

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 26, 2007**

Item 1, Report No. 54, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on November 26, 2007.

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**ANIMAL SERVICES SHELTER**

(Referred from the Council meeting of October 22, 2007)

**The Committee of the Whole (Working Session) recommends:**

- 1) That an Expression of Interest be provided to the Town of Richmond Hill to purchase animal shelter services;
- 2) That staff be directed to contact the Township of King to review opportunities to provide animal shelter services for both municipalities;
- 3) That the following report of the Director of Enforcement Services, dated October 10, 2007, be received;
- 4) That the additional report of the Director of Enforcement Services, dated November 13, 2007, be received; and
- 5) That the memorandum of the Director of Enforcement Services, dated November 9, 2007, be received.

Council, at its meeting of October 22, 2007, adopted the following:

That this matter be referred to the Committee of the Whole (Working Session) meeting of November 13, 2007 for staff to provide further information following the proposed meeting with Richmond Hill.

Report of the Director of Enforcement Services dated October 10, 2007

**Recommendation**

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

1. That Council provide direction on the construction of a permanent animal shelter; and,
2. That Council provide direction on a preferred site for such facility; and,
3. That staff report back to Council with detailed construction costs and detailed operating costs for a permanent animal shelter.

**Economic Impact**

The estimated costs of construction and equipping a permanent shelter (excluding land costs) estimated at \$1.5 Million, has been submitted for consideration in the Draft 2008 Capital Budget. Land costs have yet to be determined. The estimated annual operating costs for animal services are estimated to increase from \$450,000.00 to \$750,000.00.

Should it become necessary for Council to address the animal control needs through a temporary facility while a permanent solution is reviewed, the estimated cost for a temporary facility is approximately \$350,000.00 to \$450,000.00.

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#### **Communications Plan**

As the evolution of this initiative draws closer to assumption of animal services, an extensive public communication plan will need to be rolled out. At this stage, no communication plan is required.

#### **Purpose**

This report is to provide information and recommendations relating to the creation of an animal shelter for the City of Vaughan

#### **Background - Analysis and Options**

The process to find a suitable replacement for Kennel Inn Inc. has been ongoing since January, 2004. The following are the items specifically dealing with this issue.

1. January 12, 2004, Item 5, Report 2. Closed Session item dealing with a potential shelter solution.
2. October 25, 2004, Item 11, Report 73. Staff authorized to enter into a joint expression of interest with other York Region municipalities.
3. November 28, 2005, Item 3, Report 63. Staff to extend Kennel Inn Inc. contract to March 31, 2006; and Council directed staff to explore the feasibility of a joint public funded facility.
4. January 23, 2006, Item 5, Report 2. Closed Session item dealing looking at solutions.
5. April 10, 2006, Item 1, Report 17. Staff directed to negotiate with Kennel Inn Inc. for a contract for up to three years service; and terms of reference for a joint site selection, costing, and feasibility study be brought back to Council when available.
6. June 11, 2007, Item 1, Report 31. Staff directed to strike a task force to examine all aspects of building and operating an animal shelter in Vaughan and report back in October 2007; and contingency plan be developed for maximizing licensing revenues; and providing temporary services if Kennel Inn Inc. ceases operations.

As previously reported, the long time animal control contractor, Kennel Inn Inc., has verbally advised on several occasions, the most recent being August 29, 2007 to the City Auditor, that they will not be in a position to renew municipal contracts when they expire in early spring 2009. As such, the municipalities of Richmond Hill, Vaughan, King, and Aurora, participated in a feasibility study to examine whether a jointly operated facility would be viable. At the conclusion of that process, the Town of Richmond Hill decided to create an animal control facility for their own needs only. As such, on June 11, 2007, staff were directed to bring back a report on all aspects of building and operating an animal shelter in Vaughan.

As a result of the Council direction, a working group was struck consisting of staff from Enforcement Services, Purchasing, Parks Development, Buildings & Facilities, and Finance. The working group reviewed potential sites for both a temporary and permanent shelter, capital costs of various options, and related operational issues.

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#### Outsourcing Options

##### 1) SPCA

In June 2007, the Society for the Prevention of Cruelty to Animals (SPCA) in York Region advised all municipalities that it was interested in providing animal control and animal sheltering services to all municipalities in York Region. As a result, staff met with the SPCA in July to determine the feasibility of this proposal. It was determined that this potential solution was not workable for the reasons outlined below.

- The SPCA facility is located in Stouffville, east of Highway 404, 45 minutes drive from Vaughan.
- The facility does not have the capacity to handle the City of Vaughan's requirements. The preliminary cost estimate provided by the SPCA to supply these services to the City of Vaughan was in excess of \$770,00.00 per year.

The SPCA proposal solution does not appear to be a good fit and is not recommended.

In the previous five years, the City of Vaughan has gone out to tender twice and Kennel Inn Inc. was the only respondent. There are no other vendors in the Region or area, and other municipalities that have been approached do not have the capacity to supply services.

#### Temporary Shelter

Kennel Inn Inc. has advised all municipalities that should another municipality cancel services, they would have to provide us with 90 days notice of cancellation of our contract, as they cannot absorb the loss of revenue. There are two municipalities that have contracts that expire in early 2008, King and Aurora. It is not known what the councils of those municipalities will decide at this time. Staff are in touch with these other municipalities who all understand the value of maintaining services at Kennel Inn Inc. for the short term.

However, it is prudent to establish a contingency plan in the event of a withdrawal of services. The working group also reviewed options for a location that could be retrofitted into a temporary animal shelter. As part of this step, the working group also examined the potential of renting or purchasing several trailers.

##### 1) Temporary Trailers

As with the permanent solution, finding a location to house the trailers was problematic. Other than the locations listed below, there were no sites identified that could house up to eight trailers, plus parking.

Staff consulted with the City of Mississauga as they utilized trailers during an expansion project of their facility several years ago. Staff also spoke to the supplier of the trailers to obtain estimated pricing. Mississauga used several trailers for office and cat storage. Dogs were housed in another facility on a temporary basis.

As illustrated in Table 1 (Attachment #1), a total of eight trailers would be required for a temporary shelter. The cost of purchasing the trailers is approximately \$288,000.00, with an additional \$73,000.00 required for the cages. The possibility of leasing these trailers was also examined, but there was a reluctance to lease due to the interior modifications that would be required to accommodate the animals. Once the permanent shelter is completed, the expected costs of procuring the trailers and completing the modifications is considerable, and is likely not recoverable.

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2) Tigi Court

This location meets the minimum criteria of space and availability for a permanent site, and it has potential for a temporary shelter.

City staff have examined the retrofitting requirements for this location and estimated the cost of retrofitting this location, including soundproofing, plumbing and equipment, could be up to \$350,000.00 - \$450,000.00. As with the trailers, this is a substantial cost for renovations that is not recoverable.

Permanent Shelter

Based on the Consultant's report prepared for Richmond Hill and Vaughan (Attachment #2), the City of Vaughan will require at least a 5,000 sq. ft. shelter. Staff estimates the cost of construction for a new shelter at approximately \$275.00 per square foot. The cost includes the unique air circulation and plumbing requirements, and the installation of appropriate animal cages. This price will need to be further refined through an RFP and does not include any land acquisition costs.

The working group examined a number of potential sites for compatibility and availability. Table 2 (Attachment #3) illustrates the locations and the criteria considered by staff. The sites were identified by the members of the working group. Only sites already owned or leased by the City have been considered at this point.

As is indicated in Table 2, many of the locations examined are not currently available, or will not become available in sufficient time to allow for construction or retrofitting of the facility by March 2009.

Three locations have been identified that are, or will be available. Each of those sites offer unique challenges, but ultimately could be viable for a permanent shelter. These locations are explained further below.

1) Works Yard – Dufferin Street/Hwy 407:

This site is suitable in size and is available to construct a shelter. There is suitable access off of Dufferin Street and is the most central site of the three available locations. There is sufficient room for outdoor facilities.

The drawbacks to this location:

- There is a residence on the land abutting the property on Dufferin Street. The proximity of a residential property may lead to complaints by the occupants. Other than this issue, the location is compatible to the neighbouring uses.
- Staff have advised that this site may be required for Powerstream in the very near future, which might eliminate the site as a candidate, or provide an opportunity to create a shared facility. This would need to be explored further.

2) Vacant Parcel of Land – Langstaff Road and Hwy 27

This 7.5 acre site also has been identified as having potential to accommodate an animal shelter along with a leash free park and a works yard.

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Public Works has indicated that their works yard in Woodbridge will eventually need to be re-located as it is within a flood plain, and its continued long term operation is contingent upon approval of the TRCA. The Parks Development Department is also looking to establish a leash free park. The establishment of a leash free park at the animal shelter is a successful model in the Town of Caledon.

The drawbacks to this location:

- This site is not serviced or developed
- It is located at the Southwest corner of the municipality and is easily accessible to the public.
- Although this site is suitable for the intended uses, this location is a prime industrial lot and it may not make economic sense to use it for an animal shelter, or other municipal use.

#### 3) Tigi Court

This location meets the minimum criteria of space and availability. The property is currently leased by the City. Retrofitting would represent the cheapest option of the three permanent sites being discussed. City staff have estimated the cost of retrofitting, including sound proofing, plumbing and equipment, at up to \$350,000.00 - \$450,000.00.

The drawbacks to this location are:

- Some noise infiltration to the other departments, and eventually other business that abut this unit is possible.
- There is no space for outdoor facilities resulting in the dogs requiring manual walks for exercise. This has the potential to increase the operating costs as staff would have to take the time to walk the dogs individually.
- The ongoing rent will increase the overall operating costs of the shelter
- The parking situation at this location is somewhat congested, an animal shelter could add more congestion to the area.

#### Real Estate Comments

The Real Estate Department has contributed the following information.

Staff reviewed the market value ranges for the following areas:

- Agricultural Lands in the north area of the City were estimated at \$100,000.00/acre. Any specific site would need to be investigated for the potentially significant additional cost of services and the effect on surrounding uses.
- Serviced sites in the newly developing industrial subdivisions in the Highway 427 corridor are currently generating rates of \$750,000.00/acre to \$800,000.00/acre. Typical sites are generally in the 2 acre to 5 acre size range.

Serviced industrial sites in the Highway 427 corridor are currently being marketed. The asking price for recently serviced lots in the north-west quadrant of the Highway 7/427 interchange has been increased from \$750,000.00 per acre early in 2007, to the current quoted rate of

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\$850,000.00 per acre. Sales have reportedly been negotiated in the range of \$775,000.00 per acre to \$800,000.00 per acre for interior sites, with transactions to close later in 2007 and 2008.

- Sites in the Huntington and Hwy 50 area were estimated at \$300,000/acre to \$500,000/acre, depending upon size and specific location.
- Fully serviced and buildable sites north of Major Mackenzie Drive and east of Keele Street, are estimated to have a market value range of \$700,000.00/acre. to \$725,000.00/acre.
- Small commercial sites with potential for retail and service commercial use can vary in price between \$1,000,000.00 acre and \$1,500,000.00 acre. Such sites are not suitable for a kennel use as they are usually prime locations and are prohibitively expensive.

Staff spoke to CN staff who have indicated that there are no buildable sites available in their rail yards.

A brief MLS search was conducted for leasing opportunities; however, the site and building area requirements are unusual, and the potential for securing space such as this are remote, as there is little availability.

Staff suggests that given the nature of use and the outside requirements, the proposed site should be located within a secondary industrial area and not within a high profile business park.

A thorough MLS Search would indicate those properties being actively marketed. There may be properties that are not listed but available. A Request for Proposal may be an appropriate method to provide the public with an opportunity to sell land or lease space.

#### Financial Information

As indicated earlier in the report, the estimated construction cost for a permanent shelter is \$275 per square foot. This means \$1.25 Million to build a 5,000 square foot building. The City has been contracting out animal control services for several years. We are reviewing the ability to include this as a service in the current update of the Development Charges By-law. Assuming the City is successful, it would only apply to capital costs and only the portion that would serve new growth would be eligible for Development Charges. The balance would be funded from taxes. Of the growth related portion, it is assumed that there would be a requirement to fund 10% from other than Development Charges.

Development Charges funding, if eligible, is estimated at \$450,000.00, and \$800,000.00 is taxation funding.

The outfitting of the building and acquiring other tools of the trade will likely cost an additional \$250,000.00.

The operating costs of an Animal Service Unit have been estimated at \$750,000.00 per year. This represents a cost of approximately \$3.00 per capita for animal services. The current cost to the City for providing animal services is \$400,000.00, or \$1.60 per capita. Although \$750,000.00 represents a significant increase to the budget, the cost per capita is still below the average. Table 3 below illustrates the costs of providing animal services for eight area municipalities in 2004.

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Table 3 - Animal Control Costs in 2004

<b>Municipality</b>	<b>Population</b>	<b>Animal Control Budget</b>	<b>Cost per Capita</b>
Barrie	125,000	\$291,000.00	\$2.33
Brampton	370,000	\$1,600,000.00	\$4.32
Caledon	53,000	\$325,000.00	\$6.13
Georgina	3,200	\$220,000.00	\$6.88
Uxbridge	4,500	\$174,000.00	\$3.87
Mississauga	640,000	\$1,200,000.00	\$1.88
Oakville	130,000	\$550,000.00	\$4.23
Pickering Ajax Whitby	152,000	\$753,000.00	\$3.00
	Average	\$639,000.00	\$3.86
Vaughan - <b>2009 Projected</b>	250,000	\$750,000.00	\$3.00

Operating costs include the staffing costs, food and supplies, veterinary services, and other miscellaneous costs.

Staff will also begin to examine potential revenue opportunities to offset some of the animal operating costs. These initiatives could include increasing the impound fees and licensing fees, along with a more aggressive enforcement strategy to encourage compliance with the City of Vaughan Animal Control By-law.

As King Township and the Town of Aurora are not planning to build a facility at this time, there is the potential for revenue generation through the leasing of available space to one or both of those municipalities.

Due to the short time lines for this project, there is a pressing need to move forward so that site preparation and construction can commence in time to have the facility open by April 2009.

**Relationship to Vaughan Vision 2007**

This initiative is in keeping with the Vaughan Vision, specifically Goal A-1 Pursue Excellence in Service Delivery.

**Regional Implications**

Not applicable.

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**Conclusion**

The City of Vaughan requires an animal shelter. A number of sites have been identified as potential candidates for the location of the animal shelter. Due to the pending expiration of the Contract, a site needs to be selected to allow the planning and construction phase to begin, as soon as possible.

The Tigi Court location is a reasonable site in the event that a temporary location is required before the permanent site is ready.

**Attachments**

1. Table1 – Trailer Pricing Information
2. Pathwise Consultants Report
3. Table 2 – Site Selection Matrix
4. Previous Animal Control Related Reports

**Report prepared by:**

Tony Thompson  
Director of Enforcement Services

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



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Item 2, Report No. 54, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on November 26, 2007.

**2 PROCESS FOR COUNCIL NOTIFICATION OF SCHEDULE OF ANNUAL CITY EVENTS  
(WINTERFEST, CANADA DAY, AND CONCERTS IN THE PARK SERIES)**

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Director of Corporate Communications, dated November 13, 2007, be approved;
- 2) That Council be included in the final review of the 2008-2010 Schedule of Corporate Events;
- 3) That staff be directed to explore opportunities with the Interchange businesses to coordinate a second event at the Corporate Centre and to provide services-in-kind for the event;
- 4) That staff also consider utilizing the venue of Concord Community Park for Corporate events; and
- 5) That the deputation of Pastor Andre Turcotte, Interchange Business Association, 50-B Interchange Way, Vaughan L4K 3K6, and written submission and brochure, be received

**Recommendation**

The Director of Corporate Communications, in consultation with the City Manager, recommends:

That Council receive for information purposes this report on the notification process for informing Council and Senior Management of the dates and locations of annual City events (Winterfest, Canada Day, and Concerts In The Park series).

**Economic Impact**

Not applicable.

**Communications Plan**

All annual City events are promoted on the City's website, at media preview events, through media advisories and news releases, and on the City Page, space permitting.

**Purpose**

The purpose of this report is to provide an overview of the process managed by the Corporate Communications department to notify Council and Senior Management of the schedule of annual City events (Winterfest, Canada Day, and Concerts In The Park series).

**Background - Analysis and Options**

This report addresses Item No. 21, Report No. 18, Committee of the Whole, April 23, 2007 that staff "provide a process for Council approval of locations to hold Winterfest, Canada Day and Concerts in the Park."

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These events are organized and managed by the Corporate Communications department. The success of the annual events program is dependent on the support provided by the “Vaughan Celebrates “ sponsorship program which includes financial support from the private sector and in-kind support in areas such as media advertising partnerships.

Outlined below is the process that Corporate Communications follows for annual City events.

Event staff from the Corporate Communications department conduct site inspections and evaluate venues according to various criteria, including:

- Good public access
- Available parking
- Shuttle bus stops
- Requirements for support services
- Maximized sponsor exposure
- Suitability to showcase City properties

As far as possible, event dates are staggered to maximize attendance and provide attractive sponsorship opportunities. Events are not scheduled on significant faith days.

The locations outlined in the attachment fulfill the criteria above.

#### Scheduling procedure

The following procedure is intended to provide proper notification to Council:

1. Corporate Communications prepares a draft schedule for Corporate Events held during the current term of Council (attached).
2. The draft schedule is submitted to Council and Senior Management for review and comment. The review period to submit comments ends November 30 for those events scheduled for the following calendar year.
3. Comments and suggestions will be addressed by the Director of Corporate Communications and, if necessary, a revised schedule of events will be circulated to Council and Senior Management for final review.

#### Relationship to Vaughan Vision 2007

City events support the goal of Service Excellence in supporting diversity, arts and culture (A-4).

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

#### Regional Implications

EMS

#### Conclusion

Implementation of this event notification process will provide the opportunity for input from Council and Senior Management in the scheduling of annual City events (Winterfest, Canada Day, and Concerts In The Park series).

#### Attachments

2008-2010 Schedule of Annual City Events (Winterfest, Canada Day, and Concerts In The Park)

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**Report prepared by:**

Michael DeAngelis, City Manager  
Madeline Zito, Director of Corporate Communications

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

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Item 3, Report No. 54, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on November 26, 2007.

**3 GUIDELINES GOVERNING THE USE OF CITY OWNED HERITAGE BUILDINGS**

The Committee of the Whole (Working Session) recommends:

- 1) That Clause 1 of the recommendation contained in the following report of the Commissioner of Community Services, dated November 13, 2007, be approved;
- 2) That the current scheduling of the Kline House by the Old Boys for the use of the building by community groups and the general public, be continued for a two (2) year period, and that such agreement may be cancelled by the City of Vaughan at any time with two weeks notice; and
- 3) That the following deputations be received:
  - a) Mr. Richard Lorello, 235 Treelawn Boulevard, P.O. Box 927, Kleinburg, L0J 1C0; and
  - b) Mr. Robert Klein, P.O. Box 202, Kleinburg, L0J 1C0, on behalf of the Kleinburg Old Boys.

**Recommendation**

The Commissioner of Community Services, in consultation with the Manager of Cultural Services and the Director of Legal Services recommends:

1. That Council receive the information contained in this report pertaining to the service philosophy for the use of City-owned heritage buildings as outlined in the *Guidelines Governing the Use of City-Owned Heritage Buildings*; and,
2. That the current scheduling of the Kline House by the Old Boys for the use of the building by community groups and the general public, be discontinued, in order to maintain consistent and equitable practices as it relates to the use of City-owned heritage buildings and in accordance with the *Guidelines Governing the Use of City-Owned Heritage Buildings* and the *Recreation and Culture User Fee and Pricing Policy*; and,
3. That Recreation and Culture staff determine a facility permit fee for the use of the Kline House by the Kleinburg Old Boys that takes into account the current City fee schedule for the use of heritage buildings as required under the *Guidelines Governing the Use of City-owned Heritage Buildings* and *Recreation and Culture User Fee and Pricing Policy*; and,
4. That a memorandum of understanding be prepared by the City's Legal Department that authorizes terms and conditions, clarifies roles and responsibilities and other requirements for the long-term use of the Kline House by the Kleinburg Old Boys for the purpose of housing and facilitating the public viewing of the historical collection at the building and that a By-law be enacted to authorize the Mayor and Clerk to execute the memorandum of understanding.

**Economic Impact**

There is a potential for revenue to be earned by the City if public users obtain and pay for a facility permit through the Recreation and Culture Department.

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#### **Communications Plan**

The community groups identified in this report will be communicated any decision of Council as it relates to the use of the Kline House.

#### **Purpose**

The purpose of this report is to address a Council request in June 2007 to provide information on the service philosophy related to City-owned heritage buildings and within this scope, to report on the current operations at the Kline House by the Kleinburg Old Boys group as it relates to the historical collection at the house and the scheduling of the facility by the group.

#### **Background - Analysis and Options**

At the Council meeting of June 25, 2007, staff was requested to report on the service philosophy for the use of City-owned heritage facilities and within the same context, to provide a report on the existing facility scheduling operations at the City-owned Kline House, 8 Nashville Road, by the Kleinburg Old Boys group. The motion approved by Council at the subject June meeting related to this item reads as follows:

1. That the historical arrangements for the management of the Kline House by the Kleinburg Old Boys Association with the City of Vaughan continue; and,
2. That the Old Boys Association continue to facilitate the public attendance and viewing of the historical collection; and,
3. That the Old Boys Association continue to arrange the scheduling of the facility to local community groups; and,
4. That staff provide a report with respect to the City's service philosophy relating to these (heritage) buildings across the City, for consideration at a Committee of the Whole (Working Session ) meeting in the Fall 2007; and,
5. By directing that a report be provided in the Fall 2007 in conjunction with the report requested (above) with respect to the current operation of the Kline House.

#### **Service Philosophy for the Use of City-Owned Heritage Facilities**

The Kline House is one of fourteen (14) heritage buildings that have been restored and are managed and maintained by the City as part of its inventory of City-owned public facilities. The preservation of these buildings and the protection of their heritage character is the primary objective of the City in its stewardship of these properties. These heritage buildings are significant to the history of the community and are themselves considered important cultural landmarks. The usage of these buildings by the community is integral in creating vibrant and purposeful focal points within Vaughan.

At the June 25, 2007, Council meeting, the *Guidelines Governing the Use of City-Owned Heritage Buildings* were approved that reflect the overall service philosophy as it relates to the use of these buildings. With the approval of the *Guidelines*, the following requirements/changes were implemented:

1. Require that standard guidelines and procedures for the community-use of City-owned heritage buildings for their short-term and long-term utilization are adhered by all users;

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2. Established reduced rental rates for the use of heritage buildings to encourage an increase in use of these buildings;
3. Require that the heritage character of these buildings is maintained and that changes or additions to these buildings to accommodate users are sympathetic or appropriate for the building;
4. Require that equitable practices in the overall use of City-owned heritage buildings are adhered to by providing standard procedures relating to the permit or lease of the buildings;
5. Require that City By-laws and health and safety requirements are followed in the public use of City-owned heritage buildings.

To summarize therefore, the “service philosophy” with regard to City-owned heritage facilities, is primarily to ensure equitable practices are maintained in the overall use of City-owned heritage buildings by providing standard permits or lease agreement requirements for facility users and to provide affordable access to heritage buildings, in particular, for Community Service Organizations, for artists, arts and culture groups, Youth and Schools.

The *Guidelines* require all users to obtain a permit for their use whether for one evening per week or for permanent office space within these buildings. For extended uses such as the long-term use of an entire building or part of a building, the City may enter into a formal rental agreement for the use of a heritage building. Lease arrangements must be reviewed and approved by Council. Again, this requirement will ensure equitable practices are enforced in the overall use of heritage buildings.

As it relates to affordable access, in June 2007, Council approved a 50% reduction in fees for the use of heritage buildings for youth, Community Service Organizations (as defined by the Recreation and Culture CSO criteria) and schools (\$22 per hour use). In addition, a new weekly rental rate category was introduced for these groups that charges \$150 for a one week use. The reduction of fees for these groups and the introduction of new fee categories were intended to increase the use of these buildings by the community and provide affordable access to these buildings.

Lastly and importantly, City staff must ensure that health and safety requirements, City policies and City by-laws are adhered to with all uses and users at the facilities.

#### *Kleinburg Old Boys' Use of the Kline House*

#### *Development of Historical Collection*

The Kleinburg Old Boys group was established in 1999, consisting of approximately 10 residents of Kleinburg that met socially on a regular basis. The group does not have a formal operating structure or mandate. In 2000, with the assistance of City staff, the group applied for an Ontario Trillium Foundation grant to fund a community project it had decided to undertake, namely to establish an historical display of artifacts and photographs on Kleinburg at the Kline House. The group was awarded a \$10,000 Ontario Trillium grant that paid for display cases and some renovation work to the Kline House such as the interior painting and floor repair at the house. The historical collection was and is still being collected by the Old Boys through donations made by members of the community. The collection was officially opened in May 2003 at the Kline House.

Since the installation of the historical collection at the house, the Kleinburg Old Boys have managed the public viewing of the collection. As there are a number of visitors to Kleinburg, in particular during the weekends in the afternoon from 1 pm to 4 pm between May to October, the historical collection provides visitors with a place to view images and artifacts related to the

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history of Kleinburg. The public viewing of the collection is free of charge; however, visitors are encouraged to make a donation to pay for the program's cost. Over the last 4 years, the Old Boys have received approximately \$700 in visitor donations. Donations were also received by the Binder Twine Committee and the B.I.A. over the last 4 years in support of the program.

#### *Scheduling of the Kline House by the Old Boys*

As a number of community groups have historically used the building for meetings, a need for one coordinating body to ensure conflicts would not occur between users was required. Currently, a number of community groups in Kleinburg use the house for meetings and activities. These groups are the Kleinburg Old Boys, the Kleinburg B.I.A, the Kleinburg Area Ratepayers Association (KARA), the Binder Twine Committee, the Humber Seniors Club, and the Kleinburg Bridge Club. All are Kleinburg/Nashville based groups and currently receive free use of the building.

In 2003, the Kleinburg Old Boys hired an individual to assist in the scheduling of volunteers to facilitate the public viewing of the collection and to coordinate meetings at the house by community groups. The Old Boys pay an honorarium of \$100 per month to this individual to coordinate the schedule of the house and to solicit community volunteers to open and interpret the historical collection to the public. This honorarium is paid through donations received by the public and local groups.

Although community organizations such as KARA, the B.I.A., Binder Twine Committee, the Humber Seniors Club and the Kleinburg Bridge Group are not charged for their use of the building, corporations or individuals are charged by the Old Boys a flat rate of \$50 per use. There is not a substantial amount of revenue received through this use. In the past 4 years only \$100 has been charged/generated for non-community group use.

It should be noted that no formal recognition or approval of the current scheduling arrangement, has been found in City documents, nor can be provided by the Old Boys.

The house is currently one of three City facilities in the Kleinburg area that can accommodate small meetings or gatherings (in addition to the basement of the Kleinburg Library and the basement of the Railway Station). The Kline house has been maintained by the City since it received ownership of the building from the Royal Bank of Canada in 1984. The City pays for all maintenance, utilities and repair costs associated with the building. The approximate cost to maintain this property in 2006 was approximately \$17,000 per year.

In reviewing the yearly booking schedule of the Kline House provided by the Old Boys, a total of 81 days (morning and afternoon) use out of a total of 365 days per year (or 22% use) was identified. This includes the use of the house by community groups and for the historical collection. Additionally, a total of 30 evenings out of a total of possible 365 days per year use (or 8%) was found. The use of the building by residents, corporations or others is less than 6 occurrences for this past year.

This current underutilization of the building, demonstrates the need to ensure fair and consistent practices for the use of the building and that public access to the building follows City procedures and policies pertaining to fees and permit requirements. Moreover, there are clear liability issues for the City as it relates to an external party providing permits for the use of City buildings to the general public. As such, it is recommended that the Old Boys discontinue providing the general public and community groups "permits" or access to the Kline house.

#### *Recommendations to Maintain Consistent City-wide Practices for the Use of City-owned Heritage Facilities*

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At a June Council meeting a deputation was made to Council related to this matter by a Kleinburg resident that was critical as it relates to the current rental practices at the Kline House stating specific concerns on a number of issues: concerns over priority allocation of available time for use of the house by community groups; the breach of privacy as it relates to the public being required to permit the house via a non-City organization; and the lack of formal City approvals as it relates to the use, stewardship and permitting of the house by the Old Boys.

In order to ensure the use of the Kline House adheres to the approved *Guidelines Governing the Use of City-Owned Heritage Buildings*, the following is recommended:

1. A memorandum of understanding should be executed and agreed to between the Old Boys and the City that authorizes terms and conditions, clarifies roles and responsibilities and other requirements for the long-term use of the Kline House by the Kleinburg Old Boys for the purpose of housing and facilitating the public viewing of the historical collection at the building. This would be in place to protect both parties as it relates to liability, insurance and health and safety issues.
2. The Recreation and Culture staff will determine a facility permit fee for the use of the Kline House by the Kleinburg Old Boys that takes into account the current City fee schedule as per the *Recreation and Culture User Fee and Pricing Policy* for the use of heritage buildings, and also the value, in dollars, of the cultural programs, events, services and in-kind contributions related to programs or building services provided by the Old Boys on a yearly basis.
3. The current scheduling of the Kline House by the Old Boys for the use of the building by community groups (i.e. B.I.A, Binder Twine Committee, Humber Seniors Club, Kleinburg Bridge group and Kleinburg Area Ratepayers Association and the Old Boys), be discontinued. Requests for the use of the building by the general public and community groups should be permitted through the City's Recreation and Culture Department in order to maintain consistent and equitable practices as it relates to the use of City-owned heritage buildings and in accordance with the *Guidelines Governing the Use of City-Owned Heritage Buildings* and the *Recreation and Culture User Fee and Pricing Policy*.

#### Relationship to Vaughan Vision 2007

The Vaughan Vision encourages the preservation and enhancement of the natural and built heritage environment and encourages the preservation of significant historical structures and communities.

A strategic priority outlined in the Vaughan Vision is to provide effective and efficient delivery of services.

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

#### Regional Implications

There are no regional implications associated with the approval of this report.

#### Conclusion

The Kleinburg Old Boys have provided a valuable program at the Kline House that has helped promote and educate the public on the history of Kleinburg. The program at the house is a sympathetic use of the building, however, this use should be formally acknowledged through a memorandum of understanding agreement that will authorize the long-term use of the building for



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this purpose and protect both parties as it relates to liability, insurance and health and safety issues. Approval of the recommendation in this report would provide a more consistent practice and adherence to City policies as it relates to fees, permit requirements and liability issues.

**Attachments**

None

**Report Prepared By**

Mary Reali, Manager of Administration & Planning, ext. 8234  
Angela Palermo, Manager of Cultural Services, ext. 8139

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Item 4, Report No. 54, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on November 26, 2007.

**4 2006 ELECTION POST MORTEM REPORT**

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the City Clerk, dated November 19, 2007, be approved;
- 2) That the confidential memorandum of the Commissioner of Legal and Administrative Services and City Solicitor, dated November 9, 2007, be received; and
- 3) That the deputation of Ms. Carrie Liddy, 36 Humberview Drive, Woodbridge, L4H 1B1, and written submission, be received.

**Recommendation**

The City Clerk in consultation with the Commissioner of Legal and Administrative Services and City Solicitor recommends that this report be received.

**Economic Impact**

N/A

**Communications Plan**

N/A

**Purpose**

To provide a comprehensive report addressing issues around the 2006 municipal election.

**Background - Analysis and Options**

At its meeting held on September 25, 2007 Committee of the Whole (Working Session) considered a report from the City Clerk that had been referred from Council at its meeting held on June 25, 2007. The report dealt with various issues arising from the 2006 municipal election. Committee raised a number of issues and directed that a comprehensive report be brought to Committee of the Whole (Working Session) within 60 days.

**Vote Tabulating Machines (VTMs)**

Prior to 1991 Vaughan and the vast majority of municipalities relied on hand count paper ballot elections to provide election results. VTMs had been used for the first time in Ontario in 1988 in Toronto, North York, Etobicoke and Scarborough. Central count vote tabulators were used for the first time in York Region in the City of Vaughan for the 1991 election. The machines were located in the Council Chambers and the ballots were transferred from the polls to the Chambers where the VTMs were used to count the ballots and the votes to produce election results. These machines used technology similar to that used in bar code readers in grocery stores to count the votes recorded on paper ballots. They were used for all municipal elections in Vaughan up to and including the 2003 general election. The equipment became outdated and prior to the 2006 election, the supplier, Election Systems and Software, (ES&S) initially indicated that they would no longer support the system. When asked to reconsider, they agreed to provide support for one

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more election provided the software was upgraded. They also indicated that parts were difficult to find for the equipment and that there were only a few technicians still able to support the equipment. As a result, Council authorized an RFP for the supply of vote tabulating equipment. Purchasing Services issued the RFP and there were only two bidders, Dominion Voting Systems (DVS), and Election Systems and Software (ES&S). The RFP process was conducted by Purchasing Services. DVS was the successful proponent. The ES&S bid was declared non-compliant as the bond provided by the proponent was not signed and sealed by the insurance company. This decision was made in consultation with the Legal Department. The equipment provided, the CF200, is a tabletop VTM that is located at each voting location as opposed to the central count VTMs that had been set up in Council Chambers in previous general elections.

It has been stated that the equipment used in Vaughan is the same as that used by the City of Toronto. This is not the case. The system initially used by Toronto in 1988 and in use now is a poll counter system where small VTMs are located in voting locations. Poll count VTMs had not been used in Vaughan prior to 2006 with one exception. They were used in the 2004 Ward 5 By-election on a trial basis and were obtained from the City of Toronto.

#### VTM Performance

On Election Day there was one VTM at each of the one hundred voting locations. The machines performed very well. It is interesting to note that in his decision the Judge recognized this and said "*There is no issue in this case as to the accuracy of the vote tabulating machines and their memory cards*", and was so confident in the machines that he directed that the VTMs be used to cull out over and under voted ballots for review in the partial manual recount. That said, the VTMs are electro-mechanical devices and there were minor malfunctions. The malfunctions that occurred were paper jams, a screen display blackout, and printer jams. Four machines experienced problems which were either remedied on the spot or the machine was replaced. Where a machine malfunctioned, while the machine was inoperative, ballots were placed in an auxiliary ballot box by City staff, who were present at all times to ensure the integrity of the process, and fed into the replacement machine after the poll closed in the presence of scrutineers. If a machine was replaced in the field, the memory card was removed from the malfunctioning machine and placed into the replacement machine by DVS technicians and City staff who were readily available throughout the day. The transferred memory card contained the record of all votes and ballots. In four locations the VTMs' printer malfunctioned and was unable to print the voting results for that location. Scrutineers present requested a printout and received one later in the evening. Only three machines were replaced in the field, a 3% replacement rate. DVS advised that the industry standard is 2% to 5%. This information was confirmed to be accurate by City of Toronto staff, who have tracked replacement rates for equipment for some time.

The VTMs used in the 2006 Election were leased from Dominion Voting Systems (DVS). The central count machines that had been used from 1991 through to 2003 had been purchased from a predecessor company to ES&S. These machines performed well, but as noted above had become outdated and the supplier Elections Systems and Services (ES&S) was reluctant to support them. The decision to lease as opposed to purchase the equipment for 2006 was primarily based on the fact that technology in the area is changing so quickly that it seemed more reasonable to lease the equipment. A decision will have to be made prior to 2010 as to what type of vote tabulating equipment is to be used.

#### VTM Programming

The VTMs can be programmed to return an over voted or under voted ballot to the voter for review. An over vote, is where the voter marks the ballot for more candidates than the number to be elected, commonly referred to as a "spoiled ballot", whereas, an under vote, is where the voter chooses to vote for fewer candidates than the number to be elected or not to vote for any

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candidates at all. It is important to note that this applies to each and every ballot that makes up the composite ballot that is given to voters. Each composite ballot in Vaughan has 4 ballots; Mayor, Local and Regional Councillor, Ward Councillor and School Trustee, unless there is an acclamation, as well as any question that Council may have authorized to be placed on the ballot. As with a hand count election, the VTM treats each ballot separately and counts only votes recorded in accordance with instructions on the ballot. The VTMs can be programmed to return any composite ballot that has one or more offices that have been over or under voted, for review by the voter. In these cases the voter can request another ballot, in which case the first one is cancelled and set aside and a new ballot is processed. Alternatively, the voter may confirm that he/she wishes to have their ballot processed as intended in which case the VTM operator adjusts the VTM to accept the ballot as is, and only votes recorded in accordance with the instructions in the ballot are counted. The VTM software tracks under and over votes, and a record of such is available.

A decision was made not to program the VTMs to reject under and over voted ballots so that they could be reviewed by the voter and re-marked if desired. This is contrary to what had been reported to Council on April 24, 2006. At that time, Council directed that a demonstration of the VTMs be provided. Subsequently, a demonstration was provided and members of Council attended. At the demonstration conducted by DVS staff, it was noted that the equipment could be programmed to return under and over voted ballots for review and re-marking if desired. Serious concerns were expressed that to return ballots in such a manner would embarrass members of the public and could be disruptive. There is no requirement in the Act as to how the machines are to be programmed other than to ensure that only votes recorded in accordance with the instructions on the ballot are counted. The decision was made in October after Nomination Day and Council had stopped meeting. The campaign was well under way and election processes were under scrutiny. In particular, the use of the VTMs had come under considerable scrutiny. This is the norm whenever new vote tabulating technology is introduced as there is a level of mistrust as there had been when the central count equipment was introduced in 1991 which was one of the factors leading to the recount at that time. In time, people become more comfortable with the use of equipment and its accuracy. The VTMs had been demonstrated to all candidates and their scrutineers. Scrutineers aggressively questioned every aspect of the use of the VTMs. In addition, the integrity of the City's email system had been challenged, and concerns were raised as to whether the VTMs should be used at all. As the election campaigns further unfolded, it was evident that partisan political sentiments were running high. Consequently, a higher than average voter turnout was expected which often leads to difficulties at the polls. It was evident that scrutineers would closely scrutinize the VTM operation and election processes. The thinking was that if the machines were programmed to return under and over voted ballots to voters it would be very disruptive at the polls as scrutineers would have challenged that the equipment was not functioning properly. The fear was that the entire election process could have been jeopardized. A judgment call was made on the programming by the Clerk. In hindsight, even though Council had stopped meeting at this point, Council should have been informed and involved in the decision-making process.

It should be noted that poll count tabulators had been used in the 2004 Ward 5 By-election as a pilot project. The VTMs had been obtained from the City of Toronto. At that time the machines were programmed to return under and over voted ballots. On the face of it, this appears to be inconsistent with the programming decision for the 2006 general election. The two elections were very different. The By-election was on a small scale, in an area that usually has a low voter turnout, and By-elections generally also have a lower turnout, which was the case in this By-election, as the turnout was less than 19%. The use of the VTMs had gone almost unnoticed and the level of scrutiny was minimal. The situation in the 2006 general election was completely different as noted above.

The VTMs can also be programmed to accept or reject ballots that have votes that are ambiguous in which case the VTM is unable to determine the voter's intent. If the entire voting .../4

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space is marked then 100% of the area is marked. The VTMs were programmed to record as votes marks that covered 21% or more of the voting space. If the mark in the voting space covered 10 to 20% of the area, as could occur with a light mark, the machine returned the ballot. In these cases the VTM operator would instruct the voter to review the ballot to ensure that all votes were clearly marked and return it for counting. If a voting space had a mark covering less than 10% of the voting space, a vote would not be recorded. An example of this would be where a dot or some extremely light mark had been made. These program settings were recommended by DVS and were adopted by everyone who used the equipment, approximately 30 municipalities.

#### **Late Opening of Poll**

One voting location opened late. The location was Woodbridge United Church. Election Staff arrived at the location well in advance of 10 a.m., but unfortunately church staff were not present to open the door. This resulted from a miscommunication between church personnel. The poll opened at 10:43 a.m. A few people who came before the poll opened advised that they would come back later. It is not believed that anyone was denied their right to vote. It is unfortunate that this occurred but late openings do occur and every attempt is made to ensure that it does not happen. In our case supervising staff were dispatched to the location to set up a temporary poll. As it turned out, it was not necessary as no one came to vote between the time supervisory personnel arrived and when the poll opened at 10:43 a.m. It is noted that in the recent provincial election a number of polls in Etobicoke opened late.

#### **Delays at the Polls**

Some people complained about line ups and delays at the polls. This occurred in polling locations where voting was heavy. Vaughan's voter turnout was 39% which is high by municipal standards. That said, many locations had in excess of a 50% turnout, which resulted in delays during peak voting hours. When there were delays, they had nothing to do with the VTMs but were caused by the time taken to check the voters' ID and complete Form V9's, "Application to amend the Voter's List". This was the first municipal general election in which Vaughan residents were asked to provide ID at the polls. This was communicated by way of a flyer that was delivered to every dwelling approximately one week before the advance polls. Although there is no mandatory requirement that ID be presented at the polls, most jurisdictions require it, and at least one municipality refused to allow someone to vote if their name was not on the voters list and satisfactory ID was not provided. In the case of Vaughan, if an elector did not have ID they were still allowed to vote if the prescribed declaration was taken. In addition, "*unconfirmed citizenship*" on the voters' list required the completion of Form V9. In locations where there were multiple polls separate tables were set up to check ID and complete Form V9's. Unavoidable delays did occur at these tables and the process will be reviewed and improved for the next election. To address this issue, the identification requirements will be included on the Voter Notification Card, communicated to residents by way of an Election Information flyer to all households, increased advertisements will be placed in the local newspapers, and information will be posted on the City's website. We will also review staffing at the voting locations with a view to increasing staff at multiple voting locations where necessary.

#### **Delayed Election Results**

This matter was addressed in an Additional Information Memorandum from the Commissioner of Legal and Administrative Services and City Solicitor, considered at Committee of the Whole (Working Session) on September 25, 2007 (Attachment). In addition, Council's desire to have election results available earlier than had been previously provided had certainly been communicated to DVS staff. DVS knew that results were expected by 9:30 p.m. if not earlier on Election night. The system as configured did not provide results in a timely fashion.

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Election Staff

Like most municipalities Vaughan uses City staff in various capacities to assist in running elections.

2003 and Previous Years

In 2003 and previous years a few City staff worked on Election Day as Deputy Returning Officers or Voting Clerks. For the most part, however, City staff volunteered on Election Day morning to deliver election supplies including Voters' Lists to each of the voting locations and at the close of polls to pick up ballot boxes from the voting locations and deliver same to the Civic Centre. In the 2003 municipal election there were a total of 91 facilities. A total of 947 Election staff were hired to work on Election Day in the following positions:

Deputy Returning Officers (DRO's)	=	423
Voting Clerks (VC's)	=	423
Election Assistants (EA's)	=	51
Standby's	=	50

DRO's responsibilities included issuing ballots, placing ballots in the ballot box, administering various oaths, certifying election forms and reconciling ballots at the close of polls. VC's responsibilities included crossing off the names on the Voters' List of those persons who received a ballot and keeping a numerical count of all voters who received a ballot. Election Assistants were placed at multiple voting locations (where there were two or more polls) and their responsibilities included directing voters to their particular polling location, assisting with Form V9's, Application to Amend the Voters' List and generally assisting voting staff at the location.

2004 Ward 5 By-election

In the 2004 Ward 5 By-election vote tabulators were used for the first time at each of the 18 voting locations. Due to the introduction of vote tabulators, procedures were reviewed and modified and new positions were introduced. For the new positions of Tabulating Deputy Returning Officer (TDRO) and Managing Deputy Returning Officer (MDRO) Management City staff were utilized. A total of 77 Election staff worked in the 2004 Ward 5 By-election as follows:

Tabulating Deputy Returning Officers (TDRO's)	=	18 City staff
Managing Deputy Returning Officers (MDRO's)	=	18 City staff
Deputy Returning Officers (DRO's)	=	30 external staff
Standby's	=	11 (6 City Staff, 5 external staff)

TDRO's responsibilities included inserting the ballot into the vote tabulator. MDRO's at the multiple voting locations performed a supervisory role with responsibilities that included administering various oaths, certifying election forms, reconciling ballots at the close of polls. DRO's responsibilities included crossing off the names on the Voters' List of those persons who received a ballot, keeping a numerical count of all voters who received a ballot and issuing ballots.

2006 Municipal Election

Vote tabulators were again used in the 2006 municipal election and roles and responsibilities of Election staff were reviewed and modified. There were a total of 100 voting facilities and a total of 780 Election staff hired to work on November 13, 2006 as follows:

Tabulating Deputy Returning Officers (TDRO's)	=	100 (City staff)
Managing Deputy Returning Officers (MDRO's)	=	100
Deputy Returning Officers (DRO's)	=	413
Revision Officers(RO's)	=	155
Standbys	=	12

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In addition there were 6 Advance Vote days (November 4-9) with a total of 96 Election staff hired as follows:

Tabulating Deputy Returning Officers (TDRO's)	=	30 (City staff)
Managing Deputy Returning Officers (MDRO's)	=	30
Revision Officers (RO's)	=	30
Standbys	=	6

With the introduction of vote tabulators less staff are required to perform the roles and responsibilities necessary for the proper conduct of an election. That said, in the 2006 municipal election the challenges faced were the introduction of identification at the polls and the issue of "unconfirmed citizenship" on the Voters' List which required the voter to complete a Form V9, Application to Amend the Voters' List. To address this issue, Revision Officers were placed at the multiple poll locations. In addition, the Managing Deputy Returning Officer at such locations performed a supervisory role and this position's responsibilities included the same duties as the Revision Officers. In spite of this, in some of the busier voting locations delays were experienced by voters. The high voter turnout due to the hotly contested races contributed to the long line-ups. When placing Election staff at voting locations consideration is given to the previous election's voter turnout at the particular polls. This was done in 2006 and will be reviewed in 2010 with a view to increasing staffing levels where necessary provided there are sufficient applicants for placement.

It has become increasingly difficult to recruit people to work at elections. As in previous elections applications were sent to all who worked in the 2003 municipal election. Advertisements were also run in the City Page. In addition, appeals were sent to the media to write stories to encourage people to work in the election. It is no longer a case of having to be selective but rather just getting enough people to be able to conduct the election. This is evident by the small number of standbys we were able to recruit in 2006 as compared to 2003. One option for future elections may be for Council to authorize "skeleton" staff on Election Day and encourage staff to volunteer to work for the election on that day.

**Ballot Reconciliation**

Concerns have been expressed with respect to ballot reconciliation. It is thought that a complete ballot reconciliation of the number of ballots issued to the Deputy Returning Officers (DRO's) to the number of voters who vote is necessary to maintain the integrity of the process. DRO's are trained to ensure that ballots are provided only to people who present themselves as eligible to vote and produce appropriate ID. The Election staff are sworn to uphold their duties and to ensure that only those eligible to vote do so. In addition, scrutineers appointed by candidates in the election are present at most, if not all locations to monitor the voting process and are entitled to challenge anyone's right to vote if their eligibility is in question for whatever reason. If a challenge is made, the voter would only be given a ballot after the prescribed oath is taken in accordance with the Act. In addition, staff appointed by the Clerk monitor activity at the polls throughout the day.

With respect to ballot reconciliation, DRO's are required to sign for the ballots they receive and to count them. After the polls close, a form is completed that itemizes the number of ballots received from the Clerk, the number of cancelled/declined (spoiled) ballots and the number of ballots actually issued during the day. The VTMs count the ballots for each poll. During the day the names of each person who votes is struck off the voters list and a number is assigned to each so that at the close of the poll, a record is kept of the number of people who voted at the poll. At the time scrutineers have access to this information as well as to the tape printed by the VTM which includes how many ballots were counted. All of this information was provided to the candidates as part of the recent recount process. In a few cases, there were minor discrepancies between the number of people who were struck off the voters list as having voted and the number

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of ballots issued and counted by the VTMs (the VTMs actually provide a printout which includes the total number of ballots counted at each location but the software produces a poll by poll printout which includes the number of ballots counted for each poll). This would occur whenever a ballot was issued to a voter and the DRO's failed to strike the name off the voters list. Each time this occurs, there would at the end of the day be one more ballot processed than the number of people recorded to have voted, simple human error. Nevertheless, the integrity of the process is upheld as only eligible voters receive a ballot and only ballots with properly recorded votes are counted.

#### **Voting Locations**

In the recent court application it was alleged that a number of Jewish voters were disenfranchised because the voting location was a church. The location in question was Holy Trinity Church, 140 Brooke Street in Ward 5. There were three polls at this location in 2003 and again in 2006. No complaints were received about this location prior to either election. The polls were located in the church auditorium, which is separate from the sanctuary and has a separate entrance. Judge Howden indicated that he was unable to find any evidentiary basis for the concern, and stated that *"there is simply no air of reality shown to this as a problem or even a concern"*. It was noted that the Clerk had shown sensitivity to this issue previously in the 2003 election as a complaint had been received regarding a religious icon in a separate school. The icon was removed and the complainant had been satisfied. All that said, it appears that some orthodox Jewish voters may be uncomfortable with a church auditorium being used as a voting location. The issue of appropriate locations will be carefully reviewed prior to the next general election. It should be noted that it is a widespread practice at federal, provincial and municipal elections, to use church halls or auditoriums as voting locations.

It was also alleged in the court application that some voting locations were not accessible to physically challenged voters. However, no locations were cited as evidence of this. The Act requires that the Clerk shall have regard to the needs of electors with disabilities in choosing voting locations. All voting locations were accessible to those with disabilities and every location had been inspected prior to the election.

A question has been raised as to changes made in voting locations, specifically that some people may have been sent to a different location in 2006, from the one that they voted at in 2003. Every effort is made to use the same locations for each election, and to make locations convenient and close to home. There were 91 voting locations in 2003, and 100 in 2006. As Vaughan is a rapidly growing municipality, new locations are added on every election. The ward boundaries changed for the 2006 election, which necessitated some changes in voting locations. When new locations become available, such as a new school, some shifting occurs as a result. Re-alignments may occur so that spaces available are best utilized to accommodate voters, and the number of polls at each location. Every effort is made to use the same locations from election to election but some changes are made from time to time as indicated above.

#### **Relationship to Vaughan Vision 2007**

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

#### **Regional Implications**

N/A



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**Conclusion**

In considering a report addressing various issues arising from the 2006 Municipal Election and ensuing recounts, Committee of the Whole (Working Session) required a further report addressing issues raised at its meeting held on September 25, 2007. The report attempts to address those issues. It would be appropriate to receive the report.

**Attachments**

Additional Information, Item #1, Committee of the Whole (Working Session) September 25, 2007.

**Report prepared by:**

John D. Leach, City Clerk

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

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Item 5, Report No. 54, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on November 26, 2007.

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**5                    PRESENTATION OF MR. PATRICK DRAPER WITH RESPECT TO THE  
YORK REGION ECONOMIC DEVELOPMENT MARKETING STRATEGY**

The Committee of the Whole (Working Session) recommends that the presentation of Mr. Patrick Draper, Director of Economic Strategy and Tourism, York Region Economic Development, Regional Municipality of York, 17250 Yonge Street, Newmarket, L3Y 6Z1, and presentation material titled, "Economic Development Marketing and Communications Strategy Consultations Presentation", dated October, 2007, be received.

