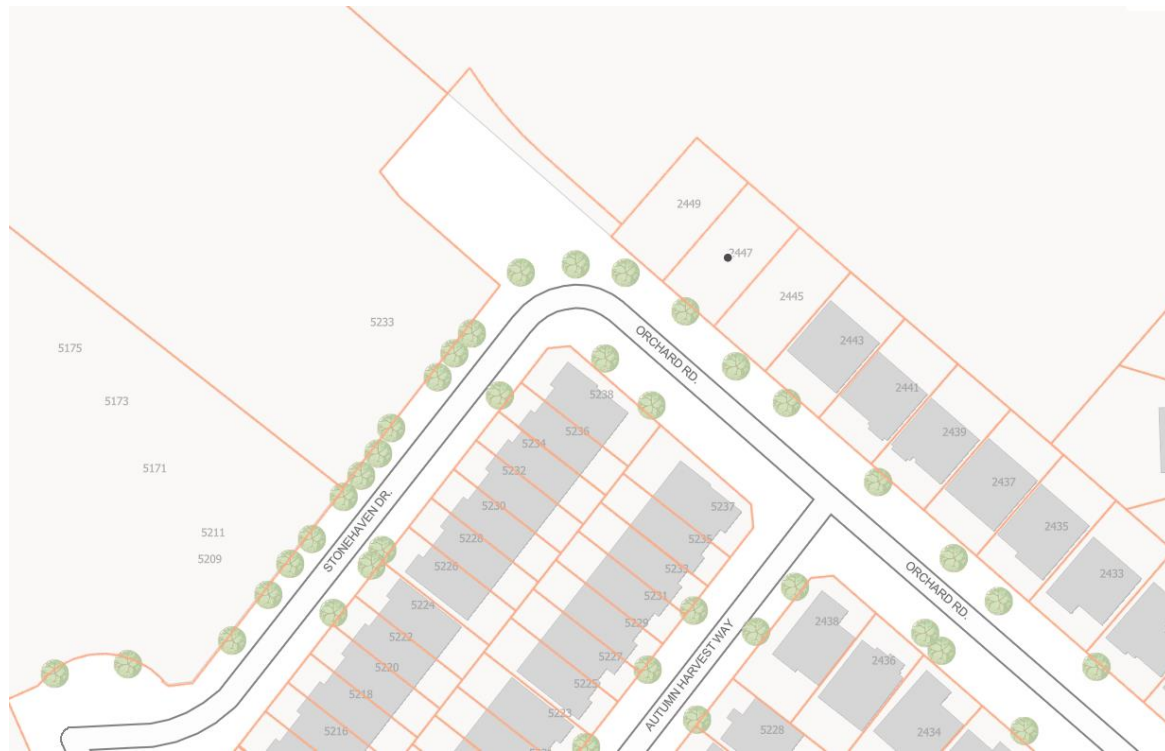


Figure 1: Subject Property, 2447 Orchard Rd

Forestry staff inspected the site on November 13th, 2020. The development application 20-469806 has been submitted as a proposed residence on a vacant site. The applicant originally requested the relocation of the tree, but given its size, likely underground utility conflicts preventing the ability to use a large tree spade, as well as considering transplant cost, the Forestry section does not support the proposal for relocation but endorses the removal of the subject tree with compensation as noted.

Strategy/process

One (1) tree is proposed to be removed due to conflicts with the proposed construction related activities, specifically the orientation of the proposed driveway as illustrated on the site plan submitted as Appendix 'C'. The subject tree that is proposed for removal is a 13 cm diameter hackberry (*Celtis occidentalis*) and at the time of assessment it was

found to be of good structure and physiological condition. Based on the size of the species, Forestry supports the request to remove the subject tree, under the provision that cash in lieu fees are provided to the City as compensation for canopy loss.

Refer to Appendix A – Tree Inventory and Compensation Form, completed by City staff, Appendix B – Site Photos for additional details, and Appendix 'C' for the proposed Site Plan.

Options Considered

Forestry staff conducted a comprehensive review of the proposed development application (20-469806). Given the location of the City-owned trees in relation to the proposed works, the tree cannot be retained.

Financial Matters:

A total of \$1,200 shall be paid by the applicant as compensation for tree removal. These funds will be utilized to replace the loss in canopy within the City. In addition, a permit fee of \$680 plus HST will be required as a condition of the permit. The total costs of tree and stump removal will be borne entirely by the applicant.

Total Financial Impact

Indicate total financial impact, the timing of the impact, the risk. If none type “not applicable”.

Source of Funding

Identify funding source(s) e.g. operating budget, reserve funds. If none type “not applicable”.

Other Resource Impacts

Identify any indirect costs e.g. staffing requirements. If none type “not applicable”.

Climate Implications

The removal of trees is always a concern as they provide the most cost-effective measure of carbon sequestration, in addition to providing a host of other ecological benefits associated with climate change. It is critical that in cases where trees must be removed, that they are sufficiently compensated for in the interest of replacing the canopy loss long-term.

Engagement Matters:

Conclusion:

The City's Forestry section has reviewed the proposed tree removal, and support the removal as per the recommendations listed above

Respectfully submitted,



Steve Robinson

Manager, Urban Forestry

(905) 333-6166 ext. 6167

Appendices:

- A. Tree Inventory and Compensation Form
- B. Site Photos for additional details Site Photos (City Staff)
- C. Proposed Site Plan
- D.

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

Site:	2447 Orchard Rd
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Existing Tree Information						Replacement Tree Information		Condition Factors		
Tree Number	Common Name	DBH (cm)	Condition Rating (%)		Comments	# of 50 mm trees required	Prelim tree security Value	Avg Condition Rating (Health & Structure)	Construction Risk Factor (see below)	Security Value
			Health	Structure						
1	hackberry	13	90%	85%	2447 Orchard Rd	3	\$ 1,300.00	88%	100%	\$ 1,137.50
2		0	0%	0%		0	\$ -	0%	0%	\$ -
3		0	0%	0%		0	\$ -	0%	0%	\$ -
4		0	0%	0%		0	\$ -	0%	0%	\$ -
5		0	0%	0%		0	\$ -	0%	0%	\$ -
6		0	0%	0%		0	\$ -	0%	0%	\$ -
7		0	0%	0%		0	\$ -	0%	0%	\$ -

\$ 1,200.00

- Security Calculation: (Aggregate Caliper Formula)
- 1. DBH / 5cm = # of trees req. to replace
 - 2. # of trees req. to replace X \$500 (cost of replacement) = Preliminary Security Value
 - 3. Preliminary Security Value X Condition of Tree Factor X Risk Factor = Final Tree Security Value

Tree Condition Considerations		
Based on Tree Condition Assessment in GIS Inventory and Observations during Site Visit		
Rating:	Factor:	
Excellent	90-100%	
Good	70-89%	*Security is rounded to the nearest \$100.
Fair	50-69%	**Security Spreadsheet used at risk 100% for removals.
Poor	25-49%	
Very Poor	0-24%	

Construction Risk to Trees

Construction risk to trees is assessed by considering the following on a site by site basis: materials storage, existing and proposed utility and

- Low Risk Factor (0-25% of Assessed Value):
- No work inside TPZ or CRZ (including grading, excavation, servicing, etc);
 - No risk from construction traffic in CRZ;
 - Hoarding shown on plan and installed as per SS12.
 - Sliding scale based on proximity of tree (TPZ and CRZ) to construction area.

- Medium Risk Factor (26-50% of Assessed Value):
- No work inside TPZ (including grading, excavation, servicing, etc);
 - Minimal work occurring within the CRZ (impacting less than 10% of the CRZ area, including grading, excavation, servicing, etc)*;

- Risk from construction traffic/works within CRZ*;
- Hoarding shown on plan and installed as per SS12.

Medium-High Risk Factor (51-75% of Assessed Value):

- No work inside TPZ (including grading, excavation, servicing, etc);
- Work occurring within CRZ (impacting more than 10% of the CRZ including grading, excavation, servicing, etc)*;
- Risk from construction traffic/works within CRZ*;
- Arborist report not required but provided;
- Hoarding shown on plan and installed as per SS12.

High Risk Factor (76-100% of Assessed Value):

- Work inside TPZ (including grading, excavation, servicing, etc; only occurring under supervision of qualified ISA Certified Arborist
- Risk from construction traffic/works within TPZ and CRZ*;
- Arborist report required and provided;
- Hoarding shown on plan and installed outside of SS12 specification, with confirmation from City Arborist or Applicant's Certified Arborist.

*Risk can be reduced through use of mitigating actions (eg. Greater tree hoarding area to encompass remaining CRZ; Pre-Construction Root

CRZ – Critical Root Zone

MTPZ – Minimum Tree Protection Zone

- Please refer to the City of Burlington Tree Protection and Preservation Specification SS12A, available on-line for further information and tree protection requirements.
- Please refer to the City of Burlington Public Tree Bylaw 68-2013 for further information on your responsibility to protect city trees.





GENERAL NOTES

- DO NOT LOCATE BUILDING WITH THESE DRAWINGS.
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SITE GRADING PLAN, SITE SERVING PLAN, AND THE SITE PLAN.
- EXISTING STRUCTURES ARE NOT TO BE DISTURBED, NOR ENCROACHMENT ON ADJACENT PROPERTIES UNLESS INSTRUCTED BY THE ENGINEER.
- DRAWINGS ARE NOT TO BE SCALED.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S CONTRACTOR FROM OBTAINING, BUT NOT LIMITED TO THE FOLLOWING PERMITS: ROAD CUT, SEWER PERMITS, RELOCATION OF SERVICES, ENCROACHMENT AGREEMENTS, APPROACH APPROVAL PERMITS, ETC.
- UNLESS OTHERWISE NOTED ON THE DRAWINGS, THE STANDARD CITY OF BURLINGTON, REGION OF HALTON AND OPSD DRAWINGS ARE TO CONSTITUTE PART OF THIS CONTRACT.
- ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON THE SITE PRIOR TO ANY CONSTRUCTION. ANY DISCREPANCIES TO BE REPORTED TO THE ENGINEER BEFORE PROCEEDING.
- PRIOR TO CONSTRUCTION, THE ENGINEER IS TO BE NOTIFIED BY THE OWNER AND THE CONTRACTOR AS TO THE EXTENT OF THE CONSTRUCTION LIMITS THEY PROPOSE. THE CITY OF BURLINGTON AND THE REGION OF HALTON ARE TO BE NOTIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRAFFIC CONTROL AND SAFETY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING THE SUPPLY, INSTALLATION AND REMOVAL OF ALL NECESSARY SIGNAGE, DELINEATORS, MARKERS, AND BARRIERS. ALL SIGNS ETC. SHALL CONFORM TO THE STANDARDS AND SPECIFICATION FOR THE CITY OF BURLINGTON, REGION OF HALTON AND THE MTO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. SEE CONSTRUCTION MANAGEMENT PLAN BY IBI GROUP.
- MUNICIPAL CONSENT IS REQUIRED FOR WORKS WITHIN THE ROW. PLEASE CONTACT DOUG CONWAY 905-815-3338.

SERVICING NOTES

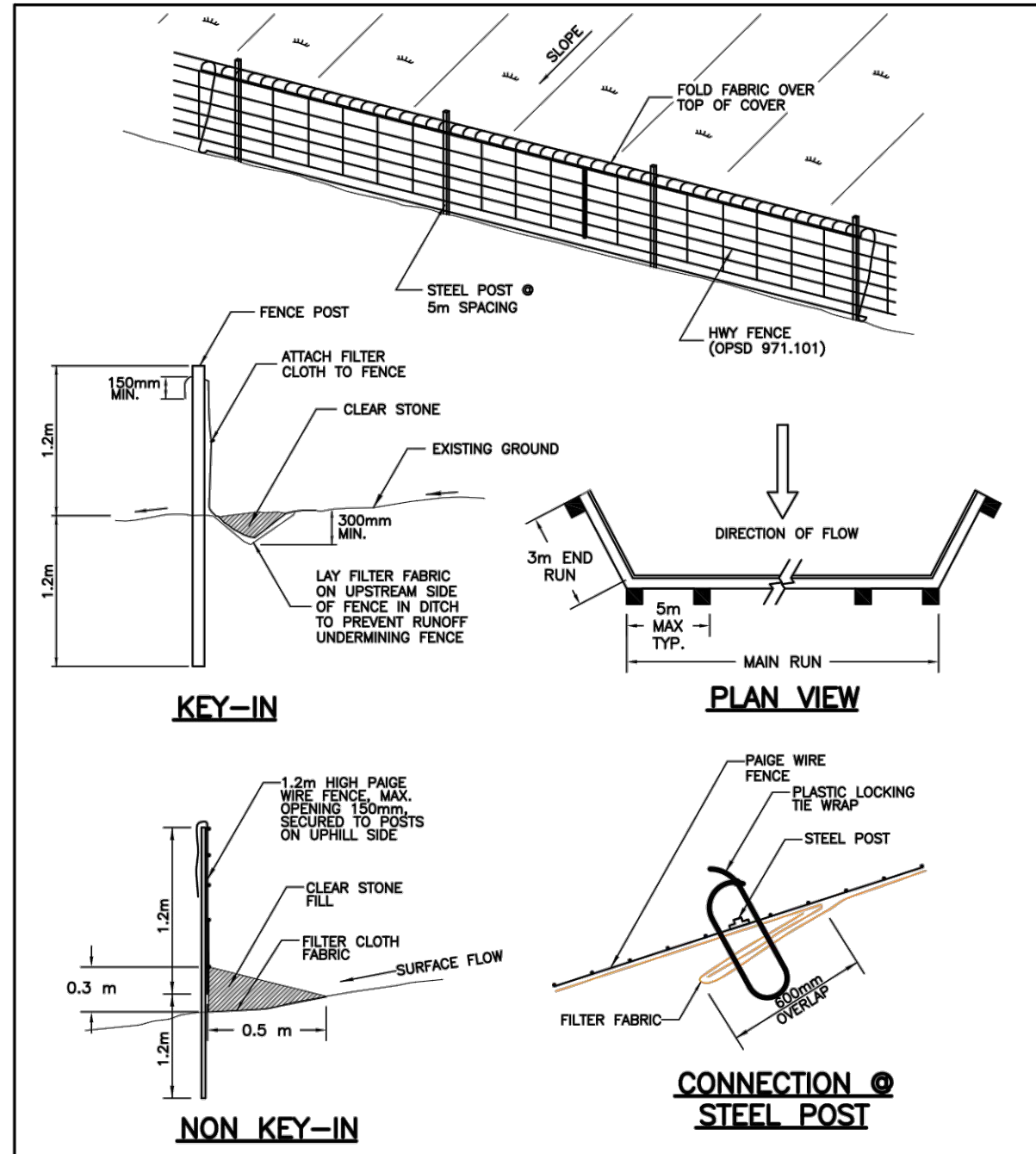
- WATER SERVICE CONNECTIONS TO BE AS PER RH 409.01. PIPE FOR ALL SERVICES CONNECTIONS UP TO 50mm SHALL BE TYPE "K" SOFT COPPER TUBING.
- WATER SERVICE CONNECTIONS TO PROPERTY LINE CURB STOP AND SERVICE BOX REQUIRE THE INSTALLATION OF STAINLESS STEEL RODS AND STAINLESS STEEL COTTER PINS.
- STAINLESS STEEL SERVICE SADDLES SHALL BE USED WHEN TAPPING WATER SERVICES.
- SANITARY SEWER CONNECTION LATERALS SHALL BE POLYVINYL CHLORIDE (PVC) PIPE DR28 ASTM-D3034 WITH INTEGRAL BELL AND SPIGOT UTILIZING FLEXIBLE ELASTOMERIC SEALS.
- CONSTRUCTION OF SANITARY SEWERS SHALL BE IN ACCORDANCE WITH REGION OF HALTON SPECIFICATIONS AND THE ONTARIO BUILDING CODE (LATEST EDITION).
- WATERMAIN SERVICE TAPPING, AND SANITARY SEWER TAPPING, TO BE BY HALTON REGION FORCES ONLY.
- SANITARY SERVICE CONNECTIONS SHALL BE 125mm DIAMETER, PVC DR28 (GREEN IN COLOR) FOR SINGLE FAMILY, SEMI-DETACHED AND ROW TOWNHOUSE RESIDENTIAL CONNECTIONS (SHARED SERVICE LATERALS ARE NOT PERMITTED).
- INSTALLATION OF PROPOSED SANITARY SERVICES TO BE AS PER OPSD 1006.010, AS AMENDED BY THE REGION OF HALTON.

SILTATION AND EROSION CONTROL

- SILTATION CONTROL BARRIERS SHALL BE PLACED AS DETAIL.
- ALL SILTATION CONTROL MEASURES SHALL BE CLEANED AND MAINTAINED AFTER EACH RAINFALL AS DIRECTED AND TO THE SATISFACTION OF THE CITY OF BURLINGTON.
- ADDITIONAL SILT CONTROL LOCATIONS MAY BE REQUIRED AS DETERMINED BY THE CITY OF BURLINGTON.

RESTORATIONS:

- ALL TRENCH EXCAVATIONS WITHIN EXISTING ROAD ALLOWANCES SHALL BE BACKFILLED WITH GRANULAR "A" COMPACTED TO 98% SPD. PAVEMENT RESTORATION SHALL CONSIST OF FULL DEPTH GRANULAR "A" 80mm OF HLB BASE ASPHALT AND 40mm OF TOP COURSE ASPHALT, COMPACTED TO CITY OF BURLINGTON STANDARDS.
- EXISTING PRIVATE FENCE IS TO BE MAINTAINED THROUGHOUT CONSTRUCTION. WHERE REMOVAL OR RELOCATION OF FENCING IS NECESSARY IT SHALL BE RESTORED OR REPLACED TO ORIGINAL CONDITIONS OR BETTER UNDER THE DIRECTION OF THE ENGINEER.
- DAMAGED CURB, GUTTER AND SIDEWALK TO BE REPLACED WITH 28 MPa CONCRETE TO EXISTING CONDITIONS OR BETTER.
- CONTRACTOR TO RE-INSTATE ANY DAMAGED CURB AND SIDEWALK AS PER THE CITY OF BURLINGTON STD S-120, S-125A.
- ROAD RESTORATION WORK SHOULD REFER TO S-114, S-114A, S-114B PER THE CITY OF BURLINGTON.
- UN-SHRINKABLE FILL MAY BE REQUIRED AS BACKFILL FOR TRENCHES WITHIN THE ROW, TO BE DETERMINED AT CONSTRUCTION STAGE BY CITY INSPECTION STAFF.



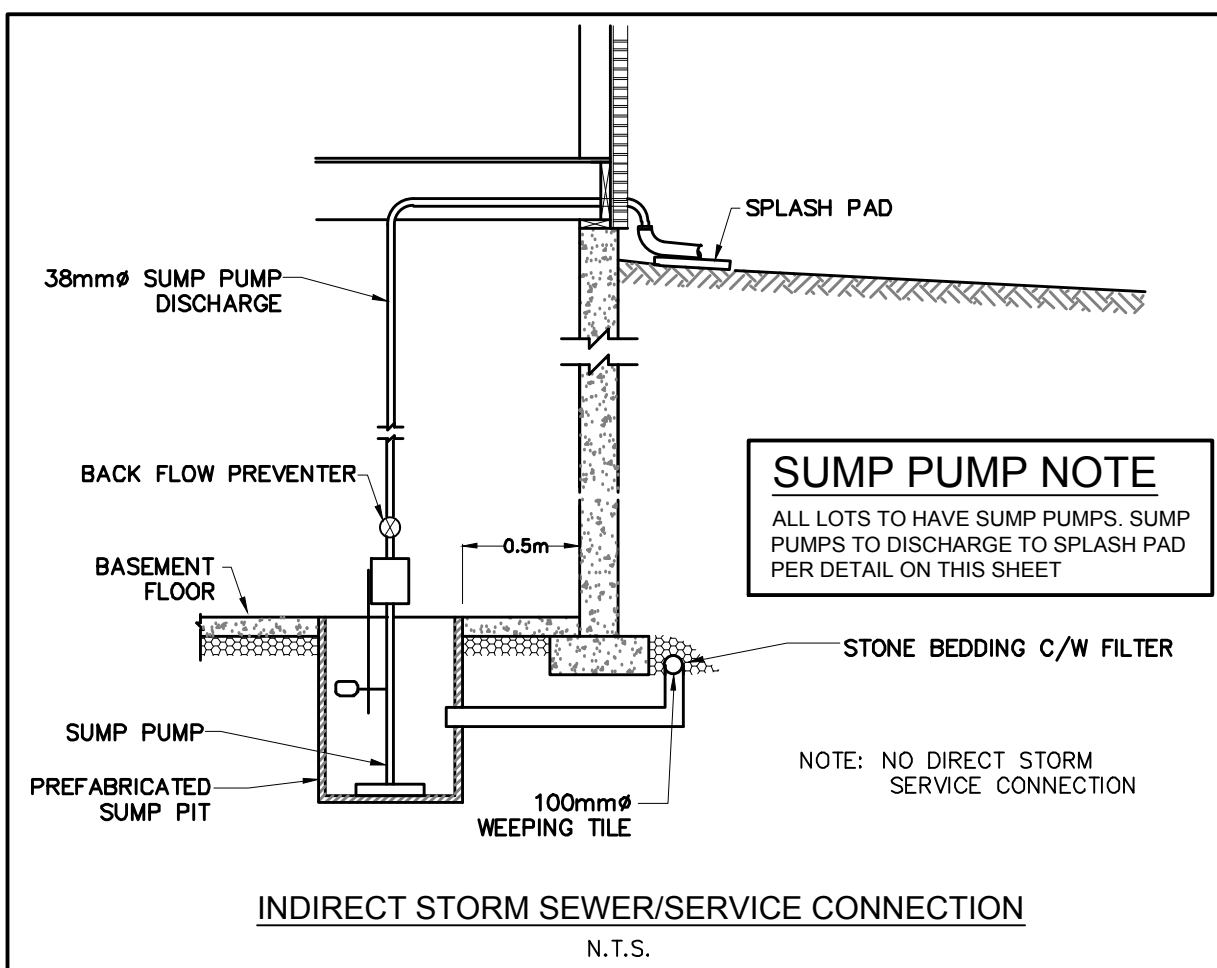
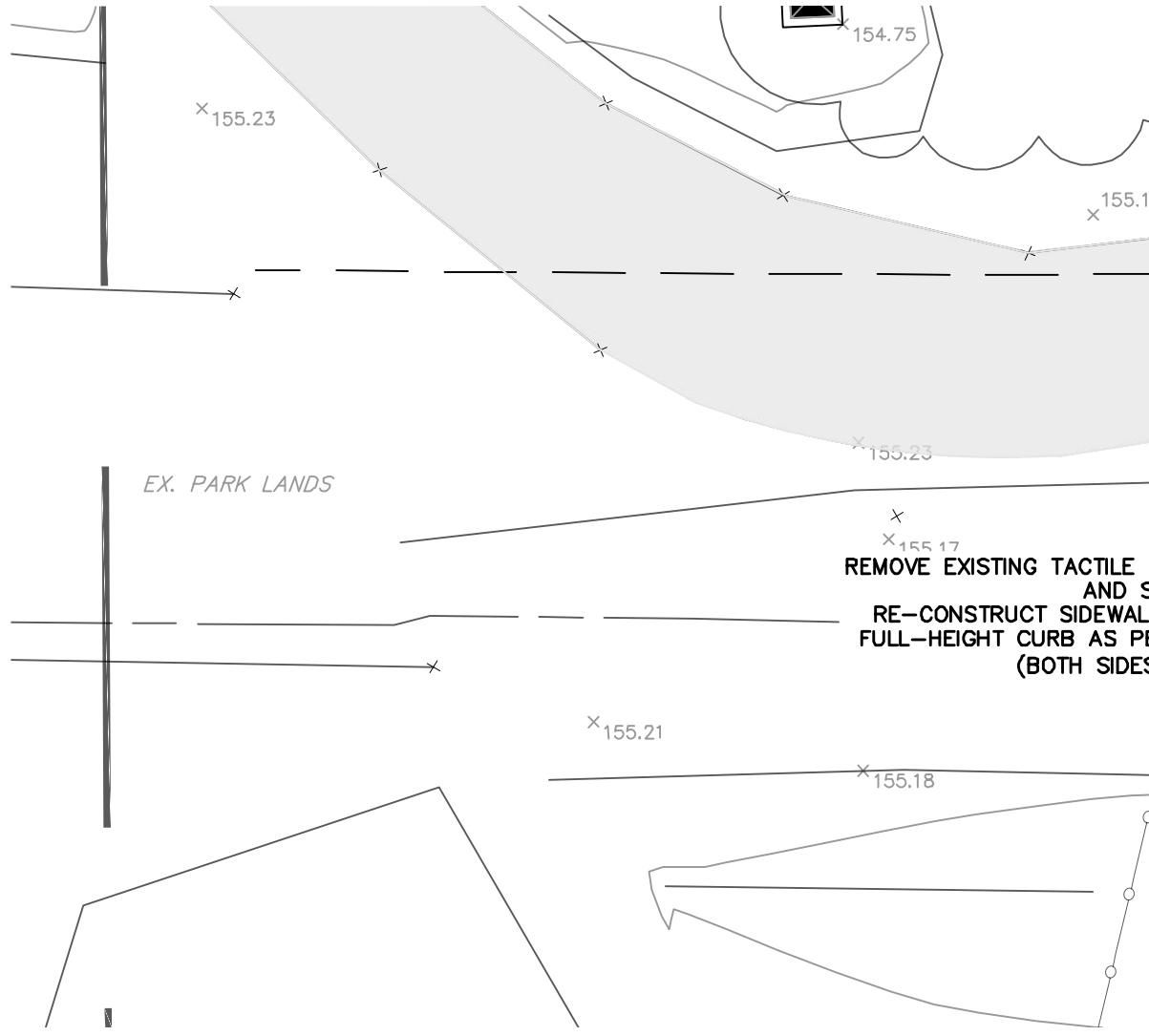
THE REGIONAL MUNICIPALITY OF HALTON
PUBLIC WORKS DEPARTMENT

HEAVY DUTY
SILT FENCE BARRIER

ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE NOTED

Date: January 2014 Rev. 0 NTS

REGION STANDARD RH 200.040



INDIRECT STORM SEWER/SERVICE CONNECTION

N.T.S.

PROPOSED 2.4m HIGH SOUND BARRIER WALL TO BE PLACED ALONG REAR E UNDER ENGINEER'S DIRECTION

PROPOSED 5.0m SWALE @ 2.5%

PROPOSED 7.0m SWALE @ 8.0%

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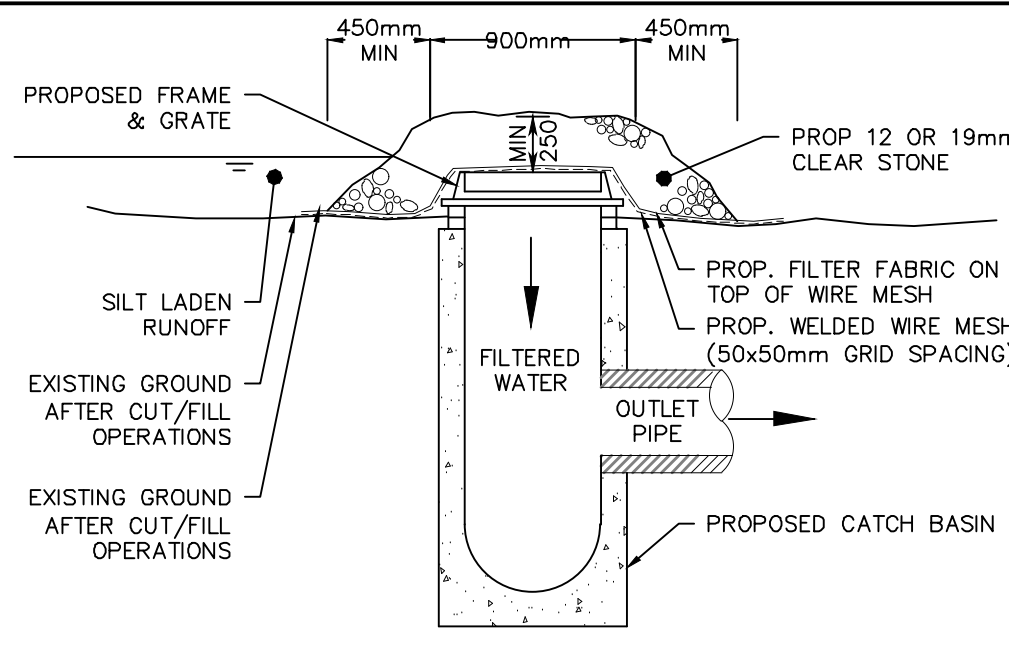
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NOTE TO CONTRACTOR

- THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWERS AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THIS CONTRACT DRAWING, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES IS NOT GUARANTEED. BEFORE STARTING WORK THE CONTRACTOR SHALL INFORM THEMSELVES OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.



YARD CATCH BASIN SILT CONTROL - DETAIL 'C'

N.T.S.

CATCHBASIN SILT SACK (SEE DETAIL 'C' THIS SHEET)

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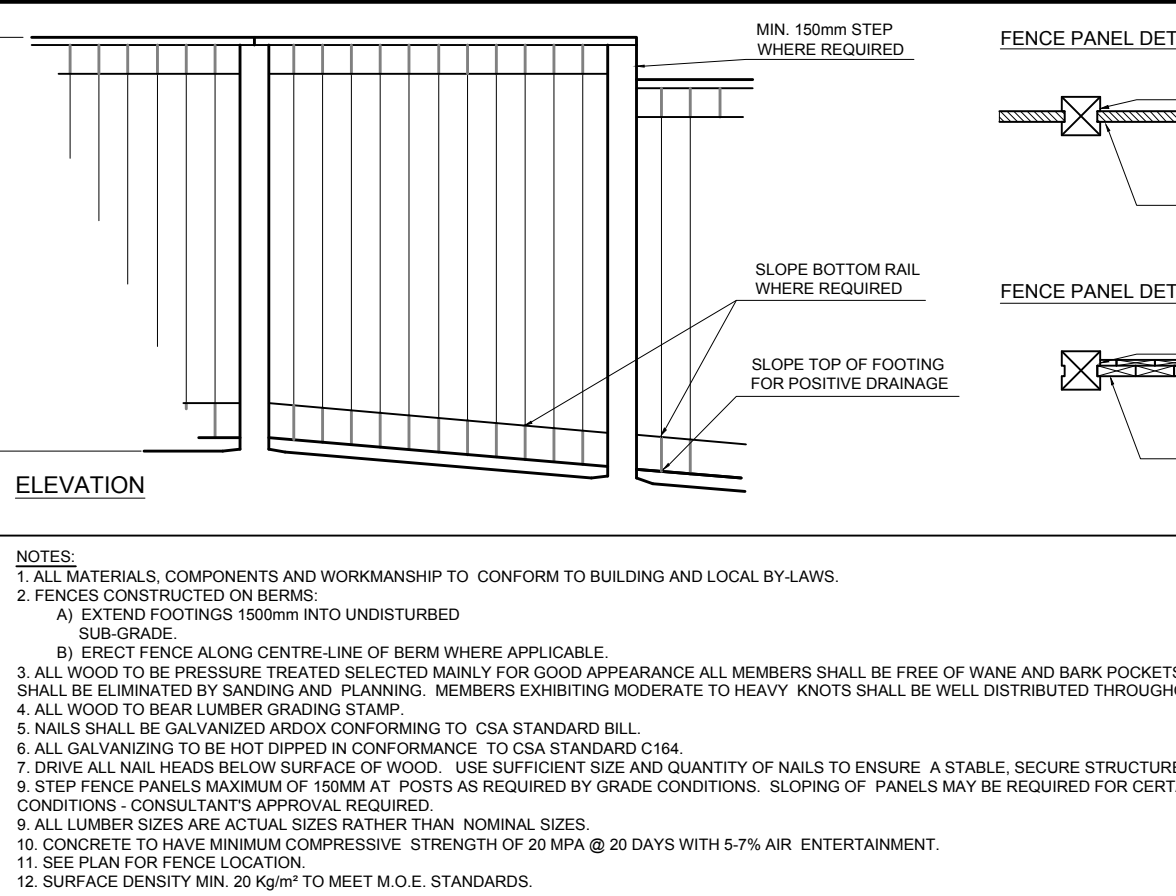
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WOOD NOISE WALL DETAIL

N.T.S.

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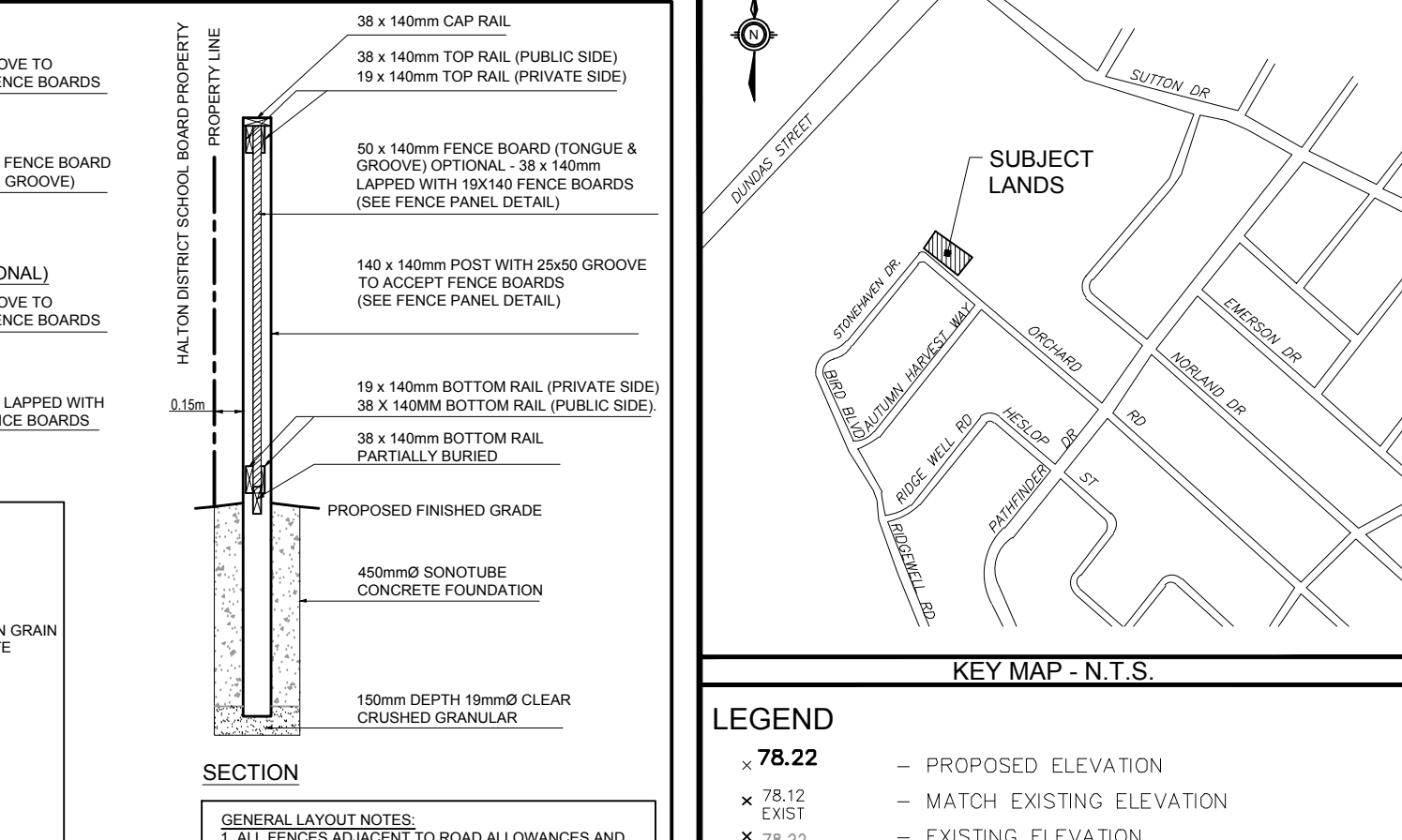
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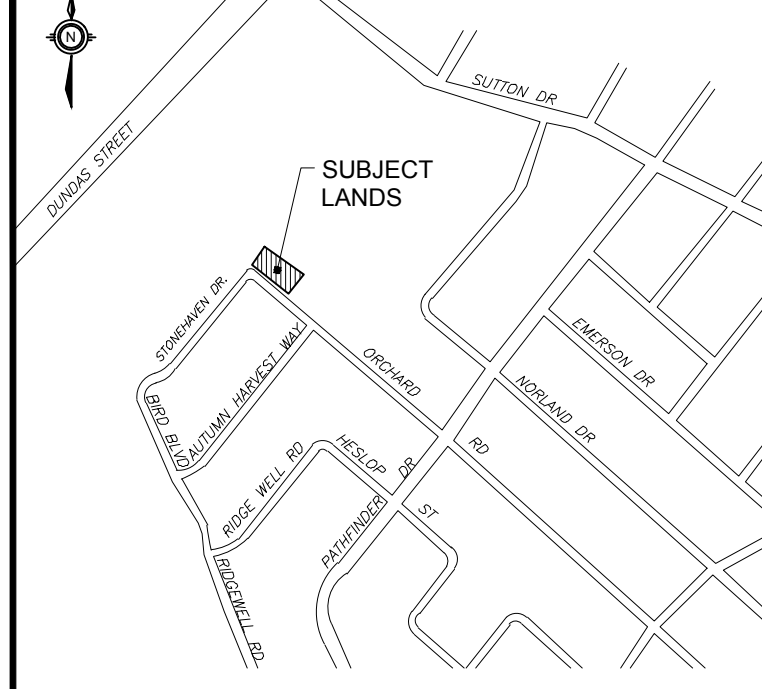
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KEY MAP - N.T.S.

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To: City Council

From: Councillor Lisa Kearns
Seconded: Councillor Paul Sharman

Cc: Vito Tolone, Joan Ford

Date: November 23, 2020

Re: Parking Fees Waived for 90min in Downtown Burlington

Dear colleagues,

WHEREAS the Province of Ontario declared an emergency pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act (the “Act”);

AND WHEREAS the effects of Covid-19 have been demonstrably significant to small local businesses and the Ontario Chamber of Commerce’s report, ‘Obstacles and Opportunities: The Importance of Small Business in Ontario’, further highlights the contributions of small businesses to the provincial economy, while also recognizing, and offering solutions to, the most pressing challenges that small business owners face;

AND WHEREAS the Burlington Downtown Business Association (BDDBA) represents ~440 Member Businesses in a concentrated geographic area that are experiencing a dynamic shift in customer and employee behaviours and parking needs;

AND WHEREAS the Burlington Downtown Business Association is designated as Local Board by the Municipality with a mandate to beautify the public-owned lands within the defined Business Improvement Area and to promote this Area as a shopping, dining and entertainment district;

AND WHEREAS the Burlington Downtown Business Association is a chartered member of the Downtown Parking Advisory Committee to Council and whose property owner membership is contributes \$300,000 per annum as a Defined Parking Area levy;

AND WHEREAS at the Burlington Downtown Business Association Board of Directors’ meeting of Wednesday November 4, 2020 the following motion was passed: “Direct Burlington Downtown Business Association’s representative(s) on the Downtown Parking Advisory Committee to table the following: to waive parking fees for the first ninety minutes for all public on-street and off-street parking assets Downtown as a temporary emergency recovery measure. That the cost for the offset of these fees be expensed to the City’s Tax Stabilization Reserve Fund or Parking Reserve Fund. Further, that this operational change be implemented as soon as possible”;

AND WHEREAS the Downtown Parking Committee (DPC), an advisory committee to Council established in November 2002 to provide comments and advice to Council on strategies and policies that affect the development and delivery of parking services in Downtown Burlington, at its meeting of November 5, 2020 heard the Burlington Downtown Business Association's specific recommendations regarding the waiver of charges for up to 90 minutes of parking and regarding the potential use of the Parking District Reserve Fund to offset the impact of the associated loss of revenue;

AND WHEREAS the Downtown Parking Committee endorsed both of the Downtown Business Association's recommendations by resolutions of the majority at the same November 5, 2020 meeting;

AND WHEREAS the City of Burlington owns and operates the parking facilities of both on and off-street parking for this delineated area consisting of approximately 1598 individual spots;

NOW THEREFORE BE IT RESOLVED:

THAT Burlington Council:

- a) Amend Parking Bylaw 39-2016 to accommodate for 90 minutes of waived parking fees within the Burlington Downtown Business Area boundary;
- b) Direct City Staff to review the potential use of the Parking District Reserve Fund to offset the impact of the associated loss of revenue;

AND THAT the amendment take effect as soon as operationally possible with the understanding that the BDBA and DPC will continue to monitor and review the changing needs of small local business during the declared emergency.

Respectfully,

Councillor Lisa Kearns



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To: Chair and members of Community Planning, Regulation and Mobility Committee

From: Councillor Lisa Kearns

Seconded: Councillor Angelo Bentivegna

Cc: Tim Commisso

Date: November 18, 2020

Re: Veteran Square: Naming of the area around Burlington Cenotaph

Dear colleagues,

WHEREAS it is a shared understanding that most families in Burlington have or had Veterans in their families and that we honour those who gave us our freedom and built up this country;

AND WHEREAS the month of November is a time to honour those who have served Canada, past and present, in times of war, military conflict and peace; including November 5th – 11th as Veterans' Week and November 11th as Remembrance Day;

AND WHEREAS a cenotaph is an empty tomb or a monument erected in honour of a person or group of people whose remains are elsewhere. It can also be the initial tomb for a person who has since been reinterred elsewhere;

AND WHEREAS in 1922 the 'City of Burlington' erected the Great War Memorial on the south side of Water Street, dedicated by Governor General Lord Byng recognizing the names of Canadian soldiers and peacekeepers and in 1947 Burlington took over care of the cenotaph;

AND WHEREAS the area surrounding the cenotaph is oft used as a location for events of significance including Legion Week, First Poppy on the Mayor and Remembrance Day observance;

AND WHEREAS a certain degree of respect and appreciation paid by the community to Veterans and their families could be carried out every day through the recognized naming as "Veteran Square";

AND WHEREAS seventeen Vet Banners currently envelop this area to honour a specific service person with a connection to Burlington and includes their name, era served, branch of service, photograph and the name of the sponsor;

AND WHEREAS the community can be further served through use of this named area as a defined location for first responders more frequently gather or display their respects whilst bringing people together;

AND WHEREAS widespread support exists for this naming including but not limited to the Royal Canadian Legion Branch 60, Halton Naval Veterans Association, The Burl-Oak Naval Veterans, 2379

RHLI Royal Canadian Army Cadet Corps - Burlington Army Cadets, Ed Dorr, Past Chair
Mundialization Committee, Michelle Lemaire, Principal of Burlington Central School, Doug Dicker,
William Norman, Ed Moir, and City Staff engaged in this request;

AND WHEREAS there is no evidence of the area around the cenotaph having been formally named previously;

AND WHEREAS a formal request to name the area around the cenotaph was received by the Ward 2 Councillor's office on November 5th by the Royal Canadian Legion Branch 60;

NOW THEREFORE BE IT RESOLVED:

THAT Burlington Council:

- a) Name the area around the Burlington Cenotaph as "Veteran Square";
- b) Direct staff to erect signage in accordance with this naming;

AND THAT all residents have access to an area of significance to honour our veterans, peace keepers, and their families every day of the year.

Respectfully,

Councillor Lisa Kearns



• • • Memo

To: Mayor and Members of Burlington City Council

From: Councillor Rory Nisan
Councillor Paul Sharman

Date: November 13, 2020

Re: Final City of Burlington Resolution Calling for Gas-Fired Electricity Generation Phase-Out

The [Ontario Clean Air Alliance](#) has requested the support of municipalities to adopt the following resolution in objection to the Government of Ontario's plan to increase the use of gas-fired electricity generating plants. Some of the background below has been provided by the organization.

Background

The Government of Ontario is planning to [ramp up greenhouse gas emissions](#) from Ontario's gas-fired power plants by more than 300% by 2025 and by more than 400% by 2040 to replace the output of the Pickering Nuclear Station (scheduled to close in 2024). This plan will eliminate more than one-third of the greenhouse gas reductions Ontario achieved by phasing out its coal-fired power plants.

To support this significant increase in fossil fuel electricity and greenhouse gas (GHG) pollution, the provincial government recently [purchased three gas plants](#) at a cost of \$2.8 billion.

Greenhouse gas pollution is causing temperatures in Canada to rise at [more than double](#) the rate of the rest of the world and more than triple in northern Canada, causing adverse impacts. The citizens of the City of Burlington will not be immune to adverse climate impacts including warmer (more heat waves), wetter (especially in spring and winter), and unpredictable weather (increased wind gusts, freezing rain, and intense and extreme rain events).

The City of Burlington has declared a [climate emergency](#) and has committed city operations to be net carbon neutral by 2040 through actions in its [corporate energy and emissions management plan](#). We have set a target for the community to be net carbon neutral by 2050 in the [climate action plan](#). Burlington has joined in partnership with the City of Hamilton and Centre for Climate Change Management at Mohawk College to support the [Bay Area Climate Change Council](#) to help accelerate climate action in both communities.

The City of Burlington is committed to reducing greenhouse gas emissions through the development of an [integrated mobility plan](#) to support active and sustainable transportation options, update our [sustainable development and building guidelines](#) and implement a home energy efficiency retrofit program to improve building efficiency, support EV adoptions through [EV charging stations](#) and expand the use of [renewable energy](#).

Municipalities are at the front lines of taking action on climate change in Canada. The planned increase in GHG pollution will reduce the effectiveness of communities such as Burlington taking action on climate change. It will decrease the effectiveness of electrification programs (deep building retrofits, EV programs) due to increased GHGs associated with electricity, discourage development of distributed renewable energy initiatives, delay municipal transition to the clean economy of the future, and prevent Ontario from meeting its GHG reduction commitment.

Ontario can phase-out its gas-fired power plants by 2030 through an integrated combination of energy efficiency investments, wind and solar energy and Quebec water power. The costs of the alternatives to gas-fired generation are all less than the price Ontario Power Generation's current price per kilowatt-hour (kWh) for power from nuclear plants (9.5 cents per kWh).

Ontario can increase its investments in quick-to-deploy and low-cost energy efficiency programs. Ontario can cost-effectively maximize its energy efficiency efforts by paying up to the same price for energy efficiency measures as it is currently paying for power from nuclear plants.

Ontario can become a leader in developing increasingly low-cost renewable energy resources rather than investing in high-cost nuclear re-builds. Ontario should support renewable energy projects that have costs that are below what we are paying for nuclear power and work with communities to make the most of these economic opportunities.

Quebec has offered Ontario low-cost 24/7 power from its massive water power system at less than half the cost of the planned re-buildings of the aging Darlington and Bruce Nuclear Stations.

In addition, Quebec's system of hydro-electric reservoirs can be used like a giant battery to provide load balancing/back-up for Ontario's intermittent sources of renewable energy.

Ontario can benefit from making long-term electricity deals with its green energy-rich neighbour.

The phase-out of Ontario's gas-fired power plants will help the City of Burlington and the Province of Ontario to achieve their greenhouse gas pollution reduction goals.

Municipal Resolution

WHEREAS the Government of Ontario is planning to increase electricity generation and greenhouse gas pollution from Ontario's gas-fired power plants by more than 300% by 2025 and by more than 400% by 2040, reversing more than a third of the greenhouse gas pollution reductions achieved by phasing out our coal-fired power plants;

AND WHEREAS greenhouse gas pollution is causing temperatures in Canada to rise at more than double the rate of the rest of the world, causing impacts to municipal operations and affecting residents of the City of Burlington;

AND WHEREAS the City of Burlington has declared a climate emergency and is taking measures to mitigate and adapt to the climate impacts caused by increasing greenhouse gas pollution;

AND WHEREAS there are feasible, cost-effective alternatives to increasing gas-fired electricity generation without increasing greenhouse gas pollution at costs well below the current price for Ontario's nuclear energy (9.5 cents/kWh), including:

- energy efficiency investments;
- low-cost, distributed, renewable energy, providing employment in Ontario communities and restoring our leadership in this industry;
- the purchase of low-cost power offered by the Province of Quebec from its existing hydroelectric generating stations; and
- using Quebec's system of reservoirs like a giant battery to back-up made-in-Ontario renewable power, eliminating the need to use gas-fired power plants for this purpose;

THEREFORE BE IT RESOLVED that the City of Burlington requests the Government of Ontario to place an interim cap of 2.5 megatonnes per year on greenhouse gas pollution from Ontario's gas-fired power plants and develop and implement a plan to address future energy needs through investing in renewable energy and purchasing low-cost hydro-electric power from the Province of Quebec, making gas-fired electricity generation no longer necessary and supporting its phase-out by 2030 to help Ontario and the City of Burlington meet their climate targets.

AND BE IT FINALLY RESOLVED that this resolution be sent to the Premier of Ontario, the Minister of Energy, Northern Development and Mines, the Minister of the Environment, Conservation and Parks, all local MPPs, the Association of Municipalities of Ontario and copied to the Region of Halton and local municipalities of Oakville, Milton and Halton Hills.

Regards,

Councillor Rory Nisan, Ward 3

Councillor Paul Sharman, Ward 5



• • • Memo

To: Mayor and Members of Burlington City Council

From: Councillor Nisan
Mayor Meed Ward

Date: November 18, 2020

Re: Protecting Conservation Authorities

Dear Colleagues,

The attached resolution is in response to changes made by the provincial government to the Conservation Authorities Act and Planning Act. Despite not being related to budget issues, it has been added into the budget bill. As a result, there is no requirement for public comment. Nevertheless, we must make our voice heard.

There are numerous unacceptable changes. In summary:

- **Developers will now be able to bypass conservation authorities**
 - The permitting process ensures development does not occur in flood hazard areas and that our creeks, valleys and wetlands are not adversely impacted. Permits will be allowed to be approved by the province directly rather than through conservation authorities.
 - **RESULT:** less protections for the community and environment, and increased risk to public safety.
- **Parks could be threatened**
 - Under the new legislation the ministry could set fees or other limits on non-mandatory programs and services.
 - **RESULT:** Conservation Halton's ability to provide important recreational, educational, and employment opportunities that allow our community to interact with conservation will be significantly diminished. All of these opportunities are provided at no cost to taxpayers and benefit all recreation users in the area.
- **Governance of Conservation Halton will be undermined, potentially politicizing the body**
 - The changes demand that board members represent their municipalities rather than acting in the best interests of Conservation Halton (against all board best practices).
 - **RESULT:** Conservation Halton could be politicized as board members would be expected to promote their municipalities' interests which sometimes conflict with the best interest of Conservation Halton. The directors carry out their fiduciary responsibilities, guide strategy, approve policies in support of our provincial and municipal responsibilities and track performance. They ensure CH makes decisions with integrity, based solely on our

core responsibilities and remains apolitical, yet innovative and solution oriented. That could all be lost as we will be obliged to act otherwise according to the draft legislation.

- **Hamstringing science and conservation protections**
 - The legislation creates new workarounds to undermine conservation authorities.
 - **RESULT:** Independent science-based decisions in the interest of the community will be significantly limited; our wetlands, valleys, and water will be at risk; the ability to remedy violations that put our environment and communities in danger will be minimized.

Conservation Halton's mission is to help protect the natural environment, from lake to escarpment, for the benefit and enjoyment of current and future residents. Supporting our natural heritage benefits human, ecological, and economic health. We inherited our natural spaces from the generations before us and will pass them on to our children and future generations. Our duty as stewards is what continues to inspire us to use science to study and inform us about climate change impacts to our communities and mitigation strategies. Make no mistake, all of this is at risk through this legislation.

As background, the report to the Conservation Halton Board of Directors Meeting of November 16, 2020 is attached and the letter written to Premier Ford by Halton's four mayors the Conservation Halton chair.

Please consider being part of the outreach to the provincial government to ask that it reverse course, consult broadly and act in the interest of conservation.

Thank you,

Councillor Rory Nisan, Ward 3

Mayor Marianne Meed Ward

Notice of Motion

Protecting Conservation Authorities

Moved by Councillor Rory Nisan

WHEREAS the City of Burlington has been well served by both Conservation Halton and Credit Valley Conservation;

WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property, and local natural resources on a watershed basis by regulating development under the *Conservation Authorities Act*, ensuring compliance with the Regulations and engaging in reviews of applications submitted under the *Planning Act*;

WHEREAS new legislation introduces changes and new sections that could remove and/or significantly hinder conservation authorities' participation in and support of local planning appeal processes and their ability to protect development from natural hazards;

WHEREAS the changes allow the Minister to make decisions without consideration of local conditions, the Conservation Authority Board approved policies, watershed data and technical expertise;

WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs;

WHEREAS municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs;

WHEREAS municipalities believe that the appointment of municipal representatives on conservation authority boards should be a municipal decision; and the Chair and Vice Chair of the conservation authority boards should be duly elected;

WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a conservation authority board member to represent the best interests of the conservation authority and its responsibility to the watershed;

WHEREAS conservation authorities have already aligned approaches through Memorandums of Understanding with local watershed municipalities to reduce delays, avoid duplication and improve service delivery for all clients;

WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, their municipal partners, and cause delays in the development approval process;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within conservation authority jurisdictions for the health and well-being of residents; municipalities value conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value conservation authorities' work to ensure safe drinking water;

THEREFORE, BE IT RESOLVED

THAT the Province of Ontario work with conservation authorities to address their concerns by repealing and/or amending changes to the *Conservation Authorities Act* and the *Planning Act* set out in Bill 229;

THAT the Province of Ontario delay enactment of clauses affecting municipal concerns;

THAT the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of conservation authority municipal budget processes;

THAT the Province respect the current conservation authority/municipal relationships;

THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

AND THAT a copy of this resolution be forwarded to Premier Ford, Minister of the Environment, Conservation and Parks, our local MPPs, our local MPs, Prime Minister Justin Trudeau, Minister of Environment and Climate Change, the Leaders of all opposition parties, Halton Region, the City of Burlington, the Town of Milton, the Town of Halton Hills, the town of Oakville, Conservation Halton, Credit Valley Conservation, the Association of Municipalities of Ontario, and be made publicly available.



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conservationhalton.ca

Protecting the Natural
 Environment from
 Lake to Escarpment

The Honourable Doug Ford
 Premier of Ontario

The Honourable Jeff Yurek
 Minister of the Environment, Conservation, and Parks
 Ministry of the Environment, Conservation, and Parks

The Honourable Rod Phillips
 Minister of Finance
 Ministry of Finance

November 17, 2020

Dear Premier Ford, Minister Yurek and Minister Phillips,

We are writing to you today in response to the proposed amendments to the *Conservation Authorities Act* (CA Act), contained in Schedule 6, Bill 229. **We anticipate that some of the more prescriptive changes proposed in Bill 229 will lead to the opposite of your government's stated desire to help conservation authorities (CA) modernize and operate with greater focus, transparency and efficiency.**

The Progressive Conservative Government under the leadership of George Drew passed the *Conservation Authorities Act* and the *Planning Act*. He recognized that Ontario needed to invest in a sound transformative strategy to help Ontarians recover from the devastation of World War Two, not just economically, but also emotionally, as a community. These progressive actions were further strengthened by Premier Frost. Today, as the Province faces unprecedented pressures from both, a global pandemic and climate change, we need to strengthen the cooperative role played by CAs.

For over 60 years, Conservation Halton (CH) has served the interests of its residents and stayed true to those founding principles – conserving the environment to enable watershed communities to prosper socially and economically while ensuring resilience and safety for generations to come. From planting four million trees, to managing 11,000 acres of land, teaching millions of children, ensuring people build their homes and businesses in safe places and constantly checking the pulse of our environment through monitoring and restoration, CH has been a trusted, accountable partner to the Province and our municipalities. Today, CH serves over one million residents in one of the fastest growing areas in Ontario. Our residents and municipalities depend on us to deliver cost-effective services that ensure growth and development support sustainable and vibrant communities.

CH has played a collaborative role in the previous consultations regarding the modernization of the CA Act. While it was unexpected to see further proposed changes to the Act in Bill 229, we are encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that

further conservation, restoration, development, and management of natural resources in Ontario watersheds remains the same.

It is our view that several of the proposed amendments will increase the risk to life and property from natural hazards and the degradation of the environment. **We respectfully request you withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process.** We also encourage you to engage with CAs as you work on regulations that will eventually define the limits of the various CA Act clauses. We feel this is critical to ensure that the focus and performance of CAs is actually improved.

Several changes, such as those related to governance, ministerial authority to issue permits, the removal of our ability to appeal decisions at LPAT, and the removal of enforcement tools will lead to increased administrative costs, red tape, delays, and above all bring into question the integrity and transparency of the permitting and planning process. **These changes will also result in a more uncertain, litigious and discordant atmosphere, which will hinder our ability to work with applicants to find practical solutions for safe development. These changes will undo the hard work CH has done over the last five years to ensure we are customer-centric, accountable, efficient and solutions oriented.** Specifically:

- **There is no duplication, red tape or going beyond our mandate**
CH and our municipal partners work in a complementary way, avoid duplication of effort and remain focused on our core responsibilities through detailed MOUs and workplans. CH worked with our partners and customers to develop clear, quantifiable service delivery targets, which we have achieved, and publicly reported on with consistency. We track all permitting and plan review metrics on a quarterly basis to ensure nothing is slipping.
- **Our permit/planning fees only cover the cost to review and we have high service standards**
CH works with the development industry to ensure there is transparency on how our fees are determined, what costs are included and what standard of service we deliver in exchange. This approach is highly appreciated by our BILD chapter and they have encouraged other agencies to adopt our approach. We will be happy to share correspondence to this effect with you. We work on a cost-recovery model to ensure we keep the cost to taxpayers as low as possible.
- **The integrity of the permitting process will be compromised – these amendments will increase risk, liability, delays, and lead to inconsistency**
CH currently issues 95% of minor permits and 98% of major permits within 30 and 90 review days respectively (not calendar days). We value the process as much as we value the output of our services in this area. It is our view that the proposed amendments that would allow the Minister of Natural Resources and Forestry jurisdiction over certain permit applications and the appeal process has the potential to allow individuals to circumvent checks and balances that exist to protect the communities in our watersheds. It is unclear whether the minister would have regard for local conditions, technical input or Board-approved policies. These proposed changes may inadvertently cause more people in the community to be at risk, rather than protected, from natural hazards.
- **The amendments introduce a “stakeholder governance model” that has no legal precedence**
The proposed changes to the composition of CA boards negatively disrupts what is currently a relatively apolitical structure. This will significantly reduce the capacity of boards to make

decisions on a watershed basis. Our Board of Directors carry out their fiduciary responsibilities, guide strategy, approve policies in support of our Provincial and municipal responsibilities and track performance. They ensure CH makes decisions with integrity, based solely on our core responsibilities. It is our view that changing the composition to reflect elected officials that represent the interests of their respective municipalities creates a setting ripe for conflict of interest. It runs counter to all governance principles.

- **These amendments compromise our ability to create jobs & deliver services without tax dollars**
Conservation Halton is focused on our core programs. We are equally competent and resourceful in providing further opportunities for Ontarians in recreation and education on our conservation lands—especially during the pandemic when the need for safe and accessible greenspace is at an all-time high—and we are even more proud that we are able to fund these opportunities 100% self-sufficiently. Our responsible monetization of assets and generation of revenue creates value for the community as well as employment opportunities. We are concerned that should the Ministry set fees or other limits on non-mandatory programs and services—particularly those that we already successfully run without the support of tax dollars—our ability to provide important recreational, educational, and employment opportunities that allow our community to interact with conservation will be significantly diminished. Our municipal levy for 2021 is under 28% and the provincial contribution is close to 2% of our total budget. We have worked hard to achieve such low reliance on taxpayer funding. At the same time, we have expanded access to our parks by 35% this season, giving Ontario families a safe place to visit during the COVID-19 pandemic.

In conclusion, we do not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor do we want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery. Given the time sensitive nature of this Bill, we encourage the Province to consult with Conservation Halton and other CAs in an expedient manner. We have attached a more detailed (Board) report on our key concerns.

We appreciate you taking the time to consider our concerns. **We feel there are better solutions to deal with actual and perceived issues.** We would be pleased to discuss these and our desire to work with you to define the governing regulations at your earliest convenience. Please contact Conservation Halton CEO, Hassaan Basit (CEOoffice@hrca.on.ca) so we can help support your mandate while ensuring success for all stakeholders.

Regards,

Gerry Smallegange



Chair, Conservation Halton Board of Directors

Mayor Rob Burton, BA, MS



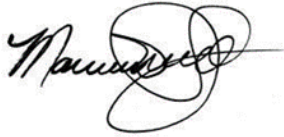
Town of Oakville

Mayor Gordon Krantz



Town of Milton

Mayor Marianne Meed Ward



City of Burlington

Mayor Rick Bonnette



Town of Halton Hills

Cc:

The Honourable John Yakabuski, Minister of Natural Resources and Forestry
Ministry of Natural Resources and Forestry

The Honourable Steve Clark, Minister of Municipal Affairs and Housing
Minister of Municipal Affairs and Housing

Ted Arnott
MPP Wellington—Halton Hills

Jane McKenna
MPP Burlington

Effie J. Triantafilopoulos
MPP Oakville North—Burlington

Stephen Crawford
MPP Oakville

Parm Gill
MPP Milton

Andrea Horwath
MPP Hamilton Centre

Sandy Shaw
MPP Hamilton West—Ancaster—Dundas

Rudy Cuzzetto
MPP Mississauga—Lakeshore

Donna Skelly
MPP Flamborough-Glanbrook



November
2020

REPORT TO: Conservation Halton Board of Directors

REPORT NO: # CHBD 08 20 01

FROM: Hassaan Basit, President & CEO

DATE: Monday, November 16, 2020

SUBJECT: Proposed Amendments to the CA Act and Planning Act - Bill 229

Recommendation

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act; and

WHEREAS Bill 229 introduces changes and new sections that could remove and/or significantly hinder conservation authorities' participation in and support of local planning appeal processes and their ability to protect development from natural hazards; and

WHEREAS conservation authorities protect residents, property, and local natural resources on a watershed basis by regulating development under the Conservation Authorities Act, ensuring compliance with the Regulations and engaging in reviews of applications submitted under the Planning Act; and

WHEREAS the changes allow the Minister to make decisions without consideration of local conditions, the Conservation Authority Board approved policies, watershed data and technical expertise; and

WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs; and

WHEREAS CH and municipalities require a longer transition time to put in place new budgets as well as agreements for non-mandatory programs; and

WHEREAS the appointment of municipal representatives on CA Boards should be a municipal decision; and the Chair and Vice Chair of the CA Board should be duly elected; and

WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a CA board member to represent the best interests of the conservation authority and its responsibility to the watershed; and

WHEREAS conservation authorities have already aligned approaches through Memorandums of Understanding with local watershed municipalities to reduce delays, avoid duplication and improve service delivery for all clients; and

WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and cause delays in the development approval process; and

WHEREAS the province has made changes to the legislation that will limit the ability of CH to ensure compliance with the Act and our policies by not including stop work orders and modifying powers to enter property potentially resulting in more legal action; and

WHEREAS all watershed residents and municipalities value and rely on the parks, greenspaces and water resources within our jurisdiction for their health and well-being as well as CH's work to prevent and manage the impacts of flooding and other natural hazards and to ensure safe drinking water;

THEREFORE, BE IT RESOLVED

THAT the Conservation Halton Board of Directors **direct the Chair of Conservation Halton Board of Directors to convey the concerns and recommendations outlined in this report through a letter to The Premier of Ontario and the Ministers of Environment, Conservation and Parks, Natural Resources and Forestry, and Municipal Affairs and Housing.**

And

THAT the Conservation Halton Board of Directors **direct the CEO to provide a copy of this report and letter to all watershed municipalities, MPPs, MPs and other public sector stakeholders.**

Executive Summary

On April 5th, 2019 the Ministry of Environment, Conservation and Parks (MECP) posted proposals to amend the Conservation Authorities Act (CA Act) with the intent to help conservation authorities (CA) focus and deliver on their core mandate and to improve governance. The details about many of those changes was left to subsequent regulations. CH prepared submissions on the changes to the Act but it was passed in June 2019 under Bill 108 with little consultation or consideration for suggested modifications.

Since then, individual briefings with CAs were held with Minister's staff, ministry staff and local MPPs (October-November 2019), and general consultations on CAs with stakeholders were held in the winter of 2020. The results of those consultations have not been made public. CH also provided comments on the questions being posed by the ministry at these consultation sessions.

The details of many of the changes in Bill 108 were left to forthcoming regulations. Despite efforts by Conservation Ontario and individual CAs, MECP has not been willing to engage on the content of regulations.

On November 5th, 2020, the province released their budget Bill 229; Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020. Bill 229 includes amendments to 44 Acts, including Schedule 6, the Conservation Authorities Act. These new amendments are described in the Environmental Registry (ERO) posting "to improve transparency and consistency in conservation

authority operations, strengthen municipal and provincial oversight and streamline conservation authority roles in permitting and land use planning”.

While previously proposed changes to the act have been posted to the ERO for a period of public comment, these new changes are posted on the ERO for “information only using Section 33 of the Environmental Bill of Rights, 1993 (EBR) which exempts proposals from the public consultation requirements under the EBR if the proposal forms part of or gives effect to a budget or economic statement presented to the Legislative Assembly”. Nevertheless, the province is expected to conduct some direct consultations with stakeholders between now and November 23rd. The legislature is due to rise on December 10th and therefore Bill 229 is expected to be passed in the next few weeks.

Report

The proposed changes to the CA Act with comments on the effect of the change were provided by Conservation Ontario and are attached as **Appendix 1**. The changes can be categorized as:

1. Board Governance
2. Objects, Powers and Duties
3. Permitting
4. Land Use Planning
5. Enforcement
6. Other

Key changes to the act under each of these categories is discussed below.

1. Board Governance

Key Changes

- a. 14(1.1) Mandate that the municipal councillors appointed by a municipality as members of a conservation authority be selected from that municipality’s own councillors only
- b. Replace the current discretion to set other “such additional requirements regarding the composition of the authority and the qualification of members” in a regulation (CA Act, s14(4)) with the discretion of the Minister to appoint a member “as a representative of the agricultural sector” (new CA Act provision 14(4))
- c. Replace the currently unproclaimed duty of members to “act honestly and in good faith with a view to furthering the objects of the authority” (CA Act, s14.1) to require that members “act honestly and in good faith” and that, particularly, members appointed by participating municipalities, “generally act on behalf of their respective municipalities” (new CA Act provision 14.1)
- d. Limit the term of the Chair and Vice Chair of the Board of Directors to one year and to no more than two consecutive terms, and require the Chair and Vice Chair to rotate every two years between different municipalities (new CA Act provision 17(1.1))

Implications:

CH remains supportive of any changes made to enhance the transparency and accountability of CAs. This reflects the current practice and level of service that CH already provides to our member

municipalities, partners, customers and the public. There are several amendments that require posting of documents, board agendas and minutes, financial audits and standard accounting practices that are already undertaken at CH. We agree with those requirements.

The direction in clause 14.1 that members generally act on behalf of their respective municipalities is concerning. Good governance dictates that the Board acts on behalf of the organization and in the public interest. The standards of care for directors are set out under the Business Corporations Act:

“Every director and officer of a corporation in exercising his or her powers and discharging his or her duties to the corporation shall, (a) act honestly and in good faith with a view to the best interests of the corporation....; and (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances”.

This change is contrary to the fiduciary responsibilities of a corporate body and undermines the stated purpose of conservation authorities to address conservation matters which transcend municipal boundaries.

Further, the Auditor General of Ontario recommended in their report on the Niagara Peninsula Conservation Authority that “to ensure effective oversight of conservation authorities” activities through boards of directors, we recommend that the Ministry of the Environment, Conservation and Parks clarify board members’ accountability to the conservation authority” to which the ministry response was in agreement.

Recommendations:

- i. Repeal the amendment to Section 14.1 “Duty of Members”.

2. Objects, Powers and Duties

Key Changes:

- a. Narrows the objects of a conservation authority from providing “programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals” (CA Act, s20(1)) to only one of three categories: (i) mandatory programs and services, (ii) municipal programs and services, and (iii) other programs and services (new CA Act provision 20(1))
- b. There are a number of proposed clauses that enable the Minister to make regulations that would prescribe standards and requirements for Municipal Programs and Services (i.e., service agreement between Municipality and CA) and Other Programs and Services (i.e., those determined by the Board and which, if funded by municipal levy, would require all municipalities’ agreement).

Implications:

The modifications to the objects should not materially change the way CH operates. However, since the regulations which detail the nature and scope of the mandatory programs and services have not yet been provided, we are unable to assess the real implications. Programs that enable CH to study the watershed, provide watershed planning, carry out restoration activities and deliver education programs may become unviable if each watershed municipality independently decides to periodically opt in/out.

The proposed clause that allows the minister to dictate the standards and requirements for municipal or other programs and services agreed upon through service level agreements (non-mandatory programs) should be removed. Terms for these programs are already developed with watershed municipalities and funding is negotiated annually through the budget process. CH has also been working on prescribing service standards and outcomes for each of these programs to ensure that such programs continue to evolve and offer good value and deliver critical science and insights to our partners. There is no provincial funding or support in these categories, although various provincial ministries seek data and reports from CH to further their mandates. This additional level of bureaucracy and oversight is unnecessary and duplicates effort.

Recommendations:

- i. Repeal/amend all clauses and amendments relating to the ability for the Minister to prescribe standards and requirements for non-mandatory programs.

3. Permitting

Key Changes:

- a. Authorizes the Minister of Natural Resources and Forestry to issue an order to take over and decide an application for a permit under section 28 of the Conservation Authorities Act in place of the conservation authority (i.e., before the conservation authority has made a decision on the application).
- b. Allows an applicant, within 15 days of a conservation authority issuing a permit with conditions or denying a permit, to request the minister to review the conservation authority's decision and allows the applicant to appeal directly to LPAT where the minister fails to make a decision within 30 days
- c. Where the minister has taken over a permit application or is reviewing a permit decision by a conservation authority, allows an applicant to appeal directly to LPAT where the minister fails to make a decision within 90 days.
- d. In addition to the provision to seek a minister's review, provide the applicant with the ability to appeal a permit decision to LPAT within 90 days after the conservation authority has made a decision.
- e. Allows an applicant, within 120 days of a conservation authority receiving a permit application, to appeal to the LPAT if no decisions by the conservation authority has been made.

Implications:

Changes under section 28 will jeopardize public safety and environmental protections. The changes will limit a CA's ability to undertake non-partisan, transparent, and technically sound decision making and will allow individuals to circumvent the technical CA permitting process. The changes will result in more red tape, delays in approvals, increased legal costs and more litigious processes.

If the Minister issues an order to take over and decide on a permit application, or the application is decided in front the LPAT, it is unclear how the application will be evaluated. Decisions would be made without regard for local conditions, watershed context, or CA Board of Directors' approved regulatory policies. The proposed process lacks transparency. Without the non-partisan and technical expertise of CAs (i.e., water resources engineering, environmental planning and ecological expertise), or in the absence of a complete, technically sound permit submission for a development proposal, it is unclear how risks to life, property or the environment will be evaluated. If the Minister issues a permit before a CA has decided on a file, the process risk losing all transparency and becoming politicized. Decisions

will lack consistency with CA policies and procedures and may result in precedent-setting decisions, cumulative impacts, risk to public safety and property damage and lead to future management challenges.

The proposed 120-day timeline for a CA to make a decision does not acknowledge the efforts that CAs have made to find efficiencies and streamline their permit review processes. In 2019, CH issued 95% of minor permits and 98% of major permits within 30 days and 90 days respectively. The proposed timeframe also fails to recognize the 'Client Service Standards for Conservation Authority Plan and Permit Review' that was adopted CA-wide and developed by CO and CAs in collaboration with the province, AMO, landowners groups and the building industry. This document establishes industry standards and procedures to ensure that the CA plan and permit review processes are transparent, predictable and fair.

The CA decision timeframe is also problematic in that it oversimplifies the permitting process and there is no ability for a CA to "stop the clock" when an application is in the applicant's hands. This typically happens when insufficient technical information or rationale is provided by applicants or additional technical information is required to enable adequate analysis by staff to determine if Board-approved policies are being met, and a decision can be rendered. Applicants can intentionally "run down the clock" and put the decision-making power in the hands of the Minister or LPAT. If legislative timelines are to be imposed, CAs must have the ability to "stop the clock" to better reflect actual time that an application is in for CA review. CH has been openly publishing service standards for the past four years and meets regularly with developer groups and municipalities to ensure our fees, process and service standards are transparent and consistent.

Finally, the proposed changes will result in increased legal costs and these costs will be borne by taxpayers, municipalities (municipal levy), and/or all permit applicants. Instead of spending time processing permit applications, more CA staff time would go to preparing for and attending unnecessary LPAT hearings and will lead to a more burdensome, litigious and adversarial process. We feel these changes will undo all the hard work we have done over the past four years. Service delivery will suffer.

Individuals have been able to access the Mining and Lands Tribunal to adjudicate decisions of the conservation authority at no cost to them, unless they chose to provide support for their application with technical experts and/or legal counsel. The LPAT has a filing fee which may exceed the cost of the permit for individuals. While the development community may be familiar with LPAT, the Mining and Lands Tribunal has the history and experience in adjudicating *Conservation Authorities Act* cases. One can expect delays at LPAT and potentially decisions that are inconsistently determined and applied.

Recommendations:

- i. Repeal/amend all clauses and amendments that would authorize the Minister review permits, make permit decisions or suspend conservation authorities' abilities to issue permits.
- ii. Replace appeal timelines with a requirement for CAs to develop standards and procedures for permit and plan review, including permit issuance timelines, to be approved by their Board.
- iii. Alternatively, amend to specify in the legislation that the appeal for a non-decision after 120 days can only be made when the conservation authority has deemed the application to be

complete (similar to provisions contained within the Planning Act) and that there is an ability to “stop the clock” when an application is not in the hands of the CA.

- iv. Amend to retain Mining and Lands Tribunal as the appeal body.

4. Land Use Planning

Key Changes:

- a. The Schedule also proposes an amendment to the Planning Act to remove conservation authorities as public bodies by adding them to subsection 1 (2) of the *Planning Act*. This amendment, if passed, would make conservation authorities part of the Province’s one window planning approach with no right to appeal municipal planning decisions or be party to an LPAT hearing.

Implications:

Changes to section 2(1) of the Planning Act specifically remove conservation authorities as public bodies under the Act. By doing so, our ability to appeal municipal planning decisions or to be a party to a planning appeal is lost and we will no longer be able to participate in negotiated settlements. This could result in planning decisions that fail to consider hazard risks and for which CA permits cannot be approved. Planning approvals should only be issued for development that can be permitted under CA regulations.

If CAs are unable to appeal land use decisions that conflict with Section 3.1 of the Provincial Policy Statement (PPS) or do not comply with CA regulatory policies, the Province and municipalities would be responsible for ensuring that people and property are protected from natural hazards. This tool is a necessary but seldom used tool in our toolbox. When necessary, CH attends LPAT hearings to ensure that policies and development conditions are imposed to reduce flood risks and to ensure mitigation and setbacks are in place to address other natural hazards such as erosion hazards or along the Lake Ontario shoreline. Extreme weather events and changing climate increase the importance of our role in the planning process.

The 2019 Provincial Flood Advisor’s report noted the important role that CAs play in the land use planning process. The main legislative tools used to manage flood risk, the report states, include the *Planning Act* together with the PPS and the *Conservation Authorities Act*. As a result of the Flood Advisor’s recommendations, the 2020 PPS was revised to state that mitigating natural hazard risks, including those associated with climate change, will require the province, planning authorities, and conservation authorities to work together. Similarly, the Made in Ontario Environment Plan asserts that within the context of environmental planning, conservation authorities’ core mandate is protection from natural hazards and conserving natural resources.

This change may also remove our right to appeal planning decisions as a landowner. This is of significant concern as CH owns and manages over 10,000 acres of land for habitat protection, community recreation and flood hazard management.

Furthermore, in certain circumstances, should an LPAT decision be contrary to conservation authority regulations and policies, and a subsequent permit application is denied by the conservation authority, a second appeal to LPAT is possible, exposing LPAT members to potential conflict of interest concerns.

Recommendation:

- i. Repeal proposed change to Planning Act or limit a CA's ability to appeal planning decisions to those related to natural hazards.
- ii. Clarify intent of Planning Act changes with respect to CAs as a landowner.

5. Regulatory EnforcementKey Changes:

- a. Eliminated the (not yet proclaimed) powers for officers appointed by conservation authorities to issue stop orders (CA Act provision 30.4)
- b. Clarified conditions for officers appointed by conservation authorities to enter lands without a warrant for the purposes of:
 - determining whether to issue a permit (amendment to unproclaimed CA Act provision 30.2(1))
 - ensuring compliance with the prohibitions, regulations, or permit conditions, only when the officer has "reasonable grounds to believe that a contravention" (new CA Act provision 30.2(1.1)).

Implications of Changes:

Changes to section 30.4 of the Conservation Authorities Act removes the power of CAs to issue stop orders to persons carrying out activities that could contravene or are contravening the Act. This tool was recently added to the legislation (2019), after years of debate, to enable CAs to immediately stop activities which could cause high risk to life and property and environmental damage and allow time for a negotiated resolution of the matter. The removal of this tool and narrowing of the powers of entry (Sect. 28(20) and 30.2) curtails a CAs ability to "prevent or reduce the effects or risks" associated with illegal and egregious activities, such as illegal placement of fill, wetland destruction, etc., and puts the onus on an authority to engage in a time consuming and costly injunction process. It shifts the legal instrument to another agency and increases administrative burden on both conservation authority, municipality or other agency.

Recommendations:

- i. Maintain the ability for stop work orders and reinstate the powers of entry for purposes of permitting and compliance.

6. OtherKey Changes:

- a. Requirement for a transition plan for making the changes to the non-mandatory programs and services and developing agreements or MOUs with partners, including provincial ministries.

Comments:

In a briefing with Ministry staff, it was noted that the expected transition period for the implementation of MOUs would be one year, such that the changes would take effect January 2022 budget year.

It is CH's experience with existing MOUs that they can take up to two years to finalize given that there may be multiple municipalities and CA departments involved.

Given that the CH budget is typically completed by May of the previous year to meet Region of Halton timelines, this leaves a limited window to:

- change our budget model;
- inventory all programs and determine apportionment and benefits to individual municipalities
- assess all programs and services against the regulations
- enter discussions with all our municipalities (up to 11);
- draft budgets for the selected programs and services
- substantially complete negotiations.

This transition period is unreasonable, as municipalities are unlikely to meet this timeframe given continued COVID-19 restrictions, workloads, and that this may not be their implementation priority. Depending on the municipality and the type of agreements they may also require Council approval.

Recommendation:

- i. That the transition be effective no earlier than for fiscal year 2023 (January).

Appendix 2 provides a letter of comments to the Premier as well as Ministers of Environment Conservation and Parks, Natural Resources and Forestry, Municipal Affairs and Housing and Finance. Upon approval by the board it is our intent to submit it to the name's parties for their consideration. It will also be provided to watershed MPPs, MPs, municipalities and other public sector stakeholders.

COMMUNICATIONS PLAN:

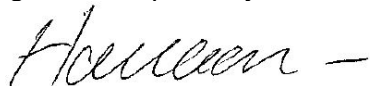
CH has prepared a press release on some of the more troubling aspects of the proposed changes to the Act. We will be communicating the implications of these changes to municipal members, the public and other partners.

We will be distributing key messages on various social media platforms.

FINANCIAL IMPLICATIONS:

The changes outlined in the act have the potential to fundamentally change the CA budget as well as limit revenue recovery from planning and permitting activities. Without the regulations we are unable to assess the full impact.

Signed & respectfully submitted:



Hassaan Basit
President & CEO/ Secretary-Treasurer

FOR QUESTIONS ON CONTENT: Hassaan Basit, hbasit@hrca.on.ca, 905 338 1158 x 2270

Appendix 1

Conservation Ontario's Summary of Proposed Amendments to the *Conservation Authorities Act & Planning Act* through Bill 229 and Implications

Description of Proposed Amendments	Implications to Conservation Authorities
<p>Existing aboriginal or treaty rights</p> <p>Section 1 is amended to include a non-abrogation clause with respect to aboriginal and treaty rights.</p>	<p>No concern.</p>
<p>Members of authority</p> <p>Section 14 is amended to ensure that the members of a conservation authority that are appointed by participating municipalities are municipal councillors. The Minister is given the authority to appoint an additional member to a conservation authority to represent the agricultural sector. The powers to define in regulation the composition, appointment or minimum qualifications for a member of the Board have been repealed. The duties of a member are amended, every member is to act honestly and in good faith and shall generally act on behalf of their respective municipalities.</p>	<p>There may be a municipal concern. Municipalities will no longer be able to appoint a member of the public to the Board and the specification of 'municipal councillor' rather than "municipally elected official" may exclude Mayors.</p> <p>There may be a municipal concern. Should the Minister choose to appoint a member to represent the agricultural sector it is assumed that candidates would apply through the Public Appointments Secretariat. It is also assumed that these appointments would have the same voting privileges as all members and would be entitled to receive per diems and to be appointed as the chair or vice-chair.</p> <p>There may be a municipal concern. There is no opportunity to manage these legislative amendments through the regulations process as Bill 229 has removed the ability to prescribe by regulation, the composition, appointment, or qualifications of members of CAs.</p> <p>Significant concern. The amendment that would require members to act on behalf of their respective municipalities contradicts the fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act.</p>

Description of Proposed Amendments	Implications to Conservation Authorities
<p>Meetings of authorities</p> <p>Section 15 is amended to require that meeting agendas be available to the public before a meeting takes place and that minutes of meetings be available to the public within 30 days after a meeting. They are to be made available to the public online.</p>	<p>No concern. CA Administrative By-Laws were completed by the December 2018 legislated deadline and, as a best practice, should already address making key documents publicly available; including meeting agendas and meeting minutes.</p>
<p>Chair/vice-chair</p> <p>Section 17 is amended to clarify that the term of appointment for a chair or vice-chair is one year and they cannot serve for more than two consecutive terms.</p>	<p>There may be a municipal concern. Municipal Councillor interest and availability regarding this requirement is to be determined.</p>
<p>Objects</p> <p>Section 20 objects of a conservation authority are to provide the mandatory, municipal or other programs and services required or permitted under the Act and regulations.</p>	<p>No concern. Previously the objects of an authority were to undertake programs and services designed to further the conservation, restoration, development and management of natural resources. This is still reflected in the Purpose of the Act. The objects now reference the mandatory and non-mandatory programs and services to be delivered. The “other programs and services” clause indicates that “an authority may provide within its area of jurisdiction such other programs and services as the authority determines are advisable to further the purposes of this Act”.</p>
<p>Powers of authorities</p> <p>Section 21 amendments to the powers of an Authority including altering the power to enter onto land without the permission of the owner and removing the power to expropriate land.</p>	<p>No concern</p>
<p>Programs and Services</p> <p>Section 21.1 requires an authority to provide mandatory programs and services that are prescribed by regulation and meet the requirements set out in that section. Section</p>	<p>Significant concern. The basic framework of mandatory, municipal and other program and services has not changed from the previously adopted but not yet proclaimed amendments to the legislation. What has now changed is that municipal programs and services and other</p>

Description of Proposed Amendments	Implications to Conservation Authorities
<p>21.1.1 allows authorities to enter into agreements with participating municipalities to provide programs and services on behalf of the municipalities, subject to the regulations. Section 21.1.2 would allow authorities to provide such other programs and services as it determines are advisable to further the purposes of the Act, subject to the regulations.</p>	<p>programs and services are subject to such standards and requirements as may be prescribed by regulation. Potentially the regulations could restrict what the Authority is able to do for its member municipalities or to further the purpose of the Act.</p>
<p>Agreements for 'other programs and services'</p> <p>An authority is required to enter into agreements with the participating municipalities in its jurisdiction if any municipal funding is needed to recover costs for the programs or services provided under section 21.1.2 (i.e. other program and services). A transition plan shall be developed by an authority to prepare for entering into agreements relating to the recovery of costs. *All programs and services must be provided in accordance with any prescribed standards and requirements. * <i>NOTE- this new addition is addressed as a significant concern under Programs and Services above.</i></p>	<p>Potential concern. This appears to be a continuation of an amendment previously adopted but not yet proclaimed. MECP staff indicate that the current expectation is that the plan in the roll-out of consultations on regulations is that the Mandatory programs and services regulation is to be posted in the next few weeks. It is noted that this will set the framework for what is then non-mandatory and requiring agreements and transition periods. MECP staff further indicated "changes would be implemented in the CA 2022 budgets" which is interpreted to mean that the Transition period is proposed to end December 2021. Subject to the availability of the prescribed regulations this date is anticipated to be challenging for coordination with CA and municipal budget processes.</p>
<p>Fees for programs and services</p> <p>Section 21.2 of the Act allows a person who is charged a fee for a program or service provided by an authority to apply to the authority to reconsider the fee. Section 21.2 is amended to require the authority to make a decision upon reconsideration of a fee within 30 days. Further, the amendments allow a person to appeal the decision to the Local Planning Appeal Tribunal or to bring the</p>	<p>Some concern. Multiple appeals of fees have the potential to undermine CA Board direction with regard to cost recovery and to divert both financial and staff resources away from the primary work of the conservation authority.</p>

Description of Proposed Amendments	Implications to Conservation Authorities
<p>matter directly to the Tribunal if the authority fails to render a decision within 30 days.</p>	
<p>Provincial oversight</p> <p>New sections 23.2 and 23.3 of the Act would allow the Minister to take certain actions after reviewing a report on an investigation into an authority's operations. The Minister may order the authority to do anything to prevent or remedy non-compliance with the Act. The Minister may also recommend that the Lieutenant Governor in Council appoint an administrator to take over the control and operations of the authority.</p>	<p>No concern. This appears to be an expansion of powers previously provided to the Minister.</p>
<p>Ministerial Review of Permit Decisions</p> <p>Subsection 28.1 (8) of the Act currently allows a person who applied to a conservation authority for a permit under subsection 28.1 (1) to appeal that decision to the Minister if the authority has refused the permit or issued it subject to conditions. Subsection 28.1 (8) is repealed and replaced with provisions that allow the applicant to choose to seek a review of the authority's decision by the Minister or, if the Minister does not conduct such a review, to appeal the decision to the Local Planning Appeal Tribunal within 90 days after the decision is made. Furthermore, if the authority fails to make a decision with respect to an application within 120 days after the application is submitted, the applicant may appeal the application directly to the Tribunal.</p>	<p>Significant concern. These amendments provide two pathways for an applicant to appeal a decision of an Authority to deny a permit or the conditions on a permit. One is to ask the Minister to review the decision; the other is to appeal directly to the Local Planning Appeal Tribunal. Appeals brought through these processes will create additional workload for the Authority and increase the amount of time that a permit appeal process takes.</p> <p>New guidelines will need to be created to support the Minister and the LPAT in their decision-making processes. There is no reference to a complete application being submitted prior to the 120 day "clock" being started.</p>
<p>Minister's Order Re. S. 28 Permit</p> <p>New section 28.1.1 of the Act allows the Minister to order a conservation authority not to issue a permit to engage in an activity that,</p>	<p>Significant concern. These powers appear to be similar to a Minister Zoning Order provided for under the <i>Planning Act</i>. Should the Minister decide to use these powers it appears that the CA may</p>

Description of Proposed Amendments	Implications to Conservation Authorities
without the permit, would be prohibited under section 28 of the Act. After making such an order the Minister may issue the permit instead of the conservation authority.	be required to ensure compliance with the Minister's permit.
<p>Cancellation of Permits</p> <p>Section 28.3 of the Act is amended to allow a decision of a conservation authority to cancel a permit or to make another decision under subsection 28.3 (5) to be appealed by the permit holder to the Local Planning Appeal Tribunal.</p>	Some concern. Some conservation authorities use the cancellation of a permit as part of their compliance approach; the ability to appeal to the LPAT will add 90 days to the process prior to a LPAT hearing taking place. Renders the tool ineffective if the permit holder decides to appeal.
<p>Entry Without Warrant, Permit Application</p> <p>Subsection 30.2 (permit application) of the Act sets out circumstances in which an officer may enter land within the area of jurisdictions of an authority. Those circumstances are revised.</p>	Some concern. The changes are to amendments previously adopted but not proclaimed. For considering a permit application, the officer is now required to give reasonable notice to the owner and to the occupier of the property, which may result in increased administrative burden for the CA. It also appears to remove the ability to bring experts onto the site.
<p>Entry Without Warrant, Compliance</p> <p>Subsection 30.2 (compliance) of the Act sets out circumstances in which an officer may enter land within the area of jurisdictions of an authority. Those circumstances are revised.</p>	Significant/Some concern. The revisions essentially undo any enhanced powers of entry found within the yet to be proclaimed enforcement and offences section of the Act. The result is that CAs essentially maintain their existing powers of entry, which are quite limited. Conservation authorities will likely have to rely on search warrants to gain entry to a property where compliance is a concern. Reasonable grounds for obtaining a search warrant cannot be obtained where the activity cannot be viewed without entry onto the property (i.e. from the road).
<p>Stop (work) Order</p> <p>Section 30.4 of the Act is repealed. That section, which has not yet been proclaimed and which would have given officers the power to issue stop orders to persons</p>	Significant concern. This is an important enforcement tool that conservation authorities have been requesting for years. Without this tool, conservation authorities must obtain an injunction

Description of Proposed Amendments	Implications to Conservation Authorities
carrying on activities that could contravene or are contravening the Act, is repealed.	to stop unauthorized activities which represents a significant cost to the taxpayers.
Regulations Made by Minister and LGIC The regulation making authority in section 40 is re-enacted to reflect amendments in the Schedule.	No concern.
Throughout the legislation all references to the Mining and Lands Commissioner has been replaced with the Local Planning Appeal Tribunal	Some concern. The LPAT lacks the specialized knowledge that the MLT has with regard to S. 28 applications. There is also a significant backlog of cases at the LPAT.
Planning Act – Exclusion of CAs as Public Body Subsection 1(2) of the <i>Planning Act</i> is amended to remove Conservation Authorities as a public body under the legislation. Conservation authorities will not be able to independently appeal or become a party to an appeal as a public body at the LPAT.	Significant concern. There is lack of clarity on the implications of this amendment. The intent of the amendment is to remove from conservation authorities the ability to appeal to LPAT any <i>Planning Act</i> decisions as a public body or to become a party to an appeal. Conservation authorities will instead be required to operate through the provincial one window approach, with comments and appeals coordinated through MMAH. Note that the one window planning system is typically enacted for the review of Official Plans and Official Plan Amendments. It is expected that conservation authorities will retain the ability to appeal a decision that adversely affects land that it owns however that has not been confirmed.

Appendix 2

Draft Letter from the Chair of the Conservation Halton Board of Directors regarding concerns related to the proposed Amendments to the CA Act and Planning Act - Bill 229- attached to this report.

To: Mayor and Members of Burlington City Council

From: Kevin Arjoon, City Clerk

Cc: Tim Commisso, City Manager

Date: November 17, 2020

Re: CL-19-20 - Revised 2021 Schedule with direction from the CPRM Committee

At the November 10, 2020 Community Planning, Regulation and Mobility Committee, the following direction was provided.

Move all Council Workshops forward to the preceding Monday of committee week, with the exception of February which would move to February 8, 2021; and

Move the January 2021 and 2022 committee meeting dates from the first week of the month to the second and third weeks of the month.

In response staff have determined the following schedules for January 2021 and January 2022:

January 2021

Corporate Services, Strategy, Risk & Accountability Committee	January 11, 2021
Environment, Infrastructure Community Services Committee	January 12, 2021
Capital Budget Overview (CSSRA)	January 12, 2021
Regional Workshop	January 13, 2021
Community Planning, Regulation & Mobility Committee	January 14, 2021
Council Workshop	January 18, 2021
City Council (includes ratification of capital budget)	January 19, 2021
Regional Council	January 20, 2021
Operating Budget Overview (CSSRA)	January 21, 2021

**Revised 2021 Schedule in accordance with direction
provided by the CPRM Committee**

November 17, 2020

Page 2

January 2022

Corporate Services, Strategy, Risk & Accountability Committee	January 10, 2022
Community Planning, Regulation & Mobility Committee	January 11, 2022
Regional Workshop	January 12, 2022
Environment, Infrastructure & Community Services Committee Budget Placeholder (CSSRA)	January 13, 2022
Council Workshop	January 17, 2022
City Council	January 18, 2022
Regional Council	January 19, 2022
Budget Placeholder (CSSRA)	January 20, 2022

A revised 2021 calendar and revised Excel spreadsheet with agenda item deadlines reflecting the date change requests made at CPRM Committee are attached to this memorandum.

Thank you,










Kevin Arjoon
City Clerk
Clerks Department

Attached:












Appendix A - Revised 2021 Calendar of Meetings

Appendix B - Revised 2021 Calendar of Meetings (Excel) with deadlines









JANUARY 2021

S	M	T	W	T	F	S
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10	 11	 12	 13	 14	15	16
17	 18	 19	 20	 21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 2021

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28						










MARCH 2021

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APRIL 2021

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25	26	27	28	29	30	









MAY 2021

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23	 24	25	26	27	28	29
30						

JUNE 2021

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 13	 14	 15	 16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			










JULY 2021

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25	26	27	28	29	30	31










AUGUST 2021

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 15	 16	 17	 18	19	20	21
22	23	24	25	26	27	28
29	30	31				











SEPTEMBER 2021

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12	 13	 14	 15	16	17	18
19	 20	 21	22	23	24	25
26	27	28	29	30		















OCTOBER 2021

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24	25	26	27	28	29	30
31						

NOVEMBER 2021

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14	 15	 16	 17	18	19	20
21	 22	 23	 24	25	26	27
28	29	 30				

DECEMBER 2021

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12	 13	 14	 15	16	17	18
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26	 27	 28	 29	 30	 31	



Tuesdays Council - 1 p.m. & 6:30 p.m.



Tuesdays 9:30 a.m. - Community Planning, Regulation & Mobility Committee



Tuesday 6:30 p.m. - Community Planning, Regulation & Mobility Committee Public Meeting



Wednesdays 9:30 a.m. - Corporate Services, Strategy, Risk & Accountability Committee



Wednesdays 3:30 p.m. - Audit Committee



Thursdays 9:30 a.m. / 1 p.m. Council Workshop



Thursdays 9:30 a.m. - Environment, Infrastructure & Community Services Committee



Regional Committee



Regional Council



Special Meeting Times TBD



Holiday/City Hall Closed





Assoc. of Municipalities of Ontario Conf.



Fed. of Canadian Municipalities Conf.

JANUARY 2022

S	M	T	W	T	F	S
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16	 17	 18	 19	 20	21	22
23	24	25	26	27	28	29
30	31					

2021 Calendar of Meetings with Deadlines - revised Nov. 23, 2020

CL-19-20 Appendix B

Deadline to Clerks Department	Committee Meeting Type	Meeting Date	Items Ratified By Council	
	New Years Day	Friday, January 1, 2021		
Monday, January 4, 2021	Corporate Services, Strategy, Risk and Accountability Committee	Monday, January 11, 2021		
Monday, January 4, 2021	Corporate Services, Strategy, Risk and Accountability Committee (capital budget review)	Tuesday, January 12, 2021	Tuesday, January 19, 2021	
Monday, January 4, 2021	Environment, Infrastructure & Community Services Committee	Tuesday January 12, 2021	Tuesday, January 19, 2021	
	Regional Council Workshop	Wednesday, January 13, 2021		
Monday, January 4, 2021	Community Planning, Regulation & Mobility Committee	Thursday, January 14, 2021	Tuesday, January 19, 2021	
	Council Workshop	Monday, January 18, 2021	Tuesday, January 19, 2021	
	City Council (capital budget ratified)	Tuesday, January 19, 2021		
	Regional Council	Wednesday, January 20, 2021		
Wednesday, January 13, 2021	Corporate Services, Strategy, Risk and Accountability Committee (operating budget overview)	Thursday January 21, 2021	Tuesday, February 16, 2021	
Wednesday, January 20, 2021	Community Planning, Regulation & Mobility Committee	Tuesday, February 2, 2021	Tuesday, February 16, 2021	
Wednesday, January 20, 2021	Corporate Services, Strategy, Risk and Accountability Committee	Wednesday, February 3, 2021	Tuesday, February 16, 2021	
Wednesday, January 20, 2021	Environment, Infrastructure & Community Services Committee	Thursday, February 4, 2021	Tuesday, February 16, 2021	
	Council Workshop	Monday, February 8, 2021	Tuesday, February 16, 2021	
Wednesday, January 27, 2021	Community Planning, Regulation & Mobility Committee – Public Meeting	Tuesday, February 9, 2021	Tuesday, February 16, 2021	
Wednesday, January 27, 2021	Audit Committee	Wednesday, February 10, 2021	Tuesday, February 16, 2021	
	Regional Council Workshop	Wednesday, February 10, 2021		
	Family Day	Monday, February 15, 2021		
	City Council	Tuesday, February 16, 2021		
	Regional Council	Wednesday, February 17, 2021		
Wednesday, February 10, 2021	Corporate Services, Strategy, Risk and Accountability Committee (operating budget review)	Tuesday, February 23, 2021	Tuesday, March 23, 2021	
Wednesday, February 10, 2021	Corporate Services, Strategy, Risk and Accountability Committee (operating budget review)	Thursday, February 25, 2021	Tuesday, March 23, 2021	
Wednesday, February 17, 2021	Community Planning, Regulation & Mobility Committee	Tuesday, March 2, 2021	Tuesday, March 23, 2021	
Wednesday, February 17, 2021	Corporate Services, Strategy, Risk and Accountability Committee	Wednesday, March 3, 2021	Tuesday, March 23, 2021	
	Special Council - ratify operating budget	Wednesday, March 3, 2021		
Wednesday, February 17, 2021	Environment, Infrastructure & Community Services Committee	Thursday, March 4, 2021	Tuesday, March 23, 2021	
Wednesday, February 24, 2021	Community Planning, Regulation & Mobility Committee – Public Meeting	Tuesday, March 9, 2021	Tuesday, March 23, 2021	
	Regional Council Workshop	Wednesday, March 10, 2021		
	March Break	March 15-19, 2021		
	Council Workshop	Monday, March 22, 2021	Tuesday, March 23, 2021	
	City Council	Tuesday, March 23, 2021		
	Regional Council	Wednesday, March 24, 2021		
	Good Friday	Friday April 2, 2021		
	Easter Monday	Monday April 5, 2021		
Wednesday, March 24, 2021	Community Planning, Regulation & Mobility Committee	Tuesday, April 6, 2021	Tuesday, April 20, 2021	
Wednesday, March 24, 2021	Corporate Services, Strategy, Risk and Accountability Committee	Wednesday, April 7, 2021	Tuesday, April 20, 2021	
Wednesday, March 24, 2021	Environment, Infrastructure & Community Services Committee	Thursday, April 8, 2021	Tuesday, April 20, 2021	
Wednesday, March 31, 2021	Community Planning, Regulation & Mobility Committee – Public Meeting	Tuesday, April 13, 2021	Tuesday, April 20, 2021	
	Regional Council Workshop	Wednesday, April 14, 2021		
	Council Workshop	Monday, April 19, 2021	Tuesday, April 20, 2021	
	City Council	Tuesday, April 20, 2021		
	Regional Council	Wednesday, April 21, 2021		
Wednesday, April 21, 2021	Community Planning, Regulation & Mobility Committee	Tuesday, May 4, 2021	Tuesday, May 18, 2021	
Wednesday, April 21, 2021	Corporate Services, Strategy, Risk and Accountability Committee	Wednesday, May 5, 2021	Tuesday, May 18, 2021	
	Special Council - ratify tax levy by-law	Wednesday, May 5, 2021		
Wednesday, April 21, 2021	Environment, Infrastructure & Community Services Committee	Thursday, May 6, 2021	Tuesday, May 18, 2021	
Wednesday, April 28, 2021	Community Planning, Regulation & Mobility Committee – Public Meeting	Tuesday, May 11, 2021	Tuesday, May 18, 2021	
	Regional Council Workshop	Wednesday, May 12, 2021		
	Council Workshop	Monday, May 17, 2021	Tuesday, May 18, 2021	
	City Council	Tuesday, May 18, 2021		
	Regional Council	Wednesday, May 19, 2021		
	Victoria Day	Monday, May 24, 2021		
Wednesday, May 19, 2021	Community Planning, Regulation & Mobility Committee	Tuesday, June 1, 2021	Tuesday, June 15, 2021	

Wednesday, May 19, 2021	Corporate Services, Strategy, Risk and Accountability Committee	Wednesday June 2, 2021	Tuesday, June 15, 2021	
	FCM Conference	June 3-6, 2021		
Wednesday, May 26, 2021	Environment, Infrastructure & Community Services Committee	Monday, June 7, 2021	Tuesday, June 15, 2021	
Wednesday, May 26, 2021	Community Planning, Regulation & Mobility Committee – Public Meeting	Tuesday, June 8, 2021	Tuesday, June 15, 2021	
Wednesday, May 26, 2021	Audit Committee	Wednesday, June 9, 2021	Tuesday, June 15, 2021	
	Regional Council Workshop	Wednesday, June 9, 2021		
	FCM Conference	June 10-13, 2021		
	Council Workshop	Monday, June 14, 2021	Tuesday, June 15, 2021	
	City Council	Tuesday, June 15, 2021		
	Regional Council	Wednesday, June 16, 2021		
	Canada Day	Thursday, July 1, 2021		
Wednesday, June 23, 2021	Corporate Services, Strategy, Risk and Accountability Committee	Monday, July 5, 2021	Tuesday, July 13, 2021	
Wednesday, June 23, 2021	Community Planning, Regulation & Mobility Committee	Tuesday, July 6, 2021	Tuesday, July 13, 2021	
	Regional Council Workshop	Wednesday July 7, 2021		
Wednesday, June 23, 2021	Environment, Infrastructure & Community Services Committee	Thursday, July 8, 2021	Tuesday, July 13, 2021	
	Council Workshop	Monday, July 12, 2021	Tuesday, July 13, 2021	
	City Council	Tuesday, July 13, 2021		
	Regional Council	Wednesday, July 14, 2021		
	Civic Holiday	Monday, August 2, 2021		
	AMO Conference	August 15-18, 2021		
	Labour Day	Monday, September 6, 2021		
Wednesday, August 25, 2021	Community Planning, Regulation & Mobility Committee	Tuesday, September 7, 2021	Tuesday, September 21, 2021	
	Regional Council Workshop	Wednesday, September 8, 2021		
Wednesday, August 25, 2021	Audit Committee	Wednesday, September 8, 2021	Tuesday, September 21, 2021	
Wednesday, August 25, 2021	Corporate Services, Strategy, Risk and Accountability Committee	Thursday, September 9, 2021	Tuesday, September 21, 2021	
Wednesday, September 1, 2021	Environment, Infrastructure & Community Services Committee	Monday, September 13, 2021	Tuesday, September 21, 2021	
Wednesday, September 1, 2021	Community Planning, Regulation & Mobility Committee – Public Meeting	Tuesday, September 14, 2021	Tuesday, September 21, 2021	
	Regional Council	Wednesday, September 15, 2021		
	Council Workshop	Monday, September 20, 2021	Tuesday, September 21, 2021	
	City Council	Tuesday, September 21, 2021		
Wednesday, September 22, 2021	Community Planning, Regulation & Mobility Committee	Tuesday, October 5, 2021	Tuesday, October 19, 2021	
Wednesday, September 22, 2021	Corporate Services, Strategy, Risk and Accountability Committee	Wednesday, October 6, 2021	Tuesday, October 19, 2021	
Wednesday, September 22, 2021	Environment, Infrastructure & Community Services Committee	Thursday, October 7, 2021	Tuesday, October 19, 2021	
	Thanksgiving	Monday October 11, 2021		
Wednesday, September 29, 2021	Community Planning, Regulation & Mobility Committee – Public Meeting	Tuesday, October 12, 2021	Tuesday, October 19, 2021	
	Regional Council Workshop	Wednesday, October 13, 2021		
	Council Workshop	Monday, October 18, 2021	Tuesday, October 19, 2021	
	City Council	Tuesday, October 19, 2021		
	Regional Council	Wednesday, October 20, 2021		
Wednesday, October 20, 2021	Corporate Services, Strategy, Risk and Accountability Committee (2022 budget overview)	Wednesday, November 3, 2021	Tuesday, November 23, 2021	
Wednesday, October 27, 2021	Community Planning, Regulation & Mobility Committee	Tuesday, November 9, 2021	Tuesday, November 23, 2021	
Wednesday, October 27, 2021	Corporate Services, Strategy, Risk and Accountability Committee	Wednesday, November 10, 2021	Tuesday, November 23, 2021	
Wednesday, November 3, 2021	Environment, Infrastructure & Community Services Committee	Monday, November 15, 2021	Tuesday, November 23, 2021	
Wednesday, November 3, 2021	Community Planning, Regulation & Mobility Committee – Public Meeting	Tuesday, November 16, 2021	Tuesday, November 23, 2021	
	Regional Council Workshop	Wednesday, November 17, 2021		
	Council Workshop	Monday, November 22, 2021	Tuesday, November 23, 2021	
	City Council	Tuesday, November 23, 2021		
	Regional Council	Wednesday, November 24, 2021		
Wednesday, November 17, 2021	Corporate Services, Strategy, Risk and Accountability Committee (budget review)	Tuesday, November 30, 2021	Tuesday, December 14, 2021	
Wednesday, November 17, 2021	Corporate Services, Strategy, Risk and Accountability Committee (budget review)	Thursday, December 2, 2021	Tuesday, December 14, 2021	
Wednesday, November 24, 2021	Corporate Services, Strategy, Risk and Accountability Committee	Monday, December 6, 2021	Tuesday, December 14, 2021	
Wednesday, November 24, 2021	Community Planning, Regulation & Mobility Committee	Tuesday, December 7, 2021	Tuesday, December 14, 2021	
	Regional Council Workshop	Wednesday, December 8, 2021		
Wednesday, November 24, 2021	Audit Committee	Wednesday, December 8, 2021	Tuesday, December 14, 2021	
Wednesday, November 24, 2021	Environment, Infrastructure & Community Services Committee	Thursday December 9, 2021	Tuesday, December 14, 2021	
	Council Workshop	Monday, December 13, 2021	Tuesday, December 14, 2021	

	City Council (2022 capital and operating budget approval)	Tuesday, December 14, 2021		
	Regional Council	Wednesday, December 15, 2021		
	Holiday Shutdown	December 24 - 31, 2021		
	New Years Day	Saturday, January 1, 2022		
Monday, January 3, 2022	Corporate Services, Strategy, Risk and Accountability Committee	Monday, January 10, 2022	Tuesday, January 18, 2022	
Monday, January 3, 2022	Community Planning, Regulation & Mobility Committee	Tuesday, January 11, 2022	Tuesday, January 18, 2022	
	Regional Council Workshop	Wednesday, January, 12, 2022		
Monday, January 3, 2022	Environment, Infrastructure & Community Services Committee	Thursday, January 13, 2022	Tuesday, January 18, 2022	
Monday, January 3, 2022	Corporate Services, Strategy, Risk and Accountability Committee (back-up for budget)	Thursday, January 13, 2022	Tuesday, January 18, 2022	
	Council Workshop	Monday, January 17, 2022	Tuesday, January 18, 2022	
	City Council	Tuesday, January 18, 2022		
	Regional Council	Wednesday, January 19, 2022		
Wednesday, January 5, 2022	Corporate Services, Strategy, Risk and Accountability Committee (back-up for budget)	Thursday, January 20, 2022	special council may be required	