



Committee Agenda

**Committee Meeting of Council
July 29, 2013
at 6:00 p.m.**

MEETINGS

**FOR THE WEEK OF
JULY 29TH, 2013**

Monday, July 29, 2013

6:00 p.m.

Committee Meeting of Council
Council Chambers, 2nd Floor,
City Hall

7:00 p.m.

Regular Meeting of Council
Council Chambers, 2nd Floor,
City Hall

COMMUNITY SERVICES COMMITTEE

Monday, July 29, 2013

Page 1

Chairperson: Councillor Mendicino
Vice-Chair: Councillor Mayne
Member: Councillor Vaillancourt
Ex-Officio: Mayor McDonald

- CS-2001-35 Rezoning applications by Consolidated Homes Ltd. – Golf Club Road (D14/2001/CHLTD/GOLFCLUB).
- CS-2003-37 Condominium application by Rick Miller on behalf of New Era Homes Ltd. - McKeown Avenue (D07/2003/NEHL/ MCKEOWN).
- CS-2004-29 Rezoning and Plan of Subdivision applications by Rick Miller on behalf of Grand Sierra Investments Ltd. - Sage Road (D12/D14/2003/GSIL/SAGERD).
- CS-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).
- CS-2013-18 Motion presented by Councillor Maroosis and Councillor Mendicino on June 4, 2013 re Age Friendly Community (D00/2013/GENER/GENERAL)
- CS-2013-20 Report from Peter Carello dated June 6, 2013 re Rezoning, Plan of Subdivision and Plan of Condominium applications by Celia Teale on behalf of 1866409 Ontario Limited – 750 Scollard Street (D14/2013/18664/750SCOLL).

ENGINEERING & WORKS COMMITTEE

Monday, July 29, 2013

Page 1

Chairperson: Councillor Vrebosch
Vice-Chair: Councillor Koziol
Member: Councillor Campbell
Ex-Officio: Mayor McDonald

EW-2010-03 Report from A. Korell/J. Houston dated March 26, 2010 re
Kate Pace Way west end bike route connection between
Memorial Drive and Gormanville Road
(R05/2010/KPWTR/WESTENDR).

GENERAL GOVERNMENT COMMITTEE

Monday, July 29, 2013

Page 1

Chairperson: Councillor Lawlor
Vice-Chair: Councillor Anthony
Members: Councillors Bain, Maroosis
Ex-Officio: Mayor McDonald

GG-2011-16 Report from C.M. Conrad dated August 2, 2011 re Election campaign signs (C07/2011/ELECT/GENERAL).

▶ **GG-2013-03 Report from Christina Murphy dated January 7, 2013 re *Provincial Offences Act* – Conflict of Interest Policy (P16/2013/POA/COIPOLCY).**

GG-2013-06 Report from Christina Murphy dated March 8, 2013 re Smoking By-Law, Restaurant and Bar Patio Amendment (C00/2013/BYLAW/SMOKING).

GG-2013-07 Report from Paul Valenti dated May 10, 2013 re Purchasing By-Law (C00/2013/BYLAW/PURCHASE).

▶ **GG-2013-08 Report from Margaret Karpenko dated July 9, 2013 re Process Review – Capital Expenditure By-Laws (F05/2013/CAPBU/GENERAL).**

GG-2013-03

Draft Recommendation:

"That Council adopt the proposed "*Provincial Offences Act – Conflict of Interest Policy*" attached to Report to Council CORP 2013-04 dated January 7, 2013 from Christina Murphy."

City of North Bay
Report to Council

Report No.: CORP-2013-004

Date: January 7, 2013

Originator: Christina A. (Tina) Murphy, Assistant City Solicitor/City Prosecutor

Subject: *Provincial Offences Act – Conflict of Interest Policy*

RECOMMENDATION

That Council adopts the proposed *Provincial Offences Act – Conflict of Interest Policy*.

BACKGROUND

The Corporation of the City of North Bay operates the Provincial Offences Court pursuant to the March 4, 1999 Memorandum of Understanding (hereinafter, the "Transfer Agreement") with the Ontario Ministry of the Attorney General.

According to section 5.3.12 of the Transfer Agreement, the Corporation of the City of North Bay must "develop conflict of interest guidelines to be used by elected officials and employees in accordance with the principles, responsibilities and standards set out in the Transfer Agreement." These policy guidelines must then be filed with the Attorney General of Ontario.

In order to fulfill the City's obligation under section 5.3.12 of the Transfer Agreement, the Corporation of the City of North Bay has drafted the *Provincial Offences Act – Conflict of Interest Policy*, attached as Schedule 1 to this report.

The purpose of the *Provincial Offences Act – Conflict of Interest Policy* is to ensure that the prosecutorial functions of the Provincial Offences Court are carried out independently, fairly, impartially and with integrity, in accordance with the fundamental principles of justice.

Considering the benefit to both the City and its citizens, it is the recommendation of the Corporation of the City of North Bay that Council adopt the *Provincial Offences Act – Conflict of Interest Policy*.

OPTIONS ANALYSIS

Option #1:

That Council adopts the proposed *Provincial Offences Act – Conflict of Interest Policy*.

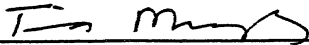
Option #2:

That Council does not adopt the proposed *Provincial Offences Act – Conflict of Interest Policy*.

RECOMMENDED OPTION

That Council adopts the *Provincial Offences Act – Conflict of Interest Policy*. This will further illustrate The Corporation of the City of North Bay's commitment to the fundamental principles of justice, while also allowing the City to meet its obligation under the Transfer Agreement.

Respectfully submitted,

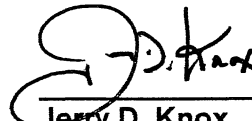


Christina A. (Tina) Murphy, Assistant City Solicitor/City Prosecutor

We concur in this report and recommendation.



Peter E. G. Leckie, City Solicitor



Jerry D. Knox,
Chief Administrative Officer

Attachments: (1)

CAM/jf

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The Corporation of The City of North Bay

Corporate Policy No. _____

Subject: *Provincial Offences Act – Conflict of Interest Policy*

1.0 Principles of Conflict of Interest Policy

1.1 The Conflict of Interest Policy shall apply to all employees, officers, and elected representatives of The Corporation of the City of North Bay and to any person contracting with The Corporation of the City of North Bay for the performance of services under the Transfer Agreement.

1.2 No person shall attempt, either directly or indirectly, financially, politically or otherwise, to influence or interfere with employees, officers or other persons performing duties under the Transfer Agreement.

1.3 All persons involved with the administration and prosecution functions of the Provincial Offences Court shall endeavour to carry out such duties in a manner which upholds the integrity of the administration of justice.

2.0 Oath of Office

2.1 All employees involved with administration functions under the Transfer Agreement shall swear or affirm an oath as established by the City Solicitor in accordance with Schedule 2, section 8.1.3. of the Transfer Agreement.

2.2 All municipal prosecutors engaging in prosecutions under the Transfer Agreement shall swear or affirm the oath or affirmation as set out in Schedule 1, section 2.4 of the Transfer Agreement, before the Regional Senior Judge or, where the Regional Senior Judge is unavailable, a judge of the Ontario Court of Justice, and the oath or affirmation shall be a term of employment.

3.0 Obligation to Report

3.1 Any person performing duties under the Transfer Agreement shall report any attempt at improper influence or interference, financial, political or otherwise, to the Municipal Partner and to the local Crown Attorney.

3.2 No action shall be taken against the person for making any such report in good faith.

3.3 An employee or other person performing duties under the Transfer Agreement contacted by an elected official with respect to the administration of justice and matters before the court shall immediately disclose such contact to the Chief Administrative Officer and the City Solicitor.

3.4 Where an employee or other person performing duties under the Transfer Agreement has been charged with an offence created under a federal statute or regulation or a provincial statute or regulation, and where continuing to perform his or her duties may erode public confidence in the administration of justice, the charge shall be disclosed to the Chief Administrative Officer and the City Solicitor.

3.5 Upon notification, the Chief Administrative Officer and the City Solicitor shall determine if any actual or perceived conflict of interest exists and, if so, shall take appropriate action to address the conflict.

3.6 A prosecutor shall disclose any actual or reasonably perceived conflict as soon as possible to the Chief Administrative Officer and the City Solicitor.

3.7 Where a prosecutor is charged with an offence under the *Criminal Code of Canada* or any other federal statute or regulation that is dealt with under the *Criminal Code of Canada*, such charge shall be disclosed to the Chief Administrative Officer and the City Solicitor forthwith.

3.8 Where a prosecutor is charged with an offence under other federal statutes or regulations thereunder or a provincial statute or regulation thereunder and where continuing to perform his or her duties may erode public confidence in the administration of justice, the charge shall be disclosed to the Chief Administrative Officer and the City Solicitor.

3.9 The Chief Administrative Officer and the City Solicitor shall determine if any actual or perceived conflict exists and, if so, the Chief Administrative Officer and the City Solicitor shall take appropriate action to address the conflict.

4.0 Prosecution Guidelines

4.1 Prosecutors acting under the terms of the Transfer Agreement, in addition to the above, shall adhere to the following conflict of interest guidelines:

4.1.1 A person employed as a prosecutor shall not also be employed as an enforcement officer;

4.1.2 A prosecutor shall be supervised by or report to the City Solicitor or another lawyer designated for this purpose;

4.1.3 A prosecutor shall not hold or have held a municipal political office within the preceding 12 months;

4.1.4 A prosecutor shall not be placed or place himself or herself in a position where the integrity of the administration of justice could be compromised; and

4.1.5 A prosecutor shall not, personally or through any partner in the practice of law, act or be directly or indirectly involved as counsel or solicitor for any person in respect of any offence charged against the person under the laws in force in Ontario, unless it relates to his/her own case.

5.0 Implementation

5.1 All elected representatives of the City of North Bay shall be provided with a copy of this policy following the conduct of a regular or by-election.

5.2 This policy shall be incorporated into the Human Resources policies governing the conduct of municipal employees.

5.3 All personnel involved in the administration of the POA program shall be supplied with a copy of this policy.

6.0 Breach

6.1 In the event of a breach of this policy the Chief Administrative Officer and the City Solicitor shall determine whether disciplinary action is warranted.

6.2 In addition, the Chief Administrative Officer and the City Solicitor shall consider whether charges may be warranted under the Criminal Code of Canada or any other statute and, if so, shall contact the appropriate authority.

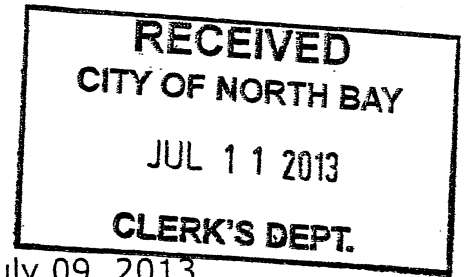
GG-2013-08

Draft Recommendation:

“That Council direct staff to:

- 1) discontinue the practice of preparing and presenting capital expenditure by-law reports and resulting by-laws for each project approved in the annual Capital Budget, and
- 2) present one all encompassing report and by-law for approved projects contained in the annual Capital Budget at the time the annual Capital Budget is approved by Council.”

**CITY OF NORTH BAY
REPORT TO COUNCIL**



Report No: CORP 2013-75

Date: July 09, 2013

Originator: Margaret Karpenko

Subject: Process Review - Capital Expenditure By-laws

RECOMMENDATIONS:

- 1) That the report on Process Review – Capital Expenditure By-laws be referred to General Government Committee.

BACKGROUND:

The annual Capital Budget process includes the following supporting documentation:

- a list of capital projects to be undertaken in the year by department
- individual project sheets including project description and scope
- grants and other funding sources
- annual capital levy included in the Operating Budget
- required long term debenture debt
- Federal Gas Tax funding per the agreement with the federal government
- future 10-year forecast

Initially, the Capital Budget document is tabled for Council to review and ask questions on projects. An overall capital presentation is conducted by the Chief Financial Officer to provide an overview of the plan. After passing the overall Capital Budget, the next step in the process is for the project managers to provide Council with expenditure by-law reports that reiterate the details of the projects as submitted within the original Capital Budget document and request that an expenditure by-law be prepared. Finally, Council approves individual projects and expenditures for projects a third time when the award of tender report is presented to Council.

Currently, the second step in Capital Budget Project approval process includes a Report to Council outlining specific project details, a request for expenditure by-laws and granting debenture authorization. Outlining specific project details should be addressed in the initial step of the Capital Budget approval process. Regarding grant debenture authorization, only 5% of those put through the current expenditure by-law approval process are in fact debentured.

Requesting individual expenditure by-laws is redundant since all applicable information is already provided in the initial capital budget document. For 2013, approximately 80 capital expenditure reports and resulting by-laws were presented to council.

A process review of individual expenditure by-law reports revealed the estimated time and effort and paper materials as follows:

- 20 to 30 minutes of staff time to prepare
- 5 additional approving signatures with corresponding review time
- 3 to 4 pages of background information, timelines, recommendations and other supporting documentations
- copies included in over 20 Council Agenda packages
- 80 resultant by-laws prepared, copied and read 3 times
- Council time to review and approve

ANALYSIS / OPTIONS:

- 1) To discontinue the practice of preparing and presenting capital expenditure by-law reports and resulting by-laws for each project approved in the annual Capital Budget, adopting the practice and, Presenting one all encompassing report and by-law for approved projects contained in the annual Capital Budget at the time the annual Capital Budget is approved by Council.
- 2) Continue the current practice of preparing and presenting capital expenditure by-law reports and resulting by-laws for each approved capital project contained in the approved annual Capital Budget.

RECOMMENDED OPTION / FINANCIAL IMPACTS:

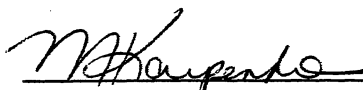
- 1) That the report on Process Review – Capital Expenditure By-laws be referred to General Government Committee.

Staff is always looking for workplace efficiencies. Although this efficiency is hard to quantify in terms of dollars, there are time efficiencies and process improvements associated with this suggestion. This recommendation is being put forward for Council's consideration to be more efficient in our administrative process.

Overall the benefits that can be seen from this suggestion are:

- Increased time spent on the Capital Budget deliberation. Should the recommendation be approved, Council will be provided with a more comprehensive Capital Budget presentation. In addition to the Chief Financial Officer's Capital Budget presentation, each Managing Director is committed to a presentation of the strategic projects presented within their business unit. The concept of the entire plan tying strategically together will allow the public to see the bigger vision as well as understand how the community will be transformed by the Capital Budget plan. This comprehensive view was diminished by the individual project approach.
- Reduce staff and Council time spent on information that is presented multiple times. Council will always have the authority to question projects at the time of establishing the Capital Budget and even stop a project at the award of tender stage.
- Consultation with the City's lawyers, tasked with the City's debenture issuing process, identified that a majority of their municipal clients have discontinued the issuance of individual expenditure by-laws and moved to the recommendation contained within this report. The lawyers are comfortable with the passing of the Capital Budget by a budget by-law or a confirming by-law in respect of the Council meeting at which the relevant capital budget was presented and that includes a list of capital projects and the total amount of funding from each funding source which would include long-term financing. Therefore, the City's Capital Budget Summary reports would, in their opinion, constitute sufficient authority for the City of North Bay to issue debenture debt.

Respectfully submitted,



Margaret Karpenko, C.M.A.
Chief Financial Officer

I concur in this report and recommendations.



Jerry Knox

Chief Administrative Officer

Personnel designated for continuance: Chief Financial Officer

ITEMS REFERRED BY COUNCIL FOR A REPORT

| <u>DATE</u> | <u>ITEM</u> |
|--------------------|---|
| March 29, 2005 | Backflow Prevention Program survey of all industrial, commercial and institutional buildings (due September 2005). |
| September 21, 2009 | Review, update and consolidation of Noise By-Law (due June 30, 2010). |
| May 3, 2010 | Track the net financial benefits created through increased assessment as a result of the Airport Industrial Community Improvement Plan sites being developed. |
| January 24, 2011 | Comprehensive review of City owned Lake Nipissing accesses. |
| July 4, 2011 | Comprehensive Status Report relating to BCIP (due July 2014). |
| July 16, 2012 | Review of water and sewage rates for the dispensing facility on Patton Road (due March 2013). |
| July 15, 2013 | Amendments to <i>Municipal Elections Act</i> . |