

COUNCIL – APRIL 17, 2012

Revised(6) 4/18/2012 6:29 PM

Distributed April 13, 2012

| | | Report No. | Item No. | Committee |
|----|---|---------------|-------------|--|
| C1 | Commissioner of Planning, dated April 17, 2012 | 12 | 23 | Committee of the Whole |
| C2 | Commissioner of Planning, dated April 17, 2012 | 12 | 23 | Committee of the Whole |
| C3 | Commissioner of Planning, dated April 17, 2012 | 12 | 23 | Committee of the Whole |
| C4 | Commissioner of Community Services, dated April 17, 2012 | 12 | 25 | Committee of the Whole |
| C5 | Commissioner of Legal and Administrative Services & City Solicitor | 12 | 33 | Committee of the Whole |
| C6 | M. Nicolini, 23 Queen Post and S. Nicolini, 29 Queen Post, Woodbridge | 14 | 4 | Committee of the Whole (Public Hearing) |

Distributed April 16, 2012

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|-----|--|----|---|---|
| C7 | The Commissioner of Finance and City Treasurer | 2 | 2 | Priorities and Key Initiatives |
| C8 | Frank Cowan Company Limited, dated April 15, 2012 | 15 | 1 | Committee of the Whole (Working Session) |
| C9 | Richard Lorello, dated April 15, 2012 | 15 | 1 | Committee of the Whole (Working Session) |
| C10 | Commissioner of Legal and Administrative Services & City Solicitor, dated April 16, 2012 | 15 | 1 | Committee of the Whole (Working Session) |

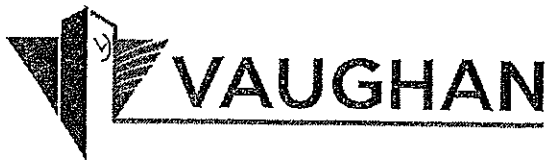
Distributed April 17, 2012

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|-----|---|----|----|------------------------|
| C11 | S. Preece, dated April 16, 2012 | 12 | 23 | Committee of the Whole |
| C12 | J. Davenport, dated April 17, 2012 | 12 | 23 | Committee of the Whole |
| C13 | C. Woodland, TRCA, dated April 17, 2012 | 12 | 23 | Committee of the Whole |
| C14 | Commissioner of Planning, dated April 17, 2012 | 12 | 23 | Committee of the Whole |
| C15 | Commissioner of Planning, dated April 17, 2012 | 12 | 23 | Committee of the Whole |
| C16 | J. Taglieri, West Rutherford Properties Ltd, dated April 17, 2012 | 12 | 23 | Committee of the Whole |
| C17 | J. Taglieri, Ozner Corporation (South), dated April 17, 2012 | 12 | 23 | Committee of the Whole |

Disclaimer Respecting External Communications

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Please note there may be further Communications.



memorandum

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING
DATE: APRIL 17, 2012
RE: COMMUNICATION
COMMITTEE OF THE WHOLE - APRIL 3, 2012 - REPORT 12, ITEM #23
MODIFICATIONS TO THE VAUGHAN OFFICIAL PLAN - 2010
RESPONSE TO PUBLIC, GOVERNMENT AND AGENCY SUBMISSIONS
FILE 25.1

| | |
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| C | 1 |
| Item # | 23 |
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In respect of the above cited report, the following administrative corrections to the text have been identified:

1. Page 23.2 (Attachment 1)

"modified by Council on September 27, 2012 ~~2011~~ or Volume 2 as modified by Council on March 20, 2012;

5. This report be forwarded to the Region of York as the City of Vaughan's comments and recommended modifications to VOP 2010, Volume 1 (September 27, 2012 ~~2011~~ version) for its consideration as part of the on-going review process leading to an Ontario Municipal Board Hearing. "

2. Page 23.15 (Attachment 2)

"4. Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority has requested several modifications. These have been identified and addressed in Attachment 6 under Item 550 ~~249C~~."

3. Page 23.45, Item 168E, Column 3 (Attachment 3)

"The existing gas bar and eating establishment were subject to City OPA 565 ~~525~~ and ROPA 16."

It is recommended that these changes be made and incorporated into Committee of the Whole Report 12, Item #23.

This correction does not alter the conclusions or recommendations of the report.

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

- Attachments:
1. Revised Committee of the Whole Report - page reference 23.2
 2. Revised Committee of the Whole Report - page reference 23.15
 3. Revised Committee of the Whole Report - page reference 23.45

/lm

Copy To: Clayton Harris, City Manager
Jeffrey A. Abrams, City Clerk
Diana Birchall, Director of Policy Planning
Roy McQuillin, Manager of Policy Planning
Steven Dixon, Planner I

5. modified by Council on September 27, 2012 ~~2011~~ or Volume 2 as modified by Council on March 20, 2012;
6. This report be forwarded to the Region of York as the City of Vaughan's comments and recommended modifications to VOP 2010, Volume 1 (September 27, 2012 ~~2011~~ version) for its consideration as part of the on-going review process leading to an Ontario Municipal Board Hearing.
7. City staff be authorized to work with the Region, as necessary, to finalize the necessary wording to effect the Provincial and Regional modifications, for inclusion in VOP 2010.

Contribution to Sustainability

Goal 2 of *Green Directions Vaughan*, the City's Community Sustainability and Environmental Master Plan, focuses on the new Official Plan to "ensure sustainable development and redevelopment". The description of Goal 2 explains the transformative vision for the new Official Plan.

Vaughan is committed to sustainable land use. Vaughan Tomorrow, our consolidated Growth Management Strategy – 2031, has a central focus on creating a cutting-edge Official Plan that will provide for increased land use densities, efficient public transit, considerations for employment lands and open space systems, as well as walkable, human scale neighbourhoods that include services, retail, and an attractive public realm. The plan will guide the creation of the physical form that will reflect a "complete" community.

Economic Impact

The Vaughan Official Plan 2010 establishes the planning framework for development throughout the City to 2031. The Plan, when approved, will have a positive impact on the City of Vaughan in terms of managing growth and fostering retail and residential intensification and employment opportunities while fulfilling the City's obligations to conform with Provincial policies and meet Regionally imposed targets for residential and employment growth.

Communications Plan

Notice of this meeting has been communicated to the public by the following means:

- Posted on the www.vaughan.ca online calendar, Vaughan Tomorrow website www.vaughantomorrow.ca, City Page Online and City Update (corporate monthly e-newsletter);
- Posted to the City's social media sites, Facebook and Twitter;
- By Canada Post to almost 1500 addresses on the Vaughan Tomorrow/Official Plan Review mailing list, updated to include the parties identified in the letters directed to the Region of York; and
- To the Official Plan Review e-mail list.

Purpose

To make recommendations on further modifications to VOP 2010 resulting from on-going analysis by staff in consideration of input from stakeholders.

Centre Street between Dufferin Street and Highway 7 shall be revised to indicate that it is under Provincial jurisdiction.

It is recommended that the missing link of Kirby Road between Huntington Road and Highway 27 be added to Schedule 9 and designated as a Minor Arterial Road (Vaughan).

Discussion and Action:

Staff are satisfied with the changes identified by the Region. The last item on the list is a recommendation that the missing link on Kirby Road between Huntington Road and Highway 27 be added to Schedule 9 and designated as a minor arterial road under Vaughan's jurisdiction. This is not supported for environmental reasons and it is not provided for under the City's Transportation Master Plan. Staff will be working to ensure that Schedule 9 correctly reflects the provisions of the Transportation Master Plan, as approved by Council. This information will be provided to the Region of York.

11. Schedule 13: change the land use designation of lands municipally known as 77 and 87 Woodstream Boulevard from "Mid-Rise Mixed Use" to "General Employment", as the Municipal Comprehensive Review recommended that these employment lands not be converted for residential purposes.

Discussion and Action:

On September 27, 2011 Council approved the following recommendation (in part) of the Special Committee of the Whole meeting of September 12, 2011, in respect of these properties as follows:

"That the present Mid-Rise Mixed-Use land use designation as adopted by the City of Vaughan on September 7, 2010 be maintained for 77-87 Woodstream Boulevard with the understanding that the equivalent ground floor area of the existing banquet hall will be maintained and/or increased in the proposed development for the subject site, and that construction of a pedestrian crossover bridge which provides direct access to the school and soccer centre facility on Martin Grove Road for the community east of Rainbow Creek will also be undertaken by the developer."

In addition, since the report, information has been provided by the applicant to clarify how the proposal might meet the requirements of the Growth Plan policies. The applicant has submitted information to address the employment land inventory issues raised by Hemson Consulting during their review and other policy issues raised by City staff. Staff has not reviewed this new information in detail to-date recognizing Council's position. Should Council wish to alter or reinforce its previous decision it may wish to adopt a resolution advising Regional Council of its position.

4. Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority has requested several modifications. These have been identified and addressed in Attachment 6 under Item 550 ~~249C~~.

Attachment 6
Part B: Vaughan Official Plan 2010 (Volume 1) - Summary of Further Modifications, Comments and Recommendations

| Item | Submission | Issue | Comments | Recommendation |
|--------------|--|---|--|---|
| I-53F | <p>DATE: March 21, 2012</p> <p>RESPONDENT: Internal</p> <p>LOCATION: North of Steeles Avenue, east of Jane Street</p> | <p>On March 20, 2012 Council ratified a recommendation in regard to Item 53YR2 as it respects the Steeles West Secondary Plan Area. UPS, a property owner in the secondary plan area, was concerned that there were parts of the originating OPA No. 620 missing from Section 11.3 of Volume 2 of the plan. Staff concurred and the policies are in the process of being finalized. On this basis Council approved the following recommendation:</p> <p>"That the revised version of the Steeles West Corridor Secondary Plan be incorporated into Section 11.3 of Volume 2 of VOP 2010."</p> <p>As part of the finalization exercise there will need to be a mapping reference in Volume 1 (Schedule 14-A) referring to the UPS lands referencing a specific policy applying to UPS.</p> | <p>The purpose of adding a specific policy applying to UPS is to continue the policies of OPA 620 for the UPS lands. This will allow for the continuation of the use and underlying employment designations and provide better awareness of its long-term presence in the corridor. This will ensure that sensitive land uses, which may wish to locate in their vicinity, will be required to minimize land use conflicts with the UPS operation. Recognition of the UPS site and the corresponding policy on Schedule 14-A to Volume 1 will further that objective. This will allow the reference to be included in the package of modifications to Volume 1 that will be addressed in the Region of York's forthcoming report. The specific language will be reported on at a later date for incorporation into Volume 2.</p> | <p>That Schedule 14-A to VOP 2010 be modified by identifying the UPS lands within the area shown as "Steeles West Secondary Plan" and by providing the notation: "Refer to Map 11.3.F and Policy 11.3.14.6"</p> |
| 168E | <p>DATE: February 23, 2012</p> <p>RESPONDENT: Rosemarie L. Humphries Humphries Planning Group Inc.</p> <p>LOCATION: 2480 Kirby Road</p> | <p>Previous correspondence requested that the subject land be included within the urban boundary designation as the lands are currently municipally serviced and have land use approvals for service commercial uses inclusive of gas station and car wash, drive-thru eating establishment and motor vehicle sales and repair for farm/heavy equipment /trucks.</p> <p>A place of worship, institutional, transportation and industrial uses may also be considered for the vacant portion of the site. The balance of the</p> | <p>The existing gas bar and eating establishment were subject to City OPA 565 525 and ROPA 16. Given the level of previous approvals, staff can recommend that these uses be recognized, provided it does not involve an Urban Boundary Expansion. The gas bar/eating establishment use can be recognized by policies in Section 13 of Volume 2 being shown on Schedule 14-C "Areas Subject to Site Specific Plans".</p> <p>The respondent has a current zoning approval to permit a place of worship</p> | <p>That the existing gas bar and eating establishment, as recognized in OPA 565 and Amendment 16 to the Region of York Official Plan, be recognized in Section 13 of Volume 2 and be shown on Schedule 14-C "Areas Subject to Site Specific Plans".</p> |



memorandum

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| C | 2 |
| Item # | 23 |
| Report No. | 12 |
| Council - Apr 17 / 12 | |

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING
DATE: APRIL 17, 2012
RE: COMMUNICATION
COMMITTEE OF THE WHOLE - APRIL 3, 2012 - REPORT 12, ITEM #23
MODIFICATIONS TO THE VAUGHAN OFFICIAL PLAN - 2010
RESPONSE TO PUBLIC, GOVERNMENT AND AGENCY SUBMISSIONS
FILE 25.1

When Council adopted VOP 2010, Volumes 1 and 2, on September 7, 2010, it also adopted a resolution advising the Region of York that the new Official Plan met the requirements of Section 26, (1)(a)(i), (ii) and (iii), of the Planning Act. The resolution confirmed for the approval authority that the City has conducted a 5-year review of the Official Plan and that the plan adopted by Council conforms or does not conflict with Provincial plans; has regard to matters of Provincial interest under Section 2 of the Act; and is consistent with the Provincial policy statements. Section 26(7) requires a Municipal Council to declare to the approval authority by resolution that the revisions to the Official Plan also meet the requirements of Section 26(1)(a)(i), (ii) and (iii).

At this time it is appropriate for Council to update the resolution to acknowledge the subsequent modifications that have been undertaken since September 7, 2010. Therefore, it is recommended that Council adopt the following resolution

That the Ontario Municipal Board and the Region of York be advised that the Council approved modifications of September 27, 2011, March 20, 2012 and April 17, 2012 in respect of Volumes 1 and 2 of the City of Vaughan Official Plan 2010, meet the requirements of Section 26, (1)(a)(i), (ii) and (iii), of the Planning Act R.S.O. 1990, c. P. 13, as amended.

Adoption of this resolution will confirm for the approval authority that the requirements of this section of the Planning Act have been met.

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

Attachments: n/a

Copy to: Clayton Harris, City Manager
Janice Atwood-Petkovski, Commissioner of Legal/Administrative Services, City Solicitor
Jeffrey A. Abrams, City Clerk

RM/im



memorandum

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING
DATE: APRIL 17, 2012
RE: COMMUNICATION
CLARIFICATION OF RECOMMENDED RESOLUTIONS
COMMITTEE OF THE WHOLE - APRIL 3, 2012 – REPORT 12, ITEM #23
MODIFICATIONS TO THE VAUGHAN OFFICIAL PLAN – 2010
RESPONSE TO PUBLIC, GOVERNMENT AND AGENCY SUBMISSIONS
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In order to assist the public in interpreting several of the recommended resolutions emerging from the April 3, 2012 Committee of the Whole report it is recommended that the following changes be made to better identify the originating source and/or the location of the modification.

Committee of the Whole Recommendation 1)

It is recommended that the sentence "Delete recommendation 2 and replace it with the following:" be deleted and be replaced by:

"Delete recommendation 2 in Item 260D contained in Attachment 6 (Steeles Avenue west of Kipling Avenue) and replace it with the following:"

Committee of the Whole Recommendation 3)

It is recommended that the first sentence, "That the recommendation set out in Item 168E be amended by adding that the following paragraph after the last paragraph in the recommendation:" be deleted and be replaced by the following:

"That the recommendation set out in Item 168E in Attachment 6 (Northwest Corner of Keele Street and Kirby Road) be amended by adding the following after the last paragraph in the recommendation."

Committee of the Whole Recommendation 4)

It is recommended that the first line of Recommendation 4 be amended to read as follows:

"That Council reaffirms its position, in respect of the lands located at 77-87 Woodstream Boulevard, as approved September 27, 2011"

The recommended changes are non-substantive in nature but will help the reader better understand the origin of the change and what lands are affected.



memorandum

I trust that this is of assistance.

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

Copy to: Clayton Harris, City Manager
Janice Atwood-Petkovski, Commissioner of Legal and
Administrative Services, City Solicitor
Jeffrey A. Abrams, City Clerk

RM/lm

COUNCIL – APRIL 17, 2012

AWARD OF TENDER T12-144
BOULEVARD AND TURF MAINTENANCE

| | |
|------------------------------|-----------|
| C | <u>4</u> |
| Item # | <u>25</u> |
| Report No. | <u>12</u> |
| <u>Council - Apr 17 / 12</u> | |

Recommendation

The Commissioner of Community Services, in consultation with the Directors of the Parks & Forestry Operations Department and the Purchasing Services Department, recommends:

1. The Award of Tender T12-144 for Boulevard and Turf Maintenance within the City of Vaughan be awarded to Municipal Maintenance Inc. for \$428,698.46 (including HST). The contract was advertised for two (2) years, plus three (3) additional (1) one year option(s) at the discretion of the City, based on an estimated area of 121.13 hectares, with an estimated 12 cuts per year, and 2 debris pick ups (Spring & Fall); and,
2. That a bylaw be enacted authorizing the Mayor and the City Clerk to sign the necessary documents.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions Vaughan, Community Sustainability Environmental Master Plan, Goal 6, Objective 6.1:

- To fully support the implementation of Green Directions at all levels of City operations by ensuring that grass clippings are mulched and left on site to improve soil fertility.

Economic Impact

Funds for the T12-144 Boulevard and Turf Maintenance Contract are approved in the 2012 Operating Budget.

Communications Plan

Not applicable.

Purpose

The purpose of this report is to award Tender T12-144 for Boulevard and Turf Maintenance within the City of Vaughan, municipal boulevards only.

Background - Analysis and Options

The City of Vaughan maintains the grass cutting and debris pick up on municipal boulevards throughout Vaughan that are not fronting private property. The Region of York maintains the grass cutting and debris pick up on Regional roads. Until 2009, the City of Vaughan administered both the regional and municipal boulevards under one contract. However, for the past two years, the Region chose to maintain their own boulevards indicating that costs associated with the City of Vaughan's higher level of service as the reason for not continuing with one contract.

During the past year, every effort was made to combine the two contracts in order to deliver a consistent level of service in Vaughan for grass cutting on regional and municipal boulevards. In November 2011, the Region and the City agreed on a consistent level of service, but a tender was not issued because the Region wanted to negotiate the City's contract administration fee. In an effort to issue one contract, staff attempted to negotiate an acceptable contract administration

fee and delayed issuing the tender to allow the Region adequate time to make a decision. Unfortunately the Region chose to go on their own and issue a tender in February 2012. Their decision was communicated to us in mid-February (after they issued their tender) resulting in a significant delay in our tendering process. This delay, coupled with the anticipated early growing season this year, make it imperative that the contract to be awarded as soon as possible to avoid cutting delays and maintain our service levels.

Parks and Forestry Operations and Purchasing staff have checked references and met with Municipal Maintenance Inc. and reviewed the equipment and staff resources dedicated to this contract and determined that they met the necessary requirements of the contract.

This tender was advertised in the Vaughan Citizen (Classified Section), Ontario Public Buyers Association and the Bidding (formerly called Electronic Tender Network – ETN) on March 19, 2012. Tenders closed and were publicly opened on April 3, 2012 at 3:00 p.m. Twelve (12) bid documents were issued and twelve (12) bids were received, of which two (2) were deemed not compliant by the Purchasing Services Department. The bid results are as follows:

Area 1

| | |
|-------------------------------------|--------------|
| 1. Municipal Maintenance Inc. | \$123,410.51 |
| 2. The Grounds Guys Landscape | \$273,851.55 |
| 3. Terratechnik Environmental Ltd. | \$295,523.26 |
| 4. Erin Mills Gardening & Landscape | \$299,463.56 |
| 5. Lima's Garden & Construction | \$346,826.09 |
| 6. Clintar Landscape Management | \$370,389.14 |

Area 2

| | |
|-------------------------------------|--------------|
| 1. Municipal Maintenance Inc. | \$ 84,019.65 |
| 2. Humberview Maintenance | \$134,452.92 |
| 3. GTA | \$152,372.81 |
| 4. The Grounds Guys Landscape | \$154,250.65 |
| 5. Terratechnik Environmental Ltd. | \$201,196.50 |
| 6. Erin Mills Gardening & Landscape | \$203,879.12 |
| 7. Lima's Garden & Construction | \$236,124.21 |
| 8. Clintar Landscape Management | \$252,172.68 |

Area 3

| | |
|-------------------------------------|--------------|
| 1. Municipal Maintenance Inc. | \$ 96,796.03 |
| 2. BiView Building Services Ltd. | \$155,763.72 |
| 3. Humberview Maintenance | \$165,653.48 |
| 4. The Grounds Guys Landscape | \$196,249.93 |
| 5. Lima's Garden & Construction | \$197,857.01 |
| 6. Erin Mills Gardening & Landscape | \$227,464.48 |
| 7. Terratechnik Environmental Ltd. | \$231,791.26 |
| 8. MPS Property Services | \$255,880.23 |
| 9. Clintar Landscape Management | \$290,511.70 |

Area 4

| | |
|-------------------------------------|--------------|
| 1. Municipal Maintenance Inc. | \$ 51,777.91 |
| 2. The Grounds Guys Landscape | \$ 95,058.43 |
| 3. Erin Mills Gardening & Landscape | \$121,674.62 |
| 4. Terratechnik Environmental Ltd. | \$123,989.26 |
| 5. Lima's Garden & Construction | \$145,513.78 |
| 6. Clintar Landscape Management | \$229,399.86 |

Area 5

| | |
|-------------------------------------|--------------|
| 1. Municipal Maintenance Inc. | \$ 72,694.36 |
| 2. The Grounds Guys Landscape | \$141,814.32 |
| 3. Erin Mills Gardening & Landscape | \$170,827.07 |
| 4. Terratechnik Environmental Ltd. | \$174,076.50 |
| 5. Lima's Garden & Construction | \$204,296.18 |
| 6. Clintar Landscape Management | \$218,175.88 |

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the project will provide:

- **STRATEGIC GOAL:**
Service Excellence – Providing service excellence to citizens.
- **STRATEGIC OBJECTIVES:**
Pursue Excellence in Service Delivery; and Enhance and Ensure Community Safety, Health and Wellness – To deliver high quality services and to promote health and wellness through design and program.

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

There are no regional implications.

Conclusion

Parks Operations staff has reviewed the bid submissions and have determined that the bid supplier Municipal Maintenance Inc. is deemed to meet the requirements of the contract. Funding for this activity has been approved as part of the 2012 Budget process and is shown in the 2012 Parks & Forestry Operations Department Operating Budget.

Attachments

None

Report prepared by:

Marjie Fraser, Director of Parks & Forestry Operations, Ext. 6137
Jeffrey Silcox-Childs, Manager of Parks Services, Ext. 6140

Respectfully submitted,



Marlon Kallideen
Commissioner of Community Services



memorandum

| | |
|----------------------------|-----------|
| C | <u>5</u> |
| Item # | <u>33</u> |
| Report No. | <u>12</u> |
| <u>Council - Apr 17/12</u> | |

DATE: April 13, 2012

TO: Mayor and Members of Council

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

RE: **Coconut's Restaurant and Lounge**
2180 Steeles Avenue, City of Vaughan Ward 4

Background

On April 3, 2012, the owners of Coconut's Restaurant and Lounge, Mr. Ganga Totaram and Mrs. Sarajdai Totaram, made a deputation to the Committee of the Whole (C1, Item 33, Report 12) to seek an extension to the outdoor exhibition times stipulated in the Special Events By-law at the above-noted location to a time of 4:00 a.m. for events taking place on:

Saturday, June 23rd, 2012

Sunday, June 24th, 2012

Sunday, July 1st, 2012 (Canada Day)

Friday, August 3rd, 2012

Saturday, August 4th, 2012

Sunday, August 5th, 2012 (August 4th and 5th are part of the Civic Holiday long weekend)

The Special Events By-law (370-2004) only allows for events to be conducted from 7a.m. – 12 a.m. Therefore, Coconut's Restaurant and Lounge is requesting a significant exemption to By-law 370-2004. The provisions of the Noise By-law 96-2006 need also to be considered due to the potential infiltration of noise to a residential subdivision less than one kilometer away.

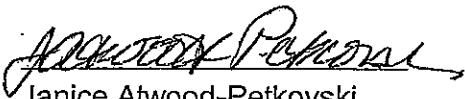
Coconut's Restaurant and Lounge is located at 2180 Steeles Avenue (Ward 4) which is situated on the north side of Steeles Avenue, east of Keele Street, within the City of Vaughan. The area consists of commercial and employment areas to the north and south, York University to the west, and the Glen Shields Subdivision (Ward 5) to the east. The location of the venue is separated from the closest residence on Bob O'Link Avenue by 900 metres. The residence and event location are separated by an area of open space, industrial buildings, and the CN Rail Tracks. Noise from this event should be mitigated by the environment, but may not be totally eliminated.

Staff have consulted with York Regional Police and have indicated that they would be satisfied with the event being tied to their existing Liquor License requirements, which require the premise to close at 2:00 a.m. The police indicated that they will have a requirement to have a minimum of four paid duty officers on site.

Recommendations

1. As a result of the comments by York Regional Police, and the proximity of a residential subdivision, staff recommend that the outdoor exhibition be extended to no later than 1:30 a.m. for all dates. This will allow for the event to end and all traffic is clear of the area by 2:00 a.m.
2. Staff also recommend that no noise monitoring under the Noise By-law be required for the first weekend event. Should the City of Vaughan receive noise complaints related to the first weekend event, subsequent outdoor exhibitions at that location shall be subject to Noise Monitoring provisions set out in City of Vaughan By-law 96-2006. Should there be any violations of the Noise By-law, as verified through noise monitoring, the extension for the future events is withdrawn.

Respectfully Submitted,



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

c Clayton D. Harris
City Manager

Tony Thompson
Director of Enforcement Services

Jeffrey A. Abrams
City Clerk

| | |
|---------------------|----|
| C | 6 |
| Item # | 4 |
| Report No. | 14 |
| Council - Apr 17/12 | |

CANNOT GO AGAINST O.M.B. DECISION.
THE BUILDING CAN ONLY HAVE 44
UNITS.

SITE AGREEMENT PLAN IS VERY
STRICT, FOR THE LOOK OF THE BUILDING
BECAUSE OF MASSIVE LOOK. PLEASE
REFER TO THE BY LAW, & ALSO YOU
MAY LOOK AT PARKING BY LAW.
RESTRICTIONS.

PLEASE NOTE, THIS PARTICULAR PROJECT
HAS A LOT OF RESTRICTIONS, PARTICULAR
LOOK, NOISE, SMELL. REFER TO BYLAW
RESTRICTIONS -
GENERATOR DOES NOT APPEAR ON
FRONT, OR SIDE ELEVATION AND IS NOT
TO BE THERE ACCORDING TO THE PLAN.
IT IS TO BE IN THE GARAGE, WHICH
THERE IS A PLAN FOR.

WITH ALL THESE RESTRICTIONS, THEY
CANNOT CHANGE ANYTHING, INCLUDING
ZONING.

23 QUEEN POST
29 QUEEN POST

MARY S. Nicolini
C.M.E. Nicolini
905-851-4234
L4L 362



memorandum

| | |
|------------------------------|--------------|
| C | <u>7</u> |
| Item # | <u>2</u> |
| Report No. | <u>PKI 2</u> |
| <u>COUNCIL - April 17/12</u> | |

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: BARBARA CRIBBETT, COMMISSIONER OF FINANCE AND CITY TREASURER

SUBJECT: COMMUNICATION

COUNCIL MEETING - APRIL 17TH, 2012

ITEM #2 KEY PRIORITIES AND INITIATIVES COMMITTEE – MARCH 26TH
VAUGHAN VISION STRATEGIC INITIATIVES AND MILESTONES UPDATE
RE: FINANCIAL MASTER PLAN

Background – Analysis and Options

On March 26th, Members of the Priorities and Key Initiatives Committee briefly discussed the Financial Master Plan (FMP) initiative. As a result, staff thought it appropriate to provide a communication on the following subjects:

- Information Previously Provided
- Update on Timing of Financial Master Plan
- Objectives and Framework

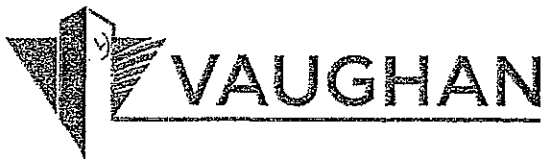
Information Previously Provided

Developing a Financial Master Plan is an iterative and evolving process. The Master Plan incorporates a number of inter-related pieces which make it very complex. Although in the final stages of completion, the financial planning exercise yielded many benefits over the past few years and has served as a basis for identifying issues at a high level, resulting in the following information being presented to Council:

- *Identification of the City's infrastructure funding gap - (2006, 2007, 2008, 2009)*
- *Implementation of multi-year budgets (moving to 4 year budgets)*
- *Development of the City's Municipal Price Index*
- *Basis for the development of PSAB reporting*
- *Adoption of life-cycle infrastructure funding policies (Sept. 27th, 2011)*
- *Machine time process changes, etc.*

Update on Timing of Financial Master Plan

Staff's intent is to provide a Draft Financial Master Plan Report for SMT review before the summer hiatus. The report and presentation, consistent with the Financial Master Plan project milestones as presented in the update, will be provided to Committee in the fall of 2012. In addition, the timing of the Committee/Council presentation and report is ideal, as it will occur just before the next budget process deliberations and should serve as a resourceful document and aid in the decision making process.



memorandum

Objectives and Framework

Developing a Financial Master Plan is a strategic approach to governance, in that it sets boundaries on what the City can realistically resource, defines desired outcomes, and charts the way to, and progress towards, financial goals, such as sustainability & financial stability, while moving forward to achieve the City's overall vision.

The first step in developing a Financial Master Plan is to report on the City's financial condition, projected long-term outcomes, and issue identification. From this point, the City will be in an ideal position to discuss recommended financial principles, policies, and strategies to address the identified gaps and move the City closer to realizing the City's vision and priorities. The Council report and presentation scheduled for this year will follow the above principle and a more defined master plan will evolve through implementing Council's choices and decisions, regarding financial principles, policies, and strategies. The above is in accordance with the project milestones presented within the report currently before Council.

Respectfully Submitted,

Barbara Cribbett
Commissioner of Finance and City Treasurer

CC:

Clayton Harris, City Manager
Jeffrey Abrams, City Clerk



Cowan

Frank Cowan Company

April 15, 2012

c 8
Report No. 15 Item No. 1
Council April 17, 2012

Honourable Mayor Bevilacqua, City Council & Staff,

This letter is in lieu of appearing as a delegation to Council, and will serve as our comments with respect to Council's concern about membership in the Municipal Reciprocal. We feel that it would assist Council to review the following points before finalizing its decision:

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- The Frank Cowan Company has been insuring municipalities for over 80 years. We are a conventional insurer that **does not charge Retro-Assessments** to recoup losses from prior policy periods. Therefore, the premium we have quoted to the City for the 2012-2013 policy period will be a **fixed cost**.
- To be clear, a Reciprocal's Premium is a "Deposit" Premium or more appropriately stated a "Down Payment" on the potential liabilities for that same 2012-2013 term. Members of the Reciprocal are contractually obligated to pay for the ultimate cost of claims. The actual premium for that policy term **will not be known** until the Reciprocal has settled all claims made by its membership that have emanated from the 2012-2013 policy period. In our extensive experience with this class of business, it traditionally takes anywhere from 7-10 years to settle all claims (This time frame is also referenced in OMEX's 2010 report entitled Weathering the Perfect Storm). If and when the Reciprocal recognizes that they are short of funds, they will come to Vaughan and ask for the difference to be paid – **this is a Retro-Assessment**.
- When OMEX first started, they undercut conventional insurer premiums to encourage municipalities to enter the Reciprocal. That underpricing led to a series of Retro-Assessments. It would appear that they are trying this same approach again to obtain new members.
- Other municipalities in York Region have chosen to leave OMEX and return to the conventional insurance market. OMEX has lost half of its total membership in recent years and all of its York Region members in the last 2 years. Clearly, the members that left were concerned that the likelihood of continued Retro-Assessments was unacceptable to them, and **they sought certainty** in the conventional marketplace.



- To date, **of the 444 municipalities in Ontario, only 20 participate in the Reciprocal** which was established in 1988. This also demonstrates that it is the experience of the majority of municipalities in Ontario that the conventional insurance marketplace is providing municipalities with the coverage, service and pricing that meets their needs.
- By entering the Reciprocal, Vaughan will be opening itself to huge uncertainty that will ultimately impact its budget process. Although it is acknowledged in the report to Council that any future retro-assessments could be incorporated into multi-year budgets, there is really no ability to forecast how this will actually turn out. Because of the rapidly changing legal environment and rapid escalation in settlement amounts, the historical perspective may not be an accurate reflection of how the future will go.
- Vaughan is a fast growing urban account with ever-increasing exposures. Several other OMEX members have similar risk profiles. OMEX will be exposed to a multitude of claims across **their limited membership**, and there will be an ever-increasing requirement for capital. That capital can only come from the 20 members of the Reciprocal.
- The risk of participating in a Reciprocal with **only 20 members** far exceeds the upfront, **fixed premium** of transferring Vaughan's insurable exposures to a large well capitalized, committed municipal insurer. In the Reciprocal, not only will Vaughan be exposed to the uncertainty of its own future claims experience, it will have to contribute its proportionate share of any other capital shortfalls that may accrue from other members. The Reciprocal has issued several Retro-Assessments and the latest one levied was in **excess of \$21M**.
- As referenced in the report to Council, York Region's historical Retro-Assessment cost added 35% to the total premium. That would imply that Vaughan's premium would increase from a deposit of \$2,363,320 to an estimated \$3,190,482. That does not take into consideration additional costs to be incurred directly by Vaughan such as increased adjusting fees to handle their claims up to the deductible limit (the additional staff member (\$100,000 cost estimate in the City's report to council) or the \$50,000 estimated cost for a claims system.



Cowan

Frank Cowan Company

Taking this into consideration, what will the actual savings be and is it worth the risk of a larger, unknown, unexpected Retro-Assessment?

- Based upon the history of liability claims in Vaughan over the past 10 years, the "deposit premium" being asked for by the Reciprocal may not be enough to settle an average year's claims even if they were all able to be settled today. The reality is that serious claims are "long tail" and take many years to settle and are impacted by claims inflation until they are settled. Although the Reciprocal will be able to hold onto the deposits, the investment income horizon is very modest and it is unlikely that it will match the rate of inflation on the claims, which is currently running from 6-8%. On that basis, Vaughan can almost certainly expect a Retro-Assessment in the future based upon the deposit premium being requested.

Page | 3

The report to Council detailed Vaughan's interest in gaining greater control over claims up to the deductible limit. Frank Cowan has always been open to allowing the City to assume greater control of their day to day claims. In fact, this is what we already do with many of our existing clients. We would recommend that the City adopt a similar course and work with us under a claims management agreement, thus allowing the City of Vaughan to manage claims under the deductible. We would dedicate one of our senior claims examiners and any other resources required to assist the City in setting up this arrangement. This would allow Vaughan to accomplish the "control over claims" issue and do it within an environment of **certainty** where there would be no consideration or worries of future Retro-Assessments as the premium would be budgeted and paid for in the policy year.

Respectfully,

Viano Ciaglia
Regional Manager
Frank Cowan Company

Larry Ryan
President
Frank Cowan Company

Magnifico, Rose

c 9
Report No. 15 Item No. 1
Council April 17, 2012

From: Richard Lorello <rlorello@rogers.com>
Sent: Sunday, April 15, 2012 5:00 PM
To: Carella, Tony; Racco, Sandra; Rosati, Gino; Shefman, Alan; Iafrate, Marilyn; Schulte, Deb; DeFrancesca, Rosanna; Di Biase, Michael; Bevilacqua, Maurizio
Cc: Abrams, Jeffrey; Atwood-Petkovski, Janice; Caroline Grech; Noor Javed; Megan (National Post) O'Toole; Antony Niro; Carrie Liddy; Michael McClymont
Subject: Fw: RFP 12-063 - GENERAL INSURANCE AND RISK MANAGEMENT SERVICES
Attachments: RFP12-063 General Insurance and Risk Management Services.pdf; York Region OMEX Assessment Insurance Costs.pdf; OMEX Town of Whitechurch-Stouffville.pdf; Senior Manager-OLG.docx

Mayor and Members of Council

Further to my email of April 9, on the subject matter in question, I wish to submit further comments.

I remain very concerned with staff's recommendation to enter into an agreement with OMEX to provide General Insurance and Risk Management services to the City of Vaughan. I am also disappointed with the consultant that staff hired to do research. I do not believe that there has been enough research to justify Staff's position and furthermore I do not believe that Staff/Consultant has provided Council with all of the information needed to make an informed decision.

Please consider the following

OMEX has been around since 1989, yet in their 23 year existence they have a mere 20 municipal members out of 444 Ontario municipalities. Of more concern, at one time they had 40 municipal members losing half of their client base. There are a few questions that give rise to OMEX being a viable provider of insurance services for the City of Vaughan. Namely;

1. If OMEX is such a great provider of insurance services then why haven't MORE Municipalities become members? Their current 20 members only represent less than 5% of all Ontario municipalities. How can something good be so poorly received by Ontario municipalities?
2. Why has OMEX lost half of their membership? Has staff polled or called any of the other municipalities to gain first hand knowledge of their experience with OMEX?
3. What happened to the 3rd insurer/broker (BFL)? What was their quote? Why has staff withheld this information to Council and residents alike?
4. Vaughan Staff highlighted and used the City of Brampton and the City of Windsor as being members of OMEX to in part justify their recommendation. These are poor examples as members of OMEX, in that staff did not state that The City of Brampton only has half their program with OMEX and the other with BFL, see http://www.brampton.ca/en/City-Hall/meetings-agendas/Committee%20of%20Council%202010/20120229cw_H2.pdf

and

The City of Windsor appears to have had no choice but to become a member of OMEX as Windsor had a real hard time getting any insurer to quote on their program given the severe mess that they are in....see

<http://www2.canada.com/windsorstar/news/story.html?id=a8eb7c96-c1f3-40ba-a10a-4cc0540db08e>
see:

http://www.citywindsor.ca/cityhall/City-Council-Meetings/Meetings-This-Week/Documents/feb%2027%20item%208_20120224112826.pdf

It is interesting that Windsor hired Cameron and Associates and are also going to hire a full time claims analyst.

5. Did the City have an additional negotiations with OMEX after they provided their final premium price? If so, did the other insurers have the same opportunity?

6. Why didn't JLT quote - the city's buyer could have easily contacted to see why they didn't quote.

7. Where are the insurance savings if Vaughan is still required to put significant funds into a reserve fund when retro-assessments are imposed on Vaughan taxpayers? The savings are only realized if we are able to use any savings for other purposes. If savings have to be put aside to pay for retro-assessments then there are no savings to be had.

It would appear that OMEX is the insurer of last resort when insurance problems mount for municipalities and poses a Municipal Liability Trap

The OMEX insurance model presents a Municipal liability trap from which it would be very difficult to escape if the City of Vaughan chose to move its insurance to another provider. OMEX would have to be viewed as a liability from a risk management perspective. This is in itself ironic given that we are trying to reduce our risk burden.

The City needs to set up a reserve fund for potential future retro assessments. Will these reserves be enough and how will they know? This is a question that staff nor the consultant can answer and poses a major risk for taxpayers. Taxpayers will be exposed to the performance of other members of OMEX. This is part of the liability trap that I believe needs to be averted.

Given the above point, Vaughan may have to have an actuary perform a review (like Windsor). This is yet another cost that should be considered.

I do not believe that OMEX has the expertise and services as other traditional insurance providers have leaving Vaughan to provide expertise internally at additional staffing cost.

While the OMEX savings may be appealing, particularly in the short term, other municipalities have stayed away, including Richmond Hill and Markham. In fact, after increases year after year, Richmond Hill left OMEX and were also stuck with the retro assessments:

http://www.richmondhill.ca/documents/meetings/cow/7_6_2009_16_30/item%2032%20srcfs09023.pdf
f

Richmond Hill recently went with JLT after years of increases and retro assessments. In other words, this may seem like a great deal today for Vaughan and once Vaughan's insurance increases start again. The threat of retro assessments from a limited reciprocal pool is in itself a great risk and liability. This again presents a liability trap from which there is no escape and I believe that Staff is gambling with taxpayer's money for short term optics and political gain.

One of the weaknesses that has contributed to Vaughan's insurance woes is the lack of formal risk management practices. It does not appear that Vaughan has a risk manager. Attached is an example of what a risk manager is required to have. He/she doesn't have any of this. Years of bad experience and lack of attracting any insurers. See attachment Senior Manager-OLG.docx to gain an appreciation of what profile a risk management position should look like.

While a claims analyst is not a bad idea to have, this is a **Reactive and not a Proactive position** in the whole grand scheme of our issue. We need to start managing responsibly and managing risk to reduce loss. Below is a note from a law firm, entitled Minimizing Risk. Council should chart a course in this direction if Council indeed wishes to act in taxpayer's interest.

"Minimizing the Risk"

There is no doubt that the law of municipal tort liability has expanded significantly in recent years and has become reasonably complex. The old regime of risk management still used by many municipalities is outdated and not responsive to the realities of current potential legal liability. Very little thought is being given to potential liability from the decision making process and how those decisions will ultimately be implemented. The majority of the risk management is still related to actual conduct and is to a large extent reactive rather than pro-active. Risk management should be seen as an integrated management function, with a strong legal presence. There may be instances where the legislation does not impose a statutory obligation to provide a certain service. The cost of providing that service should be evaluated by calculating the cost of the risks associated with it, including the cost of minimizing such risks, the insurance costs and the legal defence costs. If the municipality fully appreciates the legally required maintenance, inspection and record keeping obligations associated with the service, it can also better assess the costs.

In some cases municipalities make erroneous assumptions concerning risks. They are not fully aware of the statutory duties mandatorily imposed on them on the one hand, but may also be unaware of some statutory protection that is available in certain cases.

Although each municipality needs to formulate its own risk management program to suit its own needs, I would make the following general recommendations:"

1. Identify the various areas of jurisdiction for which there is potential liability
2. Identify the statutory duties associated with each area and any statutory immunities and common law defences that may exist
3. Review the basis for the policy decisions made
4. Identify the appropriate standard of care required
5. Review the implementation of the policy decisions
6. Hire competent staff, fire incompetent staff, and constantly train your staff, including the preparation of proper procedural manuals, which include the requirement for the keeping of proper records of inspections, occurrences, warnings and other important procedures
7. Conduct an independent legal audit on a periodic basis"

I strongly urge Council to seriously consider the information above. If need be, I would also suggest Council defer any decision on OMEX. This is a critical decision that Vaughan taxpayers may have to pay the price for years into our future.

Sincerely
Richard T. Lorello

----- Forwarded Message -----

From: Richard Lorello <rlorello@rogers.com>

To: Tony Carella <Tony.Carella@vaughan.ca>; Sandra Racco <sandra.racco@vaughan.ca>; Gino Rosati <Gino.Rosati@vaughan.ca>; Alan Shefman <alan.shefman@vaughan.ca>; Marilyn Iafrate <Marilyn.Iafrate@Vaughan.ca>; Deborah Schulte <Deb.Schulte@vaughan.ca>; Rosanna DeFrancesca <Rosanna.DeFrancesca@vaughan.ca>; Michael DiBiase <Michael.DiBiase@vaughan.ca>; Maurizio Bevilacqua <Maurizio.Bevilacqua@vaughan.ca>; Jeffrey Abrams <jeffrey.abrams@vaughan.ca>

Cc: Caroline Grech <cgrech@yrmg.com>; Megan (National Post) O'Toole <motoole@nationalpost.com>; Michael McClymont <michaelmcclymont@hotmail.com>; Noor Javed <njaved@thestar.ca>; Carrie Liddy <carrie.liddy@sympatico.ca>; Antony Niro <antony.niro@gmail.com>

Sent: Monday, April 9, 2012 6:49:53 PM

Subject: RFP 12-063 - GENERAL INSURANCE AND RISK MANAGEMENT SERVICES

Mayor and Members of Council

I wish to submit my comments with respect to Item 1 of tomorrow's working session which I will not be able to attend in person.

Not long ago I submitted comments, concerns and analysis with respect to the outrageous insurance premiums that the taxpayers of Vaughan have been forced to pay. The City's insurance premium rose to an all time high of \$3.5 million in 2012.

Staff is now requesting council approval to enter into a new insurance agreement with OMEX (Ontario Municipal Insurance Exchange). While on the surface there appears to be a savings of \$1.1 million annually versus the previous insurance agreement with Frank Cowan, the savings are not firm nor locked in.

The new agreement allows for "retro-assessments". In another manner of speaking, the new agreement allows for the new insurer to come back years into the future and reassess the City's premium based on the City's and OMEX members loss claim history. This provision has not been spelled out clearly by staff in their report and to the taxpayers of this City. I ask Council to instruct staff to clearly report the implications of this provision so that all taxpayers and Council may understand and not be left with the false understanding that the City has saved \$2.2 million over the course of the next 2 years.

As an example I would like to illustrate the implications of such an agreement. Attached you will find Report No. 4 of the Finance and Administration Committee from a Regional Council Meeting of April 22, 2010.

In that York Region meeting staff is requesting that;

"Council authorize a payment up to \$4,936,016, plus any applicable taxes, to the Ontario Municipal Insurance Exchange ("OMEX"), to satisfy the obligation of the Region of York for its unfunded insurance liabilities associated with the period January 1, 2000 to December 31, 2008 to be funded from the 2009 General Surplus"

It would appear that York Region was being retro-assessed going back "9 YEARS and requesting supplemental insurance costs of \$5 million in 2010". One has to wonder if there are any savings under such an agreement. I recommend that Council request that the appropriate analysis be undertaken and submitted to council before adopting staff's recommendation.

What are the real savings if any??? Are we not potentially gambling with taxpayers dollars and mortgaging our future by entering into such a volatile agreement???

There are several examples found online where OMEX has issued retro-assessment invoices going back several years. Among them;

Town of Dundas
Grey Highlands
Township of Horton

However I would like Council to review the Town of Whitechurch-Stouffville and why they opted to go with BFL instead of OMEX.

Attached you will also find an analysis by the Town of Whitechurch-Stouffville who apparently opted to choose BFL over OMEX. Their analysis of OMEX should be considered by council. Even after cancelling their insurance with OMEX they still have an exposure from OMEX retro-assessments. Their report is extensive and is one that should have been presented to Council. There are several comments that are cause for concern.

See section 4. Analysis and Options where it states;

"In the recent years OMEX has gone through some unprecedented turbulence, which has caused some concerns for all members."

In order for such an agreement to be in the interest of Vaughan taxpayers, Council should request staff to negotiate a provision to request OMEX for a commitment by OMEX to exempt the City from any retro-assessment for the past period of January 1, 2000 to the date of signing the agreement. Anything short of an exemption would be considered gambling with taxpayers dollars in my opinion.

It is also my opinion that staff is once again using a superficial solution to the City's insurance premium explosion. The real root cause of our insurance premium woes is and has been poor governance and mismanagement. I do not have to remind council of our insurance loss history and questionable court challenges which have a direct impact on our insurance cost not to mention the implication to property tax increases.

Implementing sound management practices and reigning in staff's insatiable need to spend precious tax dollars was the challenge that Council was elected to undertake.

I am submitting this information in good faith and out of concern for a potential poor decision and for the lack of information that staff has provided to Council yet again.

Sincerely
Richard T. Lorello



Council in Committee Report
October 18, 2011

**AWARD OF CONTRACT FOR TOWN INSURANCE PROVIDER – JOINT
NORTHERN SIX MUNICIPALITIES (N6) OF YORK REGION RFP**

Report prepared by: Director of Finance/Treasurer

RECOMMENDATION:

The Director of Finance/Treasurer recommends:

- 1) **THAT Council approve the contract for the Town Insurance and Risk Management Services arising from the joint Request for Proposal (RFP) No. LCSS 2011-03, be awarded to BFL Canada Risk and Insurance Services Inc. for an estimated annual premium of \$248,755.00 (excluding tax and yearly adjustments) for an initial term of eighteen (18) months, with an option to extend for a additional four (4) years subject to satisfactory performance and budget approval for each and every successive year;**
- 2) **AND THAT staff be authorized to include in the budget a portion of the annual savings to cover any potential retro-assessment arising from previous reciprocal coverage to be protected from any future liability;**
- 3) **AND THAT staff be authorized to seek legal advice and pursue on that basis for an immediate exit from the reciprocal insurance agreement, in order to minimize Town's risk exposure about any future liability arising from the current members;**
- 4) **AND THAT the Mayor and the Clerk be authorized to execute any necessary documents, as necessary.**

1. PURPOSE:

This report is seeking Council approval to enter into a contract with BFL Canada for Town's Insurance & Risk Management, including the Adjusting Services to BFL Canada for a minimum of eighteen months, including an option to extend the contract for an additional four year term, upon satisfactory performance.

This recommendation is made to Council based on another Joint RFP initiative of the Northern Six York Region ("N6") municipalities.

2. EXECUTIVE SUMMARY:

The Town, among its N6 partners embarked on a joint RFP led by the Town of East Gwillimbury Corporate Services, to test the market for an insurance provider. This process has identified BFL as the preferred insurance broker. It should be noted that BFL also insures the Region of York.

The proposal submitted by BFL meets all Town requirements. While it saves an annual premium of approximately \$150K, the Town may still be exposed to additional retro-assessment from its previous reciprocal insurance provider (OMEX). It is recommended that a portion of the savings be held in reserve, to be used in the event of a retro-assessment.

3. BACKGROUND:

As staff have previously reported to Council, the Northern Six municipalities (N6) of York Region have been continually collaborating on a number of operational and administrative projects seeking innovative ways to create efficiencies, as well as investigating various potential cost avoidance issues.

Town Council received an update on the status of various N6 projects in May 2011, including the plan to investigate potential savings for insurance services.

Under the direction of the N6 CAOs group, the N6 group, led by staff of the Town of East Gwillimbury, recently issued a Request for Proposal for Insurance Services for an intended five year term, beginning January 1, 2012. The purpose of the N6 RFP was to source the municipal insurance markets and obtain the best coverage for the best value/price.

4. ANALYSIS & OPTIONS:

Ontario Municipal Insurance Exchange (OMEX)

OMEX is Ontario's only licensed, not-for-profit municipal reciprocal insurer. Municipalities created OMEX 20 years ago when private sector insurers left a vacuum in the municipal market because they were unable to achieve sufficient profit. Reciprocals are not-for-profit organizations that are owned and operated by their members. OMEX members pool their coverage, sharing in the risks and rewards of working together to manage insurance costs.

A reciprocal insurance company operates similar to other insurance companies in issuing policies, charging premiums, transferring risk to re-insurers and paying for claims. They are, however, a member-governed alternative to the conventional insurance market.

Generally, reciprocal insurance fees or premiums reflect the true cost of claims. Members agree to share these costs according to the formula set out in the Reciprocal Agreement. The main difference is if a member pulls out of the agreement, they will still be responsible for the costs incurred through the period when the municipality was a member of the reciprocal coverage through OMEX.

The Town's current insurance portfolio (along with five other municipalities of the N6 group) has been placed with the Ontario Municipal Insurance Exchange (OMEX). The Town of Whitchurch-Stouffville joined and became a member of OMEX in 2001 and has enjoyed a great partnership with OMEX, through many years of hard market. OMEX exists to serve its members, not to make a profit. In the recent years OMEX has gone through some unprecedented turbulence, which has caused some concerns for all members.

Being an independent and "reciprocal" insurance provider, OMEX is accountable to Financial Services Commission of Ontario (FSCO). In late December of 2009, OMEX was also requested by FSCO to issue retro-assessment fees to cover the past claims cost (not necessary Town's), and to increase 2010 premiums to ensure proper cost coverage for the future. As result, the Town's 2010 and 2011 insurance premiums increased considerably to reflect both the necessary increases in the insured values of its assets and today's market trend toward significantly increased insurance costs. In order to address these issues, in 2010 OMEX was requested by its members to engage Ernst & Young to prepare a Capital Management Plan that would proactively address all of the reciprocal's past liabilities, and future needs in the face of regulatory change and growing insurance costs. The Plan's recommendations, which involved significant financial restructuring, have been approved by OMEX's Board.

FSCO, in December of 2009 required much higher Minimum Capital Test (MCT) for all reciprocal insurers. In effect, this forces OMEX to transition away from simple cost recovery and to build its surplus reserves. OMEX will return unused surplus to municipalities when an underwriting period no longer has outstanding liabilities. This necessary change in OMEX's financial strategy did reduce the likelihood of future supplementary retro-active assessment and enhance the municipalities' investments in the insurance reciprocal that is however, dependent upon the member's claims history and the final settlements.

Today's Insurance Market

Ontario municipalities, similar to the private sector, are facing significantly higher insurance costs. The provincial insurance regulator, Financial Services Commission of Ontario (FSCO), which oversees the reciprocal insurance industry, requires that all insurers take steps to ensure that they have enough reserves to protect against claims and investment volatility.

The cost of municipal insurance claims has been growing at an alarming rate, directly affecting the cost of municipal insurance. The Association of Municipalities of Ontario (AMO) and others are working to achieve *Insurance Act* reforms related to "Joint and Several Liability" that will help address the rising insurance costs for all municipalities.

Issuance of Request for Proposal (RFP)

Consistent with the Town's Strategic Plan, N6 CAOs and other Town staff consulted with other municipalities and researched options in order to identify a solution that would allow the Town to continue with its current level of insurance coverage, while ensuring the sustainability and affordability of such policies. As such, a decision was made to issue a RFP in order to test the market. The group also agreed to retain an insurance consultant to manage the process for the N6 group, and to provide valuable expertise in the technical areas of policy wording and coverage evaluation.

The RFP was issued in January of 2011. Proponents had the option of providing a proposal for the N6 as a whole and/or providing a separate/individual proposal for their selected municipalities. While no proposals were received related to the entire group, the Town received four proposals, or all of those who participated in the competitive process. While Town's current deductible is set at \$5,000, proponents were asked to quote on various deductible levels (e.g. \$5,000, \$10,000, etc). The premium quoted in the recommendation above reflects a \$5,000 deductible, which will maintain the current Town deductibles.

A Committee comprised of staff from the N6 group had been formed not only to develop the RFP, but also to evaluate the proposals based on criteria set out in the RFP. The Director of Finance/Treasurer represented the Town in this process.

The agreed upon evaluation criteria included experience of team, coverage, services, pricing and ease of transition with a maximum point total of 1000 points. The proposals were reviewed by the individual municipalities independently, then by the collective municipalities and finally by the consultant. The RFP identified an opportunity for an interview process and the N6 recently interviewed one proponent - BFL Canada Risk and Insurance Inc. (BFL).

BFL scored the highest overall collective average rating of (881.3) and staff are recommending that the Town's insurance coverage and risk management services be placed with BFL for the specified term with an option to extend for an additional four years, subject to satisfactory performance and budget approval.

BFL also provides the other common services usual to a municipality, such as insurance adjusters through Granite Claims Solution, risk profile analysis, historical analysis of losses, contract review services, planning and development of manuals, including risk prevention and training.

The coverage proposed by BFL is identical of those previously provided by OMEX.

5. FINANCIAL IMPLICATIONS:

Brokers, such as BFL, act on behalf of their clients to find the best markets to insure their risks. For this service, brokers receive a percentage of the premium as commission (included in the recommended amount), paid to them by the insurance companies selected. In their proposal, BFL discloses their commission income as a factor of the total premium quoted.

BFL has offered the N6 a 5% premium discount for the 2012 term and subsequent years. In addition, they are offering an 18 month policy to be paid at the beginning of the term. The premium would be based on the quoted amount for the 2012 term plus 50% and is payable upon commencement of the program.

If Council approves the award of the contract to BFL Canada, staff are recommending to include an allowance in the annual budget to cover any potential retro-assessment that may be issued by OMEX to cover the Town's share of liability for the period of time of its membership. Staff also believe that there will be higher adjusting fees to have any potential risk under control.

Staff will include these items in the 2012 operating budget for Council's consideration.

6. ALIGNMENT WITH STRATEGIC PLAN:

This report is aligned with the Town's Strategic Plan in the following manner:

2. Fiscal Stewardship & Asset Management

- 2.1 Increase revenues and reduce costs
- 2.3 Explore partnerships to deliver new infrastructure/services
- 2.4 Long term asset management and infrastructure planning, including adequacy of reserves

3. Municipal Services and Innovation

- 3.1 Enhance teamwork and promote collaboration
- 3.3 Enhance corporate support including human resources, staff training, information technology, purchasing and communications.

4. Customer Service and Communications

- 4.1 Attention to customer/client service excellence
- 4.2 Enhance two-way communication with all stakeholders

**For further information on this report, please contact Marc Pourvahidi
Director of Finance/Treasurer at 905-640-1910 or 1-800-642-8697 ext. 2245
marc.pourvahidi@townofws.ca**

7. ATTACHMENTS:

None

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OMEX SUPPLEMENTAL ASSESSMENT INSURANCE COSTS

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report dated March 3, 2010, from the Commissioner of Finance.

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize a payment up to \$4,936,016, plus any applicable taxes, to the Ontario Municipal Insurance Exchange ("OMEX"), to satisfy the obligation of the Region of York for its unfunded insurance liabilities associated with the period January 1, 2000 to December 31, 2008 to be funded from the 2009 General Surplus.
2. The payment be withheld until such time as the supporting documentation in calculation of the amount owed meets the satisfaction of the Regional Treasurer.

2. PURPOSE

This report discloses the supplementary insurance costs being assessed by OMEX for the period January 1, 2000 to December 31, 2008.

3. BACKGROUND

Reciprocal Insurance Exchanges ("Reciprocal") are Licensed and Governed by FSCO

Like traditional insurance companies, Reciprocal are licensed and governed through the *Insurance Act* and monitored by the Financial Services Commission of Ontario (FSCO). They operate similar to other insurance companies with a few notable exceptions:

- they are not incorporated, but rather are a collection of "members";
- members retain responsibility for funding all liabilities that occur during their membership period until all applicable claims are closed; and
- they operate through a principal attorney with an advisory board.

Provincial regulations dictate that all insurance companies, including Reciprocal, must maintain fully funded reserves in order to cover the cost of all known and potential claims for which it may be responsible. The adequacy of these reserves is determined from time to time by an independent actuarial review. Reciprocal will not usually maintain a large buffer of reserves to cover unexpected claims because of their ability to

call upon its members to make up any funding shortfall through supplementary assessments. This has now changed with the enforcement of Minimum Capital Test (MCT); an initiative to ensure adequate capital exists to provide a cushion for financial institutions during difficult economic times. In the past, Reciprocals have had less stringent capital tests to meet, however FSCO is now exercising their option to enforce these same stringent tests on reciprocal carriers.

OMEX Operates as a Reciprocal

OMEX was licenced as a Reciprocal in 1989. It has grown from eight in 1998 to thirty member municipalities in 2006, principally from its ability to control escalating insurance costs. Four of the nine municipalities in York Region are now members of OMEX. The Region was a member from September, 1996 to December 31, 2009. Through OMEX, the Region purchased insurance coverage for property, transit, auto, crime, boiler and machinery, municipal liability and errors & omissions. The relationship between OMEX and each member municipality is governed by a Subscriber Agreement that was approved by Council and signed in September 1996.

Should a municipality decide to leave OMEX, it still remains responsible for any unfunded liabilities that arose during its membership period including supplemental assessments and any such assessments must be paid immediately upon withdrawal. Any payments made for liabilities that are not eventually realized will be paid back proportionately to each member of the underwriting group regardless of membership status. The Region left OMEX as a member effective January 1, 2010. Insurance coverage is now provided through our broker BFL Canada and our primary insurance company is Travelers/St. Paul's Fire and Marine Insurance Company.

OMEX Supplemental Assessments to the Region

In October 2006, Council reviewed a report that the Region had received a supplemental assessment of \$ 3,365,766 from OMEX for the period 1998 to 2005. Council approved the staff recommendation that this assessment be paid in full immediately from 2006 surplus funds.

In 2008, Council approved payment of supplemental assessments to OMEX in the total amounts of \$1,502,599. These payments were made to meet developed reserve requirements and to satisfy a FSCO requirement for OMEX to post higher reserve amounts than in the past.

FSCO has continued to diligently monitor insurance companies' stability with strict enforcement of reserve requirements. The strict adherence to provincial guidelines has been enforced for Reciprocals. Reciprocals reserve requirements were less strictly monitored in past due to ready source of cash on demand by the nature of their clientele.

In order to meet the reserve level obligations dictated by FSCO, and in accordance with OMEX's 2009/10 capital management plan authored by Ernst and Young, OMEX issued another Supplemental Assessment to its members in late December 2009. OMEX has advised that subscriber and ex-subscriber municipalities will be given the option to pay the supplemental assessments over three years starting in 2010. This current supplemental assessment from all current and past subscribers totals approximately \$23M.

In order to provide a more wholesome view of the impact of the insurance premium costs in conjunction with the supplement assessments issued by OMEX to date, see table 1 below. The table illustrates the premiums paid plus the allocation to each year of the subsequent assessments based on actual experience.

Table 1
Details of OMEX Premiums and Supplemental Assessments

| Year | Total Insurance Policy Premiums | Supplemental Assessments | Total Premiums & Assessments |
|-------------------------------------|------------------------------------|-----------------------------|---------------------------------|
| 2009 | 4,625,341 | To date not assessed | \$4,625,341 |
| 2008 | 4,441,003 | 683,714 | \$5,124,717 |
| 2007 | 3,830,363 | 1,246,971 | \$5,077,334 |
| 2006 | 4,920,795 | 1,137,146 | \$6,057,941 |
| 2005 | 3,092,006 | 2,848,699 | \$5,940,705 |
| 2004 | 2,642,599 | 2,133,306 | \$4,775,905 |
| 2003 | 1,459,129 | 856,137 | \$2,315,266 |
| 2002 | 829,957 | 70,080 | \$900,037 |
| 2001 | 638,269 | 402,855 | \$1,041,124 |
| 2000 | 506,494 | 73,506 | \$580,000 |
| 1999 | 554,657 | 21,463 | \$576,120 |
| 1998 | 479,088 | 91,996 | \$571,084 |
| Reallocated Arbitration Amount | | 238,505 | |
| Total Costs to date OMEX | \$28,019,701 | \$9,804,378 | \$37,824,079 |

In 2010 we moved to traditional insurance premium coverage at a cost of \$4,794,686.

4. ANALYSIS AND OPTIONS

Due to the late notice received by municipalities regarding this assessment many subscribers had concerns and issues. On January 18, 2010 the Region and Richmond Hill co-hosted an unofficial OMEX subscriber and ex-subscriber meeting to allow for open discussion of concerns regarding this third supplemental assessment. A professional facilitator was hired to ensure the meeting followed a positive and solution focussed agenda, with a full and well documented report produced at its conclusion. The

meeting yielded a list of solutions, commitments and due diligence requirements from both the subscriber and OMEX perspectives.

This report was presented to the OMEX Board in February. Staff awaits the review and commitment. Of particular importance is the request for a full third party audit of claims reserves and the claim process on which the supplemental assessment is based. It is hoped that OMEX will agree to move this plan forward to provide due diligence in support of this most recent assessment.

It is recommended that York Region's payments of the supplemental assessments be withheld until such time as the supporting documentation in calculation of the amount owed meets the satisfaction of the Regional Treasurer.

5. FINANCIAL IMPLICATIONS

No budgetary provision was made for this supplemental insurance assessment as it was unknown. The full supplementary assessment amount of \$4,936,016 has been expensed in 2009 reducing the surplus that had been previously estimated.

6. LOCAL MUNICIPAL IMPACT

There is no direct local municipality impact with respect to the Region's portion of the supplement. However as four of the nine municipalities are also members, they will also share in their individual portion of any supplemental assessment for their underwriting group.

7. CONCLUSION

This report recommends that the latest Supplemental Assessment charged to the Region by OMEX be paid in 2010 from 2009 General Surplus Funds, once the Regional Treasurer is satisfied with the due diligence conducted by OMEX as requested.

For more information on this report, please contact Tina Gardiner, Manager, Insurance and Risk at ext. 1656.

The Senior Management Group has reviewed this report.

POSITION TITLE Senior Manager, Insurance
FILE #: HR11-086
LOCATION: Sault Ste Marie or Toronto
STATUS: Full-Time

CLOSING DATE: September 13, 2011

Position summary:

The Senior Manager, Insurance is responsible for the strategic planning, direction and enhancement of the overall insurance program maintained for OLG which includes primary liability, automobile fleet, directors and officer's liability and specialized coverage as required. The Senior Manager, Insurance manages the consolidated insurance program for OLG and the resort casinos (Casino Rama, Caesars Windsor and Fallsview/Casino Niagara) which includes all risks property/business interruption/boiler and machinery insurance, excess liability, employee dishonesty and kidnap and ransom insurance coverage.

The Senior Manager, Insurance is responsible for the implementation and direction of claims handling including management of external insurance adjusters and legal counsel. They are also the subject matter experts with respect to insurance, legal issues related to insurance, contract review and drafting of insurance provisions, understanding current industry trends both related to OLG's business and their impact to the insurance programs maintained by OLG.

Major Responsibility Areas:

Design and Implement OLG Insurance Program:

- Placement and management of the OLG master insurance program.
- Evaluate insurance programs maintained by OLG to ensure that they are aligned with OLG operations including: coordinate all underwriting information (i.e., building and equipment replacement cost values, business interruption values, automobile fleet information, etc.) from OLG operations, analyze information to complete underwriting submissions to insurers, negotiate with broker and insurers to implement the broadest forms of insurance coverage at the most cost competitive rates, providing recommendations to CEO/CFO on insurance to be purchased and obtain approval from CEO/CFO to commit OLG to the purchase of insurance.
- Determine the methodology for the allocation of all insurance premiums to OLG properties and completing allocations.
- Determine and complete the fiscal budget for insurance costs for OLG operations.
- Ongoing analysis of OLG operations and policy limits/coverages and where necessary direct brokers and negotiate with insurers to provide necessary coverage to OLG.

Design and Implement OLG Combined Insurance Program with Resort Casinos:

- Placement and management of the OLG combined insurance program involving the placement of all risks property insurance/business interruption, umbrella liability employee dishonesty and kidnap & ransom insurances for OLG and the resort casinos.
- Analyze and recommend to OLG and resort casinos other areas of potential strategic procurement of insurance.
- Act as a resource and consultant to the resort casinos with respect to insurance and risk management when requested.

Best Practice Implementation:

- Lead the Group Risk and Insurance Committee (GRIC) which includes representatives from each of the resort casinos and OLG to establish best practice standards for OLG and the resort casinos with respect to risk management, claims handling issues, review of the combined insurance program and opportunities for additional strategic alliances with respect to the purchase of insurance coverage.

Claims Management:

- Direct OLG's claims management process includes: direct and manage the work of external claims adjusters, deal directly with insurers on specific claims, direct external legal counsel on legal actions brought by claimants and provide direction on settlement of claims by external adjusters and legal counsel.

Supervision:

- Manage and direct the Insurance and Claims Coordinator position which includes responsibility for day to day management of incidents/claims at OLG sites
- Complete monthly and quarterly reports to legal, accounting, processing payment of all invoices.

Documentation Review and Preparation:

- Review, analyze and provide direction to OLG legal, procurement, contracts management, corporate events, development, racetrack and casino operations with respect to insurance and indemnity requirements with respect to contracts, RFP"s and other documentation.
- Draft specific insurance and indemnity contract provisions.
- Provide input and recommendations to corporate and operations marketing groups with respect to marketing and special events.
- Develop Request for Proposal documents for broker and adjuster services as required along with negotiating contracts for those services.

Minimum Qualifications:

- University degree in Business or related field with more than ten years of insurance related experience
- Certificate in Risk Management/Certified Insurance Professional/Fellowship Certified Insurance Professional
- Experience managing a team of employees both internal and external to the organization
- Strong communication skills, verbal, written and presentation, with the ability to convey complex information to a broad audience
- Excellent interpersonal skills, including the ability to work effectively with all levels of staff. The ability to work in a team environment and to work well under pressure.
- Strong analytical and problem solving skills
- Ability to understand the implications of potential loss to the organization and be able to facilitate the obtaining of the broadest and most cost effective forms of insurance coverage.
- Strong knowledge of MS Office applications including Word, Project and PowerPoint • Ability to travel
- Specific knowledge and subject matter expertise with respect to the following:
 - o insurance products, insurance policy wordings
 - o claims handling procedures and settlements
 - o contract wording and drafting of insurance and indemnity wording
 - o knowledge of legal issues affecting gaming operations
 - o loss prevention and risk control
 - o industry knowledge with respect to gaming and construction

The salary range for this position is (\$82,720 - \$103,400 - \$124,080) per annum, commensurate with experience.

Please apply on-line, no later than 5:00 PM on the closing date, quoting File #HR11-086. The preferred method of submission is on-line, however resumes can also be sent to:

Human Resources Ontario Lottery and Gaming Corporation
Societe des loteries et des jeux de l'Ontario
70 Foster Drive, Suite 800 Sault Ste. Marie, ON
P6A 6V2
Fax: (705) 946-6404

We thank all applicants for their interest, however only those being considered for an interview will be contacted.



memorandum

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| C 10 | |
| Report No. 15 | Item No. 1 |
| Council April 17/12 | |

DATE: APRIL 16, 2012

TO: MAYOR AND MEMBERS OF COUNCIL

RE: RFP 12-063 GENERAL INSURANCE AND RISK MANAGEMENT SERVICES
ITEM 1, COMMITTEE OF THE WHOLE (WORKING SESSION)

FROM: JANICE ATWOOD-PETKOVSKI
COMMISSIONER OF LEGAL AND ADMINISTRATIVE SERVICES & CITY SOLICITOR

Committee of the Whole (Working Session) at its April 10, 2012 meeting recommended that the City of Vaughan enter into a Subscriber Agreement with OMEX for insurance and risk management services. In so doing, it also requested that further information be provided to address the implications of York Region's retro assessments while a member of OMEX, as well as issues raised in communications to the Committee from two members of the public.

The attached response from Susan Saksida, of Cameron & Associates Insurance Consultants Ltd. responds to the questions raised by the Committee.

In addition, as noted in the staff report, York Region experienced retro assessments amounting to approximately 35% of premiums paid over the twelve year period between 1998 and 2009. York Region had not established an insurance reserve to protect against the potential of reassessments which resulted in an unexpected financial impact.

In 2009, York Region conducted a competitive bid for its insurance and risk management services. Since the OMEX submission was not the lowest bid of the three received, the contract was awarded to another provider. Nothing in our review of York Region's experience, including discussions with York Region staff, suggest that the Region would not include OMEX in any invitation to bid for future insurance services at the Region.

As the staff report in this matter shows, OMEX has altered its rate-setting and reserving practices, lessening exposure to future retro assessments for members who join the reciprocal today. To the extent a retro-assessment may occur, the recommendations before Council, if adopted, would protect future City budgets through reserve contributions. The reserve will be closely monitored and reported through the annual budget process so that if as expected OMEX's own reserving and rate-setting practices are sufficient, future premium savings will result in a positive bottom-line impact on the City's operating budget.

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



55 York Street, Suite 400
Toronto, Ontario M5J 1R7

Tel: 416 350 5822
Fax: 416 362 0278
www.cameronassociates.com
info@cameronassociates.com

April 12, 2012

The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Joseph A.V. Chiarelli
AMCT, CMMII
Manager, Licensing and Insurance Risk Management

Dear Mr. Chiarelli,

RE: Supplementary Report
RFP 12-063 – General Insurance and Risk Management Services

We are pleased to provide our response to the questions raised by Council at the April 10, 2012 meeting at the City of Vaughan (the City).

The Ontario Municipal Insurance Exchange (OMEX) was founded in 1989 by municipalities on behalf of municipalities as a not for profit organization. It is a duly licensed Reciprocal Insurer in Ontario which has since its formation, provided broad coverage and high liability limits to its members. Over the past decade OMEX membership has fluctuated significantly, from a low of twelve (12) in 2002 to a high of thirty seven (37) in 2006, with the 2012 membership standing at twenty (20). Significant operating decisions are made by the Board of Directors, all of whom are members of OMEX.

The spike in membership growth in years 2003-2005 is attributed to a period of volatility in insurance markets, when premiums for industries across a wide spectrum were literally doubling or tripling annually. Municipalities were not exempted from this trend; and for the period in question, OMEX was available to them as an alternative insurance market.

OMEX liability policy limits are \$50,000,000 per occurrence, of which OMEX retains the first \$1,500,000 of any claim and reinsures the remainder. OMEX has purchased liability stop-loss coverage continuously since 2006, which caps its financial risk for claims to a maximum annual retention of \$12,500,000; however for 2004 and 2005, the decision was made to forego this coverage due to cost. This removed the protection of the cap, which for this period would have been \$15,000,000 for each year. OMEX property retention is much lower, at \$100,000 for each claim, with no annual maximum.

All insurance companies are required to fund reserves to pay claims occurring during the policy period. Reserves include a factor for IBNR, which are claims incurred but not reported during the policy period and for adverse loss development, where reserves are increased for unanticipated developments. In 2004 the Financial Services Commission of Ontario (FSCO) mandated that all property and casualty insurance companies meet the Minimum Capital Test (MCT) of 150%; however Reciprocal Insurers, such as OMEX, were *exempted* from this requirement because reciprocals could remedy reserve shortfalls by issuing supplementary assessments (assessments) to its members. It was because of this exemption from the same funding rules applicable to insurers that reciprocals could offer lower premiums to members.

Reviewing its past history, OMEX has levied assessments annually from 1998 until 2009. More information about recent assessments appears in the 2006 to 2009 Annual Reports available at <http://www.omex.org/>. One reason for assessments relates to the decision to not purchase stop-loss coverage for 2004 and 2005, which as OMEX now has this coverage, is not a concern for current members. The much larger assessments in 2008 and 2009, the latter of which exceeded \$20,000,000, are attributed to FSCO increasing oversight over reciprocals, now requiring that reserve funding and underwriting practices align with those of insurance companies.

The OMEX website does not provide information about individual assessments, but much of this is available on line. The high amounts and the duration of these assessments shocked municipalities; particularly as often the assessments were not budgeted for, resulting in several terminations of membership. York Region was one of these; a member with OMEX since 1996, it withdrew its membership in 2009 after finding an alternative market, but only on its second attempt to do so. In 2008 York Region had issued an RFP for Insurance and Risk Management Services but received only one (1) quote, from OMEX. In a repeated effort in 2009, York Region received three (3) quotes, with one being significantly *lower* than OMEX, which was accepted.

The City faces a similar situation. Having been insured with its incumbent insurer for many years, but experiencing steep premium increase in recent years, the City's attempts to find another insurer were unsuccessful until its 2012 RFP, when the City received three quotes. Of these, OMEX offered the lowest premium over a longer term, but with a risk of possible assessments in the future. It is the City's concern that the savings realized by becoming a member of OMEX may be short lived if the City has pay this and next year's savings and perhaps more than this, in future assessments.

We are mindful of this concern and provide the following information to offer some assurance to the City on this point. The assessments previously collected are not spent monies but have funded reserves as was required by FSCO, and as the chart below confirms have increased significantly since 2007. More importantly the surplus, which is amount to be redistributed to members at the end of an underwriting period, has also increased for this same period. The total amount in reserve may be required to pay all claims, but may eventually become surplus if claims settle below the reserved amounts.

| Year | Unpaid Liabilities | Assets | Surplus |
|------|--------------------|---------------|--------------|
| 2007 | \$ 62,667,163 | \$74,464,307 | \$10,133,963 |
| 2008 | \$ 7,678,202 | \$94,612,772 | \$7,038,275 |
| 2009 | \$112,341,470 | \$136,265,151 | \$20,651,813 |
| 2010 | \$123,057,019 | \$145,012,840 | \$19,720,616 |

Another consideration which may assist the City with its decision is that unlike previous members of OMEX which did not set aside funds for an assessment, the City with its greater hindsight into past practices and the savings achieved at this renewal, is able to do so. Should no assessment be required for the underwriting period, which we understand is five years duration, or the assessment is less than the funded amount, the City will have achieved a significant savings given the alternative options currently available. The City might consider purchasing insurance to protect itself from the risk of assessments if the premium for this is acceptable. Should the City join OMEX, it would be exempt from any assessment for the period prior to 2012.

OMEX has openly acknowledged that its past practices lead to assessments and has amended its underwriting practices as a result. Having acted as Consultant on behalf of several previous members, we are able to confirm that other insurers have quoted more competitively than OMEX, which does lend some credence to the assertion that OMEX is following stricter underwriting guidelines. Few members were dissatisfied with OMEX services, but expressed displeasure with the assessment process; however it is noteworthy that some of these members had seats on the Board when these decisions were being made. Members have also returned; one municipality after removing part of its insurance program from OMEX in 2008; did return in 2011 because OMEX offered greater claims autonomy which is one of the advantages it actively promotes.

We would like to conclude with a statement about the City's claims history as this compares to other municipalities. There was little in the loss history provided to us that was markedly dissimilar to those of other municipalities, including those matters which were the most contentious. For the City's liability claims, the incumbent insurer has made all financial and procedural decisions on the City's behalf, with limited consultation and allowed the City no option to manage its own claims within its \$50,000 deductible, without potentially forfeiting coverage. As a member of OMEX, the City would have increased autonomy for claims management within its deductible, but will be included in the decision making process for matters exceeding its deductible. In our opinion, this increased oversight by City's Risk Management section of claims and costs, will provide the City the opportunity to further identify and implement risk management initiatives which can only benefit the City when seeking insurance in the future.

Yours truly,
Cameron & Associates Insurance Consultants Ltd.



Susan Saksida,
Risk Management and Insurance Consultant
susan@cameronassociates.com
Direct Line 416-350-2774

Magnifico, Rose

Subject:

FW: The re-zoning of TRCA lands at Rutherford Rd. and Islington Ave.

c 11
Report No. 12 Item No. 23
Council April 17, 2012

From: Sid Preece [<mailto:sid.preece@gmail.com>]

Sent: Monday, April 16, 2012 11:17 PM

To: craig@rogers.com; 'Barry Westhead'; james.davenport@sympatico.ca; pinetrees@ca.inter.net; ronh17@hotmail.com; Iafrate, Marilyn; Schulte, Deb; Mayor and Members of Council; Abrams, Jeffrey; ken.schwenger@sympatico.ca

Cc: m.mcdowell@sympatico.ca; neffie@sympatico.ca; bdenney@trca.on.ca; bdenney@trca.on.ca; gwilkins@trca.on.ca; Iafrate, Marilyn; Schulte, Deb; sid.preece@gmail.com

Subject: RE: The re-zoning of TRCA lands at Rutherford Rd. and Islington Ave.

To the Boyd-East Humber Sub-Watershed Committee, and the Co-Chairs of the Humber Alliance, Members of Vaughan Council

Within the last 24 hours I have learned the TRCA intends to have 2 parcels of land at the corner of Rutherford Rd. and Islington Ave, re-zoned to "Low-Rise Mixed -Use". This item will come up at a City Council meeting on April 17. You can find all of the details using the following link:

<http://www.city.vaughan.on.ca/vaughan/council/minutesagendas/committee2012/pdf/CWA040323pdf> Go to Item 23, Attachment 6, Part B, page 3 of 15, item 249C

Between the Eastern Parcel and the Northern Parcel is a larger piece of property (the North East corner of Rutherford Rd. and Islington Ave,) owned by the York Region Separate School Board. This property was purchased years ago with the intention of building a high school. It now appears that the school will not be built, and the land may be sold. The Harry Putter Driving Range is leasing the property at the moment. Collectively these three properties would be very attractive to any one of a number of Vaughan developers.

TRCA is seeking a re-zoning without any sort of public process having taken place - neither a public information session, nor any discussion with the Humber Alliance, the Boyd-East Humber Sub-Watershed Committee, and the community (Kleinburg and Woodbridge). This is a controversial issue for a lot of people. While probably not forced by law to hold a public session, some people (who are just finding out at the 11th hour about this proposal) feel that TRCA should have had a 'moral obligation' to inform various committees and the public about their plans. The Boyd-East Humber Sub-Watershed Committee spent a lot of time working on the "Management Plan", and this re-zoning was never part of that plan.

The Northern Parcel was part of a "buffer zone" for the East Humber River Valley. We should be concerned about losing any part of a buffer zone, and the lack of public process. Many people in Kleinburg/Woodbridge have not forgiven TRCA for selling a part of Boyd Park south of the Al Palladini Recreation Centre. This land, on the east side of Islington was sold for housing. Recently citizens are asking how TRCA seemed to condone the building of a 6 storey apartment building near Kortright (near the North East corner of Pine Valley Dr. and Major MacKenzie Dr.).

At the present time I understand the TRCA does not have a buyer for the two parcels in question. However, we do not need a real-estate expert to recognize that once the land is re-zoned offers will come in.

If the land is re-zoned, why would TRCA sell the land? These two parcels form a relatively small piece of 'questionable' greenspace - worth a lot of money. With the sale of these two parcels, TRCA could, and hopefully will, purchase larger

pieces of property in the Humber Watershed. If in fact that is their intention, I'm sure they could have been given the 'go-ahead' by the various committees and the community to seek the re-zoning.

As a member of KARA, the Humber Valley Alliance and as chair of the Boyd-East Humber Sub-Watershed Committee I find this item having progressed to the point of consideration by city council without public consultation very disturbing. If actions like this can be taken arbitrarily for reasons unknown to the community, what comes next. At a minimum I ask members of TRCA and City Council to defer discussion of this item at the April 17th meeting and afford TRCA the opportunity to hold appropriate consultation with the many interested members of the community affected by these decisions.

If you share these concerns, we do not have time to respond as a committee, but I encourage you to share your concerns with Brian Denney (TRCA's CEO) bdenney@trca.on.ca and copy cwoodland@trca.on.ca, and gwilkins@trca.on.ca. You could also send your opinions and comments to the City of Vaughan Council.

Sid Preece
25 Hedgerow Court
Kleinburg, ON
L0J 1C0

Cell: 647 401 2588

Email: sid.preece@gmail.com

Magnifico, Rose

Subject:

FW: Islington and Rutherford Site

c 12
Report No. 12 Item No. 23
Council April 17, 2012

From: J Davenport [<mailto:james.davenport@sympatico.ca>]

Sent: Tuesday, April 17, 2012 8:04 AM

To: llappano@trca.on.ca; llappano@trca.on.ca; cwoodland@trca.on.ca; craigers@rogers.com; 'Barry Westhead'; james.davenport@sympatico.ca; pinetrees@ca.inter.net; ronhtn17@hotmail.com; Iafrate, Marilyn; Schulte, Deb; Mayor and Members of Council; Abrams, Jeffrey; ken.schwenger@sympatico.ca

Cc: m.mcdowell@sympatico.ca; neffie@sympatico.ca; bdenney@trca.on.ca; bdenney@trca.on.ca; gwilkins@trca.on.ca; Iafrate, Marilyn; Schulte, Deb; sid.preece@gmail.com

Subject: Islington and Rutherford Site

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If you share these concerns, we do not have time to respond as a committee, but I encourage you to share your concerns with Brian Denney (TRCA's CEO) bdenney@trca.on.ca and copy cwoodland@trca.on.ca, and gwilkins@trca.on.ca. You could also send your opinions and comments to the City of Vaughan Council.

I share the concerns and for see future unwanted development in our Watershed areas of the Humber. I support Deb Schulte's view of deferring the decision date until all subject matter is explored. We as the East Humber River Committee have assisted the TRCA for years in efforts to improve our natural surroundings. This decision is a major set back in the progress and future relations with TRCA.

I personally have offered to volunteer my time and resources to help the TRCA manage their lands only to be refused access. If you can drive pick up trucks up and down our paths, an identified TRCA marked ATV that stays on the trail only picking up litter and fallen trees would be helpful.

Any major development is going to impact our City. Councillor Di Biasse's support of Construction companies building large projects continues in the same direction as our disorganized over budget City Hall. A burden this City will pay for over a generation. How do we not have funds to follow plans to remove the old City Hall. Where is our Hospital? This Council appears split on so many major decisions. Please work with Council to delay the Vote until all avenues are explored.

Jim Davenport
416-697-2274

April 17, 2012

CFN 38958

BY MAIL and E-MAIL

Mayor Bevilacqua and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Your Worship and Councillors:

Re: City of Vaughan Official Plan Modification Recommendation 4, File 25.1

Thank you for the consideration of the Toronto and Region Conservation Authority's (TRCA) request at the Committee of the Whole on April 3, 2012. To clarify, the areas subject to discussion are depicted on the attached map. This letter is being provided in response to concerns associated with public input opportunity.

TRCA's present vision for the site is reflected within the existing Boyd North Management Plan. The site was considered to potentially be developed as amenity space for the development site abutting this site. Should this vision change, we are committed to provide community consultation sessions as part of the Management Planning process.

In the event the Authority was to consider the sale or lease of the land in the future, notice and a public process is required prior to the Authority making such a decision. Any such decision would be made within the context of the TRCA's Boyd North Management Plan. There may also be opportunity for the Authority to include conditions within any type of sale or lease agreement.

In the event a change in use was proposed, a public process is also required in accordance with the Planning Act. As background to any such proposal appropriate background and impact studies would be required by the City and these would be available for public review and comment.

These input opportunities will provide the Community, the City and the Authority to consider options for the site comprehensively in the future. We trust these comments are of assistance and hope they provide Council with the assurance that extensive opportunity for public input will be provided in the future. Should you have any questions, please do not hesitate to contact the undersigned at Extension 5214.

Yours truly,


Carolyn Woodland, OALA, FCSLA, MCIP, RPP
Director, Planning and Development

cc. Jeffrey Abrams (City of Vaughan Clerk - Jeffrey.abrams@vaughan.ca)
John Mackenzie (City of Vaughan Planning - john.mackenzie@vaughan.ca)
Roy Mcquillin (City of Vaughan Planning - roy.mcquillin@vaughan.ca)
Iain Craig - craig@rogers.com, J. Davenport - james.davenport@sympatico.ca
Brian Denney, Gary Wilkins, June Little/ TRCA (by-email)

NURSERY LANDS

SITE

KEY PLAN

RUTHERFORD RD

FORGOTTEN CREEK

BOULEVARD

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Report No. 12 Item No. 23
Council April 17, 2012

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING
DATE: APRIL 17, 2012
RE: COMMUNICATION - COMMITTEE OF THE WHOLE – REPORT #12, ITEM 23
FUTURE DEVELOPMENT NEAR THE PINE VALLEY DRIVE AND MAJOR
MACKENZIE DRIVE INTERSECTION – CRITERIA TO GUIDE FUTURE
DEVELOPMENT
ADDITION OF POLICY TO THE VAUGHN OFFICIAL PLAN

On March 20, 2012 Council ratified the following recommendation of Committee of the Whole, originating at its February 28, 2012 Meeting:

Whereas concerns have been raised by nearby residents about possible environmental and visual impacts of future residential development proposals near the intersection of Pine Valley Drive and Major Mackenzie Drive;

Whereas lands within the vicinity of the Pine Valley Drive and Major Mackenzie contain cultural heritage features and natural heritage features and functions of the Humber River Valley and Marigold Creek;

Whereas the Vaughan Official Plan 2010 identifies lands around the intersection as Greenbelt, Natural Areas, and Low Rise Residential;

Whereas additional study of natural environmental features would help to determine whether any future development potential is present outside of the Greenbelt Plan;

Whereas the Region of York is undertaking a design study to implement the previously completed Environmental Assessment for proposed transit improvements and the widening of Major Mackenzie Drive;

THEREFORE BE IT RESOLVED THAT staff be directed to report back with proposed criteria including study requirements to inform any future development and infrastructure proposals near the Pine Valley Drive and Major Mackenzie Drive Intersection.

AND THAT this report and any suggested policies be brought back for Committee and Council consideration as part of the reporting on the proposed modifications to the City of Vaughan Official Plan.

Staff has prepared a policy, forming Attachment 1 to this memo, for incorporation into Volume 2 of the Vaughan Official Plan – 2010, which recommends that Council may require preparation of a study for any development proposal in the south-east quadrant of the Major Mackenzie Drive and Pine Valley Drive intersection. The policy recommends study criteria that should be applied and may be enhanced to Council's satisfaction. The policy focuses on the south-east quadrant of the intersection as the other three quadrants are currently encumbered by Greenbelt or Natural Areas designations.

It is recommended that the Policy forming Attachment No. 1 to this memo, for the southeast quadrant of the Major Mackenzie Drive and Pine Valley Drive intersection, be approved for incorporation into the Vaughan Official Plan -2010.

Respectfully submitted,



JOHN MACKENZIE
Commissioner of Planning

Attachments: Recommended Policy: Southeast Quadrant of Major Mackenzie Drive and Pine Valley Drive

RM/lm

Copy To: Clayton Harris, City Manager
Jeffrey A. Abrams, City Clerk
Diana Birchall, Director of Policy Planning
Roy McQuillin, Manager of Policy Planning
Steven Dixon, Planner I

ATTACHMENT NO. 1

Recommended Policy: Southeast Quadrant of Major Mackenzie Drive and Pine Valley Drive

That Schedule 14-C to VOP – Volume 1 be modified to show the lands at the southeast quadrant of the intersection of Major Mackenzie Drive and Pine Valley Drive as “SE Quadrant of Major Mackenzie and Pine Valley – 13.X”, indexed accordingly; and

That Volume 2 of VOP 2010 be amended to add the following Policy to Section 13:

13.X SE Quadrant of Major Mackenzie Drive and Pine Valley

13.X.1 In consideration of a development application in the southeast quadrant of the Major Mackenzie Drive and Pine Valley Drive intersection, shown as Subject Lands on Map 13.X.1, or for any other reason, Council may initiate a study of all or part of the Subject Lands in respect of its land use, urban design, environmental and heritage potential and its location in the community.

13.X.2 Such study shall establish the appropriate development form and be prepared in accordance with terms of reference satisfactory to Council and may include, but not be limited to the examination of:

- a) Land use and density;
- b) Urban design, including building height, massing, architecture and streetscaping and visual impact assessment;
- c) Traffic impact;
- d) Heritage;
- e) Environment: In the form of an Environmental Impact Study consistent with the requirements of Policy 3.9.2 focusing on the features and functions of Marigold Creek;
- f) Potential impacts on nearby sensitive uses; and
- g) The appropriate integration of new infrastructure into the area.

DATE: APRIL 17, 2012

TO: HONOURABLE MAURIZIO BEVILACQUA, MAYOR
AND MEMBERS OF COUNCIL

FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING

RE: COMMUNICATION

**COMMITTEE OF THE WHOLE REPORT – APRIL 3, 2012 - ITEM #23,
“MODIFICATIONS TO THE VAUGHAN OFFICIAL PLAN – 2010
RESPONSE TO PUBLIC, GOVERNMENT AND AGENCY SUBMISSIONS, FILE 25.1”
AMENDMENT TO RECOMMENDATION**

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Report No. 12 Item No. 23
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Staff has undertaken a review of this modification recommended for Council consideration at the last Committee of the Whole and is now in a position to articulate a concern with one paragraph in the recommendation approved by the Committee and to recommend an amended modification.

The Committee Recommendation related to this item included the following:

5) Whereas, the Highway 427 corridor is an Employment Area of strategic significance to the City of Vaughan and the Region of York;

Whereas, ensuring that employment uses abutting Highway 427 present a high quality of urban design and architecture is essential to establishing a positive image of the City and its employment areas;

Whereas, creating such an environment will be critical to the promotion of the employment area as the location of choice for businesses and industries in the GTA;

Whereas, the City's new Official Plan and proposed Zoning By-law as it pertains to the employment areas abutting Highway 427 along with related policies should be reviewed and reinforced as required.

It is Hereby Resolved that the policies of the West Vaughan Employment Area Secondary Plan be reviewed to ensure that the necessary design measures for the areas abutting Highway 427 are in place to ensure quality urban design and an attractive visual presence along the full length of the proposed Highway 427;

And that such consideration extend a minimum of 120 metres from the highway into the employment area;

And that in the current review of the City's site plan policies and future secondary plans as part of the Vaughan Official Plan review and in the future review of the Comprehensive Zoning by-law to implement the Official Plan that consideration be given to the best means of achieving the design and development objectives of the City for these critical high profile areas;

And that OP 450 and 2010 be amended to redesignate the enterprise zone (OP 450) (from Highway 7 to Langstaff Road, and from 27 to Highway 50) from general employment area to Prestige Industrial, save and except for the lands subject to Zoning File #Z.11.031, and subject to a special Committee of the Whole evening meeting, which all landowner's in the affected area are to be notified;

Staff are concerned with potential negative impacts to existing and proposed uses within the General Employment area designations in the Vaughan Enterprise Zone subject to OPA 450. Communication with affected owners has indicated that there are lots within the Vaughan Enterprise Zone in OPA 450 where EM2 designations may be deemed by prospective purchasers and investors as important for the long-term viability of these employment lands. In addition, we note that there is potential for duplication of process associated with amending both OPA 450 and amending the Vaughan Official Plan.

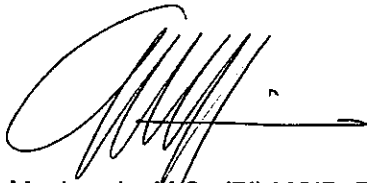
As a result we are recommending deleting the fourth paragraph of the resolution motion that reads as:

“And that OP 450 and 2010 be amended to redesignate the enterprise zone (OP 450) (from Highway 7 to Langstaff Road, and from 27 to Highway 50) from general employment area to Prestige Industrial, save and except for the lands subject to Zoning File #Z.11.031, and subject to a special Committee of the Whole evening meeting, which all landowner’s in the affected area are to be notified” And that such consideration extend a minimum of 120 metres from the highway into the employment area;

And modifying the first paragraph of the resolution to read as follows:

“It is Hereby Resolved that the policies of the West Vaughan Employment Area Secondary Plan and the Vaughan Official Plan 2010 be reviewed to ensure that the necessary design measures for the areas abutting Highway 427 are in place to ensure quality urban design and an attractive visual presence along the full length of the proposed Highway 427 save an except for the lands subject to Zoning File Z.11.031;”

I trust that this is satisfactory. If you have any questions, please contact me at ext. 8445 .



John Mackenzie, M.Sc.(Pl) MCIP, RPP
Commissioner of Planning

Attachments: n/a

- c. Clayton Harris, City Manager
Jeffrey Abrams, City Clerk
Diana Birchall, Director of Policy Planning
Roy McQuillin, Manager of Policy Planning

WEST RUTHERFORD PROPERTIES LTD.

Mr. Jeffrey Abrams
City Clerk
City of Vaughan, Clerk's Department
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Via Email:
jeffrey.abrams@vaughan.ca

April 17, 2012

**RE: West Rutherford Properties Ltd. (3600 Rutherford Road)
Committee of the Whole Report No. 12
Council Item 23-7 (April 17, 2012)**

West Rutherford Properties Ltd., owner of lands municipally known as 3600 Rutherford Road has reviewed Council Agenda item 23-7 which is scheduled to be heard at the April 17, 2012 Council meeting.

It is our understanding that Council will be considering ratification of the following motion as adopted by Committee of the Whole at its April 3, 2012 meeting:

"Whereas, the lands subject to this resolution are located on the north side of Rutherford Road, on the south side of Hawkview Boulevard, east of Weston Road, and are known municipally as 3600 Rutherford Road;

Whereas, the subject lands are designated "Medium Density Residential-Commercial" by OPA No. 600 which permits single detached, semi-detached, street townhouses, and block townhouse dwelling units at a maximum density range of 17 to 40 units per hectare;

Whereas, the subject lands are designated "Mid-Rise Mixed Use" by the new Vaughan Official Plan, adopted September 7, 2010 and subject to the approval process, permitting a mix of residential, retail, and community and institutional uses with a maximum density of 2.0 FSI and a maximum building height of 6 storeys;

And whereas, it is considered appropriate to maintain compatibility with the existing Low Rise Residential neighbourhoods in the area and the adjacent commercial uses along Rutherford Road;

It is therefore recommended that, the Vaughan Official Plan-2010 Volume 1 (as adopted by Council on September 7, 2010 as modified on September 27, 2011 and on March 20, 2012) be further modified by re-designating the parcel of land know municipally as 3600

Rutherford Road from "Mid-Rise Mixed Use" with a maximum building height of 6 storeys and a density of 2.0 FSI to "Community Commercial Mix-Use" with a maximum height of 3.0 storeys and density of 1.5 FSI."


Please be advised that we object to the proposed modification as:

1. No proper notice was given regarding the consideration of the proposed modification and we therefore did not have an opportunity to respond to the modification.
2. The proposed modification would effectively remove residential land use permissions which are permitted as of right today by the City's in-force Official Plan;
3. The stand-alone land use planning applications for the subject lands have been filed with the City of Vaughan and deemed to be complete by the Planning Department. The proposed Council modification is pre-judicial to the pending applications and the Planning process;
4. At the Statutory Public Meeting for our Planning Applications, a motion was approved by Committee of the Whole recommending that a Ward Committee consisting of the local Councillor, Ratepayer Groups, select residents and ourselves be established to review the applications and address community concerns.

We respectfully request that this letter be circulated to Mayor Bevilacqua and members of Council in advance of today's meeting.

Please do not hesitate to call if you have any questions or require additional information.

Regards,
West Rutherford Properties Ltd.



John Taglieri, MCIP, RPP
Planner

copy to: Mayor Bevilacqua and Members of Council
Bruce Ketcheson, Ritchie Ketcheson Hart and Biggart LLP
Rosemarie Humphries, Humphries Planning Group Inc.

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| Report No. 12 | Item No. 23 |
| Council April 17, 2012 | |

OZNER CORPORATION (SOUTH)

Mr. Jeffrey Abrams
City Clerk
City of Vaughan, Clerk's Department
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Via Email:
jeffrey.abrams@vaughan.ca

April 17, 2012

**RE: Ozner Corporation (South) Property Weston Road and Retreat Boulevard
Committee of the Whole Report No. 12
Council Item 23-6 (April 17, 2012)**

Ozner Corporation (South), owner of lands on the southeast corner of Weston Road and Retreat Boulevard in Block 33 West has reviewed Council Agenda item 23-6 which is scheduled to be heard at the April 17, 2012 Council meeting.

It is our understanding that Council will be considering ratification of the following motion as adopted by Committee of the Whole at its April 3, 2012 meeting:

"Whereas, the lands subject to this resolution are located at the southeast corner of Weston Road and Retreat Boulevard, north of Major Mackenzie Drive;

Whereas, the subject lands are designated "Low Rise Residential" by OPA No. 600 as amended by OPA No. 650 (Vellore District Centre Secondary Plan), permitting single detached, semi-detached and row and street townhouses, with a permitted density range of 17 to 40 units per hectare with a maximum building height of 2.5 storeys;

Whereas, the subject lands are designated "Mid-Rise Mixed Use" by the new Vaughan Official Plan, adopted September 7, 2010 and subject to the approval process, permitting a mix of residential, retail, and community and institutional uses with a maximum density of 2.0 FSI and a maximum building height of 6 storeys;

And whereas, it is considered appropriate to maintain compatibility with the existing Low Rise Residential neighbourhoods in the area;

It is therefore recommended that, the Vaughan Official Plan-2010 Volume 1 (as adopted by Council on September 7, 2010 as modified on September 27, 2011 and on March 20, 2012) be further modified and by re-designating the .87 ha parcel of land at the southeast corner of Weston Road and Retreat Boulevard from "Mid-Rise Mixed Use" with a

maximum building height of 6 storeys and a density of 2.0 FSI to "Low Density Residential".

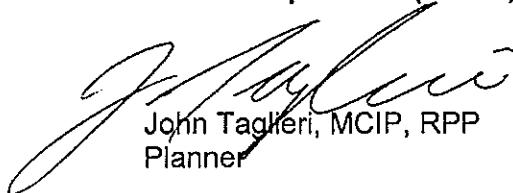
Please be advised that **Ozner Corporation (South)** objects to the proposed modification as:

1. No proper notice was given regarding the consideration of the proposed modification and we therefore did not have an opportunity to respond to the modification;
2. The proposed modification would effectively down-designate the lands from Medium Density to Low Density contrary to Staff's recommendation as part of the comprehensive Official plan review process conducted by the City;
3. The proposed Council modification is pre-judicial to the stand-alone land use planning applications for the subject lands as filed with the City of Vaughan and deemed to be complete by the Planning Department.
4. It is contradictory to the Statutory Public Meeting held for Applications mentioned in item 3 above, wherein the Committee of the Whole approved a motion made by the local area Councillor which recommended that a Ward Committee consisting of the Local Councillor, Ratepayer Groups, select residents and ourselves be established to review the applications and address community concerns.

We respectfully request that this letter be circulated to Mayor Bevilacqua and members of Council in advance of today's meeting.

Please call with any questions or if you require additional information.

Regards,
Ozner Corporation (South)



John Taglieri, MCIP, RPP
Planner

copy to: Mayor Bevilacqua and Members of Council
Barry Horosko, Bratty and Partners, LLP
Rosemarie Humphries, Humphries Planning Group Inc.