REGIONAL MUNICIPALITY OF WATERLOO
ADMINISTRATION AND FINANCE COMMITTEE
AGENDA

Tuesday, April 30, 2013
Immediately following Planning and Works Committee
Approximately 10:30 a.m.
Regional Council Chamber
150 Frederick Street, Kitchener

1. DECLARATIONS OF PECUNIARY INTEREST UNDER THE MUNICIPAL
CONFLICT OF INTEREST ACT

2. DELEGATIONS

<table>
<thead>
<tr>
<th>CONSENT AGENDA ITEMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items on the Consent Agenda can be approved in one motion of Committee to save time. Prior to the motion being voted on, any member of Committee may request that one or more of the items be removed from the Consent Agenda and voted on separately.</td>
</tr>
</tbody>
</table>

3. REQUEST TO REMOVE ITEMS FROM CONSENT AGENDA

4. MOTION TO APPROVE ITEMS OR RECEIVE FOR INFORMATION

REPORTS – Finance

a) F-13-039, Municipal Legislative Reform to Address Joint and Several Liability (Approval) 1

REPORTS – Corporate Resources

b) CR-CLK-13-002, Open Data Implementation Final Report (Information) 8

c) CR-CLK-13-003, Webcasting Update – Council/Committee Meetings (Information) 11

REPORT OF THE AUDIT COMMITTEE

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5. REGULAR AGENDA RESUMES

REPORTS - Finance

a) F-13-040, Regional Development Charges By-law Review 16
INFORMATION/CORRESPONDENCE

a) Memo: Casinos

6. OTHER BUSINESS

a) Council Enquiries and Requests for Information Tracking List

7. NEXT MEETING – May 28, 2013

8. ADJOURN
TO: Chair Tom Galloway and Members of the Administration and Finance Committee

DATE: April 30, 2013

FILE CODE: F28-30

SUBJECT: MUNICIPAL LEGISLATIVE REFORM TO ADDRESS JOINT & SEVERAL LIABILITY

RECOMMENDATION:

THAT the Region of Waterloo support the request of the Frank Cowan Company for the Law Commission of Ontario to complete a study on Municipal Legislative Reform to address the issue of the effects of Joint and Several Liability on municipal insurance claims.

SUMMARY: Nil

REPORT:

Background:

The joint and several provisions of the Negligence Act, indicate, “Where damages have been caused or contributed to by the fault or neglect of two or more persons,…and, where two or more persons are found at fault or negligent, they are jointly and severally liable to the person suffering the loss or damage…”

Also known as the 1% rule, the joint and several provisions may oblige a defendant, which is only 1% at fault, to pay the plaintiff’s entire judgment. For example, if a person is catastrophically injured in a motor vehicle accident which is 90% the fault of the driver of the vehicle and 10% the fault of the municipality for failing to maintain the road, both the driver and the municipality are liable for 100% of the plaintiff’s damages. However, if those damages are assessed at $6 million, and the driver has only $1 million of insurance, then the plaintiff can recover $5 million from the municipality, notwithstanding that it was only 10% at fault. Although the municipality should only have paid $600,000 and has the right to recover the $4.4 million overpayment from the driver, the judgment is worthless if the driver has no assets other than the $1 million insurance policy.

The main benefit is for plaintiffs and provides them with the best opportunity to be fully compensated. Without it, plaintiffs, often innocent victims, might be limited in their ability to recover damages. However, the main problem is fairness for defendants. It is unfair for a defendant whose degree of fault is minor, when compared to that of other defendants, to have to fully compensate a plaintiff should the other defendants be impecunious.

The effect of joint and several liability is that it can put pressure on municipalities to avoid protracted expensive litigation by settling for amounts that may be excessive, or certainly represent a greater percentage than their degree of fault.

The Region of Waterloo and its local municipalities are most often exposed to the effects of joint and several liability arising from motor vehicle accidents alleging road design problems and/or improper winter maintenance, claims alleging negligent building inspection and claims alleging an improper response by Police, Fire and EMS services. Essentially the Waterloo Region Municipal Insurance
Pool is exposed in any litigation where it is a co-defendant and the main target defendant either has no insurance policy or assets to respond to pay the plaintiff’s claim.

The current initiative for consideration put forward by the Frank Cowan Company, supported by other municipalities in Ontario, is to request the Law Commission of Ontario to complete a study on Municipal Legislative Reform to address the effects of Joint and Several Liability and its effect on the cost of municipal insurance claims. This initiative is a continuation of the efforts to seek Joint and Several Liability Reform that was put forward by AMO back in 2009 which the Region supported.

CORPORATE STRATEGIC PLAN:

One of the goals of the Corporate Strategic Plan is to ensure Regional programs and services are efficient and effective and demonstrate accountability to the public under Strategic Focus Area 5 Service Excellence.

FINANCIAL IMPLICATIONS:

Joint and Several Liability has a profound effect on municipal claim settlements. Staff recommends that the Region support the request for the Law Commission of Ontario to complete a study on this issue, which would recommend changes that will return the tort climate to one of foreseeableability and stability.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE: Nil

ATTACHMENTS:

Municipal Legislative Reform: Tort Exposures – by Derek Sarluis, Frank Cowan Company

PREPARED BY: Craig Smith, Risk Manager

APPROVED BY: Craig Dyer, Chief Financial Officer
Municipal Legislative Reform: Tort Exposures
March 2013
Authored By: Derek Sarluis

Introduction

Municipal Governments in Canada have been faced with increasingly detrimental liability awards in both percentage and dollar amounts over the past number of years. This has placed undue and unwarranted strain on already stretched Municipal budgets. These burdens come in the form of increased insurance premiums and self-insured exposures. The result is a diversion of funds from key municipal services to the payment of premiums or losses. While Frank Cowan Company feels the time for change is now, any change will, in our view, have to meet the following criteria:

- Equitable to all, especially injured parties
- Sustainable over time
- Bring stability to the municipal insurance environment

History

Until the 1920’s Municipal Governments had immunity from liability for tortious acts. That immunity was eventually weakened to allow tort liability in cases of misfeasance (doing something which is legal in an improper manner). Since then, municipal liability apportionment in the tort environment has deteriorated to a level where we are now experiencing a crisis situation.

Chief Justice Fitzpatrick on behalf of the Supreme Court of Canada stated in Fafard v. City of Quebec (1917), 39 D.L.R. 717 (S.C.C.) at 718:

“A municipal corporation is not an insurer of travellers using its streets; its duty is to use reasonable care to keep its streets in a reasonably safe condition for ordinary travel by persons exercising ordinary care for their own safety.

The court went on to say:

“Moreover, it is only common sense to distinguish between highways and byways. Precautions that might well be required to be taken on a much travelled main thoroughfare would often be quite uncalled for on an unimportant and little frequented side street. The city cannot be held liable because every street is not equally safe for all possible purposes of traffic.”

Furthermore, while this statement has been articulated in slightly different ways by various leading authorities, in Housen v. Nikolaisen, [2002] 2 S.C.R. 235, the Supreme Court of Canada agreed that:

“The extent of the statutory obligation placed upon municipal corporations to keep and repair the highways under their jurisdiction, has been variously stated in numerous reported cases. There is, however, a general rule which may be gathered from the decisions, and that is, that the road must be kept in such a reasonable state of repair that those requiring to use it may, exercising ordinary care, travel upon it with safety.”
The statements noted above no longer apply as Canadian Municipalities are now responsible for keeping roads safe for drivers who make mistakes; have minimal driver training; or, as demonstrated below in Fordham v. Dutton-Dunwich, run a visible stop sign at a high rate of speed while drinking.

**Current Claims Climate**

In Deering v. Scugog and Oshawa, 2009, Justice Howden found the Municipalities liable to the extent of 66 2/3rd percent. This accident occurred on a boundary road with jurisdiction shared between the municipalities of Scugog and Oshawa. Both were sued, shared the liability and the settlement.

The plaintiff alleges that on a dark night she approached a steep hill and perceived that the vehicle traveling towards her was on her side of the road. She took evasive action (pulling to the right) which caused her to lose control of her vehicle, strike a culvert and then flip over.

Because the road was old (ie. not a new construction mandated to have road markings), there was no centerline. A line was not required according to The Ontario Manual of Uniform Traffic Control. However, the Municipality planned on going above the minimum requirements by painting a centerline when resources became available.

This case was tried and the Judge found the Municipalities to be 66 2/3rd liable. Appeals were unsuccessful. The driver's $1,000,000 automobile policy was insufficient to settle the claims made by the passengers.

This case has cost the Municipalities, and therefore its taxpayers and their Insurers, more than $20,000,000. If Joint and Several were not a factor, the cost would have been $16,000,000. If a reasonable assessment of 25% liability on the municipalities had been made in a non-Joint and Several liability scenario, the cost would have been $6,000,000 to the Municipalities and their Insurers.

The claims climate has continued to deteriorate. This is demonstrated by reviewing Fordham v. Dutton-Dunwich, 2012, a case where the Court found the Municipality 50% liable.

In this case, a young person with a G2 license, who was not using his seatbelt and had been drinking beer in the car, drove through a stop sign at the posted speed limit of 80 KPH. The driver lost control, hit a cement culvert and sustained an unfortunate severe brain injury. The gravel road in question deviates very slightly at the intersection. The intersection traffic controls had been upgraded from yield signs to stop signs one year prior to the accident. Despite this proactive initiative which wasn’t warranted by a needs study, liability was found to rest with the Municipality.

Was this a reasonable driver exercising ordinary care? We say no. If Municipalities are held liable in such cases one has to ask where the funding will be found. Certainly premiums and deductibles will have to increase, if municipal insurance even remains available.

This case, if not overturned on appeal, will cost the Municipality and therefore its taxpayers and Insurers more than $5,500,000 whereas years ago the award would have likely been negligible or at worst 25%.

The situation is simply not sustainable for Municipalities or taxpayers. Change is required.
What Is Driving Claims Costs Up?

Municipal insurance premiums are influenced by many factors. One of the most significant factors in the pricing of insurance is the long tail nature of municipal liability claims. An incident may occur in a given policy year, but the claim may not be presented until many years later and may take several more years to settle. Forecasting what Courts may award a plaintiff in the future is very challenging and yet it impacts today’s premiums.

As the cost of claims rise exponentially, insurance premiums have followed suit. Key drivers influencing the cost of rising claims are:

- **Damage awards are getting larger**
  A higher proportion of liability is being assigned to municipalities and total awards are escalating dramatically.

- **Future care costs are accelerating**
  Providing future health care is extremely costly.

- **Joint & several liability** (also known as the 1% rule) Municipalities are perceived as having deep pockets and therefore pay more than their fair share.

- **Cost of defending claims is increasing**
  Cases are becoming more complex and taking longer to resolve driving legal costs upward.

- **Class actions**
  Courts are certifying more class action suits.

- **Municipal claims inflation**
  Claims inflation is running at 6% to 8% annually.

- **More litigious society**
  There is a higher frequency of claims and more municipalities are being named in Court cases even if only remotely associated with the claim.

Market/Insurance Availability and Cost

The number of providers willing to insure Municipalities from the risks of liability are few. Currently only 1.3% or 5 of 394 property and casualty providers are in this niche market.

In addition, more than five companies have entered the marketplace only to re-assess their appetite for the high risks associated with municipal insurance and then exit. These relatively short-lived participants cause market turbulence and uncertainty for Municipalities, especially those that chose to place their insurance with these carriers. In order for the market to be sustainable, it requires stability.

The Association of Municipalities of Ontario (AMO) conducted a survey in 2011, in part to gather information on the cost of municipal insurance. Report statistics include:

- 135 of the 444 municipalities asked responded to the survey (representing 50% of the Ontario population).
- Insurance cost Ontario Municipalities $155.2 million in 2011.
• Costs for deductibles were in excess of that. For example Toronto paid $14 million in defence costs alone.
  o This exceeds spending for each of the following:
    ▪ Bridges and culverts
    ▪ Conservation Authorities
    ▪ Street lighting
    ▪ Is similar to administrating POA fines and courts

The cost of liability insurance has sky-rocketed by 22.2% from 2007 to 2011 with some municipalities reporting increases of up to 50%. In this same time period CPI inflation was 4% and total municipal expenditure growth was down from 6% to 2.5%.

The AMO report predicts that, unless change is made, insurance-related costs will increase further to $180 million by 2015, an additional 16%.

Municipalities are now paying up to $37.56 per capita for insurance costs. This equates to almost 7% of the average tax bill. And this amount will continue to accelerate.

**Proposed Alternatives**

We are investigating alternatives to the current Joint & Several framework. Potential solutions must meet the following criteria:

- Equitable to all, especially injured parties
- Sustainable over time
- Bring stability to these matters

1. **Liability caps**
   This alternative has been successfully implemented in Manitoba and Alberta. In the United States; Alabama, Michigan and Illinois have caps in place. This is true of the majority of states.

2. **Immunities**
   Full or partial immunities have been implemented in Florida, Michigan, California and many others.

3. A fund created by involved Insurers and administered by the Government (perhaps OHIP) to manage the health and care costs of severely injured individuals as a result of Municipal negligence.

4. A change from Joint and Several to comparative or several liability. This has occurred in Michigan, Illinois, New York, New Jersey and others.

5. Mandating the use of structured settlements in all claims for future damages and tying the quantum to the reasonable premium cost of a structure to fund the reasonable future losses and expense of the Claimant. This occurs in cases involving healthcare via Section 116.1 of the Courts of Justice Act.
A call to action

We need to develop a common solution to address the present municipal liability insurance crisis. The alternatives outlined above, if implemented, will achieve this objective.

We recommend that the Law Commission of Ontario complete a study on this crisis and recommend change that will return the tort climate to one of foreseeability and stability.

Frank Cowan Company, The Region of Durham, The Region of Waterloo, The Municipality of Chatham-Kent and The Ontario Municipal Insurance Exchange (representing 23 Municipalities) and many others endorse this call to action and will offer assistance where required.
TO: Chair Tom Galloway and Members of the Administration and Finance Committee

DATE: April 30, 2013

FILE CODE: A10-20/OD

SUBJECT: OPEN DATA IMPLEMENTATION FINAL REPORT

RECOMMENDATION:

For information

REPORT:
The purpose of this report is to provide Committee with an update on the Open Data Project. The report below captures the outcomes, challenges, successes and future plans for Open Data at the Region of Waterloo.

Background
In November 2010, Council directed staff to explore the application of the Open Data concept. Following a detailed investigation and consultation with representatives from Region departments, area municipalities and the community, the project team recommended to Committee the adoption of an open data model/project (Report CR-CLK-11-017, September 2011). The project was conducted in three phases over a one-year period. The objectives of the open data project were to:

- Develop an open data catalogue,
- Create an Open Data webpage,
- Develop a process to evaluate Regional data sets,
- Release data sets for public use for initial release,
- Develop a planned approach to release more data over time,
- Develop an ongoing internal governance structure,
- Develop a data license.

All of these objectives have now been achieved. The Open Data webpage on the Region’s web site, officially launched on December 9, 2011 and was the first upper-tier open data portal in Canada. On launch day, the catalogue contained eight datasets with a further eleven datasets added subsequently. The catalogue includes the following:

<table>
<thead>
<tr>
<th>Dataset</th>
<th>Dataset</th>
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</thead>
<tbody>
<tr>
<td>Airport Flight Schedule</td>
<td>Regional Libraries</td>
</tr>
<tr>
<td>Contours</td>
<td>Rivers</td>
</tr>
<tr>
<td>Creeks</td>
<td>Settlements</td>
</tr>
<tr>
<td>Cycling Routes (Regional)</td>
<td>Transit – GRT Routes</td>
</tr>
<tr>
<td>Digital Elevation Model</td>
<td>Transit – GRT Stops</td>
</tr>
<tr>
<td>Doors Open Locations 2012</td>
<td>Transit – GRT GTFS Data (General Transit Feed Specification)</td>
</tr>
<tr>
<td>Food Premise Inspections</td>
<td>Ward Boundaries</td>
</tr>
<tr>
<td>Infrastructure Locations that Serve Children Aged 0-12</td>
<td>Waste Collection Schedule</td>
</tr>
<tr>
<td>Regional Boundary</td>
<td>Waste Depots</td>
</tr>
<tr>
<td>Regional Facilities</td>
<td></td>
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</tbody>
</table>

The project implementation experienced both challenges and successes.
Project Challenges

*Internal vs. external consumption*

Data is collected to meet an internal program need. The data collected may make sense from a internal perspective however it makes limited sense to the public when the context is not set or the relationship to other data or information is not understood. Although some context is provided with the dataset, e.g. what it was collected for, the public may not intuitively understand the data. Ultimately the data isn’t collected and maintained for it to be consumed publicly but to support internal goals and objectives. This has caused some concern by external data users who make assumptions when using the data and may feel the data is somehow incorrect. In many instances further explanation of the data has resulted in a positive outcome including the release of further datasets.

*Different responsibilities than lower-tier implementations*

When investigating other open data initiatives in Canada, we found all other data catalogues have been launched by single or lower tier municipalities. They maintain and release data related to their responsibilities and not necessarily areas of overlap or upper-tier responsibility e.g., parks and recreational facilities. As well, the Region maintains data that has been supplied by other jurisdictions and not necessarily owned by the Region. For this reason, the Region’s data catalogue is relatively modest.

Project Successes/Benefits

*Collaboration and Community Interest*

- A one-day Go Open Data conference ([www.go-opendata.ca](http://www.go-opendata.ca)) is scheduled for Saturday, May 11. Members of the Region’s open data project team and Oriana Sharp, project lead, have taken lead roles in organizing and contributing time and expertise to this event. As the first Ontario-wide open data conference, it aims to help build the Ontario open data community by bringing together citizens, municipal staff, developers, and others from across Ontario to share experiences and learn from each other. The conference will feature a keynote delivered by Dr. Ann Cavoukian, Information and Privacy Commissioner of Ontario. The conference is jointly being organized by staff from the Region of Waterloo, City of Waterloo, University of Waterloo and members of Open Data Waterloo Region.
- Regional staff have provided expertise, knowledge and feedback in preparation for the Open Government Partnership held in Brazil in September 2012.
- Through the successful sharing of Regional knowledge, development expertise and leadership a new group has formed amongst various open data groups in Ontario within the broader public sector. This group meets on a monthly basis to share experiences to advance open data within their own organizations.

*Applications*

Several applications (apps) have been developed for a number of different platforms using the Region’s open data. For example waste collection data is being used for a Blackberry app called Ping Street and Grand River Transit data is being used for two iPhone/iPad apps, RideGRT and allSchedules.

*Serving as an example*

The Region’s open data initiative has served as an example for other municipalities. The Region’s early adoption of the UK’s Open Government License was a substantial accomplishment in launching our project forward. This license provided for a very open relationship with any potential user of our data and this had not been done previously in Canada. Many other municipalities have now followed suit. An assessment tool has been developed to support the release of data by screening for things like personal and third party information. The tool is being used by Information Technology Services for use in future projects involving data collection. Legal Services developed standard wording that can be used in data-sharing agreements with third parties to inform them of
the Open Data initiative. The Region is regularly called up to provide advice in this area, as well as to share many of the tools that support the internal open data process.

**Future plans**
Although the Region’s open data catalogue is small in comparison to some single tier municipalities however it is reflective of the services that the Region provides and the interests on the open data community. The major focus over the next six months will be to expand the number of data sets available to the public by communicating through an education campaign to all Region staff the purpose and benefits of adding data. Discussions are already underway to explore the release of some budget data, data related to ongoing service initiatives and creating web services for Public Notices and Road Closures. This is inline with other government open data catalogues. The Region is currently exploring options for providing an integrated suite of applications, which will be provided through the Region’s website and mobile devices with open data as the foundation.

The objective for the future of open data at the Region is to continue to grow and expand the program and to continually release more data to the public.

**Conclusion**
In conclusion, the development of the Region’s open data initiative has achieved its original objectives and is a success. The following benefits of releasing data have also been realized:
- improved access to information at little or no cost to the Region,
- promotes accountability and transparency
- improved citizen service through the development of online applications
- collaboration across Regional departments and area municipalities
- collaboration with the local technology community and facilitating community innovation
- leadership

The Region will continue to release more data over time. This will further enhance the information available and the development of web-based applications. Continued collaboration across all Regional Departments, area municipalities and the community is a key success factor.

**CORPORATE STRATEGIC PLAN:**
The Corporate Strategic plan under section 5.6.1 includes an action to develop an open data program. This action has been achieved but further growth is necessary and will be a focus in 2013 and 2014.

**FINANCIAL IMPLICATIONS:**
Costs associated with the Open Data project are provided for in the Region’s annual operating budget.

**OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:**
The project team, led by Oriana Sharp, included representatives from several Region departments as follows: Ann Derry, Public Health, Gethyn Beniston, Transportation Planning, Planning, Housing and Community Services, Jeff Schelling, Legal Services, Corporate Resources, Margaret Parkin, Planning, Information and Research, Planning, Housing and Community Services, Shannon McBride, Corporate Communications, Chief Administrator’s Office and Frank Goehner/Tim Walden, Information Technology Services, Corporate Resources.

**ATTACHMENTS:** Nil

**PREPARED BY:** Oriana Sharp, Manager, Information Management and Archives on behalf of the Open Data Project Team

**APPROVED BY:** Kris Fletcher, Director, Council and Administrative Services/Regional Clerk Gary Sosnoski, Commissioner, Corporate Resources.
TO: Chair Tom Galloway and Members of the Administration and Finance Committee
DATE: April 30, 2013
FILE CODE: A20-30
SUBJECT: WEBCASTING UPDATE- COUNCIL/ COMMITTEE MEETINGS

RECOMMENDATION:
For Information.

REPORT:

Webcasting of Regional Standing Committees and Council meetings commenced in December 2011. The purpose of this report is to provide an update on the webcasting program.

Objectives
The following were the objectives of webcasting Council and Standing Committee meetings:
- Provides timely information to the public via the internet;
- Increases the visibility of Councillors, and Council/Committee activities;
- Builds awareness of Regional programs and services;
- Informs citizens about opportunities for citizen engagement and updates citizens on activities that may be underway;
- Demonstrates openness and transparency in the Region’s decision making processes that will assist in building public confidence and trust.

The webcasting of the Regional meetings continues to meet these objectives. No changes to the program are anticipated at this time.

Viewership
The webcast is done in real time but remains available on the website for viewing after the fact. As this is a real time broadcast, no editing of the webcast is done. There are now two avenues available to the public for access to Regional Council meetings through webcasting and Rogers television. Rogers has been filming the majority of Council meetings since December 2011. These are not shown live but are done through replays after the meetings.

Web stream viewer statistics were generated and are outlined in ‘Appendix A’ attached to this report. These statistics show the total number of web streams viewed and the total number of web streams viewed live. Of the people watching webcasts, approximately 25% watch them live and 75% watch the webcasts posted (archived) to the internet after the meetings. Over the last six months, approximately 70% of the views on webcasts have been for less than fifteen minutes. Staff cannot determine if people are looking for specific items of interest or just taking a quick view of the webcasts. Archived, versions of the webcasts are typically posted to the web within 24 hours of the actual meeting. Staff time is required to webcast the actual meeting and then to upload the information into the online archives following the meeting. Once the
meeting is archived staff then index the meeting according to the agenda so it easier to go back and find specific items.

In October 2012 our vendor, Earth Channel, provided an upgraded version of the software and there are now more enhanced reporting features available. Reports with the breakdown of viewership by meeting are now available and from the data reviewed it appears Budget and Committee meetings see the highest viewership followed by Council meetings.

Staff is currently examining the various reports provided by Earth Channel. Several of these reports will allow us to provide a more fulsome report to Councillors on the webcasting activities e.g. web hits by committee type. Staff intends to collect information and provide an annual update to Council.

Technical matters
As of October 2012, mobile devices such as playbooks and ipads have been able to access webcasts supported by Earth Channel. Prior to this it was necessary that a program (Silverlight) be purchased and installed to view webcasts and only select mobile devices could be supported. The addition of mobile devices has increased the accessibility of webcasts to citizens.

Advertising
An advertising campaign to promote webcasting was done by Corporate Communications in early May 2012 which included notices in the local newspapers and on the Region’s website. Notice of each live webcast is also provided through the various social media outlets utilized by the Region, such as twitter and facebook.

Resources
In the original project plan consideration was given to hiring additional internal resources or contracting out for specialized broadcast services. After working with the software for 18 months, staff is comfortable with the current arrangements and does not feel additional resources are warranted either internally or externally. Annual costs for webcasting are approximately $10,000/year. This covers the annual fees and staff overtime costs for the camera operator. Costs for the staff time to upload and index the webcasts is absorbed through the Council Services program operating budget.

Retention
Archives of the webcasts are currently being kept on the website, hosted by the Region’s vendor, Earth Channel. There is storage room for approximately 1600 hours of video available online through the contract and it is intended to keep a minimum of four years of meetings on the website (one Council term). After that time, images of the webcasts can be transferred to dvd format and will be retained permanently in the Region’s Archives. The Region retains ownership of the webcasts as part of the annual contract with Earth Channel. Once the 1600 hour maximum is reached, the Region has the option to purchase additional space or have older webcasts removed. In the sixteen months of webcasting less than 200 hours of space has been utilized.

In conclusion, webcasting of the Regional Council and Standing Committee meetings is important to continue as it improves access, builds awareness, provides service and opportunities for engagement, and demonstrates accountability and transparency to our community. Viewership continues to increase and it is anticipated this will grow as more people become aware of the availability of webcasting.
CORPORATE STRATEGIC PLAN:

The webcasting of Committee and Council meetings fulfills the obligations under Strategic Focus Area #5, Service Excellence to ensure Regional programs and services are efficient and effective and Strategic Plan Objective 5.5, Improve awareness of Regional services and facilitate processes for public input and involvement.

FINANCIAL IMPLICATIONS:

The approved capital budget for the webcasting project is $120,000 funded from the Capital Levy Reserve Fund. To date, $64,000 has been expended for: cameras, equipment to manage the cameras, an encoder and additional wiring in the Council Chamber; training and staff time; and the advertising campaign to promote webcasting. Annual costs for webcasting are approximately $10,000 which covers the annual fees and staff overtime costs for the camera operator. In the absence of further capital costs, the balance of the funds will not be spent and the capital project will be closed at the end of 2013.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

Information Technology Services has been involved in the implementation and support of webcasting.

Corporate Communications was involved in the creation and promotion of the advertising campaign.

ATTACHMENTS:

Appendix ‘A’ - Webstream Viewer Statistics

PREPARED BY: Lee Ann Wetzel, Manager, Council & Administrative Services/Deputy Clerk
Kris Fletcher, Director, Council & Administrative Services/Regional Clerk

APPROVED BY: Gary Sosnoski, Commissioner, Corporate Resources
# WEBSTREAM VIEWER STATISTICS

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<th>Month</th>
<th>Total Number of streams viewed</th>
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<td>84</td>
</tr>
<tr>
<td>January 2012 (includes budget meetings)</td>
<td>811</td>
<td>84</td>
</tr>
<tr>
<td>February 2012</td>
<td>2330</td>
<td>402</td>
</tr>
<tr>
<td>March 2012</td>
<td>1976</td>
<td>519</td>
</tr>
<tr>
<td>April 2012</td>
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<tr>
<td>May 2012</td>
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<td>357</td>
</tr>
<tr>
<td>June 2012</td>
<td>1434</td>
<td>368</td>
</tr>
<tr>
<td>July 2012 (no meetings)</td>
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<td>0</td>
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<tr>
<td>August 2012</td>
<td>820</td>
<td>121</td>
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<tr>
<td>September 2012</td>
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<tr>
<td>October 2012 (includes budget meetings)</td>
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<tr>
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</tr>
<tr>
<td>March 2013</td>
<td>1717</td>
<td>290</td>
</tr>
</tbody>
</table>
Present were: Chair T. Galloway, K. Seiling, S. Strickland, J. Wideman and C. Zehr

Also Present: J. Brewer, T. Cowan, D. Craig, B. Halloran, R. Kelterborn, G. Lorentz, J. Mitchell

**MOTION TO GO INTO CLOSED SESSION**

MOVED by J. Wideman
SECONDED by C. Zehr

That a closed meeting of Audit Committee be held on Tuesday, March 19, 2013 at approximately 2:25 p.m. in the Waterloo County Room, in accordance with Section 239 of the Municipal Act, 2001, for the purposes of considering the following subject matters:

a) labour relations and personal matters about identifiable individuals

CARRIED

**DECLARATIONS OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**

None declared.

**NEXT MEETING – May 8, 2013 at 5:00 p.m.**

The Committee did not reconvene into open session.

**COMMITTEE CHAIR, T. Galloway**

**COMMITTEE CLERK, L. Wetzel**
TO: Chair Tom Galloway and Members of the Administration and Finance Committee

DATE: April 30, 2013

FILE CODE: F27-50

SUBJECT: REGIONAL DEVELOPMENT CHARGES BY-LAW REVIEW

RECOMMENDATION:

THAT the Regional Municipality of Waterloo appoint the following Councillors to the RDC Steering Committee: (4-6 members of Regional Council).

SUMMARY: Nil

REPORT:

The purpose of the Regional Development Charge (RDC) is to recover, to the extent possible, growth-related capital costs from those segments of the community (namely residential and non-residential development) which give rise to the need for additional growth-related capital works.

Under the current Regional Development Charges By-law approved in 2009, the following Regional services are included for recovery:

1) Water supply, treatment and wholesale distribution infrastructure
2) Wastewater collection and treatment facilities
3) Regional Transportation infrastructure (roads and traffic signals)
4) Airport infrastructure
5) Police Services infrastructure (facilities and vehicles)
6) EMS infrastructure (facilities and vehicles)
7) Accommodation Debt (included under the grandfather provisions of the legislation)
8) Planning studies – GRCA Studies (Region’s share) and Regional Growth Management Studies
9) Transit infrastructure (facilities and vehicles)
10) Regional Library facilities and holdings – applies to Townships only

The authority for a municipality to collect development charges is provided by the Development Charges Act, 1997. Under Section 9 of the Act, “unless it expires or is repealed earlier, a development charge by-law expires five years after the day it comes into force.” The Region approved the current RDC By-law with an effective date of August 1, 2009 and the current by-law will expire on July 31, 2014.

The proposed RDC rates will be established by projecting growth, determining the increase in capital infrastructure necessary to service that growth (taking into account service standard constraints and existing capacity), estimating the costs of that infrastructure, apportioning the costs between residential development and non-residential development, and determining the unit charges which must be recovered from development to provide the necessary revenue to finance the growth-related expenditures.
The municipality is required to prepare a Background Study which incorporates all these principles, provide an opportunity for public input and review of the Background Study and draft By-law and then approve the By-law to establish development charges.

In January 2013, a staff committee of representatives from affected departments met to begin planning for the development of the new RDC By-law. A consultant, Hemson Consulting Inc., has been engaged to assist with the development of the Background Study. As in past years, a staff committee of representatives from the Region and the seven area municipalities will be meeting to share information on the review process for the new development charge by-laws in each of the municipalities. Stakeholders to the development charge process will be consulted during the development of the Background Study and the new RDC By-law.

Consistent with the previous development charge by-law review, it is proposed that a Steering Committee be established comprised of senior management staff and Council members. The Steering Committee will review development charge related project reports and information; provide input and guidance to the staff committee on significant issues and decisions; and provide input to the development of the Background Study and draft By-law. Staff will consider any recommended changes to the By-law and report to the Administration and Finance Committee on its recommendations for any required changes to the by-law. It is anticipated that the Steering Committee will hold its initial meeting in May 2013. It is recommended that Council appoint 4-6 Council members to the RDC Steering Committee which will convene in May (six were appointed to the previous Steering Committee in 2009).

A work plan for the project is currently being developed and will be presented to the Steering Committee when it convenes.

CORPORATE STRATEGIC PLAN:

The RDC By-law Review supports Focus Area 1, Growth Management and Prosperity, of the Corporate Strategic Plan and specifically strategic objective 2.2 to develop, optimize and maintain infrastructure to meet current and projected needs as development charges provide an important source of funding for infrastructure needed to accommodate planned growth.

FINANCIAL IMPLICATIONS:

A timely review and approval of the new Development Charge By-law will continue to provide a key funding source for capital projects required as a result of development within the Region. The costs associated with preparing the Background Study and draft by-law are included in the 2013 Capital Budget and will be funded from development charges and the Capital Levy Reserve Fund.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

Staff from all departments which have growth-related projects and Police Services are participating in the Development Charge By-law Review.

ATTACHMENTS: Nil

PREPARED BY: Calvin Barrett, Director of Financial Services and Development Financing

APPROVED BY: Craig Dyer, Chief Financial Officer
For some time since the Ontario Lottery and Gaming Corporation (OLG) announced plans to expand gaming across the Province, there has been considerable debate about the possible location of a casino in Waterloo Region. The current method used by the OLG is to deal with only single tier or lower tier municipalities, ignoring counties and regions where they exist but who would experience significant impacts.

Regional Council did pass a number of resolutions with regard to the casino issue but did not take a position at that time as to whether it supported a casino in the Region. I am constantly being asked throughout the Regional community why the Regional Council is not providing input into the process. Although the OLG takes the position that resolutions about being a host community can only come from the proposed host, there is nothing to prevent the Region or any other body, person, or organization from expressing an opinion on the matter.

The OLG expansion plans clearly set out to expand gaming in the Province and increase the revenues taken from the expanded sites. In setting its sights on Waterloo Region and adjacent areas, it is clear that the Region’s population base is a target of the OLG. Money to be taken out of the local economy will come from all of our municipalities, impacting not only individuals but businesses and local entertainment venues which will also feel the impact. In terms of services, most of the services impacted by gaming are those of the Region- social services, police, transportation, and other income related services. The impact of a casino will be felt Region wide.

It is entirely appropriate that the Regional Council express an opinion to the Province and OLG as to whether it believes a casino is appropriately located in Waterloo Region. In fact, I believe it has a duty to do this. I will be bringing forward a Chair’s Report at the May 8 Regional Council meeting recommending that the Regional Council inform the Province and the Ontario Lottery and Gaming Corporation that it is opposed to the location of a casino in Waterloo Region. By giving advance notice by way of this memo, delegations may wish to appear at that meeting to speak to the issue. This will provide an opportunity for those who wish to speak to Council about the issue to have an opportunity to do so.

Respectfully submitted,

Ken Seiling
Regional Chair
## COUNCIL ENQUIRIES AND REQUESTS FOR INFORMATION

### ADMINISTRATION AND FINANCE COMMITTEE

<table>
<thead>
<tr>
<th>Meeting date</th>
<th>Requestor</th>
<th>Request</th>
<th>Assigned Department</th>
<th>Anticipated Response Date</th>
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<tbody>
<tr>
<td>26-Jan-10</td>
<td>Committee</td>
<td>Report on a policy related to development charge grants, exemptions and deferral requests, to include past history/practice, implications, and options.</td>
<td>Finance</td>
<td>2013, as part of Development Charges By-law review</td>
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<tr>
<td>28-Feb-12</td>
<td>A&amp;F</td>
<td>Process for calculating/appeal of development charges</td>
<td>Finance / Legal Services</td>
<td>2013, as part of Development Charges By-law review</td>
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<tr>
<td>25-Sep-12</td>
<td>P&amp;W</td>
<td>Consultant's report on economic development in Waterloo Region</td>
<td>CAO</td>
<td>Mar-2013</td>
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<td></td>
<td>A&amp;F</td>
<td>Legal Hold Policy</td>
<td>Council &amp; Admin Services - Information Management &amp; Archives</td>
<td>Feb-2013</td>
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<tr>
<td>06-Nov-12</td>
<td>A&amp;F</td>
<td>Defer report P-12-119, Public Art for Grand River Transit Operations Centre Strasburg Road until after the 2013 budget process has been completed.</td>
<td>PH&amp;CS</td>
<td>Spring 2013</td>
</tr>
<tr>
<td>06-Nov-12</td>
<td>S. Strickland</td>
<td>THAT staff report back to Committee on a recommended pilot project where the general, electric and mechanical contractors, at a minimum, are prequalified, and where the results are reviewed and compared with project of similar scope where the sub-contractors weren't prequalified.</td>
<td>Finance</td>
<td>Dec-2013</td>
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<td>Actual response date</td>
<td>Notes</td>
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<td>pushed to August 2011, per L. Ryan on 22 June 2011 per C Dyer email 16 August 2012, changed response date to “2013, as part of Development Charges By-law review”</td>
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<td>December 2012, per M Murray email on 19 Sept</td>
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<td>Nov/Dec 2012, per O Sharp</td>
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