

COMMITTEE OF THE WHOLE (WORKING SESSION) – MAY 1, 2012

COMMUNICATIONS

Distributed April 27, 2012

Item No.

- C1. Memorandum from the Commissioner of Legal and Administrative Services & City Solicitor and the Commissioner of Engineering and Public Works, dated April 26, 2012.

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Distributed at the May 1, 2012 Committee of the Whole (Working Session) Meeting

- C2. Presentation material.

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Please note there may be further Communications.

<p>C1 COMMUNICATION CW (WS) May 1/2012 ITEM - 1</p>

DATE: April 26, 2012

TO: Mayor and Members of Council

FROM: Janice Atwood-Petkovski
Commissioner of Legal and Administrative Services & City Solicitor

Paul Jankowski
Commissioner of Engineering and Public Works

RE: Committee of the Whole (Working Session) May 1, 2012
Program Review – Further Discussion
Implications of Reinstatement of Fill By-law for Existing Residential Properties

Information regarding the implications of reinstatement of the City's Fill By-law to existing residential properties was provided to Committee of the Whole December 6, 2011 which recommended that Council consider the implications as part of the discussions regarding Program Review.

As indicated in the report, the City's Fill By-law was amended in 2004 to effectively exempt existing residential properties from application of the By-law. At that time, the City was experiencing significant number of residential complaints relating to disputes between neighbouring owners (an estimated 1000 complaints annually were being received). A civil remedy for nuisance is available to property owners, however, given the By-law in place, the City was also frequently named as a Defendant in such civil proceedings and was obligated to defend such actions. Following lengthy review, Council determined that the Fill By-law should be amended to remove application of the By-law requirements from any land, lot or property with an occupied residence (i.e. property not under development).


As indicated in the December report, reinstatement would necessitate implementation of a fill permit application process, entailing review by Engineering staff, posting of security (letter of credit) by applicants, and site inspections by staff. In addition, complaints would have to be responded to by Enforcement, with Engineering grading/fill inspectors acting as witnesses in prosecution proceedings.

The Municipal Act, s.142, permits the City to enact a by-law that regulates the placement of fill on a property. Accordingly, reinstating the applicability of Fill By-law 189-96 will not affect existing residential properties as the By-law provision cannot be retroactive. It will not be enforced with respect to fill and grading alterations that occurred prior to the date of reinstatement.

The cost to the City for reinstatement of the program, as set out in the December report, is approximately \$500,000 annually.

Based on past experience, fine revenue does not provide a reasonable prospect of cost-recovery. Similarly, costs imposed on the fill permit application would be prohibitive if geared to cost-recovery for administration and enforcement of the program.


Janice Atwood-Petkovski
Commissioner of Legal and Administrative
Services & City Solicitor


Paul Jankowski
Commissioner of Engineering &
Public Works



memorandum

- c Clayton D. Harris
City Manager

- Barbara Cribbett
Commissioner of Finance & City Treasurer

- Heather Wilson
Director of Legal Services

- Jeffrey A. Abrams
City Clerk

CZ
CW(ws) May 1/2012
Item 1

Program Review
Further Discussion
Committee of the Whole
Working Session
May 1, 2012

Today's Agenda

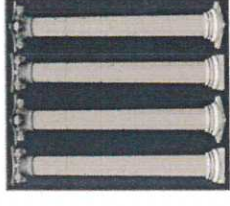
- Synopsis of December 2011 Program Review
- Review of 2012 Ipsos Reid Survey
- Questions for Consideration



Program Review Foundation

Questions approved by Council:

1. Is the program still in the public interest?
2. Does this service fit with the public's priorities?
3. Is the delivery of the program a legitimate and necessary role of the City?
4. Should the program be realigned with other levels of government?
5. Should it be delivered in partnership with the private or voluntary sector?
6. Is the program affordable given our financial situation?
(Question was framed to separate premium vs. mandated programs)
7. Can the program be redesigned for efficiency?



Sorting Programs into Classifications

Sort 1: Is there a community need?

- Is the program still in the public interest?
- Does this service fit with the public's priorities?



Sort 2: What type of municipal service?

- Premium vs. standard vs. mandatory programs

Sort 3: Should others provide programs?

- Is the program a legitimate and necessary role of the City?
- Should the program be realigned with other levels of government?
- Should it be delivered in partnership with the private/voluntary sector?

Sort 4: Are there areas for improvement?

- Can the program be redesigned for efficiency?



Categories & Definitions

Mandatory Programs

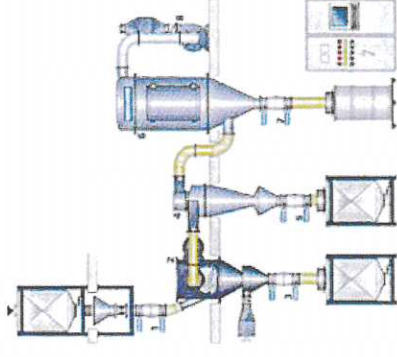
- Imposed by Provincial or Federal Acts

Standard Programs

- Typically provided by GTA municipalities
- Large group subdivided into:
 - *Essential* - Vital for the City to function on a basic level
 - *Traditional* - Needed for the City to function on an urban level
 - *Desirable* - Typical community requested programs

Premium Programs

- Not commonly provided by GTA municipalities or
- Potentially available through other servicing agents



Additional Categories & Definitions

Benefiting Groups

- Entire Community
- Community groups/Individuals

Intent is to classify programs that should be general tax levy funded or candidates for fee/sponsorship subsidy.



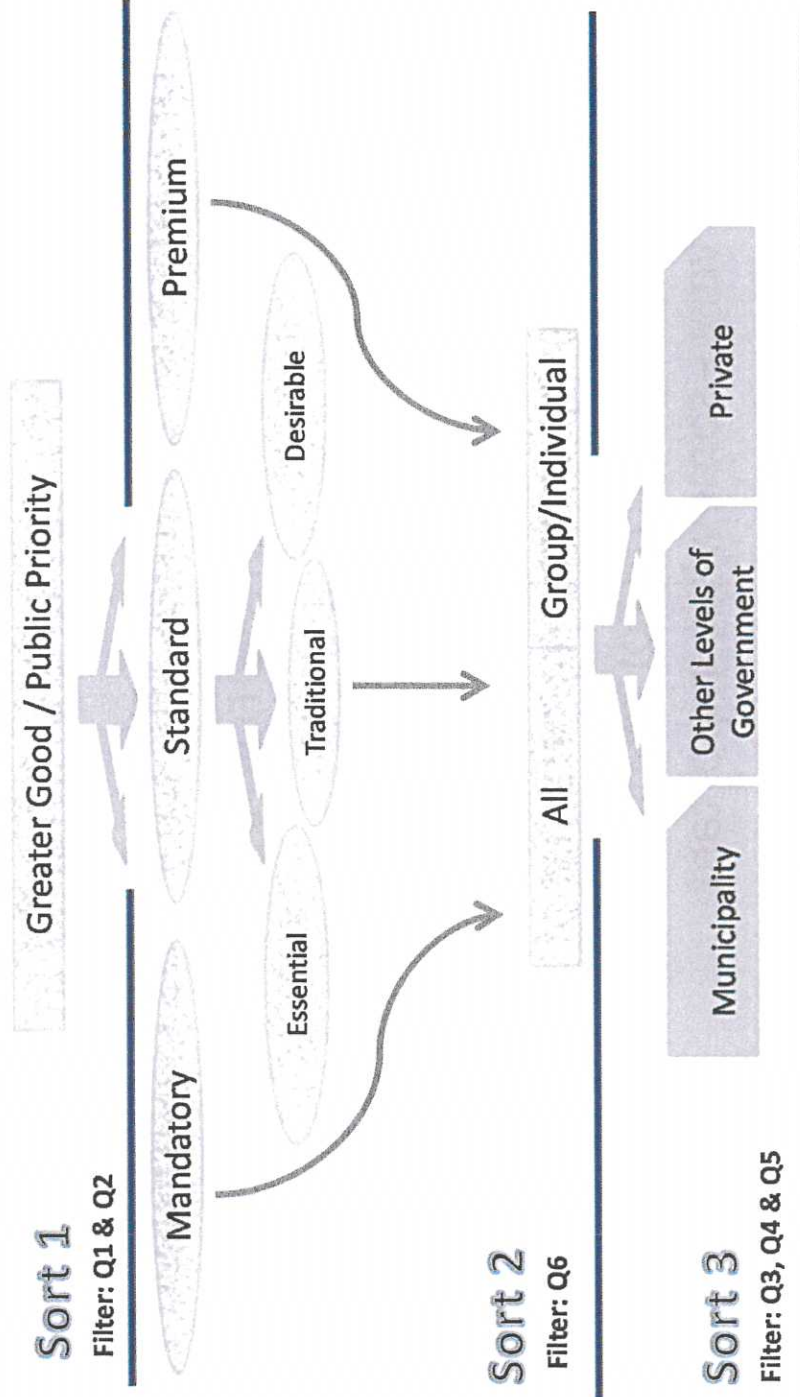
Could Others Provide Programs

- Other government Services
- Private Sector

Intent is to classify programs offered by the City that are offered by the private sector or are related to other levels of Gov't.



Filtering Process - Visual



Sort 1 - Is there a community need?

- With the exception of very few legislative requirements the types of services are primarily at the City's discretion
- At one time or another the City was compelled to implement each of the programs reviewed
- Self-study revealed all programs are community needs
- Ipsos Reid analysis (2011 and 2012) supports the above
 - Polled community on the importance of individual services
 - 74% (2012) to 76% (2011) of respondents rated the lowest ranked service as very - somewhat important

Sort 2: What type of municipal service?

Categories	Programs		Expense	
	#	%	\$ Mil	%
Mandatory Programs	30	15%	33.6	18%
Standard Programs	141	69%	145.3	77%
Premium Programs	33	16%	10.3	5%
	204	100%	189.2	100%



- 95% of the program expense is mandatory or standard
- Findings are similar to other municipal studies
- 33% of the Premium programs relate to City Building

Premium Sub-Categories	Programs		Expense	
	#	%	\$ Mil	%
City building	11	33%	3.5	34%
Offered privately	18	55%	5.8	56%
Related to activities at other levels of Government	4	12%	1.0	10%
	33	100%	10.3	100%

Attachment # 5-7

Sort 2: What type of municipal service?

	Programs		Expense	
	#	%	\$ Mil	%
Standard Programs	29	21%	66.1	45%
Essential Programs	56	40%	48.8	34%
Traditional Programs	56	40%	30.4	21%
Desirable Programs	141	100%	145.3	100%

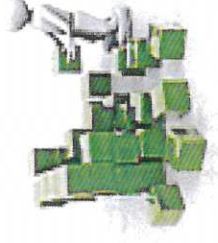
Attachment # 6



- Approximately 70% of the programs are typically performed by GTA municipalities
- Almost ½ the value is classified as essential
- “Vital for the City to function on a basic level” e.g. fire
- 21% of the value relate to common GTA community requests e.g. Access Vaughan, Internal Audit, Events, etc.

Sort 2: What type of municipal service?

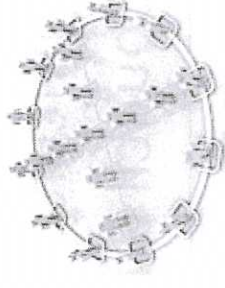
- 84 programs valued at \$53m classified as serving community groups/individuals
- Higher than the \$30m in fees/recoveries budgeted
- Sub-divided into 3 groups
 - *Fee recovery potential - \$7m net*
 - *Sponsorship potential - \$2m net*
 - *Other consideration - \$13m net*
- Opportunities for investigation (longer term exercise)
- Difficulty in collection, legislative limitations, and Council directed policies may present challenges



Sort 3: Could others provide programs?

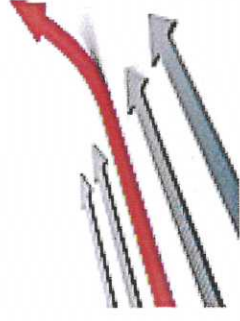
- Programs offered by the private sector or are related to other levels of government
- 26 programs offered by the private sector (\$5m net)
e.g. windrow, fitness centres, etc.
- 4 programs related to activities at other levels of government (\$1m net)
- Attachment exp. values are dept. based not full cost
- Potential opportunities for consideration

Attachment # 9



Sort 4: Are there areas for improvement?

- Identified opportunities for operational reviews
 - Waste Management
 - Parks Development
 - Fleet
 - Building Standards
 - Property Tax
 - Licensing
 - Enforcement
 - Boulevard Maintenance



Attachment # 10

Program Review Observations

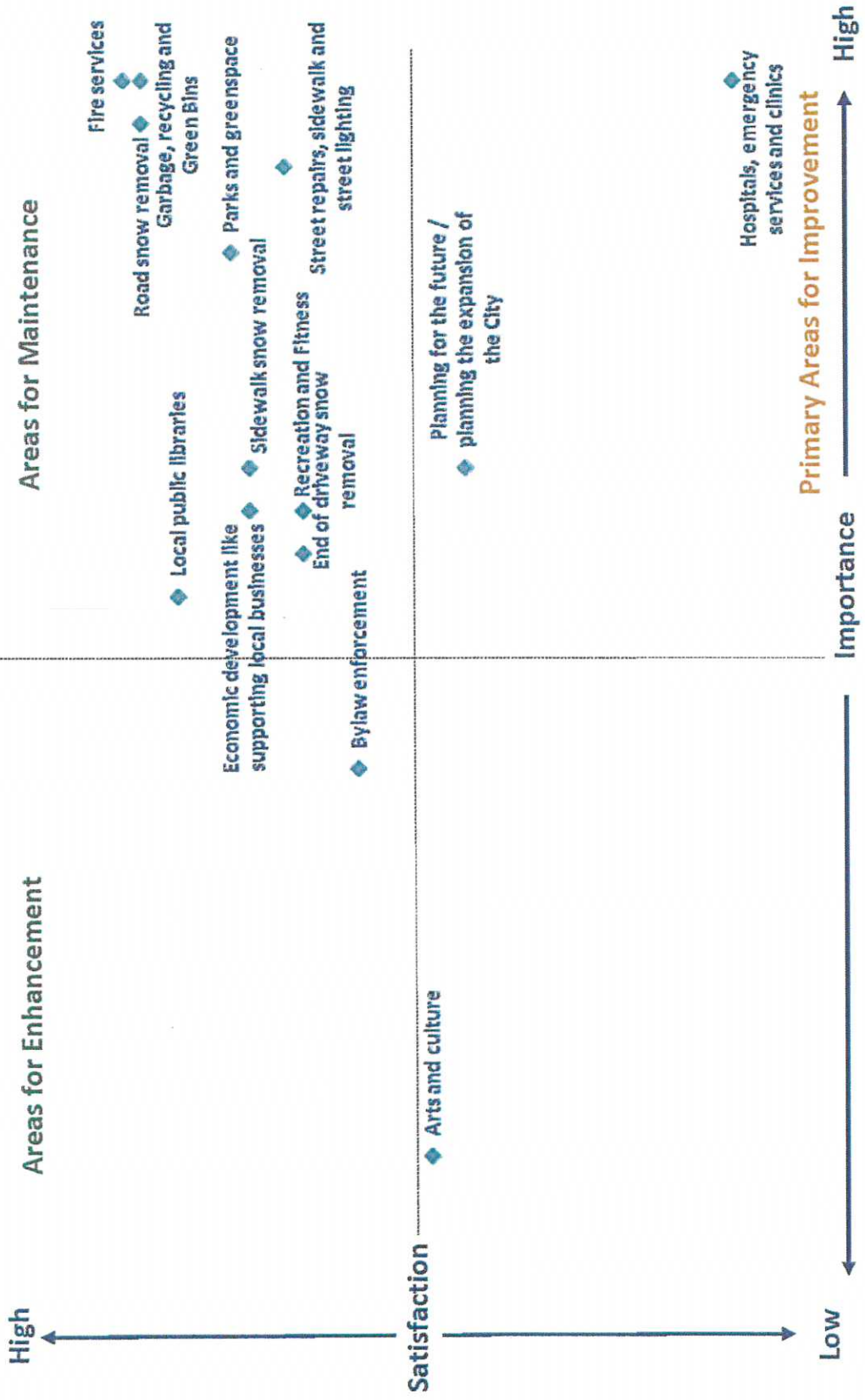
- Council has broad discretion regarding City services
- 95% of the total program value is allocated to programs that are mandated or traditionally provided in the GTA
- 5% of the total program value is related to premium programs, which represent localized interests and city building initiatives
- As premium programs only make up 5% of the total program values, the ability to change our budget is limited





Ipsos Reid 2012

Importance vs Satisfaction
Gap Analysis

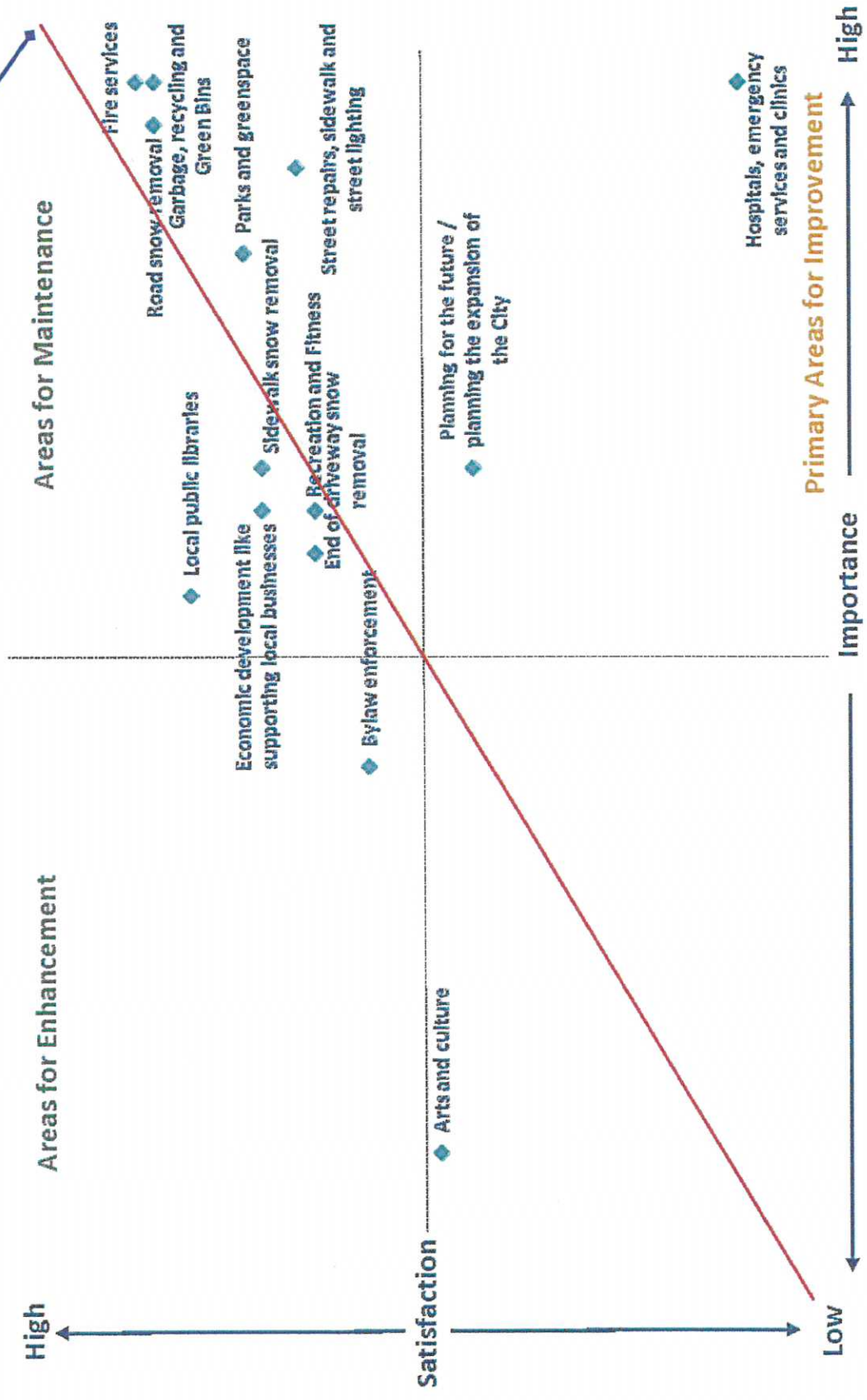


Survey Observations



- Majority of programs in the High Importance (HI)-High Satisfaction (HS) quadrant are Mandatory or Standard-Essential Programs.
 - Indicates residents value these services and are relatively happy with service level
 - Opportunity during constraint to more precisely match importance and satisfaction when considering resource allocation (see next slide)
- Two programs in HI-HS quadrant are premium programs
 - Sidewalk clearing
 - End of driveway snow plowing
 - Not provided traditionally, but highly valued by residents in Vaughan

Importance = Satisfaction



Questions to Consider



- Are there specific programs that could be reduced, eliminated or up-loaded to another level of government or transferred to the private sector?
- Are there specific programs for which new fees or increased fees should be considered?
- Is the objective to have satisfaction equal to importance for all surveyed programs?
- How can we incorporate the Program Review filtering framework and survey results into our prioritization and decision making processes?
- Having reviewed and discussed the Program Review and survey results, are there changes that Council wishes to explore in more detail?