

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 10, 2008

Item 1, Report No. 52, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on November 10, 2008.

1 DRINKING WATER QUALITY MANAGEMENT SYSTEM AND TOP MANAGEMENT REVIEW

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Engineering and Public Works and the Director of Public Works, dated October 28, 2008, be approved; and
- 2) That the presentation material entitled, "Overview of the Drinking Water Operational Plan & a Quality Management System", dated October 28, 2008, be received.

Further, Committee of the Whole (Working Session) recommends:

That staff hold an appropriate public meeting with respect to the change of water supply for Kleinburg, as it relates to the quality of the City's water system, and that the Region of York be invited to participate.

Recommendation

The Commissioner of Engineering and Public Works, and the Director of Public Works, on behalf of "Top Management", as defined under the City's Drinking Water Quality Management Standard, recommend that:

1. Council formally endorse the draft Operational Plan;
2. That the presentation from BRI International Inc. be received;
3. The report from "Top Management" be received; and,
4. That the composition of "Corporate Top Management" be amended to reflect the following positions; City Manager, Commissioner of Engineering and Public Works, Director of Public Works, Director of Engineering Services and Director of Development/Transportation Engineering.

Economic Impact

There is no direct economic impact as a result of the recommendations contained in this report.

Communications Plan

The City's Drinking Water Quality Management Standard will form the basis for the operation of the City's water distribution system. Once finalized and approved, information will be posted on the City's web site.

Purpose

To seek Council endorsement of the Draft Operational Plan, and to receive the report from "Top Management".

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Background - Analysis and Options

As reported previously to Council in December of 2007, and again in February of 2008, the Ministry of the Environment (MOE) requires that the City develop a Drinking Water Quality Management Standard (DWQMS) to obtain accreditation as the Operating Authority under the Safe Drinking Water Act, 2002 (SDWA), by January 1, 2009. Regulation 188/07 also requires the City to submit its Operational Plans to the MOE by January 1, 2009.

The DWQMS is based on the ISO series of standards, and forms part of the municipal licencing program implemented by the Province. The DWQMS requires a drinking water system Owner to identify roles and responsibilities at all levels of the organization that may have input into the operation of the drinking water system.

The "Owner" of the water system is the Corporation of the City of Vaughan and Council, with Council acting on behalf of the Corporation.

The Ministry defines Top Management as, "*a person, persons, or a group of people at the highest management level within an operating authority that makes decisions regarding QMS and recommendations to the owner respecting the subject system or subject systems*".

For the purposes of the City's Operational Plan, Council approved on March 31, 2008, that Top Management consists of two groups, one being "Corporate Top Management" and the other being "Operational Top Management".

- "Corporate Top Management", consists of the City Manager, the Deputy City Manager, the Commissioner of Engineering and Public Works, the Director of Public Works, the Director of Engineering Services and the Director of Development/Transportation Engineering.
- "Operational Top Management" consists of the Director of Public Works, the Manager of Environmental & Technical Services, The Supervisor of Water and the Supervisor of Compliance and Training.

In reviewing the composition of Corporate Top Management, it was concluded that there is no direct reporting relationship between the Deputy City Manager's position, and the management positions directly impacting DWQMS. As the City Manager's position is already identified as being part of "Corporate Top Management", and the Deputy City Manager would automatically assume the role of City Manager in his/her absence, listing the Deputy City Manager's position is not required. Therefore, it is appropriate to amend this group accordingly.

Part of the Owner's role is to:

- Create formal Council resolutions as required
- Implement a QMS in accordance with the DWQMS
- Receive and review regular update reports from Senior Management
- Ensure the system is being operated by an Accredited Operating Authority
- Ensure compliance with the Terms and Conditions of the License and its components

In relation to drinking water, there is a requirement under the Safe Drinking Water Act that the "Owner" and "Top Management" exercise a level of care, diligence and skill that a reasonably prudent person would be expected to exercise in a similar situation. DWQMS provides Council and Top Management with tools to continually assess the City's drinking water systems and to help ensure the "Standard of Care" Provisions under the Act are met.

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A Draft Operational Plan

In 2007, BRI International Inc. (BRI) and RV Anderson were retained to develop the City's DWQMS, to meet the requirements of the MOE's Municipal Drinking Water Licencing program, as outlined in the Safe Drinking Water Act, 2002. Since then, staff, along with the consultants, have been working diligently through the process to meet the required deadlines.

The draft Operational Plan has now been completed, and is before Council for endorsement, as required by the Ministry of Environment. Once Council has endorsed the draft plan, it can then be identified as being "Endorsed", and sent along with the other required documentation to the MOE.

The plan covers the following required 21 elements:

- 1 Quality Management System (Overview of the Plan)
- 2 Quality Management System Policy
- 3 Commitment and Endorsement
- 4 QMS Representative
- 5 Document and Records Control
- 6 Drinking Water System
- 7 Risk Assessment
- 8 Risk Assessment Outcomes
- 9 Organizational Structure, Roles, Responsibilities and Authorities
- 10 Competencies
- 11 Personnel Coverage
- 12 Communications
- 13 Essential Supplies and Services
- 14 Review and Provision of Infrastructure
- 15 Infrastructure Maintenance, Rehabilitation and Renewal
- 16 Sampling Testing and Monitoring
- 17 Measurement and Recording Equipment Calibration and Maintenance
- 18 Emergency Management
- 19 Internal Audits
- 20 Management Review
- 21 Continual Improvement

As part of the process, the MOE requires a third party external audit be performed to ensure that "we do what we say we do". The Canadian General Standards Board (CGSB), has been appointed by the MOE to perform the mandated external audit.

In order to meet the deadline of January 1, 2009, the plan needs to be endorsed by Council and the necessary documents forwarded to the Ministry.

B Summary of Operational Top Management Review:

An "Operational Top Management" review was held on September 30, 2008. During this session, a draft copy of the internal audit report was reviewed and non-conformances were identified along with agenda items a-p (as outlined in element 20 of the Operational Plan). Decisions and actions were determined along with responsibility and due dates.

The purpose of this review, as defined by the MOE, was to evaluate the suitability, adequacy and effectiveness of the quality management system that includes the consideration of items a-p. Operational Top Management reviews will be held annually to re-visit the commitment to the policy and to identify and respond to any applicable changes. The next meeting of this group is scheduled for Friday, September 25, 2009.

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As required by the MOE, the following are the results are presented to the Owner in the prescribed manner:

Deficiencies Identified:

In preparation for the external audit that is required by the Ministry to obtain a Drinking Water Licence, an internal audit was held. As required, any “deficiencies” must be identified and reported. The following were noted at the time of the internal audit:

Element 3 – Commitment and Endorsement (No formal endorsement from Operational and Corporate Top Management and Council)

Element 5 – Document and Records Control (Standard Operating Procedures, referred to as SOP's, have not been updated, and no Operators have the revised SOP's updated for DWQMS)

Element 8 – Risk Assessment (Revised SOP's have not been developed for critical control point)

Element 10 – Competencies (Overall awareness of the QMS and the duties relevant to the QMS were not clear for staff in all relevant City departments)

Element 18 – Emergency Management (Operations staff aware of emergency response but had no formal procedures)

Element 20 – Management Review (Operational and Corporate Top Management review had not been held)

In addition to the above issues that refer to the mandated elements, the following observation was made:

- There is no pro-active backflow prevention program in place for existing buildings, and backflow is directly related to the critical control point dealing with potential contamination through back-flow. The City currently has a program in place for new development under the building code for fire lines and domestic lines.
The requirements apply to Industrial, Commercial, and Institutional facilities under the plumbing section, independent of our municipal system. The Ministry of the Environment has enquired about this program and its status during annual inspections of the distribution systems.

Decisions Made:

Element 3 – To address this deficiency, a re-audit will take place after the Council meeting of November 10, 2008. By this time, it is anticipated that the plan will be endorsed.

Element 5 – To address this deficiency, the Standard Operating Procedures are currently in the process of revision, taking into account the DWQMS requirements. All Operators will receive appropriate training and updated procedure books by the end of November 30, 2008.

Element 8 – As noted above, the SOP's are in revision and will be distributed by November 30, 2008.

Element 10 - Copies of the QMS policy will be put in each Operator Procedure handbook. Also, a copy will be laminated and posted in City buildings that are in sight of staff and the public. Directors of different departments will be updated regularly to promote QMS knowledge to their staff within the Corporation. Additional employee awareness sessions will be held for new and existing Water Division staff and/or other departmental staff. This process will be continuous.

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Element 18 - The existing emergency plan established by the Emergency Planning Department only encompasses 2 types of emergencies for the Water Division (Booster Stations, Main breaks). Other emergencies that the Water Division may encounter have been identified as follows:

- adverse quality results,
- adverse quality results, resulting in a boil water advisory,
- leaking water meter,
- aesthetic quality,
- no water,
- low pressure (less than 20 psi).

While staff are knowledgeable as to the procedures for handling these situations, these procedures are in the process of being formally documented and will be made available to Water staff in the Public Works Department, Water Division, Work Procedures book upon completion, by November 30, 2008.

Element 20 – An “Operational Top Management” review was held on September 30, 2008 and a “Corporate Top Management” review was held on October 17, 2008.

Action Items

Element 5 – SOP's are in the process of revision. All Operators will receive training and updated procedure books by November 30, 2008.

Element 8 – SOP's are in revision and will be distributed by November 30, 2008.

Element 10 - Copies of the QMS policy will be put in each Operator procedure handbook. Also, a copy will be laminated and posted in convenient locations. Directors of different departments will be updated regularly to promote QMS knowledge to their staff within the Corporation. Additional employee awareness sessions will be held for new and existing Water Division staff and/or other departmental staff. This process will be continuous awareness sessions.

Element 18 - The existing emergency plan established by the Emergency Planning Department only encompasses 2 types of emergencies for the Water Division (booster stations, main breaks). Other emergencies that the water division may encounter have been identified and procedures will be made available in the Public Works Department, Water Division, Work Procedures book upon completion, by November 30, 2008.

The recent change in the name of the shared directory from the “J” drive to the “O” drive could affect documents and records, which could have an impact on the QMS. File paths for documents listed in form 05-01 must be updated.

Other QMS Issues Identified (including summary of corrective actions):

Recommendations for improvements as a result of growth and Ministry expectations. Due to increased operational duties, it is anticipated that additional staff or resources will be required to perform daily duties in many areas such as:

- Increasing the amount of hydrants maintained and tested annually
- Development and implementation of a backflow prevention program
- Improvement of the existing valve turning program
- Development and implementation of a records management system

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Maintaining the Quality Management Standard is an increase in daily functions within the Water Division. In order to effectively maintain all aspects, Operational Top Management will undertake a thorough review to determine the need for: additional administrative staff; a records management system (staff, data storage); additional service vehicles; additional testing and monitoring equipment (eg. turbidity meters); and, additional laptop computers for field operations. Any additional resources identified as being required will be requested through the 2009 Water and Wastewater Budget process. The Water and Wastewater Budget is funded through user rates, and not through taxation.

Corrective Actions Identified:

Element 5 & 8: Procedures currently under revision.

Element 10: Once procedures are complete, an in depth training session will be held to identify new procedures, and changes made to existing procedures. If further training is required, such as on certain pieces of equipment, this will be arranged.

Element 18: Documentation of emergency procedures.

Relationship to Vaughan Vision 2020

This report and its recommendations are consistent with the priorities previously set by Council, specifically the following Vaughan Vision 2020 Goals and Objectives:

Goal: "Service Excellence",
Objectives: "Pursue Excellence in Service Delivery",
"Enhance and Ensure Community Safety, Health and Wellness",

Goal: "Staff Excellence"
Objectives: "Support Professional Development of Staff".

Regional Implications

As has been noted in previous reports, the Region must also develop similar plans for their drinking water systems. BRI and RV Anderson are the City's consultants on this project, and they are also working with a number of other municipalities and the Region in the development and review of these plans.

Although each Owner must develop their own plans, staff of the area municipalities and the Region meet regularly to discuss drinking water and DWQMS related issues.

Conclusion

The draft Operational Plan, as presented, covers the 21 elements required by the Ministry. The plan is a mandated document, and is necessary in order to obtain a Municipal Drinking Water Licence from the Ministry of Environment. Prior to its submission to the Ministry, it is required that the plan be endorsed by Council. Therefore, it is recommended that Council formally endorse this plan.

Attachments

Draft Operational Plan provided to Members of Council only under separate cover.

Report prepared by:

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(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. 52, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on November 10, 2008.

2 **STREET NAMING POLICY FOR PUBLIC LANEWAYS**
CITY OF VAUGHAN
FILE 4.8

The Committee of the Whole (Working Session) recommends approval of the recommendation contained in the following report of the Commissioner of Planning and the Commissioner of Engineering and Public Works, dated October 28, 2008:

Recommendation

The Commissioner of Planning and the Commissioner of Engineering and Public Works in consultation with the Fire Chief and City Clerk recommend:

1. THAT the policy respecting Street Naming be amended to include the identification of all existing and future public laneways, numerically (eg. Laneway V1 with "V" representing "Vaughan"), and that "Laneway" be present in all names.
2. THAT the estimated one-time cost of \$20,100 (eg. approximately 67 signs at \$300 per sign) that will be required by the Public Works Department to install the identification signs for the 33 existing assumed laneways be referred to the 2009 budget deliberations.
3. THAT Council direct the City Clerk to initiate the Street Name Change procedure to assign identification to the existing laneways that have been dedicated as public highway, upon the funds being approved through the budget process.
4. THAT for laneways in unassumed subdivisions, the developer be instructed to supply and install the identification signs at the cost of the developer, to the satisfaction of the City.

Economic Impact

Should Council direct staff to name the 33 existing assumed laneways, approximately 67 signs would need to be installed by the Public Works Department at a total estimated cost of \$20,100 (eg. 67 signs x \$300/sign). This one-time budget request from the Public Works Department would need to be referred to the 2009 budget deliberations.

The subdivision developer would be responsible for supplying and installing the identification signs (21) for the existing unassumed laneways (11) prior to assumption of the subdivisions, at the cost of the developer, to the satisfaction of the City.

All future identification of laneways in unassumed subdivisions will be the responsibility of the developer to supply and install the identification signs at their cost, to the satisfaction of the City.

Communications Plan

The Municipal Act requires the Municipality to locally advertise the by-law that would change the identification of a laneway. In Vaughan, this by-law is placed in the City Page, at no additional cost to the municipality.

Background – Analysis and Options

On January 28, 2008, Vaughan Council resolved the following:

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“That the Planning Department, in conjunction with the Fire Department and Development/Transportation Engineering Department, be requested to review the Street Naming Policy with respect to the potential inclusion of public laneways and to report to a future Committee of the Whole meeting.”

There are currently 44 existing public laneways in the City of Vaughan as shown on Attachments #1 to #5 inclusive. They are identified or named on the Registered Plans of Subdivision as either “Laneway A” or similar, or as “Block 175” or similar. There are multiple referenced Laneway A’s in the City and within the Region, and it is possible there is more than one Laneway ‘A’ in the same neighbourhood. However, there are no actual street name signs posted at these laneways. This situation could pose a safety concern in the event of any type of emergency.

Of the 44 existing laneways, 33 laneways have been assumed by the municipality, and there are 11 unassumed laneways. Approximately 67 signs would be required for the assumed laneways, and 21 signs for the unassumed laneways.

Comparison with Other Municipalities

The Development Planning Department has researched the laneway naming procedures in the surrounding municipalities that have laneways and can advise as follows:

MARKHAM	RICHMOND HILL	TORONTO	OAKVILLE	MISSISSAUGA
Name the laneways only if addressing is required	Name the laneways using consecutive letters in the alphabet ie: Laneway A, Laneway B	Do not name laneways but are considering it	Name the laneways numerically ie: Laneway 1, Laneway 2	Name the laneways

Laneway Identification

The Vaughan Fire Department and Development/Transportation Engineering and Public Works Departments concur with the Development Planning Department that all existing and future laneways should be identified and signed at each end of a laneway in the event of any type of emergency. The Region of York has indicated that there should not be duplicate names within the Region to address the concerns surrounding dispatch by emergency responders. The Vaughan Fire Department has indicated that either numerical or a name be used, and that alpha be discouraged given the limited number of letters in the alphabet.

To address the above comments, the Development Planning Department is of the opinion that alpha names not be used; the word "Laneway" be present in all names; and, that if laneways are to be identified numerically, then a "V" for "Vaughan" be placed in front of the number (eg. Laneway V1) to distinguish this laneway from any other in the Region, which is supported by the Region of York.

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The pros and cons of the numerical versus name options are as follows:

<u>OPTION</u>	<u>PROS</u>	<u>CONS</u>
1. Numerical	<ul style="list-style-type: none"> a) Consecutive numbering of laneways b) public input not required to choose a name, therefore, no anticipated additional costs of holding public meetings c) no duplication in York Region when "V" for "Vaughan" is placed in front of the number d) numerical name (eg. Laneway V1) would emphasize the secondary nature of the public laneway in comparison to the primary named addressed public street e) numeric name is easily identifiable, and is supported by Region of York and Vaughan Fire Department 	<ul style="list-style-type: none"> a) laneway name is generic and uninteresting
2. Name	<ul style="list-style-type: none"> a) public has input, if the City's unapproved list of street names is not used b) no duplication in York Region c) name is supported by Region of York and Vaughan Fire Department 	<ul style="list-style-type: none"> a) likely additional costs (undeterminable at this time) associated with holding public meetings, if the City's unapproved list of street names is not used

Laneway identification for future laneways can be assigned by the Development Planning Department, together with the street names chosen by the developer for their subdivision. Both the laneway identification and street names will need to be verified by the Region of York. The developer would be responsible for the costs of supplying and installing the laneway signage as a condition of development approval. Should the policy to name laneways be approved, the appropriate revisions would be made to the City's Engineering Standards and to the Subdivision Agreement template.

Relationship to Vaughan Vision 2020

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

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Regional Implications

The Region of York Planning Department does not have any objection to the policy of identifying public laneways, provided there is no duplication of identification within the Region.

Conclusion

The Development Planning Department has reviewed the appropriateness of identifying Vaughan's 44 existing laneways and all future laneways, and has consulted with the City's Fire, Engineering/Transportation, Public Works and City Clerk's Departments and the Region of York Planning Department, and has reviewed the practices of other municipalities with laneways. The Development Planning Department is recommending that all existing and future laneways should be identified and signed at each end of a laneway in the event of any type of emergency.

Should the Committee concur, the Development Planning Department will revise the Street Naming Policy to include the identification of public laneways, and that "Laneway" be present in all names. Through this report, the Development Planning Department is recommending that the preferred method of naming public laneways be numerical (eg. Laneway V1 with the "V" representing "Vaughan").

The estimated one-time cost of \$20,100 (eg. approximately 67 signs at \$300 per sign) that will be required by the Public Works Department to install the identification signs for the 33 existing assumed laneways should be referred to the 2009 budget deliberations.

The subdivision developer would be responsible to supply and install the identification signs (21) for the existing unassumed laneways (11) prior to assumption of the subdivisions, at the cost of the developer, to the satisfaction of the City.

All future identification of laneways in unassumed subdivisions will be the responsibility of the developer to supply and install the identification signage at their cost, to the satisfaction of the City.

The City Clerk should also initiate the process of renaming the 44 existing public laneways (from that shown on the Registered Plan of Subdivision), upon the funds being approved through the 2009 budget deliberations, and any proposed laneway identification will need to be verified for suitability by the Region of York to avoid any name duplication.

Attachments

1. Location Map of City Laneways – Sonoma Heights, Block 53
2. Location Map of City Laneways – Block 17
3. Location Map of City Laneways – Thornhill Woods, Block 10
4. Location Map of City Laneways – Block 33 East
5. Location Map of City Laneways – Block 39

Report prepared by:

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/CM

(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. 52, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on November 10, 2008.

3 **ADMINISTRATIVE MONETARY PENALTIES**

(Revised report submitted at Committee of the Whole (Working Session) meeting of October 28, 2008)

The Committee of the Whole (Working Session) recommends:

- 1) **That the following report of the Commissioner of Legal and Administrative Services and City Solicitor, dated October 28, 2008, be received and referred to staff for a further report to be brought forward to a Committee of the Whole meeting for consideration.**

Recommendation

The Commissioner of Legal & Administrative Services and City Solicitor, in conjunction with the Director of Enforcement Services, and in consultation with the Chief Information Officer, and the Director of Purchasing, recommend:

- 1) that this initiative be referred in the 2009 Capital Budget for consideration;
- 2) That subject to Capital Budget approval, Council approve single sourcing the purchasing of software upgrades and hardware purchases, as outlined in the report.

Economic Impact

The one time costs to implement an Administrative Monetary Penalty system in the City of Vaughan is \$110,000. (capital). These funds are for software upgrades to existing systems, \$63,000., and required hardware, \$45,000. The breakdown of this is outlined in the body of the Report.

The ongoing costs to operate the Administrative Monetary Penalties system are expected to be \$35,000. (operating). The breakdown of these costs is outlined in the body of the Report.

It is expected that the costs to implement this system will be completely offset by revenue within one year of going live.

Communications Plan

An extensive communication strategy will be developed as part of the project.

Purpose

This Report is to provide additional information related to the implementation and costs of a system of Administrative Monetary Penalties.

Background - Analysis and Options

Council, at its meeting of June 23, 2008, Item 3, Report 35, approved the recommendation:

“That staff proceed to develop a system of Administrative Monetary Penalties and report back to the Committee of the Whole Working Session in the fall with a comprehensive report outlining implementation steps and cost analysis.”

A system of Administrative Monetary Penalties is an alternative to the traditional methodology of enforcing the parking and Licensing By-laws.

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Bill 130, The Municipal Statute Law Amendment Act, 2006 amended The Municipal Act, 2001 to permit municipalities to establish a system of Administrative Penalties. This amendment also allows a municipal council to delegate its quasi-judicial and administrative functions to individuals approved by Council.

Under a system of Administrative Monetary Penalties, an Officer will issue a Penalty Notice to an alleged offender. The penalty becomes a debt owed to the City. The recipient of the penalty may contest the penalty through a Hearing Officer that is appointed by Council. Court is not an available option as the Hearing Officer's decision is final.

It is estimated that there are approximately 1,800 parking tickets with a face value of \$180,000. awaiting trial at Provincial Court. Due to the Court time to hear these trials, 2 days per month, most will be lost. Similarly, there are close to 200 licensing charges pending trial with a value of \$75,000. These too are in danger of being lost due to the amount of time it takes to get the matters before a Justice of the Peace. Generally speaking, delays for trials are ranging from 10-24 months.

Administrative Monetary Penalties will reduce the waiting time from 10 months to 6-8 weeks.

There is also a revenue benefit to the Administrative Monetary Penalties initiative. Fine revenue will not be delayed through the Courts. As fines are paid, the funds will be transferred to the appropriate revenue accounts. Currently, should an offender be found guilty of a Licensing By-law charge in Court, and a fine assessed, there is nothing the City can do if the fine is not paid. Under the Administrative Monetary Penalties system, the penalty is a debt owed to the City and there are stronger collection powers available to the City to pursue payment.

Initiative Financial Information

There will be substantial costs to initiate an Administrative Monetary Penalties system. However, the revenue benefits over the course of the first year will offset the set up costs.

Computer Software

Currently, the City uses a database to track issuance of parking tickets, called Ticket Tracer. This system also manages the escalation of the ticket process. For example, the ticket and all the information contained on the ticket is inputted either manually or electronically into the system. The system then monitors the timeframes required for escalation. Should a ticket not be paid or disputed within 15 days, the system generates a reminder notice to the registered owner of the vehicle ticketed. Likewise, it also escalates the fine to Plate Denial if the fine is not paid.

This specified database is in wide use across the Province and beyond.

There is no similar system currently in use in the City of Vaughan for licensing matters.

The Ticket Tracer system is efficient and beneficial. Unfortunately, it is currently designed only to record license plates as violators, not the names of individuals. Staff have met with the vendor to review Administrative Monetary Penalty requirements for the City of Vaughan. The vendor has advised that they are prepared to modify their software to incorporate the Administrative Monetary Penalty requirements.

The cost of this modification was quoted as \$45,000.

Once the modifications are made, the same system that the City has used for many years will also be able to perform the same, required functions, for licensing charges. This is a key requirement for an effective Administrative Monetary Penalty system as it will not only track penalties issued, but will also track outstanding fines and collection activities.

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Another required software upgrade is within the ticket issuing machines used by staff in the field to issue tickets under the current system. The software needs to be upgraded to allow staff to select different versions of tickets within the system. These machines are to be used to issue parking and licensing penalties from a single machine. In order to provide different ticket formats from the same machine, software needs to be modified.

This vendor has provided a quote of \$14,000. to make the required software changes.

The online ticket payment system will also require a software upgrade to handle the new process. The cost for this has been estimated at \$5,000.

The total for software upgrades or modification is estimated at \$ 63,000. As mentioned, the software changes are critical to the project and because they are modifications to existing programming it is significantly cheaper and more time efficient than having another vendor build the system from scratch.

Hardware

Under the current enforcement methodology, parking tickets are written either by hand or computer generated and Licensing tickets are handwritten. All these tickets are different in appearance.

Under the Administrative Monetary Penalty system, staff are recommending that all field staff be issued ticket machines so that all have the ability to issue parking and licensing penalties under the new system. Also, by having all tickets computer generated, the data inputting requirement is diminished significantly.

The current vendor for parking ticket machines has provided a quote of \$35,000. to supply 10 handheld ticket machines and printers, fully programmed and ready to go. This cost also includes the design of new tickets.

This company has supplied parking ticket issuing machines to the City for over 15 years and also operates the online ticket payment system.

As indicated, purchasing 10 new handheld ticket machines will allow all staff, on all shifts to issue penalties, but there are possible other benefits as well. The purchase of these machines also provides potential service improvements in two other areas:

- a) Operational improvements in the field, through real-time collection of data and access to information from systems such as CTS; and
- b) There has long been a request for the purchase of visitor parking permits to be available online. The predominant restriction on moving forward was the ability to have the permits validated by field staff. The most efficient way of validation is the use of barcodes. These new machines have the ability to read and validate barcodes. This would enable the City to allow the online purchase of parking permits.

The final piece of hardware required is a digital recording device to record proceedings during appeals to the Hearing Officer. The estimated cost is approximately \$10,000.

Ongoing Costs

A system of Administrative Monetary Penalties will have related ongoing costs associated to it.

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The largest of the ongoing cost will be the per diem rate for the Hearing Officer. The per diem rate is expected to be \$350.

Staff are anticipating that initially the Hearing Officer will be required once per week, with several other days being booked to deal with specific enforcement initiatives or unexpected overflow.

At a rate of \$350. per day, the ongoing cost will not exceed \$20,000. per year.

As a result of software changes and hardware acquisitions the annual maintenance agreements with the two vendors will increase by a combined \$15,000. per year.

The total ongoing costs for the Administrative system is \$35,000. This amount will be completely offset by the expected increase in revenue.

The project is expected to produce at least \$100,000 in additional revenue to the City in the first full year of operation.

Administrative Monetary Penalty System Policies

In order to establish a system of Administrative Monetary Penalties, a series of policies need to be adopted. The information below provides an outline of what would be included in these policies.

Staff will bring back a report in February with complete draft policies and bylaws for consideration.

1.1 Conflict of Interest Guidelines

The Municipal Act requires municipalities to develop standards relating to the administration of the system of administrative penalties which shall include *“Guidelines to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to redress such conflicts should they occur”*.

Administrative Penalty Policy 1.1 has being developed to provide a standardized guideline to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to redress such conflicts should they occur.

The appointment of the Hearing Officer shall be consistent with these conflict of interest guidelines.

Any deviation from these guidelines shall be reported to and investigated by the Director of Enforcement Services.

1.2 Extension of time for Payment

The Municipal Act requires municipalities to develop standards relating to the administration of the system of administrative penalties which shall include *“Procedures to be established to allow a person to obtain an extension of time for payment of the penalty”*, on such grounds as may be specified in the administrative penalty by-law.

Administrative Penalty Policy 1.2 has being developed to denote that the system of administrative penalties incorporates certain benefits for the person against whom an administrative penalty is imposed such as an extension of time for payment of an administrative penalty notice.

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Within 15 days of the date of the penalty notice the Person will have the option to:

- 1) make a voluntary payment; or
- 2) Request a review by a screening officer

The Screening Officer has a residual discretion to cancel, reduce or to extend the time for payment of an administrative penalty. This is intended to address obvious errors without requiring the individual to pursue review by a Hearings Officer.

The Hearings Officer may,

- cancel or reduce the administrative penalty; and
- extend the time for payment of an administrative penalty.

The extension of time by either the screening officer or hearings officer for payment of the penalty should not exceed 270 days.

1.3 Extension of time to request review

The Municipal Act requires municipalities to develop standards relating to the administration of the system of administrative penalties which shall include *“Procedures to be established to allow a person to obtain an extension of time in which to request a review by a screening officer, or a review by a hearing officer”*, on such grounds as may be specified in the administrative penalty by-law.

Administrative Penalty Policy 1.3 has being developed to denote that the system of administrative penalties incorporates certain benefits for the person against whom an administrative penalty is imposed such as an extension of time to request a review of an administrative penalty by a screening officer or a review by a hearing officer.

Screening Officer

An individual has a time-limited right to request a review of the administrative penalty by a screening officer.

Within 15 days of the date of the penalty notice the Person will have the option to:

- 1) make a voluntary payment; or
- 2) request a review of the administrative penalty by a screening officer. This review will normally take place within 35 days of the date of the penalty notice.

If the individual makes a request for an extension of time within 15 days of the date of the penalty notice, an extension of time for a review will be determined by the screening officer. Normally, an extension should not exceed 60 days of the date of the penalty notice. However, if there are extenuating circumstances, a screening officer may grant an extension for a longer period of time but should not exceed 120 days.

Hearings Officer

The individual has a time-limited right to request a review of the administrative penalty by a hearings officer.

The person will be given reasonable notice of the date, time and place for the Hearing. The date for the Hearing to review the administrative penalty by a hearings officer will normally be within 90 days of the date of the review by the screening officer.

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Should the person make a request for an extension of time within 30 days of the date of the review by the screening officer, an extension of time for a review will be determined by the hearings officer. Normally, an extension should be within 90 days of the date of the review by the screening officer. The extension of time will be at the sole discretion of the hearings officer.

1.4 Administrative Penalty Financial Management Policy

The Municipal Act requires municipalities develop standards relating to the administration of the system of administrative penalties which shall include *“Procedures regarding financial management”*.

Administrative Penalty Policy 1.4 outlines a consistent standard procedure regarding financial management and the reporting and tracking of administrative penalties.

This policy sets out the guidelines for administrative penalties for Parking By-law violations and Licensing By-law violations.

Parking By-Law

The administrative penalty for the violations of the Parking By-law will remain at the same current fine, with the sole exception of violations pertaining to disabled parking.

The Municipal Act does not permit a municipality to impose an administrative penalty system for a disabled parking offence. Offences related to disabled parking will continue to be prosecuted by way of Part I tickets under *the Provincial Offences Act*.

Licensing By-Law

Licensing By-laws by their nature are related to the regulation of for-profit businesses to protect the public interest. An administrative penalty of \$350.00 will be imposed for all violations outlined in the Licensing By-law. This is in keeping with penalties not being punitive, but intended to promote compliance.

The administrative system will not preclude the City from pursuing charges in the Provincial Court for cases that demand more progressive enforcement strategies.

Administrative Fees:

In addition to the administrative penalty, the City may impose administrative fees as follows:

Each request of the Director for an exemption to the Licensing By-Law	\$500
Each late payment of an administrative penalty	\$50
Each failure to attend hearing before Hearings Officer	\$100
Documentation Fees	
- Plate Denial	\$35
- Civil Filings	\$150
- Copy of Charges	\$15 (per)
Interpreter Services at Hearing	\$25

Should a Person make a request for an extension of time for a review or a request for an extension of time for payment and the request is granted, the late payment penalty would not be applied.

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1.5 Interfering with Hearings Officer Policy

The Municipal Act requires municipalities to develop standards relating to the administration of the system of administrative penalties which shall include *“Procedures to prevent political interference in the administration of the system”*.

Administrative Penalty Policy 1.5 has being developed to ensure that the Screening and Hearings Officers who are considered quasi-judicial officers are independent and free from political interference.

No person shall attempt, **directly** or **indirectly**, to communicate with or influence a Hearings Officer respecting the determination of an issue respecting a Delegated Power of Decision in a proceeding that is or will be pending before the Hearings Officer except a person who is entitled to be heard in the proceedings or the person’s lawyer or licensed paralegal and only by that

person or the person’s lawyer or licensed paralegal during the hearing of the proceeding in which the issued arises. Failure to comply with this policy constitutes an offence under the Administrative Monetary Penalties Bylaw.

This does not prevent a Hearings Officer from seeking and receiving advice including from the Director, or the City’s Legal Department.

1.6 Public Complaints against Administration of the System

The Municipal Act requires municipalities to develop standards relating to the administration of the system of administrative penalties which shall include *“Procedures for the filing and processing of complaints made by the public with respect to the administration of the system”*.

Administrative Penalty Policy 1.6 has been developed to provide a standardized, accessible, and efficient mechanism for filing and processing of complaints made by the public with respect to the administration of the system of administrative penalties.

This policy applies to any member of the public who has a complaint with respect to the administration of the system, provided that the member of the public has been directly affected by such alleged wrong doing. The complaint must be filed in accordance with the time limitations set out in this policy. The limitation to file a complaint is within 30 days of the situation giving rise to the complaint.

This policy is not intended to replace other specific City programs and legal processes available to address the Complainant’s concerns.

1.7 Administrative Penalty – Undue Hardship

The Municipal Act requires municipalities to develop standards relating to the administration of the system of administrative penalties which shall include *“Procedures to permit persons to be excused from paying all or part of the administrative penalty, including any administrative fees, if requiring them to do so would cause undue hardship”*.

Administrative Penalty Policy 1.7 has being developed to allow the Screening Officer or Hearing Officer the discretion to excuse a person from paying all or part of the administrative penalty, including any administrative fees if requiring them to do so would cause undue hardship.

The person must provide documented proof of financial hardship, example: Old Age Security, Canada Pension, O.S.A.P., Welfare, etc.

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Project Timelines

The remaining major steps in the project are outlined in the table 1.1 below, with a target completion date. The target dates are projected under the assumption that budget approval is granted so that the vendors can commence their work at re-tooling the software.

***Table 1.1
(January – June 2009)***

Identified Task	Responsible Dept
Software Modifications	External Vendor
Software Testing	External/ITM
Ticket Design and Order	Enforcement/External
Ticket Machine/Hardware Acquisition	External
CTS live Reporting	ITM
Staff Training Manual	Enforcement
Collection Protocols	Enforcement/Finance
Communication Strategy	Corp Comm/Enforcement
Retain Hearing Officer	Enforcement/HR
Establish Hearing Schedule	Enforcement
Bylaws Approved	Council
Update Departmental Website	Corp Comm/Enforcement
Establish New Revenue Accounts	Finance
Re-allocation of court time	Region/Legal/Enforcement

Although the majority of the work thus far has been performed by Enforcement Services staff, the stakeholders and departments listed above will be requested to provide support to complete the outstanding tasks in Table 1.1

Relationship to Vaughan Vision 2020

This project is in keeping with the Vaughan Vision in that it speaks to Enhancing Productivity, Cost Effectiveness and Innovation ; Pursuing Excellence in Service Delivery; and, Enhancing and Ensuring Community Safety, Health & Wellness

Regional Implications

As the Region operates the Courts used by the City to prosecute our by-law matters, they will be involved in the re-allocation of court time.

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Conclusion

The project to implement a system of Administrative Monetary Penalties has developed well and is now at the stage where very little further progress can be realized until the project budget is approved.

Attachments

N/A

Report prepared by:

Tony Thompson, Director, Enforcement Services

Rick Girard, Managing Supervisor, Enforcement Services

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Item 4, Report No. 52, of the Committee of the Whole (Working Session), which was adopted, as amended, by the Council of the City of Vaughan on November 10, 2008, as follows:

By approving the following in accordance with the memorandum from the City Clerk, dated November 7, 2008:

- 1) ***That the revised 2009 Schedule of Meetings be adopted in accordance with the calendar set out as Schedule "A" of this memorandum; and***
- 2) ***That By-law No. 400-2002, as amended (the Procedural By-Law), be further amended accordingly, and that the required notice be provided.***

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2009 SCHEDULE OF MEETINGS

(Referred from the Council meeting of October 27, 2008, Item 14, Report No. 49)

The Committee of the Whole (Working Session) recommends:

- 1) **That the Schedule of Meetings as presented by the City Clerk at the meeting, be approved and that consistent meeting dates be established as much as possible;**
- 2) **That the Schedule of Meetings include York Region meetings and the City of Vaughan's statutory and non-statutory committee meetings and be posted on the City's website;**
- 3) **That the meeting schedule be published on the City Page;**
- 4) **That the following report of the City Manager and the City Clerk, dated October 6, 2008, be received; and**
- 5) **That the memorandum from the City Clerk, dated October 23, 2008, be received.**

Council, at its meeting of October 27, 2008, adopted the following:

That this matter be referred to the Committee of the Whole (Working Session) meeting of October 28, 2008.

Report of the City Manager and the City Clerk, dated October 6, 2008.

Recommendation

The City Manager and the City Clerk, in consultation with the Senior Management Team, recommend:

- (1) That the 2009 Schedule of Meetings be adopted in accordance with the calendar set out at Schedule 'A' to this report; and
- (2) That By-law No. 400-2002 as amended (the Procedure By-law) be amended accordingly.

Economic Impact

There is no economic impact associated with the recommendation in this report.

Communications Plan

The 2009 Schedule of Meetings will be posted on the City's website.

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Purpose

This report is to request Council's approval of the attached 2009 Schedule of Meetings for Committee of the Whole, Committee of the Whole (Closed Session), Committee of the Whole (Working Session), Committee of the Whole (Public Hearing), and Council. The Schedule has been modified from previous years to provide greater opportunity for the scheduling or accommodation of additional meetings, and for staff to research and submit additional reports to Council, where appropriate.

Background – Analysis and Options

The Procedure By-law currently provides for Committee of the Whole and Committee of the Whole (Public Hearing) meetings to be scheduled on the first and third Monday of each month, and for Committee of the Whole (Working Session) meetings on the second and fourth Tuesday of each month. Meetings of Council are currently to be held on the second and fourth Monday of each month.

The modified schedule (attached) provides throughout the year a gap week between meetings of the Committee of the Whole meetings and the Council meeting for that cycle. The advantages of constructing the schedule in this manner include:

1. Provision for the Scheduling of Additional Meetings

The scheduled gap week is not intended to be a 'free week'. Rather, it is anticipated that the week will provide more opportunities for members of Council to schedule ad hoc meetings for constituency work or for special purpose bodies and other committees, task forces and boards. This would alleviate a serious deficiency in the current schedule. Particular benefit may be derived by scheduling time for additional meetings of Committee of the Whole (Working Session) throughout the year, to be held as needed.

2. Additional Reporting Time

The proposed cycle provides additional time for the preparation of supplementary information between Committee of the Whole and Council where required.

3. Management Flexibility

A consistent two-week meeting cycle provides few opportunities for staff to dedicate blocks of time to management issues not directly related to Council business.

4. Additional Public Notice

Currently, agendas for Committee of the Whole are made available to the public via the City's website on the Tuesday prior to the meeting [for Committee of the Whole (Public Hearing), on the Thursday prior to the meeting]. Agendas for meetings of City Council are not typically posted until late on the Friday prior to the Monday Council meeting. Modification to the schedule will result in accommodating production timeframes which will allow for more advanced notice to be given to the public in many cases.

Variations to the Schedule

Due to anticipated workloads, statutory holidays and significant faith days, variations to the base schedule are as follows:

January: One cycle of meetings is scheduled in January to accommodate the holiday season. This practice was established in 2005. The first Council meeting is scheduled on the fourth Tuesday of the month due to Chinese New Year.

February: Council has been scheduled on the third Tuesday due to Family Day.

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- March: No gap week is provided in early March in order to accommodate March Break.
- April: Committee of the Whole, Committee of the Whole (Closed Session), and Committee of the Whole (Public Hearing) have been scheduled for the second Tuesday due to Easter, and Committee of the Whole (Working Session) has been scheduled for the third Tuesday to accommodate the concluding days of Passover.
- May: Council has been scheduled for the third Tuesday due to Victoria Day.
- June: To accommodate anticipated heavy workloads and the Federation of Canadian Municipalities Conference from June 5th to June 8th, Committee of the Whole meetings in June have been scheduled to commence at 11:00 a.m., and the first meetings of Committee of the Whole, Committee of the Whole (Closed Session), and Committee of the Whole (Public Hearing) have been scheduled for the second Tuesday. There are no gap weeks scheduled in June, and the Committee of the Whole (Working Session) meetings have been scheduled for the day following Council.
- July/August: In accordance with past practice no meetings have been scheduled in July and August, with the exception of August 31st.
- October: The first Committee of the Whole, Committee of the Whole (Closed Session), and Committee of the Whole (Public Hearing) have been scheduled for the second Tuesday of October due to Thanksgiving Day, and Committee of the Whole (Working Session) has been scheduled for the following week.
- December: There is no gap week in early December, and Committee of the Whole has been scheduled to start at 11:00 a.m.

The AMO Conference scheduled in August does not affect the schedule as no meetings have been scheduled for August.

It is to be noted that by providing a gap week in the calendar, the number of Committee / Council cycles over the course of the year will be reduced from 18 to 15. Offsetting this reduction is the opportunity to schedule additional meetings of the Committee of the Whole (Working Session) which would provide for in depth review of complex reports, without having to increase the number of Council meetings.

Relationship to Vaughan Vision 2020

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

Regional Impact

There is no Regional impact because no meetings have been scheduled for Wednesdays and Thursdays, the days on which Regional Committees and Regional Council meet.

Conclusion

The 2009 meeting schedule has been prepared with a view to providing greater flexibility in the scheduling of meetings and in undertaking the work required to support Council. Implementation of the schedule will require modification to the Procedure By-law. Variations have been incorporated into the schedule to provide for statutory holidays and significant faith days.

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In view of the foregoing, it is recommended that Council approve the attached 2009 meeting schedule.

Attachments

1. 2009 – 12 Month – Schedule of Meetings

Report prepared by:

G. Hardyчук, Assistant 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.)