1. **MOMENT OF SILENCE**

2. **ROLL CALL**

3. **MOTION TO GO INTO CLOSED SESSION**

   THAT a closed meeting of Council be held on Wednesday, December 11, 2013, at 5:45 p.m. in the Waterloo County Room in accordance with Section 239 of the Municipal Act, 2001, for the purposes of considering the following subject matters:

   a) Proposed or pending acquisition of land in the City of Kitchener
   b) Proposed or pending acquisition of land in the City of Kitchener
   c) Labour relations regarding personal matters about identifiable individuals

   THAT a closed meeting of Regional Council be held on Friday, December 13, 2013 at 2:00 p.m. in the Waterloo County Room, in accordance with Section 239 of the *Municipal Act*, 2001, for the purposes of considering the following subject matters:

   a) Receiving of legal advice that is subject to solicitor-client privilege and education related to procurement and a project agreement

4. **MOTION TO RECONVENE IN OPEN SESSION**

5. **DECLARATION OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**

6. **PRESENTATIONS**

   a) Helen Jowett, Chair of the Citizens Advisory Committee on Council Compensation, re: **CC-13-002**, Council Compensation 2014-2018

   b) Alison Jackson and Bonnie Street, Friends of Waterloo Region Museum

   c) Bill Wilson, Chair, Waterloo Region Crime Prevention Council re: Annual Update

   d) Ontario Concrete Award, Fairway Road Grand River Bridge
7. PETITIONS

8. DELEGATIONS

9. MINUTES OF PREVIOUS MEETINGS
   a) Closed Council – November 20, 2013
   b) Closed Budget – November 20, 2013
   c) Budget – November 20, 2013
   d) Budget Public Input – November 20, 2013
   e) Council – November 20, 2013
   f) Closed Committee – December 3, 2013
   g) Community Services – December 3, 2013
   h) Administration and Finance – December 3, 2013
   i) Planning and Works – December 3, 2013
   j) Library – December 3, 2013
   k) Licensing and Retail – December 3, 2013
   l) Closed License and Retail – December 3, 2013
   m) Planning and Works Public Input – December 3, 2013

10. COMMUNICATIONS

11. MOTION TO GO INTO COMMITTEE OF THE WHOLE TO CONSIDER REPORTS

12. REPORTS

   Finance Reports
   a) F-13-115, Proposal P2013-19 Janitorial Cleaning at Various Waterloo Regional Police Services Facilities
   b) F-13-116, T2013-125 Lab Air Handling Unit Replacement, Operations Centre, 100 Maple Grove Road, Cambridge
   c) F-13-117, Proposal CT2013-06 Supply and Installation of Water Meters (Co-Operative)
   d) F-13-118, P2013-40 Polyaluminum Chloride Supply For Mannheim Water Treatment Plant

   Committee Reports
   a) Community Services - attached & marked SS-131203
   * Closed Community Services - attached & marked CSS-131203
   b) Administration & Finance - attached & marked FS-131203
   c) Planning & Works - attached & marked PS-131203
   * Closed Planning & Works - attached & marked CPS-131203
   d) Licensing & Retail – attached & marked RS-131203
   * e) Budget – Distributed Separately at Meeting

1518006
Chief Administrative Officer
Regional Chair
Regional Clerk

a) CR-CLK-13-006, Appointment to Sunnyside Foundation Board

13. OTHER MATTERS UNDER COMMITTEE OF THE WHOLE

a) CR-RS-13-100, Bill 69 – “Prompt Payment Act, 2013”

14. MOTION FOR COMMITTEE OF THE WHOLE TO RISE AND COUNCIL RESUME

15. MOTION TO ADOPT PROCEEDINGS OF COMMITTEE OF THE WHOLE

16. MOTIONS

17. NOTICE OF MOTION

18. UNFINISHED BUSINESS

19. OTHER BUSINESS

20. QUESTIONS

21. ENACTMENT OF BY-LAWS – FIRST, SECOND & THIRD READINGS

a) A By-law Respecting the Conduct of Persons Entering Upon Buildings, Grounds and Public Transportation Vehicles Owned or Occupied by the Regional Municipality of Waterloo

b) A By-law to Amend By-law Number 58-87, as amended, Being a By-law to Designate and Regulate Controlled-Access Roads (Ira Needles Boulevard (Regional Road 70), City of Kitchener)

c) A By-law to Amend the Wholesale Rates By-law 33-90 and to Repeal By-Law 12-052

d) A By-law to Impose the Regional Sewage Rate and to Repeal By-law 12-053

e) A By-law to Impose a Water Service Rate in the Townships of Wellesley and North Dumfries and to Repeal By-law 12-054

f) A By-law to Impose a Sewage Service Rate in the Townships of Wellesley and North Dumfries and to Repeal By-law 12-055

g) A By-law to Establish License Fees and Charges for The Regional Municipality of Waterloo and to Repeal By-law 04-072

h) A By-law to Amend By-law 04-069, A By-law to License, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi Cab Meters with The Regional Municipality of Waterloo, As Amended
i) A By-law to Amend By-law 04-071, A By-law to License, regulate and Govern Owners and Drivers of Special Transportation Taxi-Cabs within the Regional Municipality of Waterloo, As Amended

j) A-By-law to License, Regulate and Govern Owners and Drivers of Limousine Taxi-Cabs Within The Regional Municipality of Waterloo and to Repeal By-law 01-009, as Amended

k) A By-law to Amend By-law 05-063, A By-law to License, Regulate and Govern Salvage Shops and Salvage Yards, Including Automobile Wrecking Yards or Premises, within The Regional Municipality of Waterloo, as Amended

l) A By-law to Amend By-law 05-062, A By-law to License, Regulate and Govern Second-Hand Good Shops and Dealers in Second-Hand Goods, within The Regional Municipality of Waterloo, as Amended

m) A By-law to Confirm the Actions of the Council - December 11, 2013

22. **ADJOURN**
TO: Chair Ken Seiling and Members of Regional Council

DATE: December 11, 2013

FILE CODE: C03-08

SUBJECT: COUNCIL COMPENSATION 2014 - 2018

RECOMMENDATION:

THAT the Regional Municipality of Waterloo approve the following effective for the next term of Regional Council, December 1, 2014 to November 30, 2018:

1. Maintain the current base compensation rates for the positions of Regional Chair, Regional Councillor, and Regional Standing Committee Chair during the next term of Council;

2. Continue to adjust base compensation rates of the Regional Chair, Regional Councillor and Standing Committee Chair, effective January 1 each year in accordance with the lesser of:
   a. the average annual change in the all-items Consumer Price Index for Ontario for the previous year; or
   b. the increase approved for non-union Regional staff; or
   c. 3%.

3. Continue the practice of establishing a Citizens Advisory Committee on Council Compensation during the third year of each Council term to conduct a review of Council compensation for the next term.

4. Should the Region find itself formally taking on additional responsibilities during the next few years such that it adds significantly to the workload of Councillors, Council may wish to consider initiating a separate, more thorough review of its governance structures, functions and processes.

SUMMARY

A review of Council compensation is required each term to consider whether Council compensation is commensurate with its roles and responsibilities. The following individuals agreed to form the 2013 Citizens Advisory Committee on Council Compensation:

Barry Hesson
Dan Holt
Helen Jowett
Victor Laurin
Kurtis McBride
Paul Puopolo

In addition to the review of current compensation levels, the Committee was also asked to
consider the following and determine whether changes are needed:

1. The value of using the formula used in 2000 by the first Citizens Advisory Committee on Council Compensation - which established base Council remuneration at that time - to measure the adequacy of current levels of Council remuneration; and,

2. Situations where the current annual adjustment mechanism – the average annual change in the all-items CPI for Ontario – would result in a higher percentage increase for Council remuneration than was approved for Regional non-union staff.

The Committee met during September and October 2013 to conduct the review. They considered the current compensation levels and models in the Region of Waterloo, the area urban municipalities, and other Ontario Regional governments, the scope and role of Regional government as well as the time demands placed on Members of Council to fulfill their role. To further inform the process, Members of Regional Council were also invited to provide input to the Committee by means of a confidential online survey. The Committee was supported by staff from Human Resources, Finance and the Regional Chair’s Office. This report and its recommendations accurately reflect the majority view of the members of the Citizens Advisory Committee on Council Compensation.

REPORT:

In making its determination on the appropriate level of Regional Council compensation and the annual adjustment formula, the 2013 Citizens Advisory Committee on Council Compensation considered the following:

- Is the current compensation of the members of Waterloo Regional Council commensurate with current roles and responsibilities and appropriate considering the scope of Regional government, meeting requirements, committee duties, public duties (events), agenda review and other required reading, social media outreach and constituent work?

- Have there been any significant changes or increases in the respective roles of Regional Councillors and/or the Regional Chair since the last compensation review in 2010?

- What are the views of the current Members of Regional Council concerning their role, the demands on their time and their level of compensation?

Table 1 - 2013 Waterloo Regional Council Compensation

<table>
<thead>
<tr>
<th>Elected Position</th>
<th>2013 Base Remuneration</th>
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<tr>
<td>Regional Councillor (15)</td>
<td>$40,710</td>
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<td>Chair of Standing Committee (3)</td>
<td>$46,819</td>
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<tr>
<td>Administration &amp; Finance (A&amp;F)</td>
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<tr>
<td>Community Services (CS)</td>
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<tr>
<td>Planning &amp; Works (PW)</td>
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</tr>
<tr>
<td>(Total = Regional Councillor Base + Committee Chair Honorarium)</td>
<td>($40,710 + $6,109)</td>
</tr>
<tr>
<td>Regional Chair (1)</td>
<td>$148,246</td>
</tr>
</tbody>
</table>
As part of their compensation package, Members of Council receive the same benefits as provided to the Region’s Management/Management Support staff (non-union) with the exception of Long Term Disability (LTD) for which they are not eligible. Their benefits also include CPP and EHT – as prescribed by other levels of government - but not Employment Insurance (EI) for which they are not eligible. A Member of Council’s benefits would expire at the end of their term of elected office.

As such, Members of Council are eligible for the following benefits during their term of office:

- Extended Health Coverage (e.g. prescription drugs, vision care, paramedical coverage)
- Dental (e.g. preventative, major restorative, orthodontic)
- Life Insurance
- AD&D

OMERS

Members of Regional Council participate in the Ontario Municipal Employees Retirement system (OMERS) during their elected service. OMERS is a defined benefit pension plan financed by equal contributions from participating employers and employees/Councillors and by the investment earnings of the OMERS Fund. OMERS contributions stop when a contributor no longer works for the participating organization, when they achieve 35 years of credited service and/or by age 71. *(OMERS Members’ Handbook “Get Ready for Life”, July 2013)*

Costs Included In 2013 Budget for Regional Council OMERS and Benefits (EHT, CPP, Dental, Ext. Health, Life/AD&D)

- $13,432 per Regional Councillor position
- $14,436 per Committee Chair position
- $34,526 per Regional Chair position

Actual Costs of Regional Council OMERS and Benefits

For Dental and Extended Health benefits, the Region pays a monthly premium established by the Region’s benefit carrier. There is an annual process to reconcile premiums paid for these two benefits with actual costs claimed plus administration fees. If a Member of Council did not use these benefits, the amounts would be credited back to the Region through this reconciliation process.

Accordingly, the actual costs to the Region for Council OMERS and benefits vary based on the personal circumstance of Members of Council, for example, their family status, age and years of service. To ensure full transparency, these actual costs are reported on through the report to Council “Regional Council and Council Appointee Remuneration and Expenses” at the end of March each year.

In 2012, the actual costs to the Region of Regional Council benefits and OMERS combined were:

- $10,235 per Regional Councillor position (average)
- $11,332 per Committee Chair position (average)
- $12,407 per Regional Chair position

For details on the costs of OMERS and benefits related to individual Members of Council, refer to the attached Appendix 1 “2012 Remuneration and Expenses – Regional Council” from the March 27
2013 Report to Council “REGIONAL COUNCIL AND COUNCIL APPOINTEE REMUNERATION AND EXPENSES FOR THE YEAR ENDED DECEMBER 31, 2012” (F-13-028). This table clearly demonstrates how the actual costs vary due to differences in personal circumstance as noted above.

Annual Increases to Council Compensation

Regional Council compensation is currently adjusted effective January 1 each year, based on the average annual increase in the all-items Consumer Price Index (CPI) for Ontario during the previous year. If the increase in the Ontario CPI is negative, there is no change to Council compensation (0 % increase).

Discussion

To help determine a fair level of compensation for Members of Regional Council, the Advisory Committee reviewed the scope of Regional government (responsibilities, budget, population), and the average time commitment required to adequately fulfill the role of Regional Councillor.

Scope of Regional Government

The scope of Regional government is broad. Population of the Region of Waterloo is estimated to be 567,400 at December 31, 2013. In 2013, approximately $1.4 billion is budgeted for gross operating and capital expenditures (includes Police Services, user rate budgets) to deliver a wide range of programs and services including:

- Water supply and wastewater operations
- Waste management – landfill and transfer station sites, Blue Box and materials recycling, Green Bin and garbage collection
- Water distribution and wastewater collection in Wellesley and North Dumfries
- Police
- Emergency planning
- Public health
- Emergency medical services/land ambulance
- Social services – employment and income support, child care
- Sunnyside Seniors services (Long-term Care, Supportive Housing, etc.).
- Community Housing
- Overall Planning – growth forecasting, Regional Official Plan
- Approval of Area Municipal Official Plans and amendments and development control applications
- Transportation planning
- Regional roads, traffic signals and signs
- Grand River Transit and specialized transit (Mobility Plus)
- Light Rail Transit project
- Region of Waterloo International Airport
- All borrowing of funds for capital expenditures – Region and area municipalities
- Operation of museums – Waterloo Region Museum, Doon Heritage Crossroads, Joseph Schneider Haus and McDougall Cottage
- Rural library system
- Provincial Offences Court administration
- Regional licensing – taxis, special transportation services, salvage yards, second-hand shops/dealers

The Committee reviewed the responsibilities of Regional government and determined that there has been no significant addition to Regional government responsibilities since the last review of Council compensation in 2010.

Structure and Roles of Regional Council

Regional Council is comprised of 16 members including the Regional Chair. The Regional Chair is elected at large in the community by eligible voters. Eight members of Regional Council are also directly elected by eligible voters – four Regional Councillors from the City of Kitchener and two Regional Councillors each from the Cities of Cambridge and Waterloo. The Mayors of the seven area municipalities - the Cities of Cambridge, Kitchener and Waterloo and the Townships of North Dumfries, Wellesley, Wilmot and Woolwich - are automatically members of Regional Council upon their election as Mayor of their respective area municipality. Based on the estimated 2013 year-end population for the Region, each Regional Councillor (including the Chair) represents approximately 35,463 citizens.

Under the Municipal Act, the role of Council is one of representation, policy formation and broad oversight and executive management of the administration. Regional Council is the policy and decision making body of Regional government and is the vehicle through which citizens express their concerns about the policies, services and programs of Regional government. It is the eyes, ears and voice for the clients of Regional programs and services and for Regional taxpayers. It is also the forum where citizens may express their views on wider policy issues that may be outside the sphere of Regional government. The administrative apparatus reports to and is ultimately accountable to Regional Council and Council is accountable, through the electoral process, to the citizens of Waterloo Region.

The Regional Chair and all Regional Councillors sit as members of Council and the following standing committees of Council – Administration & Finance (A&F), Community Services (CS), Planning and Works (PW), and Budget Committee.

Council meets once every three weeks, on a Wednesday at 7:00 pm. with the exception of July-August when there is typically just one meeting. A&F, CS and PW Committees generally meet once every three weeks on a Tuesday, starting at 9:00 a.m., the week preceding a Council meeting. Like Council, these standing committees may only meet once during the July-August period. There are also numerous public meetings and public input sessions conducted by these committees throughout the year with the PW Committee having the most extra sessions generally related to specific planning initiatives, roads and other projects. Budget Committee typically meets five to seven times each year.

There are also a number of other committees, advisory committees and associated agencies and boards to which Regional Councillors would be appointed.

Time Demands on Regional Councillors

To assist in determining the time demands placed on Members of Regional Council, the Advisory Committee conducted a confidential survey of Members of Council; and, they collected and reviewed data on the duration of meetings of Council, standing committees, committees, advisory committees and associated agencies and boards as recorded in the minutes for the years 2011 and
2012.

Council Member Survey

Members of Regional Council were given an opportunity to provide feedback to the Advisory Committee by means of a confidential survey. The survey requested information on the hours Councillors work on average in a typical week fulfilling their responsibilities including time spent on Council, committee and other meetings, constituent relations, media work, project team work, attendance at community events and other official work, and the number of telephone/email inquiries each week. It also asked for their views on the most important aspects of the role, the skills needed to effectively do the job, whether there were any obstacles that would limit them in their roles, the most rewarding aspects of their role, and, the value of their benefits package to them. Councillors were also given the option to provide additional comment.

Survey Results

Based on the responses to the survey the following trends or themes became apparent:

- A majority of Councillors report spending 11 to 30 hours on average each week fulfilling their responsibilities including meeting attendance and preparation, constituent relations, social media outreach, project team work, community events and media relations.
- Committee Chairs report spending an additional 6 to 10 hours each week fulfilling that role.
- A majority of Councillors report receiving 25 to 50 constituent phone calls/emails each week.
- A majority of Councillors regard constituent relations, meeting preparation and attendance, community event involvement, and conferring with fellow Councillors and staff as the most important aspects of their role.
- While the majority of Councillors responding report that nothing is limiting them in fulfilling their day to day obligations, a few of those responding commented on a lack of time and limited staff resources available to them individually to assist with an increased volume of emails, events and constituent inquiries.
- A majority of Councillors view previous experience, good communication/listening skills, the ability to quickly read and understand large volumes of material, organization and mediation skills and a strategic, big picture perspective as essential skills a Councillor should have.
- A majority of Councillors find great job satisfaction in meeting with and assisting constituents, big picture decision-making, and in participating in and witnessing completion of the large projects that have a great impact on the community and on future generations.
- A majority of Councillors report that the benefits plan is of great value to them.
- Generally Councillors are satisfied with the current level of compensation and the annual adjustment mechanism.

Review of Meeting Duration: 2011-2012

Based on its review of the length and number of official Regional meetings (Council, standing committees, other committees, advisory committees and associated agencies and boards) during 2011 and 2012, and based on the current Council membership on these committees, boards and agencies, the Advisory Committee estimated it would require approximately 6 hours to 9 hours per week for a Regional Councillor to prepare for and attend these meetings. While the meeting duration was based on actual meeting length in 2011 and 2012 as recorded in the minutes, the Advisory Committee had to estimate the average preparation time required for these meetings. Therefore, it must be noted that this is only an estimate – albeit an informed one. The time spent by an average Councillor fulfilling their obligations will vary greatly from week to week because of the three-week meeting cycle of Council and committees. There are weeks during the year when Members of Council would have to spend a significant amount of their time on Regional business
while during other weeks - when neither standing committees or Council meet, the time spent in meetings would be considerably less. The time spent preparing for meetings would vary depending upon the number of agenda items and complexity of issues before Council and committee.

The estimate also does not include the time spent per Councillor each week on project team work, constituent relations, community event attendance, correspondence, media relations and social media outreach. Based on the survey responses received from Regional Councillors as summarized above, the Advisory Committee estimates that this work would add approximately 10 to 15 hours per week to the work of an average Member of Council.

The Committee did not include in its estimates the amount of time a Councillor would be required to spend fulfilling their responsibilities as a member and/or as Chair of Waterloo Regional Police Services Board, Grand River Conservation Authority, or as a Chair of one of the three main Regional standing committees – A&F, CS or PW. Regional Councillors serving in these roles receive additional remuneration for this work and are compensated appropriately.

Using its review of meeting data, the Council survey responses and, subject to the exclusions noted above, the Advisory Committee determined that it would require approximately 15 to 24 hours each week for the average Member of Regional Council to adequately fulfill their Council responsibilities. This is still within the standard definition of a part-time role.

Accordingly, the Advisory Committee confirms that the current base compensation rates for the positions of Regional Councillor, and Regional Standing Committee Chair are appropriate and commensurate with current and anticipated roles and responsibilities during the next term of Council.

The Advisory Committee would like to acknowledge that many of the currently serving Members of Council devote more time than the estimated average to their position each week and, it wishes to express appreciation on behalf of the community for this dedication and effort.

**Regional Chair Compensation**

The position of the Regional Chair is full-time and is compensated accordingly.

The Regional Chair is directly elected by eligible voters throughout the Region. The Chair is the head of Regional Council and is the Chief Executive Officer of the municipality. The Regional Chair presides at all meetings of Council, serves on all Regional committees, maintains a full-time office, is the official spokesperson and represents the Region at public functions, and maintains an ongoing relationship with the other levels of governments, agencies and public bodies. The Regional Chair is accessible to any member of the public. While the demands of the role require a time commitment well beyond a full-time work week, this may be viewed as a typical requirement of the role of an elected Head of Council in general.

The 2013 base compensation for the Regional Chair is $148,246 and is - in the Committee’s opinion - at an appropriate level given the current roles and responsibilities of the Chair.

**Consideration of Council Compensation in Other Ontario Regions**

While it was useful information to have in order to provide a broad perspective of the Region’s positioning relative to other municipalities, the Advisory Committee chose to simply receive the data on compensation levels in other Ontario Regional governments. The Advisory Committee did not use this data to measure the appropriateness of the compensation model in the Region of Waterloo nor does it recommend that compensation for Waterloo Regional Council be linked to compensation.
in other Ontario Regional governments in any way.

Consideration of Council Compensation in the Three Urban Area Municipalities

The Advisory Committee was asked to consider the value of using the formula developed by the 2000 Citizens Advisory Committee on Council Compensation to measure the adequacy of current levels of Council remuneration.

The compensation review in 2000 led to an increase in the base remuneration for members of Regional Council and the Regional Chair based on a formula that considered the remuneration of the Councillors and Mayors of the three urban area municipalities – Cambridge, Kitchener and Waterloo. For Regional Council, the recommended base remuneration was based on the average of Councillor salaries in the three urban area municipalities plus 20% of that average.

For the Regional Chair the recommended base remuneration was based on the average of the Mayors’ base salaries in the three urban area municipalities, plus 20% of that average, plus the Regional Council base remuneration. The Regional Council of the day approved the recommended base remuneration for Regional Councillors and the Regional Chair that resulted from applying this formula but rejected using the formula on a go forward basis to regularly adjust Regional Council and Regional Chair remuneration.

The Advisory Committee noted that application of this formula today is problematic because Council remuneration in the three urban area municipalities is still 1/3 tax free whereas Regional Council remuneration has been 100% taxable since January 1, 2004. Accordingly, the Advisory Committee does not recommend any further reference to or use of this formula given the different tax treatment in the area municipalities.

Annual Adjustment Mechanism

The Advisory Committee discussed the merits of the current mechanism that is used to adjust Regional Council compensation annually – it is increased effective January 1 each year based on the average annual increase in the all-items Consumer Price Index (CPI) for Ontario for the previous year. The Advisory Committee agreed that the CPI is the most appropriate mechanism to use to adjust Council compensation.

The Advisory Committee was also asked to consider making a recommendation to cover situations where the annual adjustment mechanism would prescribe a higher percentage increase for Council remuneration than was approved for Regional non-union staff.

The Advisory Committee agreed that the annual increase to Council compensation should never exceed the percentage increase approved for non-union Regional staff. The Advisory Committee also considered the potential impact of a period of high inflation on Council compensation and noted that an additional cap of a maximum of 3% in any given year would also be an appropriate control to further moderate increases in Council compensation. Accordingly, the Advisory Committee recommends that the Region:

Continue to adjust base compensation rates of the Regional Chair, Regional Councillor and Standing Committee Chair, effective January 1 each year in accordance with the lesser of:

a. the average annual change in the all-items Consumer Price Index for Ontario for the previous year; or
b. the increase approved for non-union Regional staff; or
c. 3 %.

Conclusion

During its deliberations, the Advisory Committee discussed the concept of intrinsic motivation – that is – what is the core reason someone would choose to run for election to Regional Council. During these discussions a general theme emerged that the compensation for Members of Regional Council should be at a level that is neutral in the sense that it would be neither the primary reason someone would choose to run nor should it act as a deterrent for someone interested in seeking elected office. The Committee agreed that a strong sense of civic duty and desire to serve the community is and should continue to be the core motivator for individuals seeking election to Regional Council.

In view of this and given the Advisory Committee’s evaluation of current roles and responsibilities and the expected work load during the next term of Council, there was general consensus among the Citizens Advisory Committee members that the current level of remuneration for Waterloo Regional Councillors and the Waterloo Regional Chair is adequate. This was also confirmed by a majority of Councillors in their survey responses.

The Advisory Committee acknowledges that the amount of work for Regional Councillors has been increasing over the past few years; however, it is still anticipated to remain less than what is considered full-time over the next term of Council. Some of the increased work load experienced to date is due to a number of complex, lengthy projects while some of it may be attributed to individual personalities and interests. Should the Region find itself formally taking on additional responsibilities during the next few years such that it adds significantly to the workload of Councillors, Council may wish to initiate a separate and more thorough review of its governance structures and processes.

FINANCIAL IMPLICATIONS:

Nil.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

Finance and Human Resources staff have been consulted in the preparation of this report.

ATTACHMENTS

Appendix 1 “2012 Remuneration and Expenses – Regional Council”

Respectfully submitted

Barry Hesson  
Dan Holt  
Helen Jowett  
Victor Laurin  
Kurtis McBride  
Paul Puopolo
<table>
<thead>
<tr>
<th>Council</th>
<th>Remuneration (1)</th>
<th>Benefits (2)</th>
<th>Travel/Mtg. Expenses (3)</th>
<th>Community Events Expenses (4)</th>
<th>Information Technology (4)</th>
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<td>12,357</td>
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<td>2,278</td>
<td>Association of Municipalities of Ontario Annual Conference, Ottawa Ont. Aug. 18-22</td>
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<td>Wideman, J. (8)</td>
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<td>149</td>
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<td><strong>TOTAL COUNCIL</strong></td>
<td><strong>$766,128</strong></td>
<td><strong>$169,221</strong></td>
<td><strong>$10,244</strong></td>
<td><strong>$5,695</strong></td>
<td><strong>$13,670</strong></td>
<td><strong>$32,440</strong></td>
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<td><strong>$34,433</strong></td>
<td><strong>$2,549</strong></td>
<td><strong>$56,101</strong></td>
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</table>

(1) Effective Jan. 1, 2004 Council salaries 100% taxable
(2) Benefit costs are a function of salary, age, and coverage
(3) Travel costs are a function of distance for meetings and responsibilities assigned by Regional Council
(4) Effective January 1, 2012, Regional Councillors (with the exception of the Regional Chair) were provided with individual expenditure allowances for Information Technology (up to $10,000 each per Council term or approximately $2,500 per year) and Community Events (up to $1,200 each per year). The Information Technology allowance covers the cost of technology devices and associated service plans including Blackberry.
(5) As head of Regional Council, the Regional Chair is expected to attend a wide variety of community events and be fully accessible to citizens and groups. Accordingly, there is no prescribed limit to the number of community events the Chair may attend each year.

Information technology devices and plans are provided to the Chair in accordance with the corporate standard for senior staff.

(6) Member of the Police Services Board
(7) GRCA Member - per diems and travel expenses reimbursed directly by the GRCA
(8) Committee Chair
(9) Chair of the Police Services Board
(10) GRCA Chair
(11) A taxable car allowance is paid to the Regional Chair

1372230
TO: \ Regional Chair Ken Seiling and Members of Regional Council

DATE: December 11, 2013 \ FILE CODE: F18-40

SUBJECT: \ PROPOSAL P2013-19 JANITORIAL CLEANING AT VARIOUS WATERLOO REGIONAL POLICE SERVICES FACILITIES

RECOMMENDATION:

THAT the Regional Municipality of Waterloo accept the proposals of GDI Services for Janitorial Cleaning at Central Division, South Division and North Division in the amount of $771,062.56 and Precise Janitorial Services for Rural North Division and Rural South Division in the amount of $28,643.88 for Proposal P2013-19 Janitorial Cleaning at Various Waterloo Regional Police Services Divisions for a contract period of three (3) years with two (2) additional one (1) year periods at a total three (3) year cost of $799,706.44 including all applicable taxes.

SUMMARY: Nil

REPORT:

Proposals were called for P2013-19 Janitorial Cleaning at Various Waterloo Regional Police Services Divisions and were advertised in The Record, on the Region’s website and on the Ontario Public Buyers Association website. Ten (10) vendors downloaded the bid documents and four (4) vendors submitted a proposal. Proposals were opened in the presence of L. Ertel, K. Gray and T. Lumgair.

List of Bids Received:

Central Division (Kitchener)
Precise Janitorial Services Cambridge, ON $289,633.33
GDI Services Kitchener, ON $324,941.26
Domclean Limited Brantford, ON $329,034.00

South Division (Cambridge)
Precise Janitorial Services Cambridge, ON $144,199.20
GDI Services Kitchener, ON $146,961.82
Domclean Limited Brantford, ON $150,813.00

North Division (Waterloo)
Precise Janitorial Services Cambridge, ON $297,592.64
GDI Services Kitchener, ON $299,159.48
Domclean Limited Brantford, ON $301,341.00

Rural North Division (Elmira)
Precise Janitorial Services Cambridge, ON $15,326.60
GDI Services Kitchener, ON $23,667.54
Rural South Division (New Hamburg)
Precise Janitorial Services Cambridge, ON $13,317.28
GDI Services Kitchener, ON $19,098.57
Philyn Cleaning and Janitorial Stratford, ON $22,530.96

Proposals were evaluated using pre-determined criteria as set out in the Request for Proposal (RFP) consisting of program requirements, quality assurance programs/risk management, organizational information, quality of proposal, implementation plan, services available/added value and price. Contractors could bid on one or more facilities. The recommendation is based on the companies who had the highest weighted score for each building, and therefore it has been determined that GDI Services and Precise Janitorial Services are most suited to meet the cleaning needs of the Police facilities. The proposal submitted by GDI Services obtained the highest overall score based on the above criteria for North Division, Central Division and South Division. Precise Janitorial Services obtained the highest overall score for Rural North and Rural South Divisions. There is a benefit to the Region to have one contractor maintain all urban facilities as staff are able to cross-train and cover vacations, sick days, etc. for 7 days per week that cleaning is required. As all cleaning staff must possess the required Police-issued security clearance to access the divisions, back-up staff with clearance is critical. Rural North (Elmira) and Rural South (New Hamburg) require cleaning only two days per week with one cleaner. The back-up cleaners are the owners of Precise Janitorial Services.

Although GDI Services is not the low bid, they received the highest score in the other categories for North, Central and South Division. GDI has a comprehensive management team dealing directly with staff. Supervision is an essential component of a successful janitorial contract. GDI Services employs a supervisor to oversee quality, timeliness, and other activities of the staff on a daily basis at the various locations. They have excellent staff retention and incentive programs, thus reducing staff turnover and associated training costs. These advantages far outweigh the higher cost for janitorial services. GDI Services (formerly Housekeepers of Canada) have held the contracts at Central and North Divisions since 2003. South Division was contracted to GDI Services in 2006.

CORPORATE STRATEGIC PLAN:
The award of this contract supports the Corporate Strategic Plan objective to develop, optimize and maintain infrastructure to meet current and projected needs under Focus Area 2 “Growth Management and Prosperity.”

FINANCIAL IMPLICATIONS:
P2013-19 (3 year term) $799,706
Less: Municipal Rebate of 86.46% of HST (11.24%) (79,546)
Total $720,160

The 2014 cost of $237,036 has been provided for in the Waterloo Regional Police Services 2014 preliminary operating budget. The cost is included in the lease rates charged to WRPS by the Regional Facilities Division for managing and operating WRPS facilities. The balance of costs will be funded through operating budget provisions in 2015 and 2016.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE: Nil
December 11, 2013

ATTACHMENTS: Nil

PREPARED BY:  Charles Whitlock, Director, Procurement & Supply Services

APPROVED BY:  Craig Dyer, Chief Financial Officer
REGION OF WATERLOO
FINANCE DEPARTMENT
Procurement & Supply Services Division

TO: Regional Chair Ken Seiling and Members of Regional Council
DATE: December 11, 2013
FILE CODE: F18-30
SUBJECT: T2013-125 LAB AIR HANDLING UNIT REPLACEMENT, OPERATIONS CENTRE, 100 MAPLE GROVE ROAD, CAMBRIDGE

RECOMMENDATION:

THAT the Regional Municipality of Waterloo accept the tender of Trade-Mark Industrial Inc. for T2013-125, Lab Air Handling Unit Replacement, Operations Centre, 100 Maple Grove Road, Cambridge at an adjusted amount of $966,681.69 including all applicable taxes.

SUMMARY:

Nil

REPORT:

Tenders were called for Lab Air Handling Unit Replacement, Operations Centre, 100 Maple Grove Road, Cambridge and were advertised in the Record, on the Ontario Public Buyers Association website and on the Region’s website. Ten companies downloaded the bid documents. Tenders were opened in the presence of P. McKinnon, R. van den Berg, and S. Armstrong.

The following tenders were received:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Location</th>
<th>Base Price</th>
<th>Provisional Price</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade-Mark Industrial Inc.</td>
<td>Kitchener, ON</td>
<td>$734,258.78</td>
<td>$232,422.91</td>
<td>$966,681.69</td>
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<tr>
<td>Velocity Mechanical Inc.</td>
<td>Kitchener, ON</td>
<td>$781,737.39</td>
<td>$222,723.00</td>
<td>$1,004,460.39</td>
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<tr>
<td>Canadian Tech Air Systems Inc.</td>
<td>Toronto, ON</td>
<td>$944,680.00</td>
<td>$228,463.40</td>
<td>$1,173,143.40</td>
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</table>

The existing air handling units serving the laboratory and adjoining offices are over 20 years old and operate 24 hours a day, 7 days a week. A 2011 condition assessment confirmed that they have reached the end of their useful life, and given the critical nature of the laboratory environment, are in need of replacement in order to avoid unplanned downtime. Lead time for the equipment delivery is approximately 12-16 weeks.

The tender included a base bid which was for the supply and installation of the new lab air handling unit and also requested provisional pricing to: 1) replace two aged boilers, 2) add a full ten year factory warranty on the new condensers for parts and labour (one year is included with the equipment), and 3) provide a natural gas sub-meter. Facilities staff recommends moving forward with all three of these options as doing this provisional work now offers better overall pricing and has lower mobilization costs. Inclusion of the provisional pricing does not change the order of the bids.
The low number of bids can be attributed to the specialization of the laboratory and extra care required to maintain this 24/7 facility with minimal disruption.

Subject to Council approval, construction is expected to begin May 2014 with a completion date of August 2014.

CORPORATE STRATEGIC PLAN:

The laboratory air handling unit replacement supports the Corporate Strategic Plan objective to develop, optimize and maintain infrastructure to meet current and projected needs under strategic Focus Area 2 “Growth Management and Prosperity.”

FINANCIAL IMPLICATIONS:

T2013-125 (adjusted with optional pricing) $966,682
Less: Municipal Rebate of 86.46% of HST (11.24%) (96,155)
Total $870,527

The approved 2013 Regional Accommodation Capital Program includes $1,018,000 in 2013 and $2,250,000 in 2014 for building renewal projects at the Regional Operations Centre (project 90007), funded by the issuance of debentures. Of this total, $875,000 is allocated to the Water Services laboratory air handling unit replacement. In addition, the approved 2013 Wastewater Capital Budget includes $75,000 in 2013 for Lab Equipment and Upgrades (project 08801), to be funded from the Wastewater Capital Reserve Fund. The total approved budget for this project is $950,000 in 2013 and 2014. To date, $58,800 has been spent or committed for associated consulting fees. The remaining $891,200 is available for this tender and ancillary project costs.

The final date of acceptance for this tender is January 5, 2014.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE: Nil

ATTACHMENTS: Nil

PREPARED BY: Charles Whitlock, Director, Procurement & Supply Services

APPROVED BY: Craig Dyer, Chief Financial Officer
REPORT:

Proposals were called for the Supply and Installation of Water Meters by the City of Cambridge on behalf of the Co-Operative Purchasing Group of Waterloo Region (CPGWR). The proposal was advertised on Biddingo and the City of Cambridge’s website on April 16, 2013. Documents were downloaded by 14 vendors. Proposals were received from two (2) vendors and were scored based upon technical evaluation and price by City of Cambridge and Region staff. The low number of bids can be attributed to the intensive installation requirements and project management including communication with residents, as opposed to contracting only for the supply of water meters.

The following proposals were received:

<table>
<thead>
<tr>
<th>Company</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corix Utilities Inc.</td>
<td>London, ON</td>
<td>$338,238.90</td>
</tr>
<tr>
<td>Neptune Technology Group</td>
<td>Mississauga, ON</td>
<td>$371,526.52</td>
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Evaluation criteria included conformance with product performance and quality, experience and expertise of supplier/manufacturer, warranty, metering systems compatibility, meter replacement and service program and pricing. Presentations and interviews were conducted jointly with City of Cambridge and Region staff. Neptune Technology Group was identified as the highest scoring proponent and the City of Cambridge awarded the contract to Neptune Technology Group in May 2013. Through the interview process, it was discussed that the needs of the Region may be slightly different than the needs of the City of Cambridge. Subsequent meetings between Regional staff and Neptune were conducted in order to clarify the Region’s requirements.

Neptune Technology Group submitted supplemental letters dated July 19 and August 27, 2013 with adjusted pricing to reflect the slight scope changes required by the Region. The clarification did not change the overall ranking of the proponents and Neptune Technology Group remained the highest scoring proponent.
Neptune Technology Group received the best overall score as the proposal provides an integrated solution as the meter manufacturer, supplier, project manager and installer as well as outlining a superior customer communication strategy. In addition, Neptune Technology Group meter technology allows for greater accuracy under low flow conditions over the life of the meter.

In 2005, the Region assumed ownership and operation of the water distribution and wastewater collection systems in the Townships of North Dumfries and Wellesley. More recently, the Region’s Finance Department assumed responsibility for water and wastewater billing in the Township of Wellesley in 2011, followed by the Township of North Dumfries in 2012.

Under the Township’s operation, meter replacement was done ad hoc when the meters stopped working. Most of the original meters in the systems are approximately 30 years old. The typical lifespan of a meter is 10-15 years, after which the reading mechanism deteriorates resulting in lower readings, especially under low-flow conditions. The Region is therefore undertaking a comprehensive meter replacement program. Based upon independent research within the industry and consultation with other water utilities, the Region is anticipating a 10%-15% increase in revenue as a result of the meter replacement.

It is expected that all of the 3,700 accounts in the two Townships will have meters replaced by the end of 2015.

CORPORATE STRATEGIC PLAN:

Award of this contract supports the Corporate Strategic Plan objective to develop, optimize and maintain infrastructure to meet current and projected needs under Focus Area 2 “Growth Management and Prosperity” as well as to ensure Regional programs and services are efficient and effective and demonstrate accountability to the public under Focus Area 5 “Service Excellence.”

FINANCIAL IMPLICATIONS:

Proposal CT2013-06 (2 year estimated costs) $721,607
Less: Municipal Rebate of 86.46% of HST (11.24%) (71,776)
Total $649,831

The proposed 2014 Ten Year Water Distribution Capital Program includes $475,000 in 2014 and $225,000 in 2015 for the meter replacement program in Wellesley and North Dumfries (project #02009), which is sufficient to cover all the costs for this work. This project is funded by the Water Distribution and Wastewater Collection Reserve Funds. The total estimated cost of this project is approximately 7% less than the project budget.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE: Nil

ATTACHMENTS: Nil

PREPARED BY: Charles Whitlock, Director, Procurement & Supply Services

APPROVED BY: Craig Dyer, Chief Financial Officer
TO: Regional Chair Ken Seiling and Members of Regional Council

DATE: December 11, 2013

FILE CODE: F18-40

SUBJECT: P2013-40 POLYALUMINUM CHLORIDE SUPPLY FOR MANNHEIM WATER TREATMENT PLANT

RECOMMENDATION:

THAT the Regional Municipality of Waterloo accept the proposal of Kemira Water Solutions Canada Inc. for the supply of Polyaluminum Chloride for the Mannheim Water Treatment Plant (WTP) to commence January 2014 for a one (1) year period with an option to renew for three (3) additional one (1) year periods for an estimated annual usage of one (1) million kilograms, at a unit cost of $0.37855/kg for a total amount of $378,550.00 including all applicable taxes.

SUMMARY: Nil

REPORT:

Proposals were called for the supply of Polyaluminum Chloride for the Mannheim Water Treatment Plant and were advertised in the Record, on the Region’s website and on the Ontario Public Buyers Association website. Three proponents accessed the bid documents. One proposal was received and the technical envelope submission was opened in the presence of P. Clarke, A. Lee, and J. Markovic.

There are two other known suppliers of polyaluminum chloride. It is believed that only one bid was received due to the inability of the other proponents to maintain a safety stock of 32,000 kg at a facility in Ontario. The purpose of the service requirement was to ensure an uninterrupted supply of product within 6 hours of delivery in an emergency. The Kemira Water Solutions Canada Inc. bid has met this mandatory requirement by providing the product from a Brantford location, a 42km distance from the Mannheim Water Treatment Plant.

The proposal was evaluated using a pre-determined technical criterion which included compliance with technical specifications, product delivery, and references. The submission from Kemira Water Solutions Canada Inc. met all technical requirements and their price envelope was opened in the presence of T. Pedlar, L. Ballantyne, and J. Markovic.

The following proposal was received:

Kemira Water Solutions Canada Inc. Varennes, QC $378,550

This contract is to supply an estimated one million kilograms of Polyaluminum Chloride on a unit cost basis for the coagulation flocculation water treatment process at the Mannheim WTP for the treatment of Grand River raw water. All polyaluminum chloride supplied under this contract will be administered in accordance with the Safe Drinking Water Act, 2002 and all applicable standards and regulations.
Staff have determined the bid submitted was fair and reasonable when compared to other municipalities. In addition, the bid price was 5.9% lower than the current price charged for this product.

CORPORATE STRATEGIC PLAN:

Award of this contract meets the Corporate Strategic Plan objective to protect the quality and quantity of our drinking water sources under strategic Focus Area 1 “Environmental Sustainability.”

FINANCIAL IMPLICATIONS:

P2013-40 $378,550
Less: Municipal Rebate of 86.46% of HST (11.24%) (37,654)
Total $340,896

The 2014 Water Services Operating Budget includes $435,000 for the purchase of polyaluminum chloride. Based on the recommended bid, the estimated annual cost is approximately $94,000 under budget but allows for fluctuation in water production and increased chemical quantities should there be a requirement. The cost is based on an estimate of one million kg of usage for 2014.

The final date of acceptance for this proposal is December 27, 2013.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE: Nil

ATTACHMENTS: Nil

PREPARED BY: Charles Whitlock, Director, Procurement & Supply Services

APPROVED BY: Craig Dyer, Chief Financial Officer
The Community Services Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo send a letter of support to the Minister of Health and Long Term Care, copied to all local Members of Provincial Parliament, endorsing the proposed changes to the Smoke-Free Ontario Act, as outlined in report PH-13-049,

AND that the Regional Municipality of Waterloo also ask the Minister of Health and Long Term Care, to proceed with the proposed changes to the Smoke-Free Ontario Act as soon as reasonably possible,

AND that the Regional Municipality of Waterloo continue to monitor the Ministry’s progress towards the implementation of the proposed changes to the Smoke-Free Ontario Act, taking further action if needed,

AND that the Regional Municipality of Waterloo send a letter to each of the local municipalities advising them of the Province’s announcement and the Region’s plan to monitor the progress of proposed changes to the Smoke-Free Ontario Act.

2. THAT the Regional Municipality of Waterloo enter into a Service Contract effective January 1, 2014 with Bright Starts Co-operative Early Learning Centre INC., located at 200 University Ave., Waterloo, Ontario N2L 3G1 as outlined in report SS -13-041, dated December 3, 2013.

3. THAT the Community Services Committee approve in principle and forward to the Budget Committee the following changes to the Preliminary 2014 Operating Budget for Children’s Services:

   1. Increase provincial subsidy for Children’s Services by $2,630,609;
   2. Increase 2014 operating expenditures for Children’s Services by $2,286,887 as follows:
      - Fee subsidy: $1,702,887
      - Fee subsidy administration: $84,000
      - Wage subsidy: $250,000
      - Special needs resourcing: $250,000;
   3. Increase the 2014 staff complement for Children’s Services by 1.0 permanent FTE; and
   4. Remove items #25 (part time caseworker), #26 (fee subsidy reduction) and #27 (wage subsidy) from the Budget Reduction Options set out in Appendix “F” to report F-13-106 dated November 20, 2013


4. THAT the Regional Municipality of Waterloo approve an increase to the 2013 Operating Budget for the Seniors’ Services Division of $10,367 gross ($125,000 annualized) and $0 net regional levy, to be fully funded by the Waterloo-Wellington Local Integration Network (WWLHIN) for the enhancement of the Alzheimer Overnight Respite Program;
AND THAT the 2013 Operating Budget for the Seniors’ Services Division be increased by $40,000 gross and $0 net regional levy, on a one-time basis for equipment and supply purchases related to the enhancement of the Alzheimer Overnight Respite Program;

AND THAT that the 2013 Operating Budget for the Seniors’ Services Division be increased by $55,000 gross and $0 net regional levy, on a one-time basis, to implement a integrated model of service for seniors day programs in Waterloo and Wellington regions, to be fully funded by the Waterloo-Wellington Local Integration Network (WWLHIN);

AND FURTHER THAT an increase of 1.76 full-time equivalents (FTE) be approved for the Seniors’ Services Division as of December 1, 2013, to increase the hours of care provided in the Alzheimer Overnight Respite Program as outlined in report SS-13-042, dated December 3, 2013.

5. THAT the Regional Municipality of Waterloo approve the revised Terms of Reference for the Heritage Planning Advisory Committee as described in Report P-13-124, dated December 3, 2013.

December 3, 2013
THE REGIONAL MUNICIPALITY OF WATERLOO
COMMUNITY SERVICES COMMITTEE

Summary of Closed Recommendations to Council

The Community Services Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo approve the following memberships and associated length of terms for the Region of Waterloo Seniors Advisory Committee as outlined in report SS-13-043, dated December 3, 2013:
   - Ralph Beam, for a two-year term ending 2015;
   - Alan Nanders, for a four-year term ending 2017;
   - Linda Terry, for a four-year term ending 2017; and
   - Cathy Harrington (Community Care Concepts of Woolwich, Wellesley and Wilmot) for a four-year term ending 2017.

2. THAT the Regional Municipality of Waterloo approve the appointment of Carine Nind as Co-operative representative to the Waterloo Region Community Housing Advisory Committee (WRCHAC) for a three-year term, expiring December 31, 2016.

3. THAT the Regional Municipality of Waterloo appoint Laird Mitchell and Peggy Frost as the Tenant At Large representatives and re-appoint Carolyn Coakley and Bill Strauss as Township representatives, for a term ending Dec. 31, 2016, as described in Report No. P-13-116, dated December 3, 2013.

December 3, 2013
THE REGIONAL MUNICIPALITY OF WATERLOO
ADMINISTRATION AND FINANCE COMMITTEE

Summary of Recommendations to Council

The Administration and Finance Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo, in consensus with the Cities of Cambridge, Kitchener, and Waterloo:
   a) Approve the absolute community-wide Greenhouse Gas (GHG) emission reduction target of 6% below 2010 emission levels by 2020,
   b) Approve in principle the Community Climate Action Plan as described in Appendix ‘A’ attached to report CR-FM-13-022, dated December 3, 2013, subject to budget and other required approvals;
   c) Direct staff to submit the Community–Wide GHG target and Community Action Plan for review by the Federation of Canadian Municipalities (FCM) as fulfillment of Community Milestone 2 and 3 of the Partners for Climate Protection (PCP) program, and;
   d) Direct staff to implement the Community Climate Action Plan (PCP Milestone 4) using the collaborative approach described within the attached Plan subject to the terms of reference and any partnership agreements be prepared to the satisfaction of the Regional Solicitor and Chief Purchasing Officer, and;
   e) Direct staff to work with local partners to monitor and report results in order to undertake the final Milestone 5 of the PCP program (monitoring progress and reporting results).

2. THAT the minutes of the Audit Committee meeting held on November 13, 2013 be approved.


4. THAT the Regional Municipality of Waterloo declare the following properties surplus:
   (a) 32 Wilfred Avenue described as Part Lot 121, Municipal Compiled Plan 765, City of Kitchener, Regional Municipality of Waterloo, being Parts 4 and 5, on Reference Plan 58R-1084 and Parts 1, 2, 4 and 5, on Reference Plan 58R-15141, part of PIN 22573-0168 (LT); and
   (c) Old Chicopee at Fairway Road described as Part Lot 54 and 118, German Company Tract, City of Kitchener, Regional Municipality of Waterloo, being Parts 4 and 5, on Reference Plan 58R-4931, part of PIN 22555-0226 (LT);

5. THAT The Regional Municipality of Waterloo require that future appointees by Regional Council to The Regional Municipality of Waterloo Police Services Board, execute an Acknowledgement and Consent, in the form attached as Appendix “A”, wherein the Regional appointee agrees to advise the Region if the member is required to “step down” pursuant to section 14 of Regulation 421/97 of the Police Services Act, or any successor legislated requirement, pursuant to Report CR-RS-13-099, dated December 3, 2013.

December 3, 2013
THE REGIONAL MUNICIPALITY OF WATERLOO
PLANNING AND WORKS COMMITTEE

Summary of Recommendations to Council

The Planning and Works Committee recommends as follows:


2. THAT the Regional Municipality of Waterloo take the following actions regarding the property municipally known as 19 Guelph Avenue in the City of Cambridge:
   
   a) Approve a joint Tax Increment Grant for an amount not to exceed $2,496,764 to be financed from the incremental tax revenue for the property following remediation, redevelopment and reassessment;
   
   b) Provide the Tax Increment Grant subject to the completion of remediation and redevelopment on the property and upon final confirmation of any additional brownfield related financial assistance provided under the Region’s Brownfield Financial Incentive Program or through the City of Cambridge;
   
   c) Amend the 2014 Capital Budget and Forecast to include the Region’s share of the proposed joint Tax Increment Grant; and
   
   d) Authorize the Region’s Commissioner of Planning, Housing and Community Services and Chief Financial Officer to execute any associated agreements with the registered owner of 19 Guelph Avenue and the City of Cambridge, as described in Report P-13-120/F-13-144, dated December 3, 2013, with the form and content of such agreement(s) to be satisfactory to both the Regional and City of Cambridge Solicitors.

3. THAT the Regional Municipality of Waterloo approve an amendment to Controlled Access By-law #58-87 for a right-in/right-out maintenance access on the east side of Regional Road #70 (Ira Needles Boulevard), approximately 350 metres south of Regional Road #06 (Highland Road West) in the City of Kitchener, as described in Report No. P-13-118, dated December 3, 2013.

4. THAT the Regional Municipality of Waterloo approve exercising an option to the current agreement with Tervita Corporation (formerly American Process Group (Canada) Inc.) for the dewatering, haulage and disposal of biosolids from the Waterloo Wastewater Treatment Plant for an additional four (4) month period or until commissioning of the new dewatering system, at the current 2013 unit rate of $31.34 per cubic metre (including all applicable taxes), as set out in Report E-13-124, dated December 3, 2013.

5. THAT the Region of Waterloo discontinue the $20 rebate for high efficiency toilets as of June 30, 2014 as outlined in Report E-13-130.1 dated December 3, 2013.
6. THAT The Regional Municipality of Waterloo approve in principle the draft Water Distribution By-law for the Townships of North Dumfries and Wellesley, attached as Appendix A, and proceed to public consultation, pursuant to Report E-13-141, dated December 3, 2013, as described.

7. THAT the Regional Municipality of Waterloo approve extension of the Rural Water Quality Program for a further two years with revised grant rates as outlined in Report E-13-143.

8. THAT The Regional Municipality of Waterloo approve in principle the amendments to the Sewer Use By-law, being By-law Number 1-90 of The Regional Municipality of Waterloo, which are attached as Appendix A, and proceed to public consultation, pursuant to Report E-13-144 dated December 3, 2013.

9. THAT Report No. P-13-122, be forwarded to the Province of Ontario as Regional Council’s formal response to the Ministry of Municipal Affairs and Housing’s consultation on Land Use Planning and Appeal Review;

   THAT the Province be encouraged to make broad systemic changes, and not simply minor adjustments, to achieve substantially greater accountability in addition to greater efficiency, access and transparency for land use planning in Ontario;

   THAT the Province be requested to expand the scope of its review to include other related matters, including the operations, practices, procedures and reporting requirements of the Ontario Municipal Board (OMB), as well as alternatives to the OMB;

   THAT the Province further clarify and deem key policies and their implementation in municipal planning documents unappealable, particularly with respect to the Provincial Growth Plan, and more broadly preclude the ability for entire municipal planning documents to be appealed and held in abeyance for extended periods of time;

   AND THAT the Province make the coordination and merging of key policy documents, particularly the Growth Plan for the Greater Golden Horseshoe and the Metrolinx Big Move, a priority consideration to achieve greater policy alignment and clarity, as described in Report No. P-13-122, dated December 3, 2013.

10. THAT the Regional Municipality of Waterloo take the following action with regard to the Central Transit Corridor Community Building Strategy: 2013/2104 Edition, as described in Report No. P-13-122, dated December 3, 2013:

   1. Endorse the Central Transit Corridor Community Building Strategy as a foundational document that provides a flexible framework to inform and guide land use and related infrastructure planning within the Central Transit Corridor, as described in Report No. P-13-123 dated December 3, 2013;

   2. Direct staff to use the Central Transit Corridor Community Building Strategy to identify opportunities within the Central Transit Corridor for potential investors and other stakeholders, reflecting community priorities;

   3. Waive the purchasing by-law for the acquisition of goods and services in excess of $100,000 for the award of a sole source contract to a maximum of $50,000 per year for a three-year period starting in 2014 from contingency funds in the Rapid Transit capital budget ($25,000 per year) and the Regional Smart Growth
Initiative capital project (to a maximum of $25,000 per year), to support research by the University of Waterloo to establish and implement baseline metrics pertaining to transit investment in the Central Transit Corridor, subject to the execution of any associated documentation by the Commissioner of Transportation and Environmental Services and the Commissioner of Planning, Housing and Community Services; and

4. Direct staff to routinely review and update the Central Transit Corridor Community Building Strategy in conjunction with all Area Municipalities.

11. THAT the Regional Municipality of Waterloo endorse Alternative 4 as the preferred preliminary design alternative, subject to an acceptable design of the ramp crossing, for active transportation facilities at the Highway 401 and Franklin Boulevard interchange, as described in Report P-13-119, dated December 3, 2013;

THAT the Region request the Ontario Ministry of Transportation to reconstruct the Highway 401 and Franklin Boulevard interchange in 2016, incorporating the active transportation elements of Alternative 4;

THAT the Region begin discussions with the City of Cambridge regarding any municipal financial contributions toward the construction of these facilities;

THAT the Region begin discussions with the Ontario Ministry of Transportation to fund the construction and maintenance of these facilities, in accordance with CycleON, Ontario’s recently released Cycling Strategy;

AND THAT Regional staff report back the results of these discussions to Regional Council.

December 3, 2013
The Planning and Works Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo appoint the following persons to serve for a period of two years as members of the Specialized Transit Services Advisory Committee (STSAC) commencing January 1, 2014 expiring December 31, 2015:
   a) Karen Ferguson  Major Interest Group Representative
   b) Sharon Giles    MobilityPLUS User
   c) Tom Livingstone MobilityPLUS User
   d) Laurie Modderman MobilityPLUS User

2. THAT the Region of Waterloo approve the following with respect to the Ecological and Environmental Advisory Committee, as described in P-13-128, dated December 3, 2013:
   a) re-appoint Wayne Caston, Andrew Dean, Ron Donaldson, and Jared Ehgoetz to three-year terms expiring December 31, 2016; and
   b) appoint Eduardo Cejudo to a three-year term expiring December 31, 2016.

3. THAT the Regional Municipality of Waterloo re-appoint Wilhard Barth, Ed Ries, Deb Swidrovich, and Kevin Thomason to the Laurel Creek Headwaters Environmentally Sensitive Landscape Public Liaison Committee for three-year terms expiring December 31, 2016, as described in P-13-113, dated December 3, 2013.

4. THAT the Regional Municipality of Waterloo approve the following memberships and associated length of terms for the Active Transportation Advisory Committee, as outlined in Report No. P-13-114, dated December 3, 2013:
   Mr. Bart Forwell, for a term ending December 2017;
   Mr. Michael Cahill, for a term ending December 2017; and
   Ms. Carmen Zannier, for a term ending in December 2014.

December 3, 2013
The Licensing and Retail Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo establish by By-law the proposed fees outlined in Appendix “A” of report CR-CLK-LIC-13-001 dated December 3, 2013;

   AND THAT By-law 04-072, as amended, be repealed upon enactment of the new By-law.

2. THAT The Regional Municipality of Waterloo amend:

   the Taxi-cab Meter By-law, Special Transportation Taxi-cab By-law and Limousine Taxi-cab By-law in accordance with Appendix “A”, “B” and “C”, respectively; and

   the Licensing and Retail Committee for the Regional Municipality of Waterloo Rules of Procedure by adding the following section:

   “5.1 These Rules shall also apply to all proceedings before the Region’s Clerk, and for the purposes of such proceedings, the term “Region’s Clerk” shall be substituted for the term “Licensing and Retail Committee”, accordingly.”

   so the authority to hold hearings in relation to convictions and demerit points pursuant to the Highway Traffic Act are delegated to the Regional Clerk, pursuant to Report CR-CLK-LIC-13-002, dated December 3, 2013.


December 3, 2013
TO: Chair Ken Seiling and Members of the Regional Council

DATE: December 11, 2013

FILE CODE: C05-20

SUBJECT: APPOINTMENT TO SUNNYSIDE FOUNDATION BOARD

RECOMMENDATION:

THAT the Regional Municipality of Waterloo ratify the appointment of Herb Hoegler to the Sunnyside Foundation Board for a term to expire September 25, 2016.

SUMMARY:

According to the by-laws of the Foundations and Corporations, there is a requirement to have the elections and/or appointments ratified by Council. These appointments are typically approved at the annual general meetings for each Foundation or Corporation. The Regional Clerk’s Office will prepare a report each time directors are elected and approved by the Foundations.

REPORT:

The following is information for the ratification of the appointment of Herb Hoegler to the Sunnyside Foundation. The Sunnyside Foundation is in the process of increasing directors from nine to twelve members. Regional Council approved this increase on March 7, 2012 (Report SS-12-010). With this appointment, there will be ten directors on the Board. Additional appointments are anticipated in 2014.

Herb Hoegler is a retired pharmacist and past board member of Big Sisters, Kitchener Chamber of Commerce, Ontario Pharmacists Association, and Past President and current member of Twin Cities Kiwanis Club. He is a long-time resident of Waterloo Region.

CORPORATE STRATEGIC PLAN:

The recommendation for the appointment of directors to the Foundation falls under Strategic Focus Area #6 to ensure operational effectiveness and efficiency with the operation of the Foundations.

FINANCIAL IMPLICATIONS:

None.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

Sunnyside Home staff has been involved in the preparation of this report and the Sunnyside Foundation Board has approved this appointment.

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

APPROVED BY: Kris Fletcher, Director, Council & Administrative Services/Regional Clerk
TO: Chair Ken Seiling and Members of Regional Council

DATE: December 11, 2013

FILE CODE: L08-20

SUBJECT: Bill 69 – Prompt Payment Act, 2013

RECOMMENDATION:

THAT The Regional Municipality of Waterloo:

(a) correspond to the leaders of the three Provincial parties advising of the Region’s concerns with Bill 69 – Prompt Payment Act, 2013 and that the correspondence also be sent to the Members of Provincial Parliament representing Waterloo Region; and

(b) attend at the Standing Committee of the Provincial Legislature to advise of the Region’s concerns with Bill 69 – Prompt Payment Act, 2013;


SUMMARY:

On May 16, 2013, Bill 69, Prompt Payment Act, 2013, being a Private Member’s Bill, received second reading before the Ontario Legislature and was ordered to Standing Committee for further review. In general terms, Bill 69 is intended to reduce the timelines within which payments are due on construction projects. Staff has reviewed Bill 69 and conclude that it appears to go too far in many provisions and is vague and uncertain in other aspects.

REPORT:

1) Background

In 2012, the Region, through its Design and Construction Division and its Facilities Management and Fleet Services Division, carried out 119 construction projects with a total value of approximately $150,000,000. In 2014, the Region has a capital forecast of approximately $200 million in construction projects as well as construction of the Light Rail Transit Project.

The great majority of Regional construction projects are carried out through standard contract formats that have been developed by the Province of Ontario or joint committees of owners, consultants and contractors. In all these contracts, the Region uses a progress payment structure where payment to the contractor is made on a monthly basis as the works are constructed. Only on small projects does the Region have a payment structure where it pays a contractor only once, at completion of the work.

In Ontario, construction projects are generally governed by the Construction Lien Act which requires owners to maintain holdbacks of 10% for the benefit of contractors and subcontractors and it gives contractors and subcontractors rights to register liens against an owner’s property for unpaid accounts.
Regional construction projects proceed with little or no issues in regard to timely progress payments or the registration of construction liens. Further, staff is not aware of any complaints from the construction industry in relation to the Region or in relation to the municipal sector in general. The only issue that causes disagreement from time to time relates to situations where the Region withholds monies from progress payments for incomplete work or damage to property caused by the contractor. In these cases, as per the terms of the contract, the contractor continues with the works and the parties proceed through a negotiation, mediation, and in extreme cases, a litigation process to determine the validity of the Region’s set-off.

2) Bill 69 – Prompt Payment Act, 2013

On May 16, 2013, Bill 69, Prompt Payment Act, 2013, received second reading before the Ontario Legislature and was ordered to Standing Committee for further review. This Bill, which is a Private Member’s Bill introduced by Liberal MPP Steven Del Duca, is intended to act in parallel to the Construction Lien Act.

In general terms, Bill 69 is intended to create more timely payments on construction projects. In this regard, Bill 69 imposes the following:

- A payer is required to pay the holdback required under the Construction Lien Act one (1) day after the holdback period expires;
- A payer is not permitted to set-off or withhold monies from payments owing to a contractor unless specifically permitted in the Construction Lien Act or Bill 69;
- All construction projects are required to have a monthly progress payment structure wherein progress payment applications must be processed within 10 days and paid within 20 days of submittal;
- A contractor has a statutory right to suspend work or terminate the contract if not paid a progress payment within the timelines required by Bill 69; and
- An owner is required to provide prescribed financial information to a contractor before entering into a contract to demonstrate the owner’s financial ability.

This proposed legislation, as staff understands, was put forward based on the efforts of the construction industry, led by the Ontario caucus of the National Trade Contractors Coalition of Canada and the Ontario General Contractors Association.

3) Staff Concerns

On November 13, 2013, the Association of Municipalities of Ontario (“AMO”) wrote to the leaders of the three Provincial parties with its concerns regarding Bill 69. One of the specific concerns was that the municipal sector was not consulted to date. The AMO letter is attached as Appendix “A” to this Report.

Staff has reviewed Bill 69 and share AMO’s concerns. While it is understandable that contractors and subcontractors want to be paid more quickly, Bill 69 appears to go too far in certain provisions and the Bill is vague and uncertain in many aspects. The specific concerns of staff are set out in the below:
The proposed time lines in Bill 69 are impractical for large institutions such as the Region. For example, it is impractical to require a payer, such as the Region, to pay the holdback required under the *Construction Lien Act* one (1) day after the holdback period expires based on the administrative steps that must be taken to do a final lien search, process payment through the Region’s Finance Department and banking system, etc.

Bill 69 attempts to unduly restrict a payer’s ability to have holdbacks in addition to those in the *Construction Lien Act*. For example, Bill 69 could prevent the Region from implementing its common practice of having maintenance holdbacks to ensure that the contractor complies with its warranty terms after completion.

Bill 69 attempts to unduly restrict a payer’s ability to withhold monies from progress payments for incomplete or defective work. Bill 69 specifically limits a payer’s set-off right to a “reasonable estimate of any direct loss, damage, cost or expense incurred by the payer” which could be interpreted narrowly to exclude set-off for incomplete or defective work.

Bill 69 is uncertain in relation to the applicability of some sections to individual construction contracts. This uncertainty is created because Bill 69 has a dual mechanism which requires the payer and payee to determine whether their contract is subject to certain requirements under Bill 69 or not. A better framework would be minimum requirements that are imposed on all construction contracts.

Bill 69 gives a payee inordinate power by allowing the payee to suspend work or terminate the contract if the strict progress payment terms in Bill 69 are not met. This undermines the current mechanism where the contractor continues the works while any dispute etc. is negotiated, mediated, or litigated.

Any requirement to provide prescribed financial information to a payee before entering into a contract should not apply to a municipality based on a municipality’s inherent ability to meet its payment obligations and thus such a requirement would create unnecessary administrative burdens and costs.

4) Next Steps

Ultimately, Bill 69 goes too far in favour of contractors and it is vague and uncertain in many aspects. This will only result in disputes and likely require litigation until the intent of the legislation can be properly determined by the courts. Further, it is questionable whether the proposed legislation should even apply to municipalities and other government entities that have the inherent ability to meet their financial obligations.

For these reasons, staff recommends that the Region correspond to the leaders of the three Provincial parties advising of the Region’s concerns with Bill 69 and that the correspondence also be sent the Members of Provincial Parliament representing Waterloo Region. Staff also recommends that the Region make submissions to the Standing Committee of the Legislature. Similar steps will be taken by AMO as well as the Cities of Toronto and Mississauga.

**CORPORATE STRATEGIC PLAN:**

Advocating to the Province in regard to proposed legislation that would affect the Regional construction projects meets Strategic Focus 5.3: Ensure Regional programs and services are efficient and effective and demonstrate accountability to the public.
FINANCIAL IMPLICATIONS:

Nil.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

Staff of the Design and Construction Division, the Facilities and Fleet Maintenance Division and Finance Department has been consulted in the preparation of this Report.

ATTACHMENTS

Appendix “A” – Correspondence from AMO dated November 13, 2013

PREPARED BY: Richard Brookes, Solicitor, Litigation

APPROVED BY: Debra Arnold, Regional Solicitor, Director of Legal Services
APPENDIX “A”

Association of Municipalities Ontario

Office of the President

Sent via e-mail and mail: kwynne.mpp@liberal.ola.org
tim.hudakco@pc.ola.org
ahorwath-co@ndp.on.ca

November 13, 2013

Hon. Kathleen Wynne
Premier of Ontario
Legislative Building - Room 281
Queen's Park
Toronto ON M7A 1A1

Tim Hudak
Leader of the Official Opposition
Legislative Building - Room 381
Queen's Park
Toronto ON M7A 1A8

Andrea Horwath
Leader - New Democratic Party of Ontario
Legislative Building - Room 113
Queen's Park
Toronto ON M7A 1A5

Dear Provincial Party Leaders:

We are writing to you today regarding the Private Member's Bill, Bill 69 - An Act representing payments made under contracts and subcontracts in the construction industry. The municipal sector is quite concerned about this Bill and its potential impacts on municipal governments as construction owners. Municipal governments were not consulted during the development of Bill 69 or during the debates to date at the Ontario Legislature.

In our review of the draft legislation, it would appear that it places a significant limit on the freedom of contract for construction services that would restrict municipal governments' and other construction owners' rights. The draft Bill provides no ability for owners and contractors to freely negotiate the most suitable payment arrangements for their projects. In our understanding of the draft Bill, there are extremely short timelines to make payment that do not allow for reasonable review of the work and certification of the payments process.
It also does not deal with the reasonable payment process of complex infrastructure projects. It also appears in the draft legislation that a contractor can request to be paid for services and materials that “will be supplied” to the project, rather than asking for payment once work has been completed or for materials that have actually been supplied. It is a standard business practice that payment is only to be provided once work has actually been done. This Bill appears to trump or amend established contract law that is in place on behalf of all the involved parties.

There are proposed stringent requirements to pay contractors even if there are valid reasons for withholding payment. Under the draft legislation, this could mean that general contractors and/or subcontractors could suspend work which could bring on project completion delays which would also involve stoppage and restarting costs. The proposed legislation also removes the right to include financial tools to ensure performance such as warranty and maintenance revisions, which could mean the only way to resolve potential disputes would be litigation for resolving deficiencies that are not done in accordance with the contract. These are only some of the concerns that municipal governments have raised upon reviewing Bill 69.

We would ask that this proposed Bill, should it go forward, be amended by agreement of all three parties to exempt municipal governments from its requirements. If the Bill becomes law without this exemption, it would have significant financial impacts on municipal governments and our property taxpayers.

We would look forward to discussing this further with you and your members. We appreciate your serious consideration of our and the municipal sector’s request with respect to Bill 69.

Yours truly,

R.F. (Russ) Powers
President

cc: Hon. Linda Jeffrey, Minister of Municipal Affairs and Housing
    Steven Del Duca, MPP Vaughan
    Cindy Forster, MPP Welland, NDP Municipal Affairs Critic
    Jim McDonell, MPP Stormont-Dundas-South Glengarry, PC Municipal Affairs Critic