Regional Municipality of Waterloo

Administration and Finance Committee

Agenda

Tuesday, February 11, 2014

Approximately 11:00 a.m. (Immediately following Planning and Works Committee)

Regional Council Chamber

150 Frederick Street, Kitchener

1. Declarations of Pecuniary Interest under “The Municipal Conflict of Interest Act”

2. Presentation

   a) John G. Jung, C.E.O., Canada’s Technology Triangle, Re: Annual Update

   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.

3. Request to Remove Items from Consent Agenda

4. Motion to Approve Items or Receive for Information

   a) CR-CLK-14-004, Amendment to the Information Retention and Disposal Schedule (Approval) 1

   b) F-14-017, Regional Municipality of Waterloo Credit Rating (Information) 4
c) **F-14-018**, Legislative Reform to Address Joint & Several Liability (Approval)  

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### Regular Agenda Resumes

5. **Reports - Corporate Resources**

   a) **P-14-015/CR-FM-14-002**, 2014 Community Environmental Fund Allocation  

### Reports - Planning, Housing and Community Services

   b) **P-14-016**, Proposed Public Art Projects – Former County Courthouse and ION aBRT Transit Stops

6. **Information/Correspondence**

   a) Council Enquiries and Requests for Information Tracking List

7. **Other Business**

8. **Next Meeting – March 4, 2014**

9. **Motion to Go Into Closed Session**

   That a closed meeting of the Planning and Works and Community Services Committees be held on Tuesday, February 11, 2014 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) receiving of legal advice subject to solicitor-client privilege related to an agreement

   b) proposed or pending litigation and receiving of legal advice subject to solicitor-client privilege related to a matter before an administrative tribunal

   c) receiving of legal advice subject to solicitor-client privilege related to agreements with the area municipalities

   d) personal matters about identifiable individuals related to committee appointments

10. **Adjourn**
Region of Waterloo
Corporate Resources
Council and Administrative Services

To: Chair Tom Galloway and Members of the Administration and Finance Committee

Date: February 11, 2014  File Code: A10-05

Subject: Amendment to the Information Retention and Disposal Schedule

Recommendation:

That the Regional Municipality of Waterloo amend By-Law No. 93-076, as amended, to incorporate several changes to the Information Retention and Disposal Schedule as described in Report CR-CLK-14-004, dated February 11, 2014.

Summary:

The purpose of this report is to amend the Retention and Disposal bylaw as follows:

- Provide amendments to the existing Information Retention and Disposal Schedule based on Provincial guidelines or legislative, Region policy and administrative changes;
- Add additional clarification regarding legal holds.

Report:

Sections 254 and 255 of the Municipal Act empowers the Region to pass by-laws prescribing retention periods for records. The Region of Waterloo has a Retention and Disposal By-Law (No. 93-076) containing a detailed Information Retention and Disposal Schedule. This document prescribes the length of time that records are to be kept and whether they should ultimately be preserved in the Corporate Archives or destroyed. Amendments to the Retention and Disposal Schedule are brought forward as needed. Justification for each change has been documented by Information Management and Archives.

The retention schedule amendment and the schedule in its entirety, is approximately 30 pages in length. In an effort to reduce paper the amendment is not attached but is
available upon request.

The following are changes since the last amendment in September 2010. Some existing retention periods are being changed to reflect legislative requirements or operational need, through research and in consultation with departments.

**Provincial Guidelines/Legislative Changes**
The Public Health section of the retention schedule was revised to align with new Ministry of Health and Long Term Care guidelines released in 2012. Corresponding retentions were developed based on legislative requirements, recommendations from the Association of Local Public Health Agencies (ALPHA) and operational need.

Overall the retention schedule has also been re-formatted to meet accessibility standards in alignment with the Accessibility for Ontarians with Disabilities Act (AODA).

**Regional Policy Changes**
The most notable addition is a retention period for camera and video surveillance which aligns with the Surveillance Camera Policy. The policy was approved by Council and outlined a timeframe for the retention and disposal but this was not translated into the retention schedule.

**Administrative Changes**
The Retention by-law is a living document that changes as programs develop or evolve. There are several areas where there are program changes and these reflect minor modifications to the by-law. Changes will be made to titles in the Development and Planning, Finance and Accounting, Human Resources, Legal Affairs and Licensing/Enforcement Services, Public Health, Social Services Records, and Transportation Services Records sections.

**Legal Hold**
Information Management and Archives brought forward a report (CR-CLK-12-018) on legal holds previously; however the report was tabled pending clarification on Councillors’ information management practices. Clarification and information sessions were provided to Councillors in November 2013. Rather than bring forward a separate legal hold policy, staff has decided to incorporate legal holds into the Retention By-law. Legal holds aligns directly with the by-law and ensures direction is provided in one location.

A legal hold is an order to cease destruction and preserve all records related to the nature or subject of the hold, regardless of form. This order is usually given by a corporation or an officer of the corporation to its staff and agents in response to pending or potential litigation. In the event that a legal hold is placed on a certain set of records, the legal hold would supersede the Information Retention and Disposal by-law, thus preserving records that are scheduled for destruction. While this process is currently the practice of the Region it has never been formalized in the by-law. The retention schedule outlines what a legal hold is and how it is carried out. Additional procedures
have also been created to provide staff with guidance in the event of a hold. These procedures will be implemented upon approval of the by-law.

**Corporate Strategic Plan:**

Although the retention schedule is not represented in the strategic plan, the Region’s Information Retention and Disposal schedule responds to a number of sections under the Municipal Act as well as several other pieces of legislation that outline record keeping requirements in various program areas of the Region.

**Financial Implications**

Nil

**Other Department Consultations/Concurrence:**

The proposed amendments were prepared in consultation with appropriate departmental staff, often in conjunction with ongoing implementation or review of the information management program. Legal Services was consulted regarding the addition of the Legal Hold component.

Once the schedule is approved by Regional Council and signed by the auditor, the retention periods will be implemented by departmental staff, assisted by Information Management and Archives.

In accordance with the legislation the Region’s external auditor will also be consulted and approval sought. In all instances where a schedule has been approved by Council, it was subsequently approved by the auditor.

**Attachments**

Appendix “A” – Amendment to the Schedule link is available upon request.

**Prepared By:** Patti Kraatz, Coordinator, Information Management and Archives

Oriana Sharp, Manager, Information Management and Archives

Kris Fletcher, Director, Council and Administrative Services/Regional Clerk

**Approved By:** Gary Sosnoski, Commissioner, Corporate Resources
Region of Waterloo

Finance Department

Treasury Services Division

To: Chair Tom Galloway and Members of the Administration and Finance Committee

Date: February 11, 2014 File Code: F08-20

Subject: Regional Municipality of Waterloo Credit Rating

Recommendation: For Information

Summary: Nil

Report:

Moody’s Investors Service (Moody’s), a leading provider of credit ratings, research and risk analysis, undertakes a credit analysis of the Region of Waterloo on an annual basis. The annual credit rating delivered by Moody’s provides information to the Canadian capital market in regards to debt issued by the Regional Municipality of Waterloo. Moody’s released its most recent report on the Region’s credit rating on February 6, 2014. The Region continues to be rated Aaa, stable, a rating held by the Region since December 2000.

The recent Moody’s report (Attachment 1 to this report) notes that the Region is rated at the high end of Canadian municipalities reflecting “positive operating results, a strong fiscal track record, and a currently lower-than-average debt burden when compared to national peers.” The report also notes that the Region’s “Aaa debt rating and stable outlook reflect sound financial management and a track record of achieving positive outcomes.”

The report acknowledges the current and planned investment in capital projects and while the debt burden is expected to rise over the medium-term, the Region’s debt burden “is still below average with interest payments remaining easily manageable.” The report further states that the projected debt levels, including debt issued for Rapid Transit, would not materially alter the Region’s credit profile.
The report does note that a material increase in debt or lower levels of cash and investments beyond current expectations could apply downward pressure on the rating. Staff continues to review and monitor the capital program to ensure debt levels do not have an adverse impact on the Region’s credit rating.

**Corporate Strategic Plan:**

Maintaining the Aaa credit rating issued by Moody’s Investors Service aligns with the Service Excellence objective of ensuring services are efficient and effective and demonstrate accountability to the public.

**Financial Implications:**

The Region’s Aaa credit rating allows us to borrow in the capital markets at the lowest possible cost which will be beneficial for the planned 2014 debt issues.

**Other Department Consultations/Concurrence:**

Nil

**Attachments:**

Attachment 1 – Moody’s Investors Service Credit Analysis

**Prepared By:** Angela Hinchberger, Director of Treasury Services & Tax Policy

**Approved By:** Craig Dyer, Chief Financial Officer
Attachment 1 – Moody’s Investor’s Services Credit Analysis

CREDIT ANALYSIS

Waterloo, Regional Municipality of
Ontario, Canada

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Ratings

Waterloo, Regional Municipality of Category Moody’s Rating
Outlook Stable
Bond Aaa

Summary Rating Rationale

The Regional Municipality of Waterloo's Aaa debt rating and stable outlook reflect sound financial management and a track record of achieving positive operating outcomes. To fund capital expenditures, Waterloo’s debt burden, which stood at 46.7% of total revenues at December 31, 2012, is expected to increase over the medium-term but remain manageable. The rating also takes into consideration Waterloo’s diverse and wealthy economic base, as well as its prudent long-term planning practices.

National Peer Comparisons

The Regional Municipality of Waterloo is rated at the high end of Canadian municipalities, whose ratings remain in the narrow range of Aaa to Aa2. Waterloo’s position reflects positive operating results, a strong fiscal track record, and a currently lower-than-average debt burden when compared to other national peers. While Waterloo has historically carried very high levels of cash and investments, recent significant capital expenditures have led to a lower-than-average level of liquidity. The institutional framework governing municipalities in Ontario is mature and well-developed, similar to that in other Canadian municipalities where Moody’s rates municipal governments.

Rating Outlook

The outlook is stable.

What Could Change the Rating - Up

A material increase in debt or continued weakening of the region’s level of cash and investments beyond current expectations could apply downward pressure on the rating.
Key Rating Considerations

Financial Performance and Debt Profile

Track record of achieving positive outcomes

Waterloo’s operations are stable in nature, stemming from dependable cash flows in periods of expansion as well as in slowdowns. Revenues from property taxes and user fees typically account for about 73% of annual operating revenues and these revenues sources are relatively uncorrelated with the economic cycle. Through the region’s multi-year planning and budgeting process, which includes 10-year capital expenditure projections, expenditure pressures are also identified early on. As a result, the region has been able to adjust operations through its annual budget process to achieve balanced outcomes. From 2008-2012, Waterloo registered gross operating balances averaging 7.3% of operating revenues, as well as overall surpluses averaging 7.6% of total revenues.

Financial pressures addressed through budgetary process

While the region has generated strong outcomes, it faces financial pressures from a growing population, as well as revenue pressures from declining volumes of waste and recycled goods processed at its facilities. In 2012, social assistance caseloads that remain about pre-recession levels created spending pressures, and the region’s waste management revenues were also below budget by C$2.8 million. Despite these unfavorable variances, however, Waterloo continued to generate strong outcomes and registered a consolidated surplus of C$74 million, equivalent to 8.2% of total revenues.

Waterloo’s 2014 budget approved a property tax increase of 1.86%, below the regional council’s guideline established during the budget deliberation process. To keep the required tax levy increase at an inflationary level, the region has identified certain revenue increases, as well as efficiencies and service level reductions totaling about C$5 million. In the medium-term, we expect that operational cost pressures and capital requirements will continue to require a combination of tax increases, efficiency measures, and service changes. Nevertheless, Waterloo’s prudent management practices should help the region manage financial challenges through the budgetary process. Given Waterloo’s track record, we expect the region to continue to post positive operating results.

Debt burden to rise but remain manageable

Waterloo continues to invest heavily in capital projects. As such, its debt burden is expected to rise further over the medium-term. At December 31, 2012, the region’s net direct and indirect debt measured 46.7% of total revenues, compared to 28.6% at December 31, 2006. Relative to other Canadian peers, however, Waterloo’s debt burden is still below-average, and interest payments remain easily manageable and consumed only 1.3% of operating revenues in 2012.

The region’s 2014-23 capital plan calls for total capital expenditures of about C$3.8 billion, of which C$2.5 billion is identified for tax-supported expenditures (primarily transportation) and C$1.3 billion is identified for rate-supported expenditures (primarily water and sewer). Included in the capital plan is the region’s rapid transit project, which was approved by regional council in 2011 with the goal of improving transportation between the three major urban centers in the region. Structured as a public-private partnership (P3), stage 1 of the project includes a 19 kilometre light rail transit (LRT) route, as well as a new 17 kilometre rapid bus line which could also be converted into an LRT route in the future. Following the conclusion of the Request for Qualification process to design, build, finance, operate, and maintain the light rail portion of the project, the region has issued Requests for Proposals to three shortlisted teams. The three teams submitted proposals on December 16, 2013, and these proposals are currently being evaluated. Construction is expected to begin in 2014, with the system
operational by 2017. The entire project is estimated to cost roughly C$818 million, of which C$390 million and C$265 million will be funded by, respectively, the provincial and federal governments.1

To finance its capital plan, the region anticipates incurring roughly C$1 billion of debt from 2014-23, including the debentures and P3 liabilities for the LRT project. If the current capital plan comes to fruition, we anticipate that net direct and indirect debt would peak at roughly 100% of total revenues around 2018 and then stabilize gradually thereafter. In our view, the projected debt levels alone would not alter the regional municipality’s credit profile materially, as debt servicing expenses would remain low, preserving fiscal flexibility. Additionally, with anticipated changes in development charge rates (discussed below), and because the region typically underspends its capital budget by a significant margin and issues less debt than planned, its medium-term debt burden could be lower than projected in the capital plan.

Declining levels of cash and investments
Waterloo has drawn on its cash and investment balances in recent years to finance capital projects, but liquidity remains healthy. At December 31, 2012, cash and investments measured C$277 million, equivalent to 65% of net direct and indirect debt and 37% of operating expenses. In the medium-term, the region plans on continuing to utilize reserve funds to finance a portion of its capital plan, but liquidity is expected to remain adequate over the forecast horizon. The accumulation of reserves also reflects Waterloo’s forward-looking planning practice of building up cash balances ahead of significant capital projects, which we consider prudent and conservative. Nevertheless, although the decline in Waterloo’s liquidity levels does not cause immediate concern, given the region’s increasing debt levels, continued weakening of the region’s liquidity position beyond current expectations would place downward pressure on its Aaa rating. As Waterloo continues to implement its capital plan, we will carefully monitor liquidity levels over the medium-term to assess how potential changes could impact the region’s credit profile.

Updates to development charges could alter financing plan
Waterloo’s financing plan is based on existing development charge policies and rates, which are in the process of being renewed. The region expects that its current development charge by-law will be updated in mid-2014. We do not anticipate major changes in Waterloo’s financing plans to result from changes to development charges, but an upward adjustment is likely to reduce future debt issuance and the use of cash balances for capital purposes.

Governance and Management
Similar to other highly rated municipalities in Ontario, Waterloo displays strong governance and management characteristics. In addition to long-term planning for capital and operating budgets and a history of meeting fiscal targets, management adheres to conservative debt and investment management policies, thus limiting the region’s exposure to market-related risks and ensuring relatively smooth debt servicing costs. These fiscal management measures are also supported by comprehensive, transparent and timely financial reporting.

Economic Fundamentals
The Regional Municipality of Waterloo is comprised of three cities: Cambridge, Kitchener and Waterloo; and four townships: North Dumfries, Wellesley, Wilmot and Woolwich. Waterloo’s population has grown steadily since 2003 by about 1.7% per year to about 559,000 in 2012, and the

1 In September 2010, the federal government announced it would fund one-third of eligible construction costs, up to C$265 million.
regional census metropolitan area, which includes most of the regional municipality, is the fourth largest urban area in Ontario and 10th largest in Canada. Waterloo is also a key area of the provincial government's Places to Grow plan, which projects the region's population to reach 742,000 in 2031. Located approximately 100 kilometers from the City of Toronto, the region is connected to major North American markets via a well-developed road network, as well as a regional airport that provides daily direct flights to a few selected North American destinations.

Waterloo's economy benefits from a strong institutional base and a skilled labour force, with the manufacturing, insurance, business services, health care and higher education sectors all contributing to economic diversity. While uncertainties remain for Blackberry, the struggling phone manufacturer headquartered in Waterloo, the region estimates that the technology sector as a whole is continuing to recruit for vacant positions. The presence of several post-secondary institutions, which offer various programs tailored to local labour market needs, including a highly regarded engineering program at the University of Waterloo, also continues to support the technology sector.

The region has historically outperformed Ontario on a number of economic and labour market indicators. In 2012, the region's unemployment rate measured 6.6%, below the provincial average of 7.8%. With the light rail transit construction beginning in 2014, economic activity is expected to accelerate, providing support to regional employment.

Institutional Framework

The institutional framework governing municipalities in Ontario is mature and highly developed. The division of roles and responsibilities between the province and municipalities is clearly articulated. Historically, changes to the institutional framework have occurred at a measured, evolutionary pace, following discussions between both parties. Nevertheless, in certain cases, changes have occurred more rapidly.

Waterloo's creditworthiness benefits from the stability inherent in the provincial institutional framework. Provincial legislation dictates a high degree of oversight, including limits on debt servicing costs, while policy flexibility on both the revenue and expenditure sides of the ledger helps Waterloo manage pressures as they arise.

Extraordinary Support Considerations

The application of Moody's joint-default analysis methodology to regional and local governments (RLGs) requires two principal inputs: a baseline credit assessment (BCA), which is a measure of the RLG's standalone credit strength, and an assessment of the likelihood that the higher-tier government would act to prevent a default by the RLG. In the case of the Regional Municipality of Waterloo, Moody's assigns a BCA of aaa, which already places the regional municipality in the Aaa rating category before any consideration of the likelihood that the Province of Ontario (Aa2, stable) would act to prevent a default by Waterloo. To complete the analysis, Moody's assigns a high likelihood of extraordinary support from the provincial government, reflecting Moody's assessment of the risk to the province's reputation as a regulator of municipalities and incentive for the provincial government to minimize the risk of potential disruptions to capital markets if Waterloo, or any other municipality were allowed to default.
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Region of Waterloo  
Finance Department  
Administration Division

To: Chair Tom Galloway and Members of the Administration and Finance Committee
Date: February 11, 2014  File Code: F28-30
Subject: Legislative Reform to Address Joint & Several Liability

Recommendation:

That the Regional Chair send the attached letter to the Provincial Attorney General with respect to Legislative Reform to address the issue of the inequitable effects of Joint and Several Liability on municipal insurance claims.

Summary: Nil

Report:

Background

On February 7, the Association of Municipalities in Ontario (AMO) issued a bulletin advising recent developments in the initiative to seek Joint and Several Liability Reform (see attached).

The Ministry of the Attorney General is seeking input on two specific proposals under consideration. The proposals include a modified version of proportionate liability that applies in cases where a plaintiff is contributorily negligent (the Saskatchewan model). Also under consideration is a limit on awards such that a municipality would never be liable for more than two times its proportion of damages (the Multiplier model). AMO supports the adoption of both of these measures, as adoption of both reforms would be a significant incremental step to addressing a pressing municipal issue. The written support of municipal councils and solicitors is requested (see attached) by February 14, 2014.

Joint and Several Liability:

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 jointly liable for 100% of the plaintiff’s damages. Accordingly, in the foregoing example, 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 or insufficient insurance coverage or assets to respond to pay the plaintiff’s claim.

Staff fully supports this request as Joint and Several Liability has a profound effect on municipal claim settlements. On April 30, 2013, under report F-13-039, Council approved the recommendation to support the request of the Frank Cowan Company for the Law Commission of Ontario to complete a study on the Municipal Legislative Reform to address the issue of the effects of Joint and Several Liability on municipal insurance claims. Last week staff forwarded this report to the Ministry of the Attorney General for its consideration.

**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 from AMO.

Other Department Consultations/Concurrence: Nil

Attachments:

February 7, 2014 AMO Breaking News Letter

January 13, 2014 Letter from Randy Pettapiece, MPP - Resolution on Joint and Several Liability

Prepared By: Craig Smith, Risk Manager

Approved By: Craig Dyer, Chief Financial Officer
Recent Developments in Joint and Several Liability - Municipal Action Needed

Two recent developments are worthy of the immediate written support of municipal councils and municipal solicitors.

The first is a private member's resolution introduced by Randy Pettapiece, MPP for Perth-Wellington. It calls on the government to implement comprehensive reform to joint and several liability by June 2014. Debate on this motion is scheduled for February 27, 2014. While a resolution of the Ontario Legislature is not a specific legislative plan, it does capture the spirit of municipal concerns. Mr. Pettapiece has written directly to all councils seeking your support; AMO encourages your reply.

Of immediate significance, the Ministry of the Attorney General has recently written to members of the legal community seeking their input on two specific proposals under consideration. Feedback is due by February 14, 2014. The proposals include a modified version of proportionate liability that applies in cases where a plaintiff is contributorily negligent (the Saskatchewan model). Also under consideration is a limit on awards such that a municipality would never be liable for more than two times its proportion of damages (the Multiplier model). AMO supports the adoption of both of these measures.

This is a positive development for municipalities and a step in the right direction. The adoption of both reforms would be a significant incremental step to addressing a pressing municipal issue. The written support of municipal councils and solicitors is requested. Below is a draft letter for municipalities to submit to the provincial government by February 14, 2014. Please add your voice of support.

As you know, municipal governments have long advocated for liability reform because the legal regime of joint and several liability makes municipalities and property taxpayers an easy target for litigation.

It has been two years since AMO conducted the first ever municipal insurance survey, which found that municipal liability premiums had increased 22 per cent over 5 years and 4 years since AMO presented a comprehensive report detailing municipal challenges to the Attorney General. We have argued for some time that the heavy insurance burden and legal environment is unsustainable for Ontario's communities.

AMO Contact: Matthew Wilson, Senior Advisor, mwilson@amo.on.ca - 416.971.9856 ext. 323.
The Honourable John Gerretsen  
Attorney General  
McMurtry-Scott Building  
720 Bay Street – 11th Floor  
Toronto ON M7A 2S9

Dear Attorney General:

[I or we] support the government's consideration and adoption of measures which limit the punishing impact of joint and several liability on municipalities.

The provisions of the *Negligence Act* have not been updated for decades and the legislation was never intended to place the burden of insurer of last resort on municipalities. It is entirely unfair to ask municipalities to carry the lion's share of a damage award when at minimal fault or to assume responsibility for someone else's mistake. Other jurisdictions have recognized the current model of joint and several liability is not sustainable. It is time for Ontario to do the same.

If this situation continues, the scaling back on public services in order to limit liability exposure and insurance costs will only continue. Regrettably, it will be at the expense of the communities we all call home.

For this reason, [I or we] support the adoption of both models under consideration as a significant incremental step to addressing a pressing municipal issue.

Sincerely,

Name

cc: The Honourable Kathleen Wynne, Premier of Ontario  
The Honourable Linda Jeffrey, Minister of Municipal Affairs and Housing
January 13, 2014

Christine Tarling
Clerk
City of Kitchener
200 King St W
PO Box 1118
Kitchener, ON N2G 4G7

Dear Ms. Tarling:

Re: Resolution on Joint and Several Liability

Rising municipal insurance premiums must be reined in. For years, municipalities have asked the province to address joint and several liability, which is the primary contributor to rising premiums. Municipalities, often targeted as insurers of last resort, can be on the hook for massive damage awards even if they are deemed just one percent responsible.

We are told that 3B U.S. states have enacted some form of proportionate liability, and that other jurisdictions are also pursuing reform. Municipalities have said that we in Ontario cannot afford to wait any longer. I agree. As a former member of a municipal council, I fully appreciate the impact of rapidly rising insurance premiums. It is unfair and unrealistic for the provincial government to allow this situation to continue – especially as it affects small and rural municipalities, which can least afford to pay.

Municipalities have heard many promises for discussion, including former Premier Dalton McGuinty’s commitment at the 2011 AMO conference. But the time for discussion is over. We need to impress upon the government, in a constructive way, that it must take meaningful action. Recently I introduced the following private member’s resolution in the Ontario legislature:

That, in the opinion of this House, the government should protect taxpayers from higher property taxes by implementing a comprehensive, long-term solution to reform joint and several liability insurance for municipalities by no later than June 2014, addressing the alarming rise in insurance premiums due to rising litigation and claim costs.

Because this issue affects municipalities across the province, I believe there is good reason for all MPPs, regardless of party affiliation, to support my resolution. I also believe it is important that the government act by June, before the legislature breaks for the summer.

.../2
If your municipality supports the intent of my resolution, I would encourage you to consider passing a formal resolution to support it. If your Council decides to proceed in this way, I would appreciate receiving a copy of your resolution as soon as possible. Debate on this resolution is scheduled for February 27, 2014.

If you have any feedback on this issue, or if you require any additional information, please don’t hesitate to contact me at 519-272-0660 or by email: randy.pettapiececo@pc.ola.org.

Thank you very much for your consideration.

Sincerely,

Randy Pettapiece, MPP
Perth-Wellington

RP: sy
Region of Waterloo
Planning, Housing, and Community Services
Community Planning
Corporate Resources
Facilities Management

To: Chair Tom Galloway and Members of the Administration and Finance Committee

Date: February 11, 2014 File Code: D03-80/CEF
Subject: 2014 Community Environmental Fund Allocation

Recommendation:
That the Regional Municipality of Waterloo approve project funding allocations of $113,205 for the Environmental Stewardship Grant stream, as described in Attachment 1 of Report P-13-015/CR-FM-14-002, dated February 11, 2014.

Summary:
The Community Environmental Fund was established by Regional Council in October 2011 (See report CR-FM-11-022/P-11-085). The Fund consists of a Stewardship Grant stream (formerly the Environmental Stewardship Fund which operated in 2010 and 2011) administered by Planning, Housing and Community Services and a Sustainability Grant stream administered by Corporate Resources during 2012 and 2013.

The Community Environmental Fund was widely advertised for proposal submissions in the fall of 2013, and the application package was made available on the Regional website. By the December 9, 2013 deadline, 35 diverse proposals were received from a wide variety of local applicants. In accordance with eligibility criteria previously established by Regional Council, staff is recommending that the 21 projects listed in Attachment 1 be funded from the Stewardship Grant stream. The 2014 Regional Budget did not include financial support for the Sustainability Grant stream. All applicants to the Sustainability stream, as listed in Attachment 2, will be notified accordingly. In addition, two stewardship stream project proposals were evaluated as not eligible for funding at this time.
The recommended projects would involve a wide variety of community stakeholders and cover a range of environmental activities. Nine schoolyard greening projects would further the Region’s skin cancer prevention program and enhance the tree canopy in urban centres. In addition, the tree canopy along the Trans Canada Trail in Woolwich would be renewed in the light of ash tree die-off; a pollinator garden would be established at GRCA headquarters; an Earth day celebration would be held; citizens from three communities would engage in the creation and stewardship of gardens and a park; a strategy to control invasive Common Reed (Phragmites) in the Laurel Creek Headwaters Environmentally Sensitive Landscape would be developed, and invasive species would be controlled within an important natural feature at the rare Charitable Research Reserve.

Based on the project submissions, the recommended allocation of $113,205 from the Community Environmental Fund would be matched by investments in cash or in-kind by the applicants for an estimated total of $417,874, or an additional $2.69 for every dollar invested by the Region.

**Report:**

The Community Environmental Fund was established by Regional Council on October 26, 2011 (See report CR-FM-11-022/P-11-085). The Fund fulfills an action under the Environmental Sustainability Focus Area of the Region’s 2011-2014 Strategic Plan to “Develop and implement an integrated funding program to support community-based environmental initiatives”. The Community Environmental Fund welcomes applications for environmental projects falling within the following eight categories:

**Stewardship projects:**

1. Enhancement and restoration of natural areas
2. Naturalization projects
3. Acquisition of ecologically significant natural areas
4. Public education and awareness initiatives on some aspect of environmental stewardship
5. Research related to stewardship of natural areas

**Sustainability projects:**

6. Demonstration projects focused on reduction of GHG and air emissions, energy conservation and waste reduction/diversion
7. Public education/awareness initiatives which promote long term behavioural change on aspects of environmental sustainability (e.g. climate change)
8. Environmental sustainability-based research (focused on GHG and air emissions, energy conservation or waste reduction/diversion)

The Community Environmental Fund was widely advertised for proposal submissions in the fall of 2013, and the application package was made available on the Regional website. By the December 9, 2013 deadline, 35 diverse proposals were received from a wide variety of local applicants. Staff has reviewed the applications based on their fit with the eligibility criteria for the Fund, and where necessary, followed up with applicants.
to clarify that component cost items are appropriate and consistent with criteria approved by Council for applicants in general, and schoolyard greening projects in particular.

The recommended projects would involve a wide variety of community stakeholders and cover a range of environmental activities such as nine schoolyard greening projects which would further the Region’s skin cancer prevention program and enhance the tree canopy in urban centres, renewing the tree canopy along the Trans Canada Trail in Woolwich, creating a pollinator garden at GRCA headquarters, contributing to an Earth Day celebration, engaging citizens from three communities in the creation and stewardship of gardens and a park, and developing a strategy to control invasive Common Reed (Phragmites) in the Laurel Creek Headwaters Environmentally Sensitive Landscape, and invasive species would be controlled within an important natural feature at the rare Charitable Research Reserve. Together, the proposed projects would involve hundreds of the Region’s citizens of all ages and backgrounds in implementing the projects which would not only foster a culture of sustainability and environmental stewardship, but also nurture new skills and develop community capacity.

**Funding Allocation**

**Stewardship Grants**

Twenty applications under the Stewardship Grant stream are recommended for approval at this time as follows:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. John Catholic School</td>
<td>Greening Project</td>
<td>$2,550</td>
</tr>
<tr>
<td>James P. Wellheiser</td>
<td>Private Land Stewardship project</td>
<td>$1,800</td>
</tr>
<tr>
<td>Stanley Park Public School</td>
<td>Schoolground Greening Project</td>
<td>$3,000</td>
</tr>
<tr>
<td>St. Clement School</td>
<td>Schoolyard Greening Project</td>
<td>$2,100</td>
</tr>
<tr>
<td>Grand River Conservation Authority</td>
<td>Pollinator Garden</td>
<td>$13,000</td>
</tr>
<tr>
<td>City of Cambridge</td>
<td>Cambridge Stewardship</td>
<td>$8,051</td>
</tr>
<tr>
<td>Coronation Public School</td>
<td>Coronation Community Garden</td>
<td>$2,000</td>
</tr>
<tr>
<td>Steward Avenue Public School</td>
<td>Stewart Avenue Public School – Outdoor Renewal</td>
<td>$3,000</td>
</tr>
<tr>
<td>City of Waterloo</td>
<td>City of Waterloo – Waterloo Earth Day</td>
<td>$8,525</td>
</tr>
<tr>
<td>Winston Churchill Public School</td>
<td>Winston Churchill Public School – Early Years Natural Playspace Project</td>
<td>$3,000</td>
</tr>
<tr>
<td>Location</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Forest Hill Public School</td>
<td>Forest Hill’s TreeGeneration – Creating Shade for the Primary Playground (Forest Hill Public School)</td>
<td>$3,000</td>
</tr>
<tr>
<td>Wilson Avenue Public School</td>
<td>Wilson Wildlife Greening Project (Wilson Avenue Public School)</td>
<td>$3,000</td>
</tr>
<tr>
<td>House of Friendship</td>
<td>House of Friendship Gardens</td>
<td>$14,152</td>
</tr>
<tr>
<td>CLIPPED outdoors</td>
<td>Take-a-Hike</td>
<td>$3,920</td>
</tr>
<tr>
<td>Sir Adam Beck Public School</td>
<td>Sir Adam Beck Public School Footprints No-Mow Area Naturalization Project</td>
<td>$2,000</td>
</tr>
<tr>
<td>Brigadoon Public School</td>
<td>Brigadoon Public School Greening Project</td>
<td>$3,000</td>
</tr>
<tr>
<td>Township of Woolwich</td>
<td>TWEEC Ash Tree Removal and Replanting Along Trans Canada Trail in Woolwich Township</td>
<td>$17,750</td>
</tr>
<tr>
<td>City of Kitchener</td>
<td>Windale Park Rejuvenation</td>
<td>$2,800</td>
</tr>
<tr>
<td>Public Health Shade Working Group</td>
<td>Waterloo Region Shade Forum, 2014</td>
<td>$1,200</td>
</tr>
<tr>
<td>Laurel Creek Headwaters</td>
<td>Phragmites Management Strategy</td>
<td>$1,910</td>
</tr>
<tr>
<td>rare Charitable Research Reserve</td>
<td>Invasive Species Control in “Hogsback” Woodland</td>
<td>$13,447</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$113,205</strong></td>
</tr>
</tbody>
</table>

The recommended funding levels for the 21 stewardship projects range from $1,200 to $17,750. They have been grouped by size category in Table 2. It will be seen that all but four of the projects were for $10,000 or under. There is a concentration of projects in the $1,000 to $5,000 category due to nine schoolyard greening projects, where the maximum allowable request is $3,000.

**Recommended Environmental Stewardship Grants by Dollar Amount**

<table>
<thead>
<tr>
<th>Amount Requested</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤ $1,000</td>
<td>0</td>
</tr>
<tr>
<td>$1,001 - $2,500</td>
<td>6</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
</tr>
</tbody>
</table>

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The four largest recommended grants are for $17,750 to the Township of Woolwich Environmental Enhancement Committee (TWEEC) for renewing the tree canopy along the section of the Trans Canada Trail between St. Jacobs and The Farmers’ Market; $14,152 to the House of Friendship for the second phase of the gardens being planted by and for the residents at their Kitchener residences; $13,447 for the invasive species control at the rare Charitable Research Reserve Hogsback Woodland, and $13,000 to the GRCA for the Pollinator garden project at Shade Mills. Fifteen of the 21 recommended stewardship stream projects comprising 72.6% of the recommended dollar allocations are intended to fund in whole or in part the planting of native trees in the rural and urban areas of the Region.

The recommended allocations would significantly assist with a variety of environmental projects some of which might not have been considered or which would have been initiated at a smaller scale without the assistance of the Community Environmental Fund. The recommended Regional grants totalling $113,205 would be leveraged by financial and/or in-kind contributions from the applicants. Based on the project applications, staff has calculated that for every dollar of the recommended Regional stewardship stream grants, an additional $2.69 would be invested in the projects by the proponents. Therefore the recommended grants of $113,205 from the Region’s Community Environmental Fund are calculated to yield an additional investment of approximately $304,669 in cash or in-kind by the applicants.

**Sustainability Grants**

A total of 12 applications were received under the Sustainability Grant stream plus one more that overlapped with the fund criteria for the Stewardship Grant stream with a total grant request value of approximately $109,000. The 2014 Regional Budget did not include financial support for the Sustainability Grant stream and therefore all applicants will be notified accordingly. The applicants to the Sustainability Stream are listed in Attachment 2.

In response to comments made by Sandra Hill at the budget input meeting on January 7, 2014 regarding her ineligibility for a Region Community Sustainability Grant (CSG), staff had further discussion with Waste Management and Social Services staff in an effort to determine whether there are any other options or funding sources relative to her Furnish the Future initiative. No viable funding options were identified in either of those program areas relative to their respective mandates. However, avenues exist...
through local social enterprise organizations to assist Ms. Hill with distribution of furniture to those in need, and staff have responded to Ms. Hill outlining the options available to her.

**Supplementary Comments**

At the end of the application form, applicants were asked to provide feedback to help improve the Community Environmental Fund. The first question asked how applicants found out about the Community Environmental Fund. Of the total 34 applicants, 31 answered. The results are outlined below. Some applicants heard from multiple channels.

<table>
<thead>
<tr>
<th>Source</th>
<th>Number of applicants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dennis Wendland, Evergreen Consultant</td>
<td>7</td>
</tr>
<tr>
<td>Regional Staff</td>
<td>6</td>
</tr>
<tr>
<td>Emails</td>
<td>6</td>
</tr>
<tr>
<td>Website</td>
<td>4</td>
</tr>
<tr>
<td>Area Municipal Staff</td>
<td>3</td>
</tr>
<tr>
<td>Newspaper</td>
<td>2</td>
</tr>
<tr>
<td>Posters</td>
<td>2</td>
</tr>
<tr>
<td>Eco-School representative</td>
<td>1</td>
</tr>
<tr>
<td>Community Garden Network</td>
<td>1</td>
</tr>
<tr>
<td>REEP Green Solutions</td>
<td>1</td>
</tr>
<tr>
<td>Media Channels</td>
<td>1</td>
</tr>
<tr>
<td>Waste newsletter</td>
<td>1</td>
</tr>
</tbody>
</table>

The second question asked applicants to provide suggestions and comments. Of the total 34 applicants, 15 answered. The results are outlined below. Some applicants made multiple comments.

<table>
<thead>
<tr>
<th>Comment/Suggestion</th>
<th>Number of applicants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thank you; the fund is a great resource.</td>
<td>8</td>
</tr>
<tr>
<td>The application form is straight forward/easy to fill.</td>
<td>4</td>
</tr>
</tbody>
</table>
Applicant provided information pertaining to project details.  
Applicant requested form be offered in Word format.

<table>
<thead>
<tr>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>In reviewing the applications, staff has followed up with applicants to further clarify details of their proposals, and ensure they are in the appropriate granting stream and that individual component items in the proposed project budgets are appropriate and comply with the guidelines earlier approved by Council for applications in general and for schoolyard greening projects in particular. Staff is now recommending that the 21 projects listed in summary form in Attachment 1 be funded. Subject to approval by Regional Council, successful recipients would receive formal letters specifying the total amount of the grant and the items for which it may be used. Where appropriate, some of those letters would be accompanied by an agreement, prepared with the assistance of Legal Services, by which the recipients commit to abide by the terms and conditions of the grant. Before payments are authorized, staff would continue to verify that the agreed upon works have been accomplished by reviewing brief reports completed by the recipients, conducting a site inspection where necessary, or receiving copies of studies or research.</td>
</tr>
</tbody>
</table>

Staff is recommending that two stewardship applications described in Attachment 3 not be funded at this time. One does not adequately fulfill sufficient criteria, and the other, which has considerable merit, is considered premature at this time, |

<table>
<thead>
<tr>
<th>Area Municipal Consultation/Coordination</th>
</tr>
</thead>
<tbody>
<tr>
<td>The application package was circulated to all Area Municipalities. The Cities of Cambridge, Kitchener and Waterloo and Township of Woolwich have all submitted applications for 2014 funding. All four of those Area Municipalities have received funding for other projects in previous years.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Corporate Strategic Plan:</th>
</tr>
</thead>
<tbody>
<tr>
<td>This initiative supports Focus Area 1 - Environmental Sustainability Actions: Develop and implement an integrated funding program to support community-based environmental initiatives and work in partnership with various stakeholders to develop policies and programs to provide shade (e.g. tree canopy) in our communities.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Financial Implications</th>
</tr>
</thead>
<tbody>
<tr>
<td>The approved 2014 Planning, Housing and Community Services Capital program (project 22027) provides $200,000 for projects that enhance Environmental Stewardship. The recommended allocations in the Environmental Stewardship stream would be funded from this project. The 2014 Regional budget does not include financial support for the Community Sustainability initiatives at this time.</td>
</tr>
</tbody>
</table>
Other Department Consultations/Concurrence:

Legal Services and Finance are involved in the administration of this fund.

Attachments:

Attachment 1 - Summary of Stewardship Projects Recommended for Approval
Attachment 2 - Summary of Sustainability Grant Applicants
Attachment 3 – Community Environmental Fund Applications Not Recommended for Approval

Prepared By:  Chris Gosselin, Manager of Environmental Planning
               David Roewade, Sustainability Planner, Corporate Resources

Approved By:  Rob Horne, Commissioner, Planning, Housing and Community Services
               Gary Sosnoski, Commissioner, Corporate Resources
Attachment 1

Stewardship Grants Recommended For Approval – February 11, 2014

Project Number

2014-01 St. John Catholic School Greening Project – (Category 2) - $2,550

In 2010-12, St. John’s school underwent extensive renovations, and in 2014 the school intends to initiate some outdoor improvements. Students have indicated that, while they would like places for active play, they also value places to sit and engage in passive play activities. The installation of trees and rocks will provide shade and seating for students who desire times of passive play. The total value of the project including in-kind contributions is $3,000. It is recommended that up to $2,550 be allocated to the St. John Catholic School Greening Project for the purchase of native trees and armourstone rocks.

2014-02 James P. Wellheiser – 4212/ 4218/ 4222 Trussler Road. (Category 1) - $1,800

This project is part of an ongoing planting of Carolinian tree species on the proponent's property which is located in a designated Core Environmental Feature on the banks of the Nith River near Ayr. The tree plantings are intended to help improve water quality flowing into the Nith River from an on-site pond. The project would be initiated by the removal of dead and ice storm-damaged willow trees and silt from the pond area. New trees would be planted by Boy Scouts. The owner often allows community groups to access his property. The total value of the project including in-kind contributions is $4,263.75. It is recommended that up to $1,800 be allocated to the Project for the purchase of trees and to cover the cost of renting equipment to remove damaged trees and sediment from the pond areas.

2014-04 Stanley Park School Ground Greening project. (Category 2) - $3,000

The Stanley Park School Ground Greening Project is being initiated as part of the school's 50th anniversary celebration. The project comprises three phases: (1) Increase school ground shade, establish an outdoor classroom space and provide passive play space, (2) Provide shade for a creative playground area, and (3) establish a grove of trees. The project is being monitored and reported on by the school’s parent council and involves students and volunteers under the guidance of the Greening Project Committee. The total value of the project including in-kind contributions is $4,048. It is recommended that up to $3,000 be allocated to the Stanley Park School Ground Greening Project for the purchase of native trees and armourstone rocks for seating.

2014-06 St. Clement School Yard Greening Project. (Category 2) - $2,100

St. Clement School’s Greening Project is intended to provide increased shade areas with opportunities for passive recreation and learning. In addition, an existing Peace Garden will be improved with the addition of outdoor seating, and an outdoor classroom will be constructed using trees and seating rocks. Additional spaces will include a “Secret Place” and an “Intermediate Table Area” where trees and rocks will be used to
create seating and shade for students. The total value of the project including in-kind contributions is $9,368. It is recommended that up to $2,100 be allocated to the St. Clement School Yard Greening Project for the purchase and installation of native trees and shrubs.

2014-07  G.R.C.A. Pollinator Gardens at Shades Mills and Laurel Creek Nature Centre (Category 2): $13,000

GRCA staff is proposing to create a wildflower/pollinator programme for the Shades Mill Nature Centre in Cambridge and the Laurel Creek Nature Centre in Waterloo. Pollinator gardens will be created at both sites which will serve as living classrooms to students who will be involved in seed collection, propagation, and tending of the gardens. When the gardens are established, students will be able to harvest seeds which can be planted back at their schools or at home. This will educate the public, and encourage them to use native plants in their gardens in order to conserve native pollinators. The project will educate students and adults as to the importance of our native pollinators. The total value of the project, including in-kind contributions is $73,550. It is recommended that up to $13,000 be allocated to the Grand River Conservation Authority for the purchase of supplies and to defray a portion of the wages of a contractor who can develop the gardens and interpret them to the public.

2014-08  Cambridge City Green Stewardship Projects (Category 1): $ 8,051

Since 2007, the Cambridge City Green initiative has partnered with various private and voluntary sector organisations to carry out projects to enhance the natural environment in the City by planting thousands of native trees and plants. The projects are carried out by volunteers supported by City staff and other resources. This year, support is being sought for 11 of the 14 projects. These involve purchasing and planting native vegetation, installing a Kestrel and Wood Duck boxes, and creating educational and publicity materials. The total value of the 11 projects for which Community Environmental Fund support is requested is $56,713. It is recommended that up to $8,051 be allocated to the Cambridge City Green Stewardship Project for the purchase of native plants, the installation of kestrel and Wood Duck boxes and bird cam, and the production of educational and publicity materials.

2014-12  Coronation Community Garden (category 4): $2,000

Staff at Coronation Public School is planning to initiate a community garden to engage residents of The Lang Farm community and strengthen relations between the school and the community. Its purpose is to engage and educate community members about environmental stewardship, food production, and to educate them to take an active role in promoting the general well being of the community. The proposed garden will feature “heritage” varieties of fruits and vegetables. It will teach community members about the stewardship of soil, composting, and sustainable food production. The total value of the project including in-kind contributions is $9,560. It is recommended that up to $2,000 be allocated to the Coronation Community Garden for the purchase of topsoil, construction of ten raised beds, planting materials, and outreach and publicity.
2014-13  Stewart Avenue Public School – Outdoor Renewal. (Category 2) - $3,000

The school council of Stewart Avenue Public School’s has been fundraising in order to carry out renewal of the school grounds. The entire project comprises planting of native tree species, the installation of armourstone seating rocks and some play equipment. The total value of the project including in-kind contributions is $.14,209. It is recommended that up to $3,000 be allocated to the Project for the purchase and installation of native trees and armourstone seating rocks to be used to create a sheltered grove for quiet play and reflective activities.

2014-14  City of Waterloo – Waterloo Earth Day. (Category 1) - $8,525

The City of Waterloo and the Grand River Conservation Authority have been partners for over 10 years in offering Waterloo Earth Day as a free community event. Waterloo Earth Day serves to remind residents how important the environment is to the quality of life in Waterloo. The event seeks to promote awareness and understanding of the importance of natural resources, fostering sustainability and community stewardship through activities such as tree planting, stewardship activities and educational opportunities. The total value of the project including in-kind contributions $22,400.00. It is recommended that up to $8,525 be allocated to the Waterloo Earth Day Project for the purchase of native trees and shrubs as well as activities and promotional materials for the Earth day celebration.

2014-15  Winston Churchill Public School – Early Years Natural Playspace Project. (Category 2) - $3,000

The Early Years Natural Playspace project is intended to create an outdoor kindergarten play and learning environment through planting native trees and installing seating places using armourstone rocks. The area will connect children with nature and enhance their knowledge and awareness of inquiry and play-based learning. Through community involvement in the project a sense of ownership for shared spaces both during and outside of school hours. The total value of the project including in-kind contributions is $4,000. It is recommended that up to $3,000 be allocated to the Winston Churchill Public School – Early Years Natural Playspace Project for the purchase of native trees, armourstone rocks, topsoil and mulch.

2014-17  Forest Hill’s TreeGeneration – Creating Shade for the Primary Playground (Forest Hill Public School). (Category 2) - $3,000

This project is part of an ongoing multi-phase greening initiative on the Forest Hill Public School’s playground to provide shade to the primary playground area. Previous tree plantings have proven to be successful in terms of providing shade and serving as valued teaching resources. It is anticipated that several ash trees will succumb to Emerald Ash Borer, and trees of other species are now being planted to replace them. Previous phases of the project have been funded by the school community and from other funding sources. The total value of the current phase of the overall project including in-kind contributions is $4,659.26. It is recommended that up to $3,000 be allocated to the Forest Hill Public School TreeGeneration Project for the purchase and
installation of native trees, mulching materials, and protective fencing to be installed around the trees.

2014-18 Wilson Wildlife Greening Project (Wilson Avenue Public School). (Category 4) - $3,000

The three-phase Greening Project at Wilson Avenue Public School is being organized and led by the school administration and the school council. The purpose is to engage the school community in developing and implementing a plan to improve the school property by increasing the diversity of tree species and shade cover on the playground. This will provide students with opportunities for active and passive play and exploration of nature. The school grounds are also used and enjoyed by the wider neighbourhood community. Elements of the project include a stone dust path, armourstone seating, and tree and shrub plantings. The total value of the second phase of the project including in-kind contributions is $33,116.50. It is recommended that up to $3,000 be allocated to the second phase Wilson Avenue Public School Greening Project for the purchase of native trees, armourstone rocks, and soil amendments.

2014-20 House of Friendship Supportive Housing Community Garden Project (Category 4): $14,152

In 2013, Eby Village was granted funds from the Community Environmental Fund to develop a community garden for and by the residents. The project was a notable success. Not only has it improved the appearance of the site and transformed the rear of the building from a sterile area to an inviting and well-used gathering place, but it has also taught residents about the planning and care of gardens and more generally about collaboration to achieve larger objectives. Residents take obvious pride in the transformation. The House of Friendship is now proposing to create similar projects at its Charles Village and Cramer House properties. These will enhance the urban environment in this corner of Downtown Kitchener and also engage the residents. The Community Environmental Fund funded a part-time Project Leader in 2013 who proved to be essential to the success of the project. Significant in-kind donations of materials and expertise supplemented this position and ensured success. The total value of the 2014 Supportive Housing Community Garden Project is $61,588. It is recommended that up to $14,152 be allocated to Eby Village to hire a Part-time Project Leader for this project.

2014-21 CLIPPED Outdoors Take-a-Hike Project (Categories 4,7): $3,920

CLIPPED Outdoors is devoted to encouraging women and their families to experience outdoor activities such as cycling and exploring publicly accessible natural areas. The proposed Take-a-Hike project will involve giving women and their families guided tours of local greenspaces and natural areas each Saturday during July and August. The event leaders and invited guest speakers will interpret the elements of the natural environment and “green infrastructure” at each site. The walks will not only inform participants, but also develop a sense of responsibility and stewardship of the natural environment in our urban centres. To foster a spirit of sustainability, participants will be encouraged to use GRT or Bikeshare to the events. The total value of the project is $8,443. It is recommended that up to $3,920 be allocated to the CLIPPED Outdoors
Take-a-Hike programme to defray part of the wage costs of the programme instructor as well as some programme, media, and promotional costs.

2014-26  Sir Adam Beck Public School Footprints No-Mow Area Naturalization Project (Category 2) - $2,000

Sir Adam Beck Public School was the recipient of a previous Community Environmental Fund stewardship grant in 2012 which was used to establish a healthy play space complete with shade trees and wind breaks on the grounds of this relatively new school. The establishment of naturalised areas would also provide a locale for outdoor and environmental education. The second phase of the project will continue the development of this area through naturalized landscaping and the installation of rocks, trees and a vine-covered pergola for a shaded teaching area and the attraction of birds and insects. The total value of the project including in-kind contributions is $5,883.07. As this is a second schoolyard application to the Community Environmental Fund, the maximum amount allowable for this project is $2,000.00. It is recommended that up to $2,000 be allocated to the Project for the purchase of rocks, native trees and vines, and the design and installation of educational signage.

2014-28  Brigadoon Public School Greening Project. (Category 4) - $3,000

 Brigadoon Public School contains many natural features due to its location and topography. Nevertheless, the topography poses some challenges in the form of site drainage and soil erosion. It is proposed to install two tiers of armourstone on a significant slope to provide seating space and an outdoor classroom and in the process control soil erosion. Part of the upper slope will be re-vegetated with native meadow species which will prevent slope erosion and also attract native pollinators. Removal of declining and dying ash trees will be offset by planting several native trees in the vicinity of play structures which are currently exposed to direct sunlight. The total value of the project including in-kind contributions is $15,100. It is recommended that up to $3,000 be allocated to the Project for the purchase of native trees and armourstone rocks.

2014-29  TWEEC Ash Tree Removal and Replanting Along Trans Canada Trail in Woolwich Township. (Category 2) - $17,750

Through an agreement with the Region, the Township of Woolwich has developed a segment of the Trans Canada Trail along the side of the Regional Road 85 right-of-way between St. Jacobs and the Farmers’ Market. When the trail was constructed in 2000, native ash trees were planted along it to provide shade to walkers. Many of those trees are now dead or dying (in large part due to the Emerald Ash Borer). The Township of Woolwich Environmental Enhancement Committee, Trees for Woolwich, and the Woolwich Trails Group are proposing to plant native trees to replace the ash trees in order to provide shade, improve the aesthetic quality of the trail, and attenuate sound and wind. It is also anticipated that the trees will serve as habitat for wildlife, and in particular birds. The project is anticipated to be carried out over a three-year period with tree planting occurring in the first year and partial removals of ash each of the three years to reduce the visual impact and allow establishment of the planted trees. The Region’s Transportation Division is in support of this proposal. The total value of the project including in-kind contributions is $21,800. It is recommended that up to $17,750
be allocated to the Township of Woolwich TWEEC Ash Removal and Replacement Tree Planting on the Trans Canada Trail Project for the purchase, installation, and after-care of native trees as well as the removal and chipping of dead and dying ash trees.

2014-32 Windale Park Rejuvenation Project (Category 2): $2,800

Windale Park is located in the Valleyview area of Kitchener adjacent to the Conestoga Parkway. The neighbourhood contains many social housing projects, including one operated by Waterloo Regional Housing. The park is somewhat isolated from the rest of the community. It is also notably lacking in trees and amenities. In 2010, a community “safety can be fun” event won the City of Kitchener Festival of Neighbourhoods $10,000 prize. The money is to be put toward rejuvenating the park. By planting trees and improving vegetation, it is expected that the park will attract greater usage and improve community safety. In cooperation with the Waterloo Regional Police Service and the Public Health Department, Safety and Shade audits have been carried out to inform the redesign of the park. The total value of the project including in-kind contributions from the City of Kitchener and other community partners is: $26,110. It is recommended that up to $2,800 be allocated to the City of Kitchener Windale Park Rejuvenation Project for the purchase of native shade trees and armourstone blocks for seating.


The Waterloo Region Shade Working Group is planning to host a fourth Shade Forum in the fall of 2014. The target audience is municipal and school board planners and maintenance staff with an interest in urban design and the operation of parks and greenspaces. Previous Shade Forums have educated the group as to the benefits of shade for skin cancer prevention, mitigation of urban “heat island effects”, and the enhancement of livability in our urban centres. At present, policies promoting shade have been included in Area Municipal official plans, and agency staff are now developing shade promotion within their areas of jurisdiction. The total cost of holding the Shade Forum is: $3,740. It is recommended that up to $1,200 be allocated to help defray the costs of hosting the 2014 Waterloo Region Shade Forum.

2014-35 Phragmites Management Strategy in Laurel Creek Headwaters Environmentally Sensitive Landscape (category 1): $1,910

Common Reed (Phragmites australis) is a highly invasive non-native species that has proliferated across southern Ontario. It is to be seen along roadsides and the edges of wetlands where it threatens the ecological integrity of natural areas. It has been identified as a major concern of the Ontario Invasive Plant Council. Phragmites is now threatening the natural environment of the Laurel Creek Headwaters ESL. At the end of 2013, the Laurel Creek Headwaters Environmentally Sensitive Landscape Public Liaison Committee endorsed a project to develop a strategy to control this plant within the ESL before it becomes more established. Working in partnership with the University of Waterloo Faculty of Environmental Studies, it is proposed to develop a program of Phragmites control by reviewing scientific literature for relevant control practices, mapping occurrences of Phragmites within the ESL, and identifying site characteristics that would influence control mechanisms. This will result in the production of a
scientifically-based strategy for control within the ESL. The total cost of the project is: $1,910. It is recommended that up to $1,910 be allocated to the Faculty of Environmental Studies for the Phragmites Control Strategy for the Laurel Creek Headwaters ESL to be used to hire an undergraduate environmental studies student and to purchase services and materials required to complete the strategy.

2014-36 Invasive Species Control at rare Charitable Research Reserve “Hogsback” Woodland (category 1): $13,447

The “Hogsback” woodland is a large natural feature on the eastern part of the rare Charitable Research Reserve which also forms the boundary of the Blair-Bechtel-Cruickston Environmentally Sensitive Landscape. The area serves as the headwaters of Cruickston Creek. Through the recently-completed Cambridge West Master Environmental Servicing Plan, it was determined that the feature warrants consideration as a new Environmentally Sensitive Policy Area, tentatively called the Cruickston Creek Headwaters. The northern portion of the feature which is owned by rare contains several invasive non-indigenous species: Common and Glossy Buckthorn, Phragmites, and two species of exotic barberry. All threaten the ecological integrity of the feature. It is proposed to control these species and to enhance the feature with plantings of suitable native trees and shrubs. The total value of the project including in-kind contributions is $34,227. It is recommended that up to $13,447 be allocated to the Project for the purchase of native plant materials and tools required to remove or kill off invasive plants.
## Attachment 2

### Sustainability Grant Applicants

<table>
<thead>
<tr>
<th>Organization</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monsignor Haller Elementary School</td>
<td>The 4th R, Water Refill Station</td>
<td>$1,600</td>
</tr>
<tr>
<td>City of Kitchener</td>
<td>Waste Diversion at Recreation Centres</td>
<td>$15,000</td>
</tr>
<tr>
<td>Guelph Street Community Garden</td>
<td>Good to the Last Drop: Rainwater Harvesting</td>
<td>$7,304</td>
</tr>
<tr>
<td>Kitchener Horticultural Society</td>
<td>Rainwater Harvesting at Rockway Gardens</td>
<td>$5,079</td>
</tr>
<tr>
<td>University of Waterloo</td>
<td>Managing End-of-Life Textiles</td>
<td>$4,996</td>
</tr>
<tr>
<td>Galt Collegiate Institute</td>
<td>CGI Hydration System</td>
<td>$6,000</td>
</tr>
<tr>
<td>Sustainable Waterloo Region</td>
<td>Development of an Electric Vehicle Charging Network</td>
<td>$15,000</td>
</tr>
<tr>
<td>The Working Centre</td>
<td>Building a Bicycle Culture</td>
<td>$5,000</td>
</tr>
<tr>
<td>Grand River Public Bike Share</td>
<td>Grand River Public Bike Share</td>
<td>$15,000</td>
</tr>
<tr>
<td>Wilfrid Laurier University</td>
<td>Laurier Living Lab</td>
<td>$15,000</td>
</tr>
<tr>
<td>Furnish the Future</td>
<td>Furnish the Future</td>
<td>$15,000</td>
</tr>
<tr>
<td>Green Rocket</td>
<td>Waterloo Region Environment Network</td>
<td>$4,615</td>
</tr>
</tbody>
</table>
Attachment 3

Community Environmental Fund Stewardship Stream Applications Not Recommended For Approval

2014-10 Monsignor Doyle Secondary – Outdoor Student. (Category 1) - $3,000

The Outdoor Student project is an effort to improve the outdoor spaces at Monsignor Doyle Secondary School. Assistance is requested for funding the purchase and installation of Redi-Rocks near the entrance of the school and the bus loading area. The rocks will provide convenient seating and meeting areas for students outside the school buildings. A later phase of the Outdoor Student project will see the addition of trees, shrubs and planting areas as well as a stage and an outdoor classroom. The Community Environmental Fund has supported schoolyard greening projects which involve the planting of native trees to bolster the urban tree canopy and provide shade as a means of preventing skin cancer in schoolchildren. This project only involves installing Redi-Rocks in an open area and does not achieve these objectives of broader Regional policy, and so is not recommended at this time.

2014-30 Nature and Art Project (Category 4) - $13,221

This project has many commendable features in terms of bringing together a variety of Regional residents, long-term and newcomers alike, to explore the natural heritage of the Region and celebrate it in a mural facilitated by well-known local muralist Pamela Rojas. The artwork is intended to reinforce a sense of belonging by all participants. Ms Rojas’s role as muralist would be informed and supplemented by a natural scientist and social scientist. Staff is of the opinion that the project has real merit, but that it may be premature at this time in that a suitable location and an ongoing community partnership for interpreting the mural have yet to be identified. The mural would need to be readily accessible, yet preferably protected from the elements. Staff also advise that the public art component of such a project would benefit from being coordinated with an existing Regional arts organization such as Arts Smart and/or the Public Art Advisory Committee. Staff will encourage the applicants to re-submit the application following the completion of this additional preparatory work.
Region of Waterloo  
Planning, Housing and Community Services  
Community Services

To: Chair Tom Galloway and Members of the Administration and Finance Committee
Date: February 11, 2014
File Code: R-07-02
Subject: Proposed Public Art Projects – Former County Courthouse and ION aBRT Transit Stops

Recommendation:

That the Regional Municipality of Waterloo approve the expenditure of up to $55,000 to be funded from the Public Art Reserve Fund for an artwork project at the renovated former County Courthouse at 20 Weber Street, Kitchener, as outlined in report P-14-016, dated February 11, 2014;

And That staff be directed to explore options for public art at each of the Ainslie and Cambridge Mall ION aBRT transit stops.

Summary:

The former County Courthouse at 20 Weber Street is being recommended as the site for the Region of Waterloo’s thirteenth Public Art Project. The proposed artwork would be themed to represent the evolution of the site from its origins as the historic County seat to the current role of the Regional municipality. The artwork would be a companion piece to the existing Ontario Heritage Trust plaques and would help to connect and interpret the plaques, modern courthouse, and historic Governor’s House and Gaol.

A budget of $55,000 from the Public Art Reserve Fund (to which the Courthouse renovation project has contributed $30,000) is being requested to cover the costs of the outdoor piece. The artwork would be commissioned and installed in time for the fall of 2014, in coordination with the current renovation of this Regional facility.

This report also provides an update to Report No. P-12-119, dated November 6, 2012 which was deferred by Council. The report recommended that the Grand River Transit (GRT) facility at 250 Strasburg Road be considered as a site for a public art project that would highlight the important role of public transportation in community building. Council
deferred the report requesting staff to consider an investment in public art at an alternative, more public, transit-related location.

Over the past year, staff and the Public Art Advisory Committee have discussed opportunities for transit-related public art. There are many potential opportunities along the ION Rapid Transit route and at the Transit Hub, which continue to be explored.

At this time, Council direction is requested in support of exploring options for incorporating artwork into the proposed ION aBRT stops at the Ainslie Bus Terminal and the Cambridge Mall. Staff would prepare a future report recommending themes and proposed expenditures for these projects.

As a major Regional facility, the Strasburg Road GRT site will continue to be considered a potential location for artwork, and may be recommended in the future following the completion of the artworks related to Rapid Transit and the Transportation Hub.

**Report:**

The Region of Waterloo’s Public Art Program was initiated in 2002 with the goals of developing awareness and appreciation for public art, and increasing the quantity of Public Art available to the residents and visitors to the Region of Waterloo. The Region’s Public Art Advisory Committee (PAAC) administers public art policies and procedures for the Region, including the development and recommendation of policies for selection, acquisition, display, retention, maintenance, storage and de-accessioning of Public Art for Regional facilities.

Regional Public Art Projects are funded through the Regional Public Art Reserve Fund which has been supported by an annual capital contribution from the Regional budget (2002-2013) and contributions from the budgets of major Regional construction projects. Public Art projects are considered in conjunction with large capital construction projects undertaken by the Region, including new buildings and expansions to existing buildings. To date, twelve public art projects have been created for installation at Regional facilities.

**Former County Courthouse Project**

The former County Courthouse at 20 Weber Street is being recommended as the site for the Region of Waterloo’s thirteenth Public Art project. The proposed artwork theme would be the evolution of the site from its origins as the historic County seat to the current role of the Regional municipality (from roads, bridges, jails and courtrooms to public health, social services, transit, transportation, water, waste, museums, airport, archives, crime prevention, etc.) The artwork would be a companion piece to the existing Ontario Heritage Trust plaques and would help to connect and interpret the plaques, modern courthouse and historic Governor’s House and Gaol.

The artwork would be located on the Queen Street side of the property to the east of the existing plaques. This location connects the existing structures, is close to the proposed entrance to the Regional Archives, and will not cause a disruption to the simple modern design and generous civic space along Weber Street.
Previous budgets for Regional Public Art projects have ranged from $55,000 to $125,000 based on the size, location and complexity of the project. In order for an artist to embody the selected theme in a durable outdoor artwork, substantial creativity, material and labour will be required. The proposed design of the artwork would be tailored to the available space and would encourage the public to approach the artwork and experience it at close range. For these reasons, a budget of up to $55,000 is proposed for this artwork project. Of this amount, $5,000 would be provided for advertising, maquette and jury fees while the balance would be available to the artist.

The traditional artwork acquisition process which has been used for the previous Regional projects would be followed. This starts with a public call for artists’ concepts and résumés which are reviewed by a jury chosen by the Public Art Advisory Committee. The jury shortlists artists to create maquettes for public comment, and selects a piece based on predetermined criteria. The selected piece is recommended to Regional Council for approval. The artwork would be commissioned and installed by the fall of 2014, in coordination with the current renovation of the Regional facility.

**Transit Related Projects**

In the fall of 2012, Regional staff recommended in Report P-12-119 that the Grand River Transit (GRT) facility at 250 Strasburg Road be considered as a site for a public art project that would highlight the important role of public transportation in community building. Determining a potential location for artwork on the Strasburg site was a challenge as accessible on-ground locations were limited. Council deferred the report requesting staff to consider an investment in public art at an alternative, more public, transit related location, such as at the heart of the developing Transit Hub.

Over the past year, staff and the PAAC have discussed opportunities for transit related public art. At this time the PAAC envisions artwork at a variety of stops along the ION Rapid Transit route as well as a significant artwork at the Transit Hub. It is premature to recommend artwork at either the ION LRT stops or at the Hub, however it is an appropriate time to consider the potential for public art in conjunction with the development of the aBRT stops. Specifically the stops at the Ainslie Terminal and the Cambridge Mall are proposed for further consideration.

At this time, Council direction is requested in support of exploring options to incorporate artwork at the ION aBRT stops at the Ainslie Bus Terminal and the Cambridge Mall. Staff would return with a separate report to request approval for proposed themes, expenditures, and sources of funding at a future date.

As a major Regional facility, the Strasburg Road GRT site will continue to be considered a potential location for artwork, and may be recommended in the future following the completion of the artworks related to Rapid Transit and the Transportation Hub.

**Area Municipal Consultation/Coordination**

The Region works in partnership with Area Municipal staff in the promotion of Public Art Projects and Programs throughout the Region.
Corporate Strategic Plan:

This public art project supports Focus Area 2 and the specific action of “promote and enhance arts, culture and heritage”.

Financial Implications

The Public Art Reserve Fund was established in 2002 and received an annual contribution from the property tax budget of $50,000-$65,000 from 2002-2013, and one time contributions from applicable capital projects (in this case, the County Courthouse Renovation Project of $30,000). The balance in the Reserve Fund after allowing for artworks in progress is approximately $450,000 which is sufficient to cover the artwork project budget of $55,000 recommended in this report.

The renovation and expansion projects at the Strasburg Road GRT Operations Centre contributed a total of $55,000 to the Public Art Reserve Fund. This transit-related contribution is expected to be re-allocated as part of the funding for the proposed artwork for the two aBRT station stops, and would be recommended as part of future reports to Council recommending specific art installations.

Other Department Consultations/Concurrence:

Staff from Corporate Resources, Facilities, Finance and Community Services and are working collaboratively on this project. They have reviewed this report and their comments have been included.

Attachments:

Nil

Prepared By: Kate Hagerman, Cultural Heritage Specialist

Approved By: Rob Horne, Commissioner, Planning, Housing and Community Services
### 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>
</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>2014, 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>2014, as part of Development Charges By-law review</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 2014 budget process has been completed.</td>
<td>P.H.&amp;C.S.</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 sub-contractors weren’t prequalified.</td>
<td>Finance</td>
<td>4-Mar-2014</td>
</tr>
<tr>
<td>05-Dec-13</td>
<td>S. Strickland</td>
<td>That the Regionally-owned properties noted in report CR-FM-13-023/CR-RS-13-090, items b,d,e of the motion, be deferred to staff for a report with options regarding how these properties could be used to further Regional objectives.</td>
<td>P.H.&amp;C.S.</td>
<td>Feb-2014</td>
</tr>
<tr>
<td>11-Dec-13</td>
<td>D. Craig</td>
<td>That staff review and comment on a three year planned budget cycle starting in 2016 and modeled after the City of Waterloo.</td>
<td>Finance/C.A.O.’s Office</td>
<td>Spring 2014</td>
</tr>
<tr>
<td>11-Dec-13</td>
<td>D. Craig</td>
<td>THAT the issue of eliminating Regional staff through a process of attrition be referred to the Administration and Finance Committee for a future staff report on this issue.</td>
<td>C.A.O.’s Office</td>
<td>May-2014</td>
</tr>
</tbody>
</table>