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

2. DELEGATIONS
   a) John Van Pelt, Principal, Woodland Christian High School Re: Regional Development Charges Request
      Report F-13-085, Grant Application to Fund Regional Development Charges – Woodland Christian High School

3. DEPARTMENTAL PRE-BUDGET PRESENTATIONS
   a) Finance – C. Dyer
   b) Corporate Resources – G. Sosnoski

   CONSENT AGENDA ITEMS
   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.

4. REQUEST TO REMOVE ITEMS FROM CONSENT AGENDA

5. MOTION TO APPROVE ITEMS OR RECEIVE FOR INFORMATION
   a) F-13-084, Fall 2013 Regional Debenture Issue (Information)

   REGULAR AGENDA RESUMES

6. REPORTS – HUMAN RESOURCES
   a) CA-HR-13-008, Municipalities as Non Construction Employers
REPORTS – CORPORATE RESOURCES

b) CR-CLK-13-004, 2014 Schedule of Council/Committee Meetings 17

c) CR-CLK-13-005, Delegation Time Limits – Procedural By-law 19

7. OTHER BUSINESS

a) Council Enquiries and Requests for Information Tracking List 21

8. NEXT MEETING – October 1, 2013

9. MOTION TO GO INTO CLOSED SESSION

THAT a closed meeting of the Community Services, Administration and Finance and Planning and Works Committees be held on Tuesday, September 10, 2013 immediately following the Administration and Finance Committee meeting 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) personal matters about identifiable individuals
   b) proposed or pending disposition of lands in the Region of Waterloo
   c) receiving of legal advice that is subject to solicitor-client privilege related to a By-law and a policy
   d) receiving of legal advice that is subject to solicitor-client privilege related to an agreement and proposed or pending acquisition of land in the City of Cambridge
   e) receiving of legal advice that is subject to solicitor-client privilege related to procurement

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

DATE: September 10, 2013 FILE CODE: F27-50

SUBJECT: GRANT APPLICATION TO FUND REGIONAL DEVELOPMENT CHARGES – WOODLAND CHRISTIAN HIGH SCHOOL

RECOMMENDATION:

THAT the Regional Municipality of Waterloo take no action on the request of Woodland Christian High School (Cambridge District Association for Christian Education) for a grant in the amount of $142,597.43 to offset the impact of development charges, as described in Report F-13-085.

SUMMARY: Nil

REPORT:

In July 2013, the Woodland Christian High School applied for a building permit in the Township of Woolwich to expand their private school. When assessing development charges for an institutional facility such as this one, the Regional Development Charge (RDC) By-law provides for a non-residential rate per square foot of $5.47 effective January 1, 2013. The expansion to the private school will be approximately 26,069 sq.ft. in size and will result in a RDC of $142,597.43. A building permit was issued by the Township of Woolwich in July 2013 and the RDCs were paid.

The Township of Woolwich provides an exemption for expansion of commercial or institutional buildings and has not imposed a development charge on this development.

The attached request to provide an exemption or grant for the RDCs payable of $142,597.43 has been received from the Woodland Christian High School (Cambridge District Association for Christian Education – owner).

While Section 3 of the Development Charges Act provides an exemption for land owned by and used for the purposes of a municipality or a board of education, no such exemption exists for a private school either in the Development Charges Act or in the Region’s RDC By-law. As such, a decision to approve grants of this nature is completely discretionary. It is important to note however, that a grant, if approved by Regional Council, cannot be funded from the RDC Reserve Fund. Grants must be funded from another source, i.e. property taxes or user rates.

Since the first RDC By-law was passed in 1991, the Region has taken no action on virtually all grant requests to offset development charges. Grant requests have only been approved for the Rotary Centre and Parents of Technologically Dependent Children of Ontario, and Central West Kids Country Club for a respite care facility continuing Council’s support of health care facilities. An RDC grant is provided to Habitat for Humanity for development charges applicable to its projects in continuance of Council’s policy of supporting community housing initiatives. Grants have only been provided when there has been a direct link to core Regional programs. The Region has previously received requests to vary development charges for educational facilities as follows: University of Waterloo (1993), K-W Bilingual School (1999), Wilfrid Laurier University (2002), Woodland Christian High School (2002). Council did not approve any of the requests.
In January 2002, Administration and Finance Committee considered and took no action on a request from the Cambridge & District Association for Christian Education (Woodland Christian High School) for a grant to offset development charges for their proposed addition at that time (Report F-02-003 attached).

The report provided additional information identifying that there are approximately 20 private schools located in the Region and that all have paid development charges for expansions to their facilities. The exemption for educational facilities in the Development Charges Act, which is restricted to the public and separate school boards, treats all private schools identically.

As noted in the applicant’s letter, each municipality in Ontario is permitted to provide additional exemptions to their respective development charge by-laws and some municipalities have provided an exemption for private schools and other non-profits. The Region’s development charge by-law does not provide an exemption.

CORPORATE STRATEGIC PLAN:

The Regional Development Charges By-law supports Focus Area 2 – 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:

The Regional Development Charge is a significant component of the Region’s Capital Financing Program. Grants to offset the impact of development charges must be paid from a source other than the RDC Reserve Fund. The grant requested by the Woodland Christian High School is in the amount of approximately $142,597.43 and, if approved, a funding source would have to be identified.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE: Nil

ATTACHMENTS:

Email letter dated July 3, 2013 received from John Van Pelt, Principal, Woodland Christian High School

Report F-02-003 – Grant Application to Fund Regional Development Charges – Cambridge & District Association for Christian Education, Woodland Christian High School

PREPARED BY: Calvin Barrett, Director, Financial Services & Development Financing

APPROVED BY: Craig Dyer, Chief Financial Officer
July 3, 2013

Waterloo Regional Council
Attention: Regional Chair Ken Seiling

Dear Ken Seiling:

Thank you once again for participating in our ground breaking ceremony for the expansion of Woodland Christian High School. As we pick up a building permit to proceed with the expansion we want to indicate our objection to paying the development charges to the Waterloo Region. While we understand that waiving the development charges represents a loss of projected revenue to the region, and while we understand that the Waterloo Regional Council has not previously waived the development fees for an independent school, we ask that the Council to consider, by a special act of council, exempting Woodland Christian High School from paying the development charges for the following reasons:

1. Woodland Christian High School provides quality secondary education to approximately 270 students and with the proposed expansion anticipates the number growing to in excess of 330 students in the coming years. The education provided is in accordance with Provincial standards and expectations as set under the Education Act. Woodland Christian High School is subject to and inspected by the Independent Schools Branch of the Ministry of Education and Training and has been given the authority to issue the Ontario Secondary School Diploma. No less therefore than Waterloo Region’s Public and Catholic School Boards, Woodland Christian High School, although a private institution, serves an important and necessary public function but, notably, without any public funding. As such we strongly suggest that it would be inequitable to impose development charges on Woodland Christian High School’s proposed addition.

2. We would further suggest it is inequitable to impose the Development Charge because, unlike other private developments, the proposed development will not result in additional costs being incurred by the Region. If Woodland Christian High School does not provide the facilities necessary to educate the students enrolled with it the Waterloo Public and Catholic School Boards would need to do so. As well, the parents of these students are also homeowners and have paid, directly or indirectly as part of the purchase price of their homes, Regional Development Charges which are in part intended to defray the costs incurred by the Region in respect of new educational facilities. Finally, like its publicly funded counterparts, Woodland Christian High School also makes its facilities, which now include a baseball diamond, soccer field and running track, available for public use. Imposing a Development Charge on the proposed expansion is tantamount therefore to requiring the parents of our students to pay the educational component of the Region’s Development Charge twice and in respect of a facility which serves the same public function as does any of the Region’s publicly funded secondary schools but which are exempt from such charges.

3. Exemptions to development fees have been granted to independent schools in most of the larger regions in Ontario that are subject to the same Ontario regulations as the Waterloo Regional Council. For example, in the last ten years exemptions have been granted to schools in the following areas: Halton Hills Christian School, Halton Hills (2012); London District Christian High School, London (2012); Ottawa Christian School, Ottawa (2010); Timothy Christian School, Barrie (2008); Beacon Christian School, St. Catharines (2006); Hamilton Christian School, Hamilton (2006); Trinity Christian School, Burlington (2006).
most of these cases the regional councils have granted exemptions recognizing the charitable status of the schools as well as the strong record of public service to their communities.

4. Woodland Christian High School has been performing the public function of educating high school students in Waterloo Region for over 35 years. Excellent educational institutions are critical to the growth of the Waterloo Region and that Woodland Christian High School serves this function effectively is attested to not only by the success of its graduates but, also, the fact that it is one of the few secondary schools in the region that has consistently seen, and anticipates continued, growth in enrolment.

5. While making this kind of exemption for Woodland would indicate a new direction for the Waterloo Regional Council and may require council to re-evaluate their by-laws regarding exemptions to development charges, it would be a positive direction for our region that rewards strong public service that actually promotes growth throughout the region.

Woodland Christian High School is ready and anxious to begin construction of the proposed expansion as soon as possible. Rather than delay the commencement of construction, payment of the Regional Development Charge has been submitted with the school’s building permit application but on the understanding that Regional Council would still consider our request for the waiver of the Regional Development Charge and reimburse same if our request is granted. Accordingly, it would be very much appreciated if this matter could be placed on the Regional Council’s agenda at the earliest opportunity. We would also very much appreciate being advised of the date of the hearing of our request so that we can ensure representatives are available to answer any questions council may have regarding our request. In the meantime if anything further is required or there are questions or concerns, please do not hesitate to contact the undersigned.

Sincerely,

John Van Pelt
Principal
Woodland Christian High School
FINANCE
DEPARTMENT REPORT

To: Chair T. Galloway and Members of the Administration and Finance Committee

Date: January 23, 2002

Subject: GRANT APPLICATION TO FUND REGIONAL DEVELOPMENT CHARGES - CAMBRIDGE & DISTRICT ASSOCIATION FOR CHRISTIAN EDUCATION, WOODLAND CHRISTIAN HIGH SCHOOL

RECOMMENDATION:

THAT the Regional Municipality of Waterloo take no action on the request of Cambridge & District Association for Christian Education, Woodland Christian High School for a grant in the amount of $11,086.75 to offset the impact of development charges.

THAT the Regional Municipality of Waterloo maintain its policy of assessing Regional Development Charges on developments by private educational institutions.

SUMMARY:

The attached grant request to fund Regional Development Charges in the amount of $11,086.75 has been received from Cambridge & District Association for Christian Education, Woodland Christian High School and is submitted for Committee’s consideration. (The grant application is actually based on 2001 RDC rates, but since the building permit will not be issued until 2002, it is the 2002 rates which will apply. The figures in this report have been updated to reflect 2002 rates).

Woodland High School approached the Township of Woolwich in December, 2001 with a similar request. As a result of that request, the Township of Woolwich has requested the Region of Waterloo to review its policy on Regional Development Charges for educational institutions across the Region (see attached resolution).

REPORT:

The request is being made under the provisions as documented in FIN-93-031 and approved by Regional Council on March 25, 1993. A decision to approve grants of this nature is completely discretionary. It is important, however, to note that a grant, if approved by Region Council, cannot be funded from the Development Charge Reserve Fund. Grants must be funded from another source, i.e. property taxes or user rates.

In March of 2002, Woodland Christian High School will be applying for a building permit in the Township of Woolwich to construct an 18,175 square foot addition to their facility at 1058 Spitzig Road. The facility provides a private alternative to Public and Catholic Secondary Schools and currently has an enrollment of 176 students. The school has experienced an increase in their enrollment over the last while that has prompted the need for additional space.
When assessing Regional Development Charges for an Institutional Facility such as this one, the Regional Development Charge By-Law provides for an exemption for School Boards as defined by Section 1(1) of the Education Act. This is a legislated exemption prescribed by the Development Charges Act, 1997. Under Section 1(1) of the Education Act, only Public and Separate District School Boards, both French and English, are eligible for the exemption. As such, Woodland Christian High School, operated under the Cambridge & District Association for Christian Education, does not qualify for the exemption.

Since no exemption is available under By-Law 99-038, the addition of 18,175 square feet would generate a certification in the amount of $11,086.75, based on $0.61 per square foot. (The school is not serviced by municipal water and sewage, and hence, as for all such development, is assessed only the "general" (mostly Roads) portion of the Regional Development Charge). This amount will be communicated to the Township of Woolwich and is required to be paid prior to the issuance of the building permit.

Woodland Christian High School is not the first private school in the Region of Waterloo that has expanded since By-Law 99-038 came into effect on August 1, 1999. Within the last two years St. John's Kilmarnock School in Woolwich Township and Rockway Mennonite Collegiate of Kitchener have both constructed additions to their facilities. Also, the Fellowship Christian School has built a new school in the City of Kitchener. In all of these previous cases, the schools were assessed Regional Development Charges based on the current rate at the time of building permit issuance, less applicable redevelopment allowances, and the charge was paid prior to the building permit being issued.

In June of 1999, the K-W Bilingual School approached Council requesting a grant to cover Development Charges for the replacement of their existing facility at 600 Erb Street, Waterloo. The grant request was for $30,193.75 and it was denied by Council.

It is worth noting that there are over twenty (20) private schools located in the Region of Waterloo performing a similar function as that of the Public and Catholic School Boards. In addition, there are countless others serving the private Daycare/Nursery School System, as well as others providing various kinds of vocational or post-secondary education. The narrow focus of this exemption, as legislated by the Development Charges Act, 1997, treats all these privately owned schools identically.

Virtually all developments place increased demands on Regional infrastructure. A key principle underlying the development charge concept is that, to the extent possible, growth should finance the infrastructure demands that it creates. The Development Charges Act, 1997, states that the cost of any exemptions cannot be borne by other development, but rather must be financed from non-DC sources. The Regional Development Charge By-law, for the most part (the downtown core and public hospital exemptions being the main exceptions) has limited exemptions to those required by legislation. It is staff’s recommendation that this approach continue to be followed. Council would, of course, retain the discretion to provide offsetting grants on a case-by-case basis. Due to the potential precedent associated with this or future grant requests, it is staff’s recommendation that no action be taken on this request.

Cambridge & District Association for Christian Education, Woodland Christian High School has approached the Township of Woolwich with respect to the Township Development Charge. Township staff have indicated that under the Township’s Development Charge By-Law, private schools would be assessed development charges. However, the Township is in the process of considering an amendment
to their By-Law to include private schools, covering grades one to twelve, in the exemption. Woodland Christian School does not intend to get a building permit until March 2002. It is expected that the revision to the Township By-Law will have been considered by that time, and, if passed, would exempt Woodland Christian School from Township Development Charges.

The cities of Kitchener, Cambridge and Waterloo assess DC's on developments by private educational institutions. The Townships of Wilmot, Wellesley and North Dumfries do not assess DC's on any non-residential development.

CORPORATE STRATEGIC PLAN:

A goal of the Corporate Strategic Plan is to ensure that development charge rates meet stakeholders' needs and provide sufficient capital funding for the Region's growth-related capital programs.

FINANCIAL IMPLICATIONS:

Grants to offset the impact of development charges must be paid from a source other than the Development Charge Reserve Fund. The grant requested by Cambridge & District Association for Christian Education, Woodland Christian High School is in the amount of $11,086.75. Regional practice has been to fund such grants from a specific program area where the project is related to a particular Regional program (e.g. Social Housing), or from a combination of contingency and user rates where the grant is not related to a specific Regional program. In this case, for small dollar requests and where the grant would not be program-related, if a grant is approved, staff would propose that it be funded from the property tax contingency of $50,000 included in the draft 2002 budget.

OTHER DEPARTMENT CONSIDERATIONS:

This grant application has been discussed with the Legal Division of Corporate Resources Department.

PREPARED BY: D. Miller, Financial Assistant

APPROVED BY: L. Ryan, Chief Financial Officer
THE REGIONAL MUNICIPALITY OF WATERLOO
Grant Application to Fund Regional Development Charges

Completed application should be forwarded to:
Chief Financial Officer:
Regional Municipality of Waterloo
150 Frederick Street, 4th Floor
Administration Building
Kitchener, Ontario N2G 4J3

APPLICANT:
Cambridge District Association for Christian Education:
Name: Henry Stevens
Address: 1958 Spritzig Rd, Woolwich Twp
Telephone: 519-943-5883

PRIMARY CONTACT: (if applicable)

AMOUNT OF GRANT REQUESTED:
$10,905.00

REASON FOR GRANT REQUEST:
We are applying for a grant in lieu of development charges, which we will be charged for our proposed building expansion project, which is slated to begin in March. We need to go this route because we do not qualify under the Education Act and therefore do not fall under Request 1 of the Education Act "Schools, etc. Other than public or independent schools or other (Section 16)"

PROPERTY DESCRIPTION/LOCATION:
1958 Spritzig Rd., Woolwich Twp., Heman Company Trust
Part Lot 107, Reformer Plan #53 2499, 4th 1/2

DEVELOPMENT TYPE:
☑ NON-RESIDENTIAL

DESCRIPTION OF THE DEVELOPMENT:
Woodlawn Christian High School has seen a tremendous increase in enrollment to the point where our facilities are too small to accommodate our students and staff. We are proposing to add an additional 18,750 sq. ft., as well as renovate part of the existing facilities.

APPLICANT SIGNATURE: [Signature]
DATE: Dec 5, 01

FOR REGIONAL USE:

CERTIFICATION #: [ ]
AMOUNT: $0

Note: This grant request will be considered at a public meeting of the Administration & Finance Committee of Regional Council. You will be advised by notice of the date, time and location of the meeting. Information collected on this form will be used only to make a decision on the grant. Questions about the grant application process should be directed to Ken Milton of the Financial Services Department at 519-925-1-3.
January 14, 2002

By Fax 575-4547

Ron Bronson, Director
Regional Municipality of Waterloo
Financial and Development Services
150 Frederick Street
Kitchener, Ontario
N2G 4J3

Dear Mr. Bronson:

The Council of the Township of Woolwich passed the following resolution on December 11, 2001:

THAT the Council of the Township of Woolwich request the Regional Municipality of Waterloo to review the policy on Regional Development Charges for educational institutions across the Region.

AND FURTHER THAT the Council of the Township of Woolwich direct staff to start the proceedings to amend the Development Charges By-law for exemptions for private schools.

I apologize for the delay in getting this resolution to you. If you have any questions, you can contact Dave Gosnay, Director of Engineering and Planning Services, at 664-2613, Ext. 248.

Yours truly,

Valerie Hummel
Committee Clerk.

cc: Regional Clerks By Fax 575-4461

"Proudly remembering our past; Confidently embracing our future."
TO: Chair Tom Galloway and Members of the Administration and Finance Committee

DATE: September 10, 2013 FILE CODE: F08-20

SUBJECT: FALL 2013 REGIONAL DEBENTURE ISSUE

RECOMMENDATION:

For Information

SUMMARY: Nil

REPORT:

Background

Section 401 of the Municipal Act, 2001 provides that a municipality may incur debt for municipal purposes and that an upper-tier municipality may issue debentures for or in relation to the debt incurred in respect of capital works for its own purposes and for the purposes of its area municipalities. Region of Waterloo By-law 95-020, a By-law in Respect of Proposed Debenture Issues, authorizes the Regional Treasurer, now called the Chief Financial Officer and Treasurer (CFO) to proceed with a debenture issue that best meets the requirements of the Region and then report the results of the issue to Regional Council at its next scheduled meeting. The necessary by-laws are then passed by Regional Council following the CFO’s report on the debenture issue. Regional Council must have approved debenture authority for each capital project that is to be funded by a Regional debenture prior to the issue of that debenture.

Staff is currently planning a fall 2013 Regional debenture issue. The total amount to be financed through debentures will be in the range of $65.0 million and the expected term of the debentures will be 10 and 20 years for the Regional portion of the debenture issue. Area Municipal participation will be additional. While the Region has traditionally launched its fall debenture issue in November, staff is preparing the issue now. Long term interest rates have been rising since the historic low rates achieved in the fall 2012 and spring 2013 issues, and staff want to be in a position to launch the next issue at a time of favourable market conditions. This information report is being provided to Committee now as the fall debenture issue could occur as early as the latter part of September.

Projects to be Financed in the Planned 2013 Fall Regional Debenture Issue

Appendix 1 to this report shows the program areas with capital projects expected to be included in the proposed debenture issue, the expected maximum amount to be debentured, the maximum debenture term and the funding sources for the debt servicing costs. Projects planned to be financed include:

1. Waste Management capital projects including Leachate Control, Materials Recovery Centre, Compost Pad Expansion, Waterloo Transfer Station upgrade and new cells at the Waterloo landfill site (expected maximum $7.5 million).
2. Region of Waterloo International Airport capital projects including runway rehabilitation, runway guard lights and parking lot expansion (expected maximum $4.0 million).

3. Heritage Sites capital projects including the Greenhouse and major maintenance and roof repair at various buildings including the Curatorial Centre (expected maximum $650,000).

4. New Police Services North Division Fuel Tank (expected maximum $175,000).

5. Grand River Transit including vehicle replacements, vehicle additions and timed transit nodes and stations (expected maximum $14.5 million).

6. Multi-modal Hub land acquisition and site development per 2009 capital budget approval (expected maximum $11.5 million).

7. Sunnyside Home major maintenance (expected maximum $940,000).

8. Emergency Medical Services Kitchener Downtown Station (expected maximum $800,000).

9. Regional Facilities capital projects including the Courthouse renovation, the Emergency Generator and major maintenance/improvements to AHQ/150 Frederick St., the Operations Centre, 150 Main St. and 99 Regina St. (expected maximum $15.2 million).

10. Service First Call Centre capital project (expected maximum $2.8 million).

11. Waterloo Regional Police Services capital projects including North Division, South Division, Police HQs and Voice Radio (expected maximum $4.5 million).

12. Solar Photovoltaic capital project (expected maximum $2.7 million).

**Anticipated Debenture Rates**

The fall 2012 debenture issue resulted in the lowest interest rates for a capital market issue in the history of the Region of Waterloo for 10 year debentures at an all-in cost of 2.70% and the spring 2013 debenture issue resulted in exceptional interest rates for 20 and 30 year terms at all-in costs of 3.81% and 3.88% respectively. Interest rates have been rising since the spring 2013 issue and are, at present, approximately 0.6% higher and the expectation is for rates to continue to rise into the fall. Current rate estimates provided by the fiscal agents for a 10 year issue and a 20 year issue are in the range of 3.31% and 4.50% respectively.

**Federation of Canadian Municipalities (FCM) Debenture**

The Region has approval of a $2.0 million low interest loan from the FCM Green Municipal Fund for the Kitchener Wastewater Treatment Plant Upgrade. The FCM loan is secured by a debenture issued by the Region of Waterloo to FCM. The loan rate will be set at the higher of 1.75% or the Government of Canada (GoC) ten year benchmark bond yield in effect immediately preceding the issue of the of the debenture minus 1.50%. It is expected that the debenture to secure the FCM loan will be issued this fall. If issued at the time of writing this report, the rate for the FCM debenture would be 1.75% as the GoC 10 year benchmark yield minus 1.50% is currently 1.18%.

**Area Municipality Participation**

Finance staff has been in contact with the Treasurers of the Area Municipalities and it is anticipated that the cities of Kitchener and Waterloo will participate in the proposed fall debenture issue. Final confirmation of the amounts and terms is expected by mid-month.
Rapid Transit Project Debentures

The Region of Waterloo issued a $50 million debenture with a term of 30 years for the Rapid Transit (RT) project this spring. The proposed debenture financing noted in this report does not include any financing for the RT Project. Staff are currently examining options regarding both the amount and timing of a second 30 year debenture issue for the RT project and information will be provided to Committee once those requirements are determined.

Future Long Term Borrowing

Finance staff are planning a review of the Region’s long term borrowing process including Regional By-law 95-020 and current fiscal agent arrangements and potential use of Infrastructure Ontario and will report back to Committee on any recommended changes relative to future long term borrowing. Until such time and in anticipation of increasing interest rates this fall, staff is preparing the debenture issue through the traditional debt capital market process per By-law 95-020.

Timing

Staff is finalizing the amounts to be included in the debenture issue for regional projects and obtaining final confirmation from the Area Municipal participants. Consultations with fiscal agents and legal advisors are under way with the intent to be in position to launch the fall debenture issue before the end of the month. The actual launch date will then depend on market conditions and will be timed to take advantage of any opportune change in interest rates. A report on the fall debenture issue and the required debenture by-laws would then be part of the agenda for the first Regional Council meeting following the debenture launch.

CORPORATE STRATEGIC PLAN:

One of the objectives of the Corporate Strategic Plan is to ensure Regional programs and services are efficient and effective and demonstrate accountability to the public. The Region’s capital financing program, excellent credit rating and prudent use of debenture financing assist in meeting this objective.

FINANCIAL IMPLICATIONS:

Debt servicing costs arising from the fall debenture issue will be funded from the tax levy, the Regional Transportation Master Plan (RTMP) Reserve Fund, the Fuel Reserve and the Solar Photovoltaic Reserve as noted on Appendix 1. Debt servicing costs to be funded from the property tax levy, estimated to be in the range of $6.5 to $6.9 million, are included in the 2014 base budget.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

Staff from the program areas requiring debentures have been consulted in the determination of debenture requirements.

ATTACHMENTS:

Appendix 1 – Program Areas, Debenture Amounts and Terms for Fall Debenture Issue

PREPARED BY: Angela Hinchberger, Director of Financial Services, Treasury and Tax Policy

APPROVED BY: Craig Dyer, Chief Financial Officer
Appendix 1 – Program Areas, Debenture Amounts and Terms for Fall Debenture Issue*

<table>
<thead>
<tr>
<th>Program Areas</th>
<th>Expected Maximum Issue Amount</th>
<th>Maximum Term</th>
<th>Funding Source for Debt Servicing Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste Management</td>
<td>$7.5 million</td>
<td>10 Years</td>
<td>Property Tax Levy</td>
</tr>
<tr>
<td>Airport Capital Projects</td>
<td>$4.0 million</td>
<td>10 Years</td>
<td>Property Tax Levy</td>
</tr>
<tr>
<td>Heritage Sites Capital Projects</td>
<td>$650,000</td>
<td>10 Years</td>
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</tr>
<tr>
<td>North Division Fuel Tank</td>
<td>$175,000</td>
<td>10 Years</td>
<td>Fuel Reserve</td>
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<tr>
<td>GRT Vehicles and Timed Nodes and Stations</td>
<td>$14.5 million</td>
<td>10 Years</td>
<td>Property Tax Levy RTMP Reserve Fund</td>
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<td>Multi-modal Hub</td>
<td>$11.5 million</td>
<td>10 Years</td>
<td>Property Tax Levy RTMP Reserve Fund</td>
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<td>Sunnyside Home</td>
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<td>Emergency Medical Services</td>
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<td>Regional Facilities</td>
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<td>Service First Call Centre</td>
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<td>Waterloo Regional Police</td>
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<td>Sub-total 10 Year Debentures</td>
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<td>Solar Photovoltaic Systems</td>
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<td>Total 10 and 20 Years</td>
<td>$65.265 million</td>
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</tbody>
</table>

* Regional portion of the planned debenture issue; does not include Area Municipal participation.
TO: Chair Tom Galloway and Members of the Administration and Finance Committee
DATE: September 10, 2013
FILE CODE: A26-50
SUBJECT: MUNICIPALITIES AS NON CONSTRUCTION EMPLOYERS

RECOMMENDATION:

THAT the Regional Municipality of Waterloo advise the Provincial government of its support for the MARCO resolution below and for Bill 73, “The Fair and Open Tendering Act”, as outlined in report CA-HR-13-008, dated September 10, 2013.

REPORT:

The Ontario Labour Relations Act (LRA) does not expressly name Municipalities as “non-construction employers”. As municipalities are not expressly named as a “non-construction employer”, municipalities can be found to be an employer under the Construction Industry provisions of the LRA and are thus eligible to be certified by a trade union under these construction provisions. It should be noted that these provisions are distinct and unique from the other provisions of the Labour Relations Act which govern the labour relations between employers and trade union. Once certified as a construction employer, the employer is bound to a province wide agreement. Many of these collective agreements contain provisions that not only require employees of the employer to become members of that union but also require any work contracted out by that employer to be performed by members of that union.

Given the implications to municipalities, the Mayors and Regional Chairs of Ontario (MARCO) endorsed the following motion:

“Whereas municipalities are not businesses and have a different purpose and mandate from commercial enterprises;
And whereas the Ontario Labour Relations Board (OLRB) treats municipalities as businesses for the purpose of the construction industry provision in the Labour Relations Act, 1995;
And whereas to the best of our knowledge, Ontario is the only jurisdiction in Canada where municipalities are not deemed “non-construction employers”;
And whereas an amendment to the Labour Relations Act, 1995 would ensure that municipalities are able to tender construction work in a free and open competitive environment to maximize value for construction expenditures;
Be it resolved that the Mayors and Regional Chairs of Ontario (MARCO) requests the Province of Ontario to amend the Labour Relations Act, 1995 by changing the definition of “non-construction employer” in Section 126, by deeming municipalities to be non-construction employers.”
A private member’s bill is also before the legislature of Ontario on this issue. Bill 73, the Fair and Open Tendering Act requests the Legislative Assembly of Ontario to amend the Labour Relations Act to clarify that municipalities are not construction employers.

The issue that is created for municipalities in Ontario where there is no provision deeming municipalities to be non-construction employers is that they may be certified as a construction employer. Once certified, the problem is that not only do the provisions of the collective agreement apply to employees directly employed by the municipality but also to all companies who work on any project which is contracted out by the municipality. Given the substantial number of capital works projects undertaken by municipalities in Ontario every year, the implications of not expressly exempting municipalities from the provisions are significant. In practice what this means is that only a private contractor who is party to the collective agreement, (e.g. unionized contractors) would be eligible to bid on any municipally funded construction project which contains work covered by the collective agreement (e.g. carpentry work in the case of an employer certified by the Carpenter’s Union). This would significantly reduce the number of eligible bidders on our projects, with the potential for price escalation due to reduced competition. This amendment is needed to ensure that no municipality would be bound by provisions of the Act that are truly intended for the construction industry.

In conclusion, in order to best serve the public interest, municipalities should not be held to provisions of the LRA that are truly intended for the construction industry and it should be noted that the MARCO resolution above states that to the best of their knowledge, Ontario is the only jurisdiction in Canada where municipalities are not deemed “non-construction employers”. Other municipalities have passed motions of support for legislative change on this issue, including a recent motion from the City of Kitchener, attached as Appendix A.

CORPORATE STRATEGIC PLAN:

This proposed amendment to the Ontario Labour Relations Act supports the Region’s strategic objective to “Ensure Regional programs and services are efficient and effective and demonstrate accountability to the public “ which is identified in the Region’s Strategic Plan under Focus Area 5, “Service Excellence”

FINANCIAL IMPLICATIONS:

Implications per the report above.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

Nil

ATTACHMENTS:

City of Kitchener Resolution

PREPARED BY:  Penny Smiley, Commissioner, Human Resources

APPROVED BY: Mike Murray, Chief Administrative Officer
Appendix A

CHRISTINE A. TARLING
Director of Legislated Services & City Clerk
Finance & Corporate Services Department
Kitchener City Hall, 2nd Floor
200 King Street West, P.O. Box 1118
Kitchener, ON N2G 4G7
Phone: 519.741.2200 Ext 7809  Fax: 519.741.2705
cristine.tarling@kitchener.ca
TTY: 1-866-969-9994

Office of the City Clerk

September 4, 2013

I, CHRISTINE ALICE TARLING, City Clerk of the Corporation of the City of Kitchener, do hereby certify that the following is a true and correct copy of a resolution adopted by the Council of the Corporation of the City of Kitchener at its regular Council meeting held on August 26, 2013

"WHEREAS municipalities are not commercial enterprises and have a different purpose and mandate from businesses in the construction industry; and,

WHEREAS the Ontario Labour Relations Board treats municipalities as businesses and employers for the purpose of the construction-industry provisions contained within the Labour Relations Act, 1995; and,

WHEREAS an amendment to the Labour Relations Act, 1995 is needed to clarify that municipalities are not employers in the construction industry; and,

WHEREAS the Large Urban Mayor's Caucus of Ontario and the Association of Municipalities Ontario (AMO) have previously requested such an amendment to the Labour Relations Act, 1995 to protect fair and open tendering for municipal infrastructure projects; and,

WHEREAS such an amendment would ensure the best value for infrastructure projects funded by all three levels of government; and,

WHEREAS such an amendment would ensure fairness for all workers, regardless of their affiliation with a particular union, by guaranteeing the right to work on publicly funded infrastructure projects; and,

WHEREAS such an amendment could save taxpayers by ensuring that all qualified contractors are afforded an opportunity to bid on contracts for publicly funded infrastructure projects tendered by Ontario municipalities;

THEREFORE BE IT RESOLVED that the City of Kitchener support Bill 73 the Fair and Open Tendering Act and requests the Legislative Assembly of Ontario to amend the Labour Relations Act, 1995 to clarify that municipalities are not construction employers."

Yours truly,

C. Tarling
City Clerk
TO: Chair Tom Galloway and Members of the Administration and Finance Committee

DATE: September 10, 2013

FILE CODE: C05-01

SUBJECT: 2014 SCHEDULE OF COUNCIL/COMMITTEE MEETINGS

RECOMMENDATION:


REPORT:

Each year, the following year’s Meeting Calendar is brought forward for adoption. This allows Members of Council and Regional Staff to plan appropriately by taking Regional Council and Committee meeting dates into consideration. The legend explains the coding on the calendar and is self-explanatory. Dates for the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario conferences have been included.

The proposed schedule maintains the three week cycle as started in 2007. The rules of the Procedural By-law were amended in 2007 to accommodate the new Committee cycle.

The attached proposal establishes Committee and Council weeks and is provided for discussion purposes. The proposed schedule has Committees resuming on Tuesday, January 7, 2014 with Final Budget approval scheduled for Wednesday, January 15, 2014. The mid winter break coincides with the School Board March Break for 2014. The Municipal Election date of October 27th and the Inaugural Council meeting on December 10, 2014 are also highlighted.

CORPORATE STRATEGIC PLAN:

Establishing meeting dates annually meets Focus Area 6, Service Excellence in the Corporate Strategic Plan.

FINANCIAL IMPLICATIONS:

Nil

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

The Regional Chair has been consulted in the preparation of this schedule. The draft schedule has been circulated to the Area Municipal Clerks.

PREPARED BY: Lee Ann Wetzel, Manager, Council & Administrative Services/Deputy Clerk

APPROVED BY: Kris Fletcher, Director, Council & Administrative Services/Clerk
TO: Chair Tom Galloway and Members of the Administration and Finance Committee

DATE: September 10, 2013                FILE CODE: C13-00

SUBJECT: DELEGATION TIME LIMITS – PROCEDURAL BY-LAW

RECOMMENDATION:

For Information.

REPORT:

At the August 22, 2013 Council meeting a notice of motion was introduced by Councillor Deutschmann related to an amendment to the Procedural By-law regarding members speaking twice to a motion on the floor. This motion was approved by Regional Council and an amending by-law will be coming forward to the October 9, 2013 Council meeting.

Also part of the discussion at the August 22, 2013 Council meeting was the time limit for delegations at Committee meetings. A request was made to hold a discussion at the September 10th Administration and Finance Committee meeting with respect to the Committee delegation time limits.

Staff have surveyed a number of municipalities for their delegation time limits. The chart below outlines the findings of the survey.

<table>
<thead>
<tr>
<th>MUNICIPALITY</th>
<th>TIME LIMIT AT COMMITTEE</th>
<th>TIME LIMIT AT COUNCIL</th>
<th>WALK-INS PERMITTED</th>
<th>DELEGATIONS ALLOWED IF NO CORRESPONDING ITEM ON AGENDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cambridge</td>
<td>5 min</td>
<td>5 min</td>
<td>Yes at Committee, Discretion of Chair at Council</td>
<td>No</td>
</tr>
<tr>
<td>Guelph</td>
<td>5 min, 10 min for Planning</td>
<td>5 min</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Halton Region</td>
<td>10 min</td>
<td>5 min</td>
<td>No</td>
<td>Yes with permission from Chair required, placed on next agenda</td>
</tr>
<tr>
<td>Kitchener</td>
<td>5 min</td>
<td>5 min</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>London</td>
<td>5 min</td>
<td>No delegations at Council</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Niagara Region</td>
<td>10 min</td>
<td>10 min</td>
<td>By majority vote</td>
<td>Only for emergent matters</td>
</tr>
<tr>
<td>North Dumfries</td>
<td>N/A</td>
<td>10 min</td>
<td>5 min at discretion of chair</td>
<td>Yes</td>
</tr>
<tr>
<td>Oakville</td>
<td>10 min</td>
<td>10 min</td>
<td>Not at Council</td>
<td>No</td>
</tr>
<tr>
<td>Peel Region</td>
<td>10 min</td>
<td>5 min</td>
<td>No</td>
<td>Discretion of Council</td>
</tr>
<tr>
<td>MUNICIPALITY</td>
<td>TIME LIMIT AT COMMITTEE</td>
<td>TIME LIMIT AT COUNCIL</td>
<td>WALK-INS PERMITTED</td>
<td>DELEGATIONS ALLOWED IF NO CORRESPONDING ITEM ON AGENDA</td>
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<td>------------------------------------------------------</td>
</tr>
<tr>
<td>Stratford</td>
<td>15 min</td>
<td>15 min</td>
<td>No unless by majority vote of Council</td>
<td>Yes with approval of Chair and Motion of Council</td>
</tr>
<tr>
<td>Waterloo (City)</td>
<td>10 min</td>
<td>10 min</td>
<td>After agenda deadline, 5 min limit</td>
<td>Yes but request in writing Thursday prior</td>
</tr>
<tr>
<td>Waterloo Region</td>
<td>10 min</td>
<td>5 min</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Wellesley</td>
<td>10 min</td>
<td>10 min</td>
<td>Yes – 10 min</td>
<td>No</td>
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<td>Wilmot</td>
<td>10 min</td>
<td>10 min</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Windsor</td>
<td>5 min</td>
<td>5 min</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Woolwich</td>
<td>10 min</td>
<td>10 min</td>
<td>Yes, motion of Council, still 10 min</td>
<td>Yes</td>
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</table>

Public notice of a minimum of twenty one days needs to be provided for any amendments to the Procedural By-law.

**CORPORATE STRATEGIC PLAN:**

The review of the Procedural By-law meets Focus Area 6, Service Excellence in the Corporate Strategic Plan.

**FINANCIAL IMPLICATIONS:**

Nil

**OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:**

None.

**PREPARED BY:** Lee Ann Wetzel, Manager, Council & Administrative Services/Deputy Clerk

**APPROVED BY:** Gary Sosnoski, Commissioner Corporate Resources
<table>
<thead>
<tr>
<th>Meeting date</th>
<th>Requestor</th>
<th>Request</th>
<th>Assigned Department</th>
<th>Anticipated Response Date</th>
</tr>
</thead>
<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>A&amp;F</td>
<td>Legal Hold Policy</td>
<td>Council &amp; Admin Services - Information Management &amp; Archives</td>
<td>Fall 2013</td>
</tr>
<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>Feb-2014</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 subcontractors weren't prequalified.</td>
<td>Finance</td>
<td>Dec-2013</td>
</tr>
<tr>
<td>05-Jun-13</td>
<td>Council</td>
<td>That the issue of amending the <em>Labour Relations Act</em> per the Private Member's Bill/motion made by M. Harris, MPP, matter be referred to staff for a report.</td>
<td>HR</td>
<td>Aug-2013</td>
</tr>
<tr>
<td>13-Aug-13</td>
<td>A&amp;F</td>
<td>Staff report back to Councillors on the impact and options for payment of interest accrued on the capital funding for Cambridge Memorial Hospital. (per motion passed, related to report F-13-078)</td>
<td>Finance</td>
<td>Oct-2013</td>
</tr>
</tbody>
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