

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 14, 2008

Item 1, Report No. 19, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on April 14, 2008.

1 SERVICES-IN-KIND SUPPORT FOR COMMUNITY EVENTS

The Committee of the Whole (Working Session) recommends:

- 1) **That the recommendation contained in the following report of the Commissioner of Community Services and the Manager of Administration and Planning, Recreation and Culture Department, dated April 1, 2008, be approved;**
- 2) **That this plan be implemented immediately for Heritage Village Fairs only;**
- 3) **That Heritage Village Fairs be identified within their own category, as category 1A and all other categories follow; and**
- 4) **That the handout of the slide presentation entitled, "Services-in-kind Support for Community Events", be received.**

Recommendation

The Commissioner of Community Services and the Manager of Administration and Planning, Recreation and Culture Department, in consultation with the Director of Parks and Forestry Operations, recommend:

- 1) That this report be received for information purposes;
- 2) That the established Services-in-kind rates for Community Service Organizations (CSO) be reduced by 10% effective January 1st, 2009;
- 3) That the Fairs and Festivals Support Program, as shown on Attachment 1, be approved and come into effect January 1st, 2009; and,
- 4) That \$24,000 be added to the 2009 Operating Budget to fund the reduced Services-in-kind rates and the Fairs and Festivals Support Program.

Economic Impact

There will be a \$24,000 net economic impact related to the 2009 Operating Budget. Should Council approve the 10% reduction to services-in-kind rates for CSO there would be an impact of \$4000 and the Fairs and Festivals Support Program outlined would have an impact of \$20,000.

Communications Plan

Council's approval of the rate reduction and proposed program outlined in this report will be communicated to the Community Service Organizations who have received services-in-kind in the past and those that host fairs and festivals in the City of Vaughan.

Purpose

The purpose of this report is to seek Council approval to reduce services-in-kind rates for Community Service Organizations; for a new program entitled Fairs and Festivals Support Program, that would offer groups an opportunity to apply for additional support and, to provide Council with information on the City policies and procedures related to the support for the community events such as fairs and festivals that take place over the year and information on how other municipalities deal with the same type of events.

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Background - Analysis and Options

At the Council meeting of September 24th, 2007, staff were asked to prepare a report including the policies and procedures related to the support for fairs that take place over the year, including a breakdown of how the costs are derived, a listing of all such events that receive support and information on how other municipalities deal with such events.

In addition to providing Council with the requested information, this report includes recommendations to reduce services-in-kind rates for all Community Service Organizations and to approve a new program entitled **Fairs and Festivals Support Program**.

SECTION A provides the information requested by Council; **SECTION B** provides a synopsis of the new program and the complete program is included on **Attachment 1**.

SECTION A: Information on the Policies and Procedures for Support for Fairs

1. Policies and Procedures for City of Vaughan Services-in-kind

Definition:

Services-in-kind (SIK) is the term applied to the variety of both inventoried and rented items and/or support services, made available to Community and/or Social Service, Resident, Commercial and Non-Resident Organizations to provide assistance in their planning and delivery of events such as fairs, festivals, tournaments, openings, etc.

Service Philosophy:

The following are the guiding principles that form the basis for the service philosophy relating to support for community events.

- Community Services is committed to providing support for community events such as fairs, festivals and other type of events by making available a range of items, facilities and services in a fair, accessible and equitable manner so as to ensure that all Vaughan citizens have maximum opportunity for the safe, enjoyable, satisfying and creative use of their leisure time.
- The Council approved fee schedule is applied consistently to all groups requesting items, facilities and services unless otherwise directed by Council.
- Standard procedures are applied to ensure that services are delivered in a consistent, safe and responsible manner and that City policies and City by-laws are adhered to with all users and uses.
- Items, services and facilities are allocated according to the procedures and Council approved priority order noted below.

SIK Categories:

The following are the specific items available within the SIK inventory. They are divided into categories for pricing purposes with Basic items being the least expensive.

- **Basic items:** garbage containers, generator, picnic tables, recycling bin, sound system, portable stage and tables & chairs. These items are inventoried and maintained through the Parks Operations and Forestry Department.
- **Value-Added items:** bleachers (large & small) and the Showmobile. These items are inventoried and maintained through the Parks Operations and Forestry Department.

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Note: Premium and rented items and other special requests for service beyond the standards are accommodated depending on the availability and subject to associated costs.

SIK Allocation Priority Order:

SIK's are assigned annually by the Recreation and Culture Department, after all City of Vaughan events are accommodated and, in accordance with the following Council approved priority order and Category of Users:

- Priority 1A: Community Service Organizations (CSO)
- Priority 1B: Social Service Organizations;
- Priority 1C: Adult Community Service Organization;
- Priority 2: Vaughan Residents;
- Priority 3: Vaughan Commercial Organizations;
- Priority 4: Non-Vaughan Organizations

NOTE: Not-for-Profit Fairs and Festivals are considered to be CSO's.

SIK Allocation Procedures:

1. At the start of the allocation season, the Parks Operations and Forestry Department provides the Recreation and Culture Department with the up-to-date inventory of SIK items.
2. In the Fall of each year, past SIK recipients are invited to apply for items and services for the upcoming year (July to June) by a pre-set date, usually in January. They are asked to specify the dates, times, locations and items they are interested in booking. The application form also asks them to note any issues they would like addressed based on their SIK experience from the previous year.
3. Following the receipt of the applications, staff categorize them according to the approved priority schedule noted above. Every effort is made to accommodate as many requests as possible within the approved inventory, however, conflicts are resolved based on the priority schedule.
4. Permits / Work Orders are issued that confirm the items, delivery terms and conditions and the applicable fees. Once this phase is complete, all SIK requests are processed on a first come first served basis according to availability.
5. The Parks Operations and Forestry Department delivers the SIK items according to the permit. In cases, where the SIK's are for large events, groups are invited to meet with the Parks Operations and Forestry Department to ensure that SIK's are delivered to the client's specifications so that the group's event run as smoothly as possible.
6. Service Evaluation Forms are issued to groups to track their satisfaction levels.
7. Parks Operations and Forestry Department and Recreation and Culture Department staff meet to evaluate the year and identify improvements for the following year.

2. SIK Costs (fees)

SIK fees were reviewed as part of the user fee review undertaken by the Recreation and Culture Department in 2005. The resulting User Fee and Pricing Policy along with the Three Year Fee Schedule were approved by Council as part of the 2006 budget.

Included in each of the three years of the fee schedule, are percentage increases to reduce the gap between the costs to deliver the service and the revenue earned. It should be noted that the fees at the CSO category are subsidized.

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The review of the SIK fees entailed comparing the current fees with other municipalities as well as assessing the costs to provide the service. The costs to provide the service include the administration, delivery and maintenance costs of the SIK program including the following:

- Labour for delivery and pick up at \$20.00 plus benefits for full-time staff and \$18.00 per hour for seasonal staff (weekends or overtime by full-time staff would be at \$30.00 per hour plus benefits);
- Crew cab and one 18 foot landscaping trailer at hourly costs of \$10.65 for the truck and \$6.66 for the trailer.

The costs for rented items are charged back to the organization making the request.

The following chart outlines the SIK items available, Vaughan's fees, effective September 2007 for Community Service Organizations, as well as fees charged by Brampton, Mississauga, Markham and Richmond Hill for similarly classified groups.

SIK Item	Vaughan Fees	Brampton Fees	Markham Fees	Mississauga Fees	Richmond Hill Fees
Basic Items:					
Garbage Containers	No charge	\$181.65 per load	\$150.00 per load	\$162.85 per load	\$25.00 per load
Generator	\$29.82	-	-	-	-
Picnic Tables	\$4.45 ea	\$19.29 (per load, approx 4-6)	-	-	\$100.00 (per load, approx 4-6)
Recycling Bins	No charge	-	-	-	-
Sound System	\$29.82	\$319.96	-	-	-
Stage (incl set up)	\$222.50	\$181.65	-	\$483.76	-
Tables and Chairs (per load)	\$167.17	-	-	-	-
Value-Added Items:					
Bleachers – large	\$519.07	-	-	-	-
Bleachers – small	\$444.67	-	-	-	-
Showmobile	\$741.68	-	-	-	-

Note: Premium and rented items and other special requests for service beyond the standards are accommodated depending on the availability and subject to associated costs.

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3. 2007 Events

The following are fairs and festivals held in 2007 that received SIK. Also included are the fees charged according to the Council approved fee schedule.

Festival	Category	Date	SIK Fees
BinderTwine Festival	CSO	Sept 8	\$7,609.24
Festa Della Republica *	Resident	June 1/07	\$1,700.00
Immaculate Conception Parish	CSO	Aug 11-12	\$1,048.37
Maple Italian Festival *	Resident	July 21-22	\$1,854.48
Maple Lions Pancake Festival+	CSO	April 12 -15	No charge+
Maplefest	CSO	Aug 17-19	\$3,410.76
San Gabriele Dell'Addolorata Festival	Resident	Aug 25	\$973.33
Santafest Committee	CSO/City	Nov 23-25	No Charge
St David's Parish Festival	CSO	July 8	\$426.83
Thornhill Village Festival	CSO	Sept 14	\$3,147.65
Woodbridge Fair Thanksgiving Weekend Festival*	CSO	Oct 5	\$1,619.29
Woodbridge Italian Festival	CSO	Aug 2	<u>\$4,649.10</u>
		<i>Total</i>	<i>\$26,439.05</i>

* Fees reduced or waived by Council following a deputation.

+ Historical agreement based on their donation towards the Maple Community Centre

4. Information from Other Municipalities

The surrounding municipalities were surveyed on their respective practices and philosophies in dealing with services provided for fairs and festivals. It is important to highlight two key findings in the survey that differ from Vaughan:

- 1) Most municipalities authorize the Director and/or Commissioner to amend or reduce rates on an individual basis to respond to unique situations such as financial difficulties;
- 2) Most municipalities offer monetary grants to qualifying groups which the groups then use to offset the costs associated with the event. For instance, Brampton grants up to \$30,000 and Markham up to \$8,000 to groups that host festivals such as the Brampton Fall Fair and the Thornhill Village Festival; and
- 3) If events are declared to be "City" events, there are no or few fees associated with the delivery of the event.

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The municipality specific information is noted below:

Brampton

Operating procedures are similar to Vaughan. Not-for-Profit fairs and festivals open to all residents are charged the lowest rates possible for the equipment and services received. **Director has authority to further reduce rates if group substantiates a unique situation.** Brampton provides monetary grants to qualifying groups through a grants program.

Markham

Operating procedures are similar to Vaughan. Not-for-Profit fairs and festivals open to all residents are charged the lowest rates possible for the equipment and services received. **Management has the authority to further reduce rates on an individual basis.** Markham provides monetary grants to qualifying groups through a grants program.

Mississauga

Operating procedures are similar to Vaughan. Not-for-Profit fairs and festivals open to all residents are charged the lowest rates possible for the equipment and services received. **Commissioner has authority to further reduce rates if group substantiates a unique situation.** Fees will be waived for festivals operated by charitable organizations such as the Alzheimer Society and Diabetes Foundation. Mississauga is currently reviewing their policies in this regard and in particular is looking at introducing a monetary grants option for events such as festivals; a report is expected to be presented to Council this spring.

Richmond Hill

Operating procedures are similar to Vaughan. Not-for-Profit fairs and festivals open to all residents are charged the lowest rates possible for the equipment and services received. **Commissioner has authority to further reduce rates if group substantiates a unique situation.** Richmond Hill provides monetary grants to qualifying groups through a grants program.

SECTION B: Fairs and Festivals Support Program

Community Services' primary source of support for events such as fairs and festivals is to provide organizations with access to facilities and services-in-kind (SIK) within the Council approved policies, procedures and fees. **While not all fairs and festivals are operated by not-for-profit groups, those that are provided by registered Community Service Organizations (CSO) are provided with facilities and SIK at the CSO fees. Non-CSO groups are levied the higher resident or commercial rates depending on the structure and purpose of their group and event.**

In recent months there have been an increasing number of deputations to Council from various categories of organizations (CSO, resident and commercial) requesting Council waive or reduce the fees associated with the SIK and/or facilities required or desired for their community event. Staff have consistently applied the approved rates unless otherwise directed by Council. **For the benefit of all CSO operating a special event, this report includes a recommendation to reduce the established rates for SIK by 10% effective January 1st, 2009.**

In contacting our surrounding municipalities staff found that additional support is available for some qualifying fairs and festivals; the common qualifying criteria is that events must be open to all residents rather than specific target markets. Further, staff found that the Director and/or Commissioner is granted the authority from Council to amend/reduce fees according to extenuating circumstances.

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The essence of the proposed program entitled, Fairs and Festivals Support Program, allows the City to provide additional support of 50% of the total charge to a maximum of \$3,500 to qualifying Community Service Organizations (CSO) that host heritage village fairs and festivals. It should be noted that this program provides support towards facilities and SIK offered through Community Services only and, does NOT include any rented items, fees or charges levied by other City departments such as Clerks or By-Law .

The program for CSO, detailed on Attachment 1, outlines all of the relevant terms and conditions to qualify for support. The following criteria will be considered for funding under this program:

- Detailed Business Plan (date, location, programs and activities)
- Communication / Promotion Plan that includes: methods to ensure the event is advertised and open to all residents and the proposed forms of Public Acknowledgment of City support
- List of Grants and other forms of formal funding (Note: Depending on the dollar amount, other forms of funding from other levels of government may disqualify the group for funding under this program.

The following are examples of heritage, village fairs and festivals that staff predict will qualify:

- Binder Twine
- Maplefest
- Thornhill Village Festival
- Woodbridge Fair

Recognizing that there are other festivals operating in Vaughan, this program will offer opportunity for those groups to qualify if they meet the criteria. **All other organizations will continue to receive facilities and SIK at the Council approved fees for their specific category: CSO (10% reduction to rates), Resident and Commercial.**

Note: Groups that contact the Clerk's Department asking to appear before Council (deputation) for the purpose of requesting the reduction or waiving of SIK fees, will be given a copy of the new program and advised to contact staff in the Recreation and Culture Department for assistance and guidance.

Relationship to Vaughan Vision 2020

The Vaughan Vision 2020 has identified service excellence as a strategic goal and the delivery of high quality services within approved service standards to all city stakeholders as an objective.

This report is consistent with the priorities previously set by Council and the necessary resources have not been allocated and approved.

Regional Implications

There are no regional implications associated with this report.

Conclusion

This report provides Council with information on a new program entitled, Fairs and Festivals Support Program. If approved, several heritage, village festivals could qualify for additional support through this program. The program requires qualifications to be met and for an annual application process to assess if any changes to previous years have occurred.

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For the benefit of all CSO, this report contains a recommendation to reduce SIK rates by 10% effective January 1st 2009.

Also included in this report is information on the policies and procedures related to the support for fairs and festivals that take place over the year including a breakdown of costs, a listing of such events that receive support and information on how other municipalities deal with such events.

The comparative analysis on how surrounding municipalities deal with such events indicates that Vaughan is in keeping with the fees and practices of those surveyed: Brampton, Markham, Mississauga and Richmond Hill with the one notable difference being the opportunity for qualifying groups to receive monetary grants to offset the costs.

Attachments

1. Fairs and Festivals Support Program

Report Prepared By

Mary Reali, Manager of Administration and Planning, ext 8234
Terri Cosentino, Client Services Supervisor, ext 8078

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 2, Report No. 19, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on April 14, 2008.

**2 CITY OF VAUGHAN PROCEDURAL BYLAW #400-2002, AS AMENDED
PROPOSED AMENDMENTS**

(Referred from the Council meeting of February 25, 2008)

The Committee of the Whole (Working Session) recommends:

- 1) **That the Draft Procedural By-law 400-2002, as amended, contained in the additional report of the Commissioner of Legal and Administrative Services and City Solicitor, dated February 19, 2008, be amended as follows:**
 1. **Add to Section 3.3 (3) (iv) "should the deputant fail to be satisfied by the disposition of the matter before a Special Purpose Committee meeting, he or she may have recourse to the Committee of the Whole, according to the procedure outlined in section 3.3 (3) (i); and**
 2. **Delete section 3.3 (3) (vi);**
- 2) **That staff provide a further report addressing Members of Council's comments;**
- 3) **That the additional report of the Commissioner of Legal and Administrative Services and City Solicitor, dated April 1, 2008, be received; and**
- 4) **That the following report of the Commissioner of Legal and Administrative Services and City Solicitor, dated November 27, 2007, be received.**

Council, at its meeting of February 25, 2008, adopted the following:

- 1) That this matter be referred to a Committee of the Whole (Working Session) meeting as soon as possible; and
- 2) That the deputation of Ms. Carrie Liddy, 36 Humberview Drive, Woodbridge, L4H 1B1, be received.

Council, at their meeting of December 10, 2007, adopted the following:

That this matter be referred back to staff to provide further information addressing the comments expressed by Members of Council; and

That the deputation of Mr. Richard Lorello, 235 Treelawn Boulevard, P.O. Box 927, Kleinburg, L0J 1C0, be received.

Report of the Commissioner of Legal and Administrative Services and City Solicitor, dated November 27, 2007

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor recommends:

That staff be directed to give Notice of the proposed adoption of amendments to the City's Procedural Bylaw #400-2002, as amended, and that the proposed amendments as set out in this report be prepared for presentation at the Committee of the Whole Meeting on January 21, 2008.

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Economic Impact

There is no economic impact as a result of this report.

Communications Plan

The City's Notice Bylaw requires 10 days notice of proposed amendments to the Procedural Bylaw, to allow for public comment.

Purpose

The purpose of this report is to recommend amendments to the City's Procedural Bylaw.

Background

Staff have undertaken a review of the City's Procedural Bylaw to ensure compliance with the new *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act*"). Staff have also conducted a comparative review of procedural bylaws of other municipalities, including Toronto, Mississauga, Brampton, Richmond Hill, Markham and the Region of York. Consideration has been given to amendments that would clarify the meaning and application of existing sections of the City's Procedural Bylaw #400-2002, as amended, and which would make changes to existing procedure, so that Council's public meetings are carried out as effectively and efficiently as possible. Proposed amendments also include prior Council directions.

Analysis and Options

Amendments are recommended with respect to the following sections of the City's present Procedural Bylaw:

- i. Closed Meetings [section 2.4] - education training
- ii. Deputations [section 3] – parameters
- iii. Ceremonial Presentations [section 3] – time limits
- iv. Presentations [section 3]– time limits
- v. Special Purpose Committees [sections 5.11, 5.12, 5.13, 6.4] - to include Presentations and Deputations
- vi. Emergency Meetings of Council
- vii. "New Business"
- viii. Additional Information– cut off times
- ix. Use of electronic devices in Council Chambers and at Meetings
- x. Public Notice
- x. Headings and general house-keeping

Closed Meetings of Council:

The *Municipal Act, 2001*, provides that meetings of council or committee may only be closed to the public for certain specified matters. The recent amendments to the *Act* provide for an additional instance where a meeting may be closed to the public, namely, where training occurs.

Staff recommends that the City's Procedural Bylaw be amended to provide that meetings of council or committee may be closed to the public where:

- (i) The meeting is held for the purpose of educating or training the members.
- (ii) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, a local board or committee.

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Deputations:

The existing Procedural Bylaw provides that any person may make a deputation to the Committee of the Whole on a matter not listed on the Agenda, provided that a written request is received in the Clerk's office by 12:00 noon on the Wednesday being 12 days prior to the Meeting, and provided that the Clerk has placed the person's name on the Agenda for a deputation at the particular meeting [Section 3.3(3)]. The person seeking to make a deputation must (i) advise of the specific nature of the matter to be presented, (ii) provide any related written material by 12:00 noon on the Friday prior to the Meeting, and, (iii) speak for no longer than 5 minutes [3.3(4)]. Also, any deputation on behalf of an organization, including any corporation, association or on behalf of any group, shall be made by a single representative [Section 3.3(4)].

The Agendas at the City's Committee of the Whole Meetings are typically lengthy, and with the City's rapid growth over the past years, the matters are increasingly complex and numerous. Senior staff are in attendance for all or part of the Meetings. Where deputations are listed to be heard, the normal order of business must often be interrupted for the hearing of deputations at the 3:00pm scheduled start-time. As a result, the matters scheduled to be dealt with on the Agenda for a particular day, may be delayed, or not fully addressed due to time constraints. In addition to the considerable use of staff and Council time when this occurs, there is also a concern about inconveniencing members of the public or various business representatives and professionals, who attend Committee of the Whole specifically to address or hear about matters that are listed on the Agenda. As the Committee of the Whole meetings on Monday's are followed by Closed Session and Public Hearings, it may be more appropriate for deputations to be heard at the Working Sessions, rather than the Monday Committee meetings.

Working Session agendas include matters which usually require lengthy discussion. Accordingly, it is also recommended that a maximum of 5 deputations be listed on any one agenda, and that a deputant be restricted to one subject matter. This allows Committee adequate time to complete consideration of items on the agenda.

Additionally, the present Procedural Bylaw does not restrict deputations to topics over which the City has jurisdiction, or to subject matters which are not otherwise more appropriately within the purview of City administration or management, or other Special Committees.

The Procedural Bylaws in some municipalities provide more detailed guidelines about the scope of deputations (often referred to as "delegations"). For example, in Toronto, persons may only speak at the particular Committee with a mandate related to the topic, and even then, only where an Information Report related to the intended subject matter is being presented at the particular Committee Meeting, and the Committee has given notice of its intention to hear public "presentations" on the particular Information Report. This means persons may only speak to any item on the agenda. Other matters or questions may be directed to Members of Council who may then place an item on an agenda, or not.

The City's present Procedural Bylaw requires that those seeking to appear on deputation must only advise of the intended subject matter. In order to ensure that speakers do not digress from the stated subject matter, staff recommends an amendment that would provide for the requirement of written outlines. Written outlines would also assist members of Council in preparing for Committee Meetings.

Presently deputation requests are required by 12:00 p.m. on the Wednesday. However, Agenda Review meetings are held on Wednesday mornings. An amendment is suggested changing the deadline for deputation requests to 12:00 p.m. on the Tuesday, so that deputation requests are known when the draft agenda is reviewed, and proposed deputants may then be directed to the appropriate Committee, if any.

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Occasionally, requests are received to speak regarding a recent Council decision. Proposed deputants are advised that a reconsideration motion will be required prior to Committee hearing the deputation. An amendment is suggested for inclusion to codify the City's longstanding practice.

The following is a summary of the amendments which are recommended:

- i) That deputations for items not listed on the Agenda may be heard only at the Committee of the Whole (Working Session), commencing at 9:30am;
- ii) That proposed deputants may be required to appear before a Special Purpose Committee more appropriately able to consider the subject of the deputation (Audit and Operational Review Committee, Strategic Planning Committee, Budget Committee, Environment Committee);
- iii) That deputations be permitted only in relation to matters that are appropriately within Council's purview, as opposed to the purview of City administration or management; That deputations be permitted only in relation to matters over which the City has jurisdiction;
- v) That persons seeking to appear at deputation will be required to provide a written outline of the subject matter that he or she intends to discuss;
- vi) That a person may be listed to appear at deputation regarding only one subject matter per Meeting;
- vii) That a maximum of 5 (five) persons be permitted to provide deputations at any given meeting, and that the Clerk may further reduce the number of permitted speakers for deputation at any given Meeting of the Committee of the Whole (Working Session), or other Special Purpose Committee, where the matters listed on the Agenda are expected to require the time allotted for that Meeting; Persons that cannot be listed for deputation at a particular Meeting may be scheduled for the next Meeting;
- viii) That if a deputation is with respect to a matter that has been recently considered, it shall not be heard by the committee, council or other body that considered the matter, within the next four of its regular meetings after the meeting at which it was originally considered, unless a reconsideration motion is passed.

It is recommended that the City maintain the 5-minute speaking limit, the restriction that deputations made on behalf of a group shall be made by a single representative, and also the notice requirements for deputation requests.

Ceremonial Presentations:

The City's present Procedural Bylaw permits "ceremonial presentations" [3.3(3)]. However, the Bylaw does not provide parameters surrounding the nature of matters appropriately dealt with through formal presentations to Council.

It is recommended that the Procedural Bylaw be amended to provide that a Ceremonial Presentation to Council, be on a subject matter within Council's purview and jurisdiction.

Presentations:

While persons making presentations are advised of a general 10 minute guideline, often presentations exceed this limit, and can be quite lengthy. In striving for efficiency, staff recommends that presentations at Committee of the Whole or Council Meetings be limited to 10 minutes.

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Special Purpose Committees:

A “house-keeping” amendment is required to reflect the order of business for the Environment Committee [Section 6.4]. The Order of Business for all Special Purpose Committees will include “Presentations and Deputations”.

Emergency Meetings:

It is recommended that the Procedural Bylaw be amended to permit the calling of an “emergency meeting” on less than 48 hours notice by the Mayor or the City Manager or without notice, and that notice be attempted by written or electronic mail, on the condition that a majority of Council members consent to the having of the Emergency Meeting, by providing written consent thereto, at the commencement of the Emergency Meeting.

This proposed amendment is in keeping with the City’s emergency preparedness plans.

New Business:

Staff recommends that the Procedural Bylaw be amended to clarify what types of matters may be introduced under “New Business”. These could include matters of a general nature, and requests for staff to attend public and/or neighborhood meetings held after normal working hours. Requests for staff reports for matters raised under “New Business”, should be put over to a future Committee of the Whole meeting, to ensure that adequate time is provided for the preparation and consideration of these reports. This is codification of Council’s resolution in April, 2004.

Additional Information:

The City’s Procedural Bylaw presently provides that on the Thursday, 10 days prior to each regular meeting of the Committee of the Whole, the Clerk or his designate (under the supervision of the City Manager), shall prepare an Agenda of all business to be brought before the Committee. [Section 5.4(1)] For those affected parties, professional representatives, and/or members of the public who are not able to attend the Meeting in person to speak to items listed on the Agenda, the City also accepts written submissions or other written material for consideration when the item is being heard at the Meeting (referred to as “Additional Information”).

At times, individuals deliver, fax or email correspondence intended as “Additional Information”, to the Clerk’s Office shortly prior to or after commencement of the Meeting. Also, some individuals attend at the Meeting, and then seek to add their documents as “Additional Information”. The Clerks Office cannot ensure adequate distribution in a timely manner. Also, untimely submission of Additional Information requires that members of Council consider information on short notice.

It is therefore recommended that the Procedural Bylaw be amended to provide that any written material intended as “Additional Information” pertaining to an item listed on a Committee of the Whole or Council Agenda, must be addressed to the Clerk and received in the Clerk’s Office by no later than 11:00 am on the day of the Meeting.

Use of Electronic Devices in Council Chambers and Meeting Rooms:

The use of cellular telephones and other electronic devices has become increasingly common. The City’s Procedural Bylaw does not presently address their use during Meetings.

Therefore, it is recommended that the Procedural Bylaw be amended to provide that all electronic devices, including cellular phones must be turned to silent mode in Council Chambers and all other locations during the course of Meetings held in accordance with the Bylaw.

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Public Notice

The *Municipal Act, 2001* requires the By-law to indicate public notice of meetings. The posting of the schedule of meetings on the City's website shall be inserted in the Bylaw in compliance with this requirement.

Headings and other "House-keeping" Revisions:

It is also recommended that additional headings and subheadings be added to the present Procedural Bylaw, to make it more user-friendly.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council. In particular, striving to use Council Meetings in the most effective manner possible is consistent with a Guiding Principle in Vaughan Vision, whereby "Accountable to the electorate, Council's role is to establish policy. Based upon this policy direction, Council empowers/authorizes Staff to deliver approved programs and services to the City of Vaughan". This report is also consistent with subsection 1.3, to "Provide effective and efficient delivery of services".

Regional Implications

None.

Conclusion

It is recommended that the amendments to the Procedural Bylaw be presented at the Committee of the Whole Meeting on January 21, 2008, and that appropriate public notice be given prior to the Meeting. Adoption of the recommendation herein should ensure consistent, efficient and effective use of Council public-meeting times, and the use of staff resources as determined by Council.

Subject to Council's direction, staff will finalize a draft Bylaw and Public Notice will be issued in January 2008.

Attachments

None

Report prepared by:

Nancy Salerno, Solicitor
Sybil Fernandes, Deputy City Clerk
Heather A. Wilson, Director of Legal Services

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Item 3, Report No. 19, of the Committee of the Whole (Working Session), which was adopted, as amended, by the Council of the City of Vaughan on April 14, 2008, as follows:

By receiving the memorandum from the Director, Enforcement Services, dated April 9, 2008; and

By receiving the written submission from Mr. Ken Lund, Plant Health Care Committee Chairman, Ontario Commercial Arborists Association, 6282 Bloomington Rd., Stouffville, L4A 7X3, dated April 11, 2008.

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CITY OF VAUGHAN - PESTICIDE BY-LAW

(Referred from the Committee of the Whole meeting of March 3, 2008)

The Committee of the Whole (Working Session) recommends:

- 1) That the following recommendation contained in the additional report of the Commissioner of Legal and Administrative Services and City Solicitor, dated April 1, 2008, be approved:
 - “1. That the proposed implementation plan be approved;
 2. That the proposed Draft By-law be enacted; and
 3. That Corporate Communications implement the attached Communications Strategy”;
- 2) That Hydro One and all other hydro corridors and facilities:
 1. Provide details for their management plan for all hydro corridors; and
 2. Provide a detailed IPM plan for the maintenance of these facilities in the City of Vaughan in the future;
- 3) That the following be added to Section 2.2.2 k of the Draft By-law contained in the additional report, dated April 1, 2008:

"and submit an annual plan to reduce use year over year";
- 4) That all exemption provisions be reviewed in 60 months;
- 5) That staff report in 30 days on the implementation of the following recommendations:
 1. That the City of Vaughan communicate with the Province of Ontario, asking to have the sale of pesticides prohibited in commercial establishments in the City of Vaughan;
 2. That the City of Vaughan communicate to retail stores in the City of Vaughan selling pesticides, requesting that they no longer sell these products; and
 3. That the City of Vaughan request all retail stores in the City of Vaughan selling pesticides, to post a sign provided by the City of Vaughan that the use of pesticides on private property is prohibited;
- 6) That the following report of the Commissioner of Legal and Administrative Services and City Solicitor, dated March 3, 2008, be received;
- 7) That the article entitled, "Did Your Shopping List Kill a Songbird?", The New York Times, Sunday, March 30, 2008, submitted by Councillor Carella, be received; and
- 8) That the following deputations, written submission and handouts be received:

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- a) Mr. John Bowen, Hydro One, 855 Pond Mills Road, London, NRZ 5R1;
- b) Ms. Gloria Marsh, Chair, York Region Environmental Alliance, 61 Briarcliffe Crescent, Thornhill, L4J 7H2, written submission dated March 18, 2008 and handout entitled, “Organic Lawn Care Calendar”;
- c) Mr. Dennis Moir, Mount Pleasant Group of Cemeteries (Beechwood Cemetery), 45 Overlea Boulevard, Suite #500, Toronto, M4H 1C3 and handout entitled, “Beechwood Cemetery, 7241 Jane Street, Concord, Ontario, Presentation to City of Vaughan Pesticide By-law Committee – Apr. 1, 2008”;
- d) Mr. Ron Hendrix, Catholic Cemeteries – Archdiocese of Toronto, 4950 Yonge Street, Suite #206, Toronto, M2N 6K1;
- e) Mr. Brad Hunter, Arbor & OACFP, 2000 Dundas Street East, Whitby, L1N 2L6;
- f) Ms. Shayna Rooney, Volunteer Canadian Cancer Society, 11 Headon Gate, Unit #7, Richmond Hill, L4C 9W9 and handout entitled, “Canadian Cancer Society – Pesticides and your health, What you can do”;
- g) Mr. Peter Tanz, 154 Cactus Avenue, Suite #52, Toronto, M2R 2V3;
- h) Mr. Carlo DeFrancesca, 18 Zucchet Court, Vaughan, L4L 7M5; and
- i) Mr. Ted Paul, Delesco Weed Control, 21 Greenbank Drive, Richmond Hill, L4E 4C2.

Committee of the Whole, at its meeting of March 3, 2008, recommended the following:

- 1) That this matter be referred to the Committee of the Whole (Working Session) meeting of April 1, 2008, for staff to provide a further report addressing the concerns expressed by Members of Council; and
- 2) That the following deputations and written submission be received:
 - a) Mr. Carlo DeFrancesca, 18 Zucchet Court, Vaughan, L4L 7M5;
 - b) Mr. V. K. (Vince) Kishimoto, Regional Director, Central Ontario Chapter, National Golf Course Owners Association, Canada, 6267 Starfield Crescent, Mississauga, L5N 1X3, and written submission dated March 3, 2008;
 - c) Mr. Grant Murphy, The National Golf Club of Canada, 134 Clubhouse Road, Woodbridge, L4L 2W2;
 - d) Ms. Asifa Sheikh, on behalf of the Canadian Cancer Society, Major Mackenzie Unit;
 - e) Mr. Gideon Forman, Canadian Association of Physicians for the Environment, 130 Spadina Avenue, Suite 301, Toronto, M5V 2L4; and
 - f) Mr. Jerry Dalla Corte, President, Thornhill Golf and Country Club.

Report of the Commissioner of Legal and Administrative Services and City Solicitor, dated March 3, 2008.

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, in conjunction with the Director of Enforcement Services, recommends:

- 1) That the Pesticide By-law be enacted; and,
- 2) That the Implementation Plan be approved.

Economic Impact

The cost of the educational material is still being calculated. The cost of the program is dependent on the extent of the program undertaken by the City.

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Communications Plan

The communications plan is attached as Attachment #2.

Purpose

This report is to provide the Draft By-law to restrict the use of cosmetic pesticides in the City of Vaughan, as well as the implementation plan for the By-law.

Background - Analysis and Options

At its meeting of December 10, 2007, (Item 29, Report 58) Council approved the recommendation by the Environmental Committee to bring back a draft By-law and implementation plan.

As reported earlier, public consultation on a pesticide by-law was conducted through two evening meetings, on October 29 & 30, one in the east side of the City, and the other in the West. These meetings included information delivered by staff and external resources. The meetings were not heavily attended, with more residents at the east meeting. The questions and comments predominantly supported a pesticide ban, particularly in areas frequented by children and pets. Some concerns were raised about the proliferation of weeds, and information was provided by professionals as to safer alternative control methods. Public feedback was also solicited through an online survey. The survey consisted of 15 questions intended to obtain an accurate portrait of the individuals' views on restricting pesticides. Approximately 100 responses to the survey were received.

Staff met in November 2007 with industry representatives, including golf courses and cemetery operators. The space-expansive, heavily landscaped facilities expressed concern with the proposed restrictions. Subsequent to that meeting, several of the agencies represented have provided further written submissions relating to the restriction of use of pesticides.

The Draft By-law was developed after comparing a number of by-laws available from other municipalities. Attributes from these by-laws have been combined into the proposed by-law.

The Draft By-law was circulated in January 2008 to agencies in attendance at the November meeting, as well as the lawn care industry in Vaughan, and to those individuals that attended the consultation meetings and provided e-mail addresses. This advance circulation was to allow them to provide feedback prior to the Committee of the Whole meeting. A further meeting was held with the parties listed above on February 4, 2008. Approximately 20 people attended the meeting to provide feedback and opinions. Some of the comments and suggestions have been incorporated into the By-law. Subsequent to that circulation, additional comments have been brought to the City's attention, resulting in further modification to the Draft By-law.

Summary of Industry Stakeholder Comments

As indicated above, approximately 20 people from various industry stakeholder groups attended a meeting to discuss the Draft By-law. This group was also forwarded a copy of the Draft By-law included in this report. Many of the groups had expressed their positions in writing to the City. These comments are summarized below.

Cemeteries

Initially, the cemeteries were concerned about the impact of a total restriction would have on their properties. As a result of modifications made to the restrictions, the Ontario Association of Cemetery and Funeral Professionals has written to the City supporting the Draft By-law.

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Hydro One

A representative from Hydro One has provided the City with an e-mail supporting the Draft By-law.

Canadian Cancer Society

The Canadian Cancer Society has written a letter in support of Council passing a By-law. The Society is concerned with permitting the use of pesticides for infestations as they feel the current wording could lead to abuse and therefore impact health.

Golf Courses

The golf industry was not in support of the initial drafts of the By-law presented to them. Through discussions, and review of other area by-laws, the Golf Course industry in Vaughan is now content with the provisions pertaining to golf courses.

By-law Highlights

The Draft By-law generally prevents the application of pesticides at anytime, anywhere within the boundaries of the City of Vaughan, subject to specific exemptions.

Health Exemptions

Specific exemptions relate to circumstances where immediate risk to health or property that significantly outweigh the intended benefits of the legislation.

Golf Courses

Section 2.2(l) of the Draft By-law contains specific exemptions for the golf courses, lawn bowling, and cemetery properties. During discussions with staff, the golf course industry indicated that they generally only spot spray with chemicals and the remainder of the courses are weed controlled using other methods. Any such use or application would have to be conducted only under the direction of an I.P.M. Accredited Agent.

Benchmarking discloses that all municipalities which have enacted Pesticide By-laws exempt golf courses provided all pesticide application is conducted exclusively under the direction of an Integrated Pesticide Management Accredited Agent. In addition, at least one municipality is moving towards requiring golf courses to submit pesticide use reduction plans. The Draft By-law contains a provision to this effect.

Cemeteries and Lawn Bowling

The cemetery companies provided feedback relating to restricting their use of pesticides and expressing objection to the outright banning of pesticide use on cemetery property. In discussing spot spraying practices, it was proposed to provide an exemption for cemeteries to spray up to 35% of the area within 30 days. Any such use or application would have to be conducted only under the direction of an I.P.M. Accredited Agent. This provides a major deterrent to blanket applications and provides these facilities with sufficient opportunity to maintain the appearance of their landscape. These facilities have indicated they can work within such restrictions. The City already exceeds these restrictions regarding its own cemeteries.

In cases outlined above, copies of all records submitted to the I.P.M. Auditor annually for accreditation under the I.P.M. program must also be submitted to the Director on or before January 31st of each year.

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Canada's Wonderland

Canada's Wonderland also attended the consultation meeting and requested that they too be permitted similar exemptions. This organization has a requirement, as a premier tourist attraction, to maintain their grounds, especially in the immediate vicinity of the water park and other recreation areas. However, as a family-oriented facility, there is a particular sensitivity. Staff recommends that Canada's Wonderland be subject to our exemption similar to cemeteries, to permit spot spraying only, and encourage the use of alternative weed control methods.

Hydro Substations

Section 2.2(m) refers to exemptions at hydro substations, or utility distribution stations. The Hydro One representative provided information that vegetation growing inside stations poses a very serious health risk for power disruption due to interference with grounding systems. Also, staff working inside these stations are put at risk for the same reason. For these reasons staff recommends this exemption.

The penalties for violations of this By-law are established by the Municipal Act, 2001, Section 429. This provides not only set fines, but also fines for continuing offences, and special fines. In this case, staff is recommending a set fine of \$400.00 for violations of this By-law.

Implementation Plan

It is anticipated that enforcement of this By-law will commence in the Spring of 2008. Enforcement staff will respond to complaints. On initial response for the first six months Enforcement staff will attend the property and provide educational materials along with a Notice of Violation. Continued or repeated violations will, as evidence supports, be subjected to potential charges.

The implementation plan incorporates the comprehensive communications strategy developed by Corporate Communications. The strategy is attached to this report.

The number of complaints will be tracked and monitored. It is expected that this By-law will have a significant impact on the departmental service delivery models currently in place.

The Province has indicated that it will introduce legislation this spring or this fall, to regulate the cosmetic use of pesticides. A posting on the MOE Website sought input in February 2008. It is possible that such regulation would extend to controlling the retail sale of pesticide products. Where in the past, Provincial regulation has overlapped municipal regulation of certain activities (such as smoking in public places), the Provincial regulation has specifically authorized the more restrictive provisions to prevail.

Relationship to Vaughan Vision 2008

This report is in keeping with the Vaughan Vision in that it speaks to enhancing community safety, health, and wellness, as well as leading and promoting environmental sustainability.

Regional Implications

Properties under the ownership or control of York Region would be impacted by this by-law as it is anticipated that the by-law would apply to all lands within the boundaries of the City of Vaughan.

In 2002, York Region released a report and guidelines for reducing the use of pesticides on public lands. It is still only a guideline and does not related to private property.

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Conclusion

The Draft By-law restricts the use of pesticides in the City of Vaughan.

Attachments

1. Draft By-law
2. Communications Plan

Report prepared by:

Tony Thompson, Director of Enforcement Services

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 4, Report No. 19, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on April 14, 2008.

**4 STATUS UPDATE ON THE IMPLEMENTATION OF RECOMMENDATIONS
MAYOR'S TASK FORCE ON COMMUNITY SAFETY AND SECURITY**

The Committee of the Whole (Working Session) recommends that clauses 1, 2, 3, 5 and 6 of the following report of the City Manager and the Senior Management Team, dated April 1, 2008, be approved:

Recommendation

The City Manager and the Senior Management Team recommend that:

1. This report outlining the measures undertaken to-date to implement the recommendations of the Mayor's Task Force on Community Safety and Security be received;
2. That the City's existing Vaughan Safe City Committee be recognized as the lead with respect to addressing the outstanding recommendations from the Mayor's Task Force on Community Safety;
3. That the Vaughan Safe City Committee report back to Council with a revised mandate to reflect the additional responsibilities;
4. The Vaughan Safe City Committee be augmented by the appointment of three (3) additional members of Council to accommodate this additional responsibility;
5. Appropriate City Staff be consulted to provide input into the initiatives proposed by the Safe City Committee, prior to proceeding to Council;
6. The York Regional Police be requested to establish a Grow-Op Registry and that a letter be prepared to formalize this request.

Economic Impact

There are no economic impacts resulting from the adoption of this report. The on-going implementation of the recommendations of the Mayor's Task Force may have implications for the future budgets of the affected City departments.

Communications Plan

Not applicable.

Purpose

The purpose of this report is to:

- Provide an update on the actions taken by the City to implement the recommendations of the Mayor's Task Force on Community Safety and Security; and
- Assign responsibilities to the City's existing Safe City Committee rather than creating a "Community Safety Committee" as recommended by the Task Force.

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Background – Analysis and Options

a) Background

On October 31, 2005 Council approved the creation of the Mayor's Task Force on Safety and Security in Vaughan. The purpose of the Task Force was to develop recommendations regarding safety and security by focusing on education, prevention and community participation. Mr. Julian Fantino was appointed Chair of the Task Force, with the power to appoint the Task Force's members. The Task Force was also mandated to recommend Terms of Reference to Council.

A total of twenty-one people representing key stakeholder groups were appointed. The Terms of Reference, which were approved by Council on February 13, 2006, focused on the development of recommendations which would:

1. Supplement, assist and support the work of existing public safety authorities by addressing real or perceived public safety concerns.
2. Through a community based consultative approach, identify gaps and promote established community-based safety initiatives City wide.
3. Develop practical recommendations to be delivered to the Mayor and Members of Council for approval;
4. Assist in the timely implementation of the Task Force recommendations approved by Council.

The Task Force conducted a series of meetings, community consultations, surveys and research to assist in developing the recommendations. The Task Force focused on linked issues, that not only affect safety and security, but also impact on socio-economic conditions, traffic management, planning and the physical characteristics of neighbourhoods. Recommendations were developed in the following thematic areas:

- Awareness, Education and Communication;
- Building Neighbourhoods;
- Crime Prevention Through Social Development;
 - Children and youth
 - The vulnerable
 - The elderly
- Cyber Crime and Fraud
- Emergency Preparedness
- Engaging Business
- Environmental Design
- Hate Related Incidents
- Supporting Strong Political Leadership
- Traffic Safety/Management
- Quality of Life

The Task Force adopted the concept that, "community safety is everyone's responsibility, and crime prevention is everyone's business". This approach is consistent with Council's view and the Declaration of Citizen's Rights and Responsibilities approved by Council on February 28, 2005. The Task Force focused on the collateral issues that are linked to the cycle of crime (cause and effect) and public safety/quality of life issues. Four criteria were identified as necessary to achieving positive outcomes:

1. The cause of the problems that contribute to the erosion of community safety must be identified in order to define the appropriate community based solutions;

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2. A community-based shared vision must be developed with strategies, including the allocation of resources, program implementation and the identification of measurable results;
3. Community-wide mobilization including the private and corporate sectors, schools, churches, governments and institutions must be achieved with all parties being committed to working together;
4. Dynamic and visionary leaders who are capable of leading, promoting and championing the dream, who reflect the diversity of Vaughan and who can lead, communicate and motivate the entire community.

On September 25, 2006 Council considered the Task Force's report, entitled, "My Safe Vaughan: Recommendations of the Mayor's Task Force on Community Safety & Security". Council adopted the following motion:

1. That the attached submission from the Mayor's Task Force on Community Safety and Security, dated September 18, 2006, be received; and
2. That Vaughan Council support and implement the eleven (11) recommendations contained therein.

On November 12, 2007, Council adopted a recommendation from Committee of the Whole that staff provide a report on the status of the recommendations of the Mayor's Task Force on Community Safety and Security. This report is prepared in response to the request.

b) Recommendations of the Task Force

The full text of the Task Force's recommendations are appended as Attachment No. 1 ("My Safe Vaughan: Recommendations of the Mayor's Task Force on Community Safety & Security", Submission to the City of Vaughan Council, September 18, 2006, pp. 20 – 31). The recommendations are listed below.

1. Institute a Community Safety Committee;
2. Hire a Full-Time Safety & Security Coordinator;
3. Enhance the Implementation and Support of Neighbourhood Centred Programs
4. Enhance Capacity of By-law Enforcement Officials
5. Establish a Grow-Op Registry
6. Enhance Community Safety and Crime Prevention through environmental or urban design
7. Establish a Community Safety Website
8. Encourage stronger relationships between neighbours
9. Undertake a Comprehensive Traffic Safety Study
10. Designate Drug Free Zones 1000 ft. Radius of Schools, Parks and Other City Owned Public Access Facilities
11. Encourage and Support Council to increase the presence of strong comprehensive youth, seniors and women's services delivered by not for profit organizations in Vaughan

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c) City Initiatives Implementing the Recommendations of the Mayor's Task Force

York Regional Police have reported that from 2002 to 2006 York Region had the lowest rate of crimes against persons and properties and total criminal code offences in the GTA. The overall crime rate in the Region dropped 6.6% from 2006 to 2007, which is the fourth consecutive year that the crime rate had decreased.

Since Council's September 25, 2006 decision to implement the eleven recommendations of the Mayor's Task Force on Safety and Security the City has continued to work with York Regional Police and continued its efforts to improve community safety and security measures through on-going upgrades to services and facilities and the work of the Safe City Committee.

In addition, Vaughan Vision 2020, the City's Strategic Plan, was approved by Council in December of 2007. Enhancing and ensuring community safety, health and wellness is one of the objectives of Vaughan Vision 2020. The plan provides for the creation of, "a long-term strategy to ensure citizens are safe and have access to safety education programs (partnership with York Regional Police as the support agency)".

Vaughan Vision's long-term strategy is consistent with many aspects of the Task Force's work, which provides for a systematic and enduring approach to citizen safety. Community safety and security is an important quality of life consideration. It affects people's sense of well-being on a day-to-day basis and it is a decision-factor in choosing a location to live, work and invest.

The City's initiatives are discussed below, with reference to the relevant Task Force recommendation.

i. Task Force Recommendation No. 1 (Institute a Community Safety Committee)

The City of Vaughan, the Enforcement Services Department and other departments are represented on a number of committees designed to solicit and share information with the public or staff on matters relating to community safety issues and programs. These include:

- City of Vaughan Safe City Committee
- York Regional Police 4 District Community Liaison Committee
- Council/School Board Liaison Committee
- York Region Lower Tier Municipal – Police Working Group

The Director of Enforcement Services is an active member of the Ontario Association of Chiefs of Police Crime Prevention Committee. Information that is available for distribution from this venue is forwarded to the Safe City Committee.

As noted, it is a priority of the City of Vaughan Strategic Plan (Vaughan Vision 2020) that Enforcement Services develop a long term strategy, in partnership with York Regional Police as a support agency, to ensure citizens are safe and have access to safety education programs. The development of this initiative is now in its early stages.

In order to proceed with the implementation of the Task Force's remaining recommendations, it would be desirable to work within a committee structure. The Task Force recommended the creation of a new Community Safety Committee. Currently, Vaughan has a Safe City Committee. It is composed of citizen representatives and members of Council, and its operations are supported by staff. The current membership is as follows:

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Councillor Bernie Di Vona, Chair	Councillor Sandra Yeung Racco	Mr. Tony Alati	Dr. Raphael Awachie	Ms. Paula Mattiassi Biro
Ms. Angela Bucci	Mr. Ben Iammatteo	Mr. Atul Kohli	Mr. Anthony Lascalea	Mr. Simon Lloyd

Rather than appointing a new Community Safety Committee, it would be appropriate to build on the existing framework provided by the Safe City Committee and include the implementation of the Task Force's outstanding recommendations under its mandate. This would be beneficial as it draws upon the Safe City Committee's expertise and experience in this area. In addition, this approach would not require the additional time and resources that would be involved in establishing and supporting a separate new committee. It is also recommended that an additional three members of Council be appointed to the Safe City Committee to support the committee's work, broaden its representation and recognize the importance attached to issues of safety and security.

For the Safe City Committee to proceed on this basis it would have to address a number of governance issues. These include:

Amending the Safe City Committee's mandate: The committee's mandate and terms of reference would have to be amended to reflect the new responsibilities and additional membership.

Staffing/financial resources needed to run the Committee: As a result of the change in mandate, consideration should be given to the required staff or financial resources needed to support the work of the committee. Close consultation with staff will be important in order to investigate the financial and or staffing implications of any of the measures that are being considered.

Role of the Committee in the implementation of Vaughan Vision 2020: Consideration will need to be given to the role that the Committee may play in developing a long-term strategy to ensure that citizens are safe and have access to safety education programs. The Safe City Committee could be a participant in the plan's development. The outcome of this evaluation would need to be reflected in the Committee's mandate.

Will the Safe City Committee continue to be a Committee of Council or move toward a "Safe City Association" with a "Safe Community" designation under the auspices of Safe Communities Canada: While it is anticipated that it would continue to be a Committee of Council, it would be worthwhile examining the Safe Community model as a possible long-term objective. It has been adopted in 53 municipalities across Canada and it could also be the model that the Committee transitions to over time.

For maximum benefit, the City's community safety and security initiatives will need to be transparent, well-publicized and comprehensively planned and delivered. This would be an appropriate time to review the current situation and develop a more encompassing management structure for the future.

In order to move forward, it is recommended that:

- That the City's existing Vaughan Safe City Committee be recognized as the lead with respect to addressing the outstanding recommendations from the Mayor's Task Force on Community Safety;
- The Vaughan Safe City Committee be augmented by the appointment of three (3) additional members of Council to accommodate this additional responsibility.

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ii. Task Force Recommendation No. 2 (Hire a Full Time Safety & Security Coordinator)

As outlined above, Enforcement Services staff are already represented on a number of committees. This role could ultimately fall within the mandate of a staff person with a Safe City Association. No funds have been allocated for additional staff resources at this time.

There is no direct link to Enforcement Services except for the fact that Enforcement Services is involved in delivering some community safety programs, such as, Park Ambassadors, Road Watch, Park Patrol, and School Board Liaison.

iii. Task Force Recommendation No. 3 (Enhance the Implementation and Support of Neighbourhood Centred Programs)

The City of Vaughan Strategic Plan has a priority for Enforcement Services to develop a long term strategy in partnership with York Regional Police as a support agency to ensure citizens are safe and have access to safety educations programs. This recommendation is similar in scope the Strategic Plan deliverable for Enforcement Services.

York Regional Police has ownership of these programs at a Regional level; there is sufficient interest to move forward with this initiative and its development the early stages.

iv. Recommendation No. 4 (Enhance the Capacity of By-law Enforcement Officials)

Enforcement Services operates on a 24/7 basis. After 4:30pm, until 11:00pm, call taking and dispatch services are undertaken by Public Works. After 11:00pm, calls from the public for Enforcement Services are transferred to an answering service. These calls are faxed to the department the following morning. There is no direct dispatching of calls. Extension of the dispatching services would require additional budgeted resources of approximately 2-3 FTE's

Enforcement Services' Special Enforcement Unit patrols parks and trail systems on bicycles and in 4X4 trucks. These patrols have the potential to locate members of the public in distress. In the past, these vehicles have transported individuals out of the open spaces or trails to emergency services waiting at a public access location. Enforcement Services and Vaughan Fire and Rescue are already in talks to place defibrillators in the Special Enforcement Vehicles, along with the associated training and communications strategies and protocols. This could be expected to be completed in 2008.

v. Recommendation No. 5 (Establish a Grow-Op Registry)

Although there is a requirement for Police Services to notify municipalities of the location of grow-ops, the police are the keepers of all the information and as such, they should be the agency to establish and maintain such a registry.

City of Vaughan investigates grow-ops reported by the police in a coordinated effort. The locations of these properties are entered in the Complaint Tracking System. Although not available for public viewing, members of the public can contact Enforcement Services, Building, or Fire and inquire as to whether a specific address was investigated as a grow op.

All involved departments place applicable Orders on title of the property, in order to provide information to prospective purchasers of the deficiencies discovered. These Orders stay on title until such time as the deficiencies have been remediated to the satisfaction of the departments involved. This is usually done through certificates from engineers, be it structural, electrical, or environmental.

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It is recommended that York Regional Police be requested to establish a “Grow-Op Registry” and that a letter be sent to formalize this request.

- vi. Recommendation No. 6 (Enhance Community Safety and Crime Prevention through environmental or urban design)

Parking Enforcement takes an active role in attempting to reduce illegal on street parking, and all other parking violations on a 24/7 basis.

Enforcement staff does, from time to time, attend community meetings in respect of park concerns. These concerns can be related to designs, and recommendations are made from an enforcement point of view.

Recommendation 6 provides that Vaughan planners be trained in CPTED (Crime Prevention through Environmental Design) and that there be consultation with the police with a view to incorporating additional design features in residential neighbourhoods. A number of steps have already been taken in this area.

In regard to CPTED training, all Urban Design staff members have taken the Crime Prevention through Environmental Design Level 1 Course at Sheridan College.

Staff from the Urban Design Division has prepared the policy entitled “City of Vaughan CPTED General Guidelines in The Development Application Review Process”. This document was endorsed by City Council on April 10, 2007 and since May 1, 2007 staff has employed these Council approved CPTED guidelines to evaluate development applications.

It is not practice to circulate development applications to the York Regional Police as it is understood that a single officer provides assistance to all York Region municipalities on CPTED matters. Given that CPTED guidelines have been approved by Council and they are being used in the application review process, it is not practice to circulate to the police who are not sufficiently resourced in this area.

The Task Force is recommending the implementation of a policy requiring sidewalks on all residential streets to ensure the safety of pedestrians. Council has a comprehensive policy on the placement of sidewalks on streets. The policy was developed to identify which streets required sidewalks on both sides, on one side or not at all depending on pedestrian and traffic volumes and or walking routes to schools, parks etc.

Recommendation 6 also suggests that street widths be reviewed to determine if reduced widths contribute to congestion, which could result in safety issues. The City's street widths reflect alternative development standards that are well established and used in many municipalities in the province. The City has developed standards for various classifications of roadway to ensure that there is sufficient capacity for pedestrians and vehicles, to provide for adequate emergency vehicle access and for the City to conduct its snow ploughing and garbage collection operations. As rear laneways have proven to be problematic in conducting these municipal operations, the use of rear laneways is being kept to a minimum in new developments.

- vii. Recommendation No. 7 (Establish a Community Safety Website)

The Enforcement Services Department created its own website in 2007. The City of Vaughan Strategic Plan has as a priority for Enforcement Services the development of a long-term strategy in partnership with York Regional Police, as a support agency, to ensure citizens are safe and have access to safety education programs. This website may play a role in the roll-out of this initiative.

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A Vaughan Safe City Association would presumably have a website. That site could possibly be the host for information envisioned by this recommendation.

viii. Recommendation No. 8 (Encourage stronger relationships between neighbours)

The Task Force sees stronger relationships among neighbours as contributing to an increased sense of belonging and community ownership. Recommendation 8 suggests that community events (e.g. block parties/picnics) organized by ratepayer organizations be encouraged by the waiving of permit fees. Council has eliminated the requirement for noise monitoring for street or block parties, therefore making them less expensive to organize.

ix. Recommendation No. 9 (Undertake a Comprehensive Traffic Safety Study)

City Engineering staff do review speed limits on an ongoing basis, both in response to inquiries and on a proactive basis. Speed limits are established in new subdivisions to reflect school locations and other conditions. Unfortunately motorists often seem to believe that when a speed limit sign is not posted there is no speed limit on the street. The Highway Traffic Act provides that the speed limit in urban areas is 50 km/hr and in rural areas is 80 km/hr unless otherwise posted. It should also be recognized that while the public may demand reduced speed limits on some roadways, the proliferation of reduced speed zones in areas where not warranted will detract from the importance of compliance with reduced speeds in areas where warranted (e.g. in school zones).

There are many unwarranted stop signs across the City which, while not recommended by staff, have been approved in response to demands from the public to slow traffic. Unfortunately, this approach causes some drivers to “coast” through stop signs and actually reduces safety in the area. The use of unwarranted stop signs is discouraged.

So as not to impact emergency vehicle response times and bus routes, Council has imposed a moratorium on vertical traffic calming devices (speed bumps, raised pedestrian crossings) and these are no longer being offered as alternatives in new traffic calming plans on certain streets.

Traffic signs are located in accordance with the Highway Traffic Act and the Manual of Uniform Traffic Control Devices so that the signs are placed in appropriate locations. If staff becomes aware that a traffic sign has been placed in an inappropriate location, staff either arranges for its relocation or instructs the developer to relocate the offending sign.

x. Recommendation No. 10 (Designate Drug Free Zones, 1000 ft radius of Schools, Parks, and other City Owned Public Access Facilities)

The City, through the Enforcement Services Department, takes the presence of illegal drugs in and around parks and community centres very seriously, and intervenes on every occasion where illegal narcotics are noted.

However, the City’s authority to deal with drugs is limited.

The designation of “drug free zones” may imply that drugs are not as restricted outside of such zones. Provincial and Federal legislation would be required to influence sentencing in the courts.

xi. Recommendation No. 11 (Encourage and support Council to increase the presence of strong, comprehensive youth, seniors, and women’s services delivered by not for profit organizations in Vaughan)

This recommendation states that the community must identify and seek to respond to the current

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and emerging needs of the vulnerable members of society. This includes children and youth, seniors and women who are victims of violence. The need for a women's shelter should be considered and supported.

On February 26, 2007 Council approved the recommendations of the final report of the Mayor's Task Force on Women's Shelter Needs. It determined that the needs of domestic violence victims were not being met and that the solution would be best addressed by establishing a shelter in the City of Vaughan.

Since February 2007, the development of the shelter has been led by private citizens. Progress has been made. In late summer of 2007 meetings were held between the organizers and staff to resolve issues relating to the conversion of an existing dwelling into a shelter use. In addition, the City Manager met with the proponent's consultant in December of 2007.

The required work was identified and the permit was applied for on January 10, 2008 and was issued on January 14, 2008. In addition, the City Manager has also offered to assist, if requested, should any meetings be necessary with the Provincial Ministry of Community and Social Services.

Relationship to Vaughan Vision 2020

This report is consistent with the following Vaughan Vision 2020 policy:

Enhance and Ensure Community Safety, Health and Wellness

- Create a long term strategy to ensure citizens are safe and have access to safety education programs (partnership with York Regional Police as the support agency).

Regional Implications

Not applicable at this time.

Conclusion

Community safety is a universal concern. It is an important consideration for municipalities and the City has been continually improving community safety and security measures through on-going upgrades to services and facilities and through the work of the Safe City Committee.

To move ahead with the outstanding recommendations of the Mayor's Task Force on Community Safety and Security it is recommended that this responsibility be assigned to the Vaughan Safe City Committee. To further broaden the representation on the Safe City Committee, it would be augmented by the addition of three additional (3) members of Council. The Safe City Committee's mandate would be amended to reflect these changes and to address a number of related governance issues. The Committee would then report to Council at first opportunity regarding the implementation of the outstanding recommendations.

Task Force Recommendation No. 1 calls for the creation of a new Community Safety Committee. Rather than appointing an entirely new Committee, it would be appropriate to build on the framework provided by the Safe City Committee. It would also be beneficial to draw upon the Safe City Committee's expertise and experience in this area. Also, this approach would not require the additional time and work that would be involved in striking a new committee.

In response to Task Force Recommendation No. 5 it is also recommended that the York Region Police be requested to establish a Grow-Op Registry and that a letter be prepared to formalize this request.

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On this basis, it is recommended that the recommendations provided above be approved.

Attachments

1. Excerpt from the Mayor's Task Force on Community Safety & Security – Submission to the City of Vaughan Council, dated September 18, 2006: Full text of the "Recommendations" (pp. 20 – 31)

Report prepared by:

Roy McQuillin, Manager of Corporate Policy, ext. 8211

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 5, Report No. 19, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on April 14, 2008.

5

LICENSING REVIEW

The Committee of the Whole (Working Session) recommends that this matter be referred to the Committee of the Whole meeting of May 5, 2008.

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, in consultation with the Manager of Special Projects, Licensing & Permits recommends:

1. That this report be received;
2. That the Licensing By-law be amended to allow for the delegation of administrative authority to the Manager of Licensing to revoke, refuse and suspend a business license, subject to an appeal to the License Committee, as well as an amendment to the Licensing By-law for the delegation of Council's final decision-making to the License Committee, and that the criteria in the Delegation of Powers & Duties Policy be followed;
3. That amendments be made to the Licensing By-law for an inclusion in the Penalty section to:
 - reflect the new maximum fines;
 - reflect the ability to seek a maximum one year term of imprisonment for a person convicted of an offence related Adult Entertainment establishments;
 - reflect the ability to seek that Directors and Officers of corporations who knowingly permit by-law contraventions be found guilty personally;
4. That proposed amendments to the Licensing By-law to include the new licensing category of Clothing Drop Boxes;
5. That amendments be made to the Second Hand Goods section of the Licensing By-law to remove identification and transaction requirements to reflect recent caselaw;
6. That public notice is given with respect to Council's consideration of such amendments to the Licensing By-law.

Economic Impact

Licensing fees are determined based on the costs, both indirect and direct, of administering and enforcing the Licensing By-law, and are revenue neutral.

Communications Plan

Public notice summarizing the proposed amendments will be provided prior to Council's consideration of the matter, pursuant to the Notice By-law 394-2002.

Purpose

This report provides an overview of the *Municipal Act, 2001* amendments, as they relate to the Licensing By-Law. Licensing staff have undertaken an extensive review of the current Licensing By-law, policies and practices. This report outlines specific issues and provide recommendations.

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Background - Analysis and Options

The background section of this report will be set out in Four Parts. Part 1 deals with the *Municipal Act, 2001* amendments. Part II deals with staff recommendations for additional areas of licensing. Part III includes a brief overview of recommended amendments to the Licensing By-Law and Part IV provides a brief overview of changes that have been made to streamline the licensing process.

PART 1 – Municipal Act 2001 Amendments

a) Expansion of Licensing Powers

The *Municipal Act, 2001* amendments relating to Licensing came into force on January 1, 2007. These amendments provide broader powers to municipalities and brought about a shift in philosophy, as licensing by-laws no longer have to be justified under one of three purposes (health and safety, nuisance control or consumer protection), nor do they require an explanation as to their rationale. Generally, a municipality may provide for a system of licensing with respect to businesses, including, among other powers, the following authority:

- To prohibit the carrying on or engaging in the business without a license;
- To refuse to grant a license or to revoke or suspend a license;
- To impose conditions as a requirement of obtaining, continuing to hold or renewing a license;
- To license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;
- To impose conditions in order to obtain, continue to hold or renew a license.

b) Public Notice

Section 153 of the previous *Municipal Act, 2001* required municipalities to hold public meetings prior to enacting a licensing by-law. This requirement was removed through the re-enactment of Part IV of the *Municipal Act, 2001*. Several specific 'notice' provisions have been deleted in the latest round of amendments. This is indicative of the shift away from the Province prescribing such administrative aspects of municipal government. Instead, s.270(1)(4) of the *Municipal Act, 2001* compels municipalities to "adopt and maintain policies with respect to the circumstances in which the municipality shall provide notice to the public and if notice is to be provided, the form, manner and times notice shall be given".

The City's Notice By-law 394-2002 provides for 10-day notice of the public meeting at which the Licensing By-law (amendments) are to be considered. Accordingly, such public notice shall be given.

c) Five Year Term

Historically, municipal licensing by-laws sometimes languished for years between reviews, becoming outdated, antiquated and irrelevant. In 1996, the *Municipal Act* was amended imposing a mandatory '5-year review'. Failure to review and re-enact meant that the licensing by-law would expire. This provision has now been deleted and there is no longer any mandatory review period on municipal licensing by-laws.

d) Delegation of Powers, Duties, and Decision-Making

The amendments to the *Municipal Act, 2001* expand the previous authority to delegate administrative functions and now permit Council to delegate matters of a "minor nature" to an officer, employee or agent of the municipality. Section 23.2(5) (2) cites "the power to issue and

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impose conditions on a license” as an example of a matter that is considered of a “minor nature”. Another example of a matter that would be considered of a “minor nature” is found at section 151(2), which allows for a municipality to summarily suspend a license for 14 days without a hearing, where the municipality believes that the continuance of the license “poses an immediate danger to the health or safety of any person or to any property”

In order to improve efficiencies, staff recommends that Council delegate to the Manager of Licensing the administrative authority to not only deal with summary suspensions but also the authority to issue licenses subject to conditions as appropriate. Applicants would have the right to appeal the Manager of Licensing’s decision to refuse a license, or the imposition of conditions, to the License Committee. Failure to appeal the decision to the License Committee would result in the Manager of Licensing’s decision to become final and binding. The revocation of licenses would continue to be dealt with by the License Committee.

Pursuant to section 23.5(3) of the *Municipal Act, 2001*, Council now has authority to delegate final decision-making authority to License Committee. Prior to the *Municipal Act, 2001* amendments, License Committee could only make recommendations after a hearing, and these recommendations would be forwarded to Council for a final decision. Staff recommends that the final decision-making authority be delegated to License Committee, so as to make the licensing process more efficient.

Staff recommends following the criteria in the Delegation of Powers and Duties Policy to effectuate these delegations.

e) Penalties for Contravention of the Licensing By-law

Fines for contraventions of the Licensing By-law are imposed upon conviction in Provincial Offences Court. According to Section 429 of the *Municipal Act, 2001*, municipalities may now “establish a system of fines for offences under a by-law”. In effect, this enables municipalities to set their own fines. Under such a system of fines, a minimum fine may be prescribed (not exceeding \$500) and maximum fines may not exceed \$100,000. As well, specific fines may be provided for continuing offences, multiple offences, escalating fines for second and subsequent convictions of the same offence, and special fines (in addition to regular fines) designed to eliminate or reduce any economic advantage or gain from contravention of the by-law. Section 425(3) of the *Municipal Act, 2001*, also allows a municipality to charge Officers and/or Directors of a corporation who knowingly contravene a licensing by-law. Staff is proposing to include such a system of fines.

f) Additional Penalties for Adult Entertainment Parlours

Section 430 of the *Municipal Act, 2001* is an entirely new section dealing with additional penalties for an adult entertainment parlour. It provides that, “A municipality may provide that a person who is convicted of an offence for a contravention of a business licensing by-law dealing with an adult entertainment establishment may be liable to a term of imprisonment not exceeding one year in addition to any applicable penalties.” Staff recommends that these amendments be made to the Licensing By-law to include this provision.

g) Administrative Monetary Penalty System

Pursuant to section 150(1)(g) of the *Municipal Act, 2001*, municipalities now have the authority to provide by by-law that a licensee pay an “administrative monetary penalty” if the licensee has failed to comply with a requirement of a municipally issued license. An administrative monetary penalty is an alternative to the traditional enforcement of by-laws by way of charges laid under the *Provincial Offences Act*. Generally speaking, under such a system, a By-law Enforcement Officer would issue a penalty notice if he/she believed that the licensee was in contravention of the

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Licensing By-law. If the Licensee disagreed with the penalty notice, he/she would have a right to appeal to a Hearings Officer, who would have authority to affirm, vary, or rescind the penalty notice. This Hearings Officer would be an individual appointed by Council. Subject to the case law and the Regulations passed under the *Municipal Act, 2001*, the City has discretion to determine the amount of the administrative monetary penalty, who can be appointed as Hearings Officer, to develop its own procedures for the imposition and collection of the administrative penalty, as well as procedures to be followed during the appeal process. The administrative monetary penalty process is beneficial, as it provides an alternative to proceeding by way of charges in the backlogged Provincial Offences Court, thereby allowing the City to more efficiently enforce the Licensing By-law.

Staff are reviewing whether municipalities which choose to proceed by way of administrative penalty are subsequently unable to proceed with Charges under the *Provincial Offences Act*.

Administrative penalties may also apply to matters other than Licensing, such as parking fines. Staff will be reviewing options available to the City for the implementation of these administrative penalties and will report to Council in 2008.

h) Fees and Charges

Licensing fees are no longer limited in that there is also the ability for the City to recover costs related to capital assets (overhead) as well as costs related to administration and enforcement. This is a change from the previous provisions in the *Municipal Act, 2001*, which specifically restricted licensing fees to costs directly related to the administration and enforcement of the by-law. However, the caselaw establishes the requirement of a 'nexus' between the cost of regulating the activity and the fee charged. Staff have undertaken a review of all costs, direct and indirect, to take into account full cost recovery and will report to Council in 2008.

PART II- New Licensing Initiative

Clothing Drop Boxes

At the Council meeting of June 26, 2006 Staff were directed to review the provision of clothing drop boxes throughout the City, including investigating the possibility of introducing licensing provisions. The review was to include a differentiation between clothing drop boxes located on City owned and commercial properties and also that a differentiation be made for those that are charitable organization and for-profit organizations.

In 2006 Enforcement Services received a number of complaints associated with clothing drop boxes throughout the municipality. The complaints related to public nuisance, misleading use of clothing boxes by for-profit organizations, and the failure to keep the area immediately around such boxes clear of discarded items and other potential hazards or obstructions.

The proliferation of clothing drop boxes has been a growing concern in numerous jurisdictions. Although the public's perception is that clothing drop boxes are for charitable or non-profit purposes, this is not always the case. As well, the area around clothing drop boxes is sometimes left unkept by people leaving garbage at the boxes, including unwanted furniture and household items, debris from work sites and at times, household garbage.

Benchmarking indicates that Brampton and Toronto are the only municipalities that license clothing drop boxes. Staff at both these cities indicate they use both licensing and property standard by-laws to ensure that the organizations operating clothing drop boxes are in compliance.

Staff recommends that the Licensing By-law be amended to license the owners and lessees of clothing drop boxes subject to the following:

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1. Restrict the licensing of boxes to charitable organizations.
2. Restrict the number of boxes at any particular location to two;
3. Restrict the location of the boxes to areas that will not impede pedestrian movement, traffic sightlines and not directly in the view of residential homes or prominent areas along a major road or gateway intersection;
4. Restrict such boxes to commercially zoned land, on the written consent of the landowner;
5. Operators will be required to:
 - a) display the name of the charity in a conspicuous place on the drop box in lettering no smaller than 100 mm x 75 mm and of a contrasting color;
 - b) display a notice on the drop box to indicate that all donated articles fit into the box with a prohibition on items such as paint, garbage, soiled rags, propane tanks or any like items that may create a safety hazard;
 - c) display a **pick-up** schedule of donations so as to ensure there is not an overflow or accumulation of goods left outside the drop boxes which is unsightly, and minimize pilferage of goods by passerby which affects the charity and that pick-up occurs during normal business hours so as not to disturb nearby residents.
6. Licensees would be required to maintain appropriate liability insurance coverage in the amount of no less than two million dollars naming the City of Vaughan as an additional insured.

PART III – Consequential By-law Amendments

A number of amendments to the Licensing By-law are recommended as a result of the foregoing, including amendments to the sections dealing with Administration, Applications, License Committee, License Committee Powers, License Committee Hearings, and Grounds for License Refusal, Non-Renewal, Revocation or Suspension. In addition it is recommended that the Licensing By-law be amended to reflect the new licensing area identified in Part II of this Report, as well the new penalty regime identified in Part I of this Report.

In undertaking this Licensing review, Staff have also identified other areas which would require amendments

a) Second Hand Goods – Identification Requirements

The Licensing By-law requires Second Hand Dealers to record personal information of individuals who sell them second hand goods, including the full name, sex, date of birth, address, height, and weight of the individual. To obtain this information, the Second Hand Dealer is required to view pieces of identification such as a driver's license or a passport. The Ontario Court of Appeal has recently ruled that the collection of personal information in relation to second hand goods businesses (currently required by most municipalities) conflicts with section 28 (2) of the *Municipal Freedom of Information and Protection of Privacy Act*.

Accordingly, Staff recommends that the requirements for Second Hand Goods dealers to collect and maintain personal information identifying seller and customers be deleted.

b) Limousines

At the Committee of the Whole meeting of September 4th 2007, Mr. Pawel Grezelak appeared before Committee requesting that the City's definition of limousine be amended to include sedans

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style vehicles as Limousines. Mr Grezelak indicated in his presentation that he had contracted with a local hotel in Vaughan to transport its clients to Pearson International Airport. He stated his fleet consisted of a sedan which did not meet the definition of a limousine and that his clients preferred to use sedans as opposed to stretch limousines.

Historically there has been conflict between the limousine industry and the taxi industry for certain types of fares, and a general impression in the taxi industry is that the limousine industry includes some “bandit” taxicabs. Most of the taxi industry would prefer that limousines be restricted to stretch vehicles as a tighter control to reduce the competition with the cab industry, but some groups of consumers find the limousine industry more responsive to their needs.

The Licensing By-law distinguishes between the cab industry and the limousine industry by limiting limousines to:

- Provide limousine service on a pre-arranged basis;
- Rates provide for a minimum one (1) hour duration at a rate not less than fifty (50.00) dollars for the first hour;
- Definition of a “Limousine” which includes a motor vehicle altered, refurbished or modified to accommodate no less than nine (9) passengers (including drivers seat) and includes a vintage or historic vehicle.

These conditions do set clear limitations on the limousine industry. The clear distinction between the cab industry and the limousine industry should be on the basis of the service provided. A cab provides on demand service for a specific trip. A limousine provides a chauffeured vehicle for an extended engagement or special purpose. A client willing to book an hour in advance and pay a minimum of \$50 for their service should be able to order any type of vehicle they want and clearly isn't ordering cab service. On the other hand, any vehicle providing service for a particular trip on demand should be a licensed Taxi, and Luxury Taxi sedans are currently available for hire by taxi brokers within the City of Vaughan.

These distinctions must be clearly enforced, and the difficulty enforcing them creates some conflict between the taxi industry and the limousine industry, particularly those advertising as limousines, but in fact providing taxi type services. These provisions are difficult to enforce, and the cost of enforcement exceeds the \$230 per year fee currently charged for limousine license renewal.

Based on the foregoing, Staff cannot support the request that sedans be licensed as limousines, however Staff does recommend that the definition of a “Limousine” be redefined to **‘means a motor vehicle that has had a frame length modification of 72 inches or more to accommodate seating capacity for not less than eight (8) passengers. It also includes a vintage or historic vehicle that is licensed as such by the Ontario Ministry of Transportation and to which vintage plates have been issued’**. This would allow Limousine owners to accommodate the needs of particular customers without having to bear the higher expenses associated with the use of a larger limousine, and prevents an imposition on the taxi industry who are in good supply of luxury sedans for public use.

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c) Other amendments

A number of administrative amendments of a minor nature are recommended as a result of Staff's review of current practices and procedures. Included will be amendments to the definition section of the Licensing By-law, minor amendments to sections dealing with inspections, general application requirements, application requirements for body rub applicants to obtain police clearance letters, refreshment vehicles – temporary licenses, tow trucks and tobacco shops.

PART IV – Streamlining of Licensing Procedures

In the past six months Staff have undertaken a comprehensive review of policies and procedures currently followed by the licensing section in an effort to improve the service level being provided to Vaughan residents and business owners. During this period staff have consulted with various municipalities both locally and outside the province to establish best practices. As a result staff have formalized a number of protocols and benchmarked a series of standard operating procedures in various areas of licensing. Some of these procedures include the following:

1. Inactive File Management;
2. Stationary License initial issuance and renewal;
3. Mobile License initial issuance and renewal;
4. Newspaper Box Permits;
5. By-law Enforcement complaints;
6. License Issuance - Computer Programs;
7. Staff and Customer Service Standards; and
8. Building / Fire Dept. processing.

In addition, staff have worked closely with other internal departments and the public to develop standardized forms and mail out / mail in procedures for license renewals. For example, the most recent renewal for taxi drivers and refreshment vehicle drivers were received through a mail in / mail out procedure. Licensees were pleased with this procedure as it was not only efficient and cost effective but it did not unduly inconvenience applicants. Staff will be implementing similar procedures for other licensing categories, where appropriate.

Supplemented upgrades have been provided for software packages used in licensing processes to complement the mail in/ mail out renewal process as well as providing for reports required by management to properly report and prioritize work conducted in the Department. Form letters for license refusals, outstanding issues, renewal letters and final billing letters have all been standardized to allow for consistency of application. Staff are also partnering with Information and Technology Department to update the City's licensing software to provide streamlined reports and standardize data input. This will provide licensing and enforcement field staff with up to date information to enable effective enforcement.

One of the most important aspects of streamlining processes is the development of a consistent approach to license issuance where the Criminal Record search and Drivers Abstract reveal areas of concern. A guideline is being developed by staff to determine when an applicant fails to qualify for a license or renewal, and should be recommended for refusal.

Relationship to Vaughan Vision 2020

The recommendations in this report are consistent with the priorities previously set by Council, in that they promote the Pursuit of Excellence in Service Delivery, they Enhance and Ensure Community Safety, Health & Wellness, and they Enhance Productivity, Cost Effectiveness and Innovation. The necessary resources have been allocated and approved.

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Regional Implications

None

Conclusion

The streamlining of processes within the Licensing section has been undertaken, in part, in response to the Internal Auditor's report. The revision and development of departmental procedures, forms and the collection of reference authorities will help support a cost effective use of staff and other resources to meet public needs and foster a professional and knowledgeable image.

In accordance with the foregoing, some amendments have been identified as appropriate. Public notice is required prior to enacting such amendments.

Attachments

N/A

Report prepared by:

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