



Stratford City Council Regular Council Open Session AGENDA

Meeting #: 4581st
Date: Tuesday, May 28, 2019
Time: 7:00 P.M.
Location: Council Chamber, City Hall

Council Present: Mayor Mathieson - Chair Presiding, Councillor Beatty, Councillor Bunting, Councillor Burbach, Councillor Clifford, Councillor Gaffney, Councillor Henderson, Councillor Ingram, Councillor Ritsma, Councillor Sebben, Councillor Vassilakos

Staff Present: Rob Horne - Chief Administrative Officer, Joan Thomson - City Clerk, David St. Louis - Director of Community Services, Michael Humble - Director of Corporate Services, Jacqueline Mockler - Director of Human Resources, John Paradis - Fire Chief, Jeff Leunissen - Manager of Development Services, Tatiana Dafoe - Deputy Clerk, Mike Beitz - Corporate Communications Lead, Kim McElroy - Director of Social Services

Pages

1. Call to Order:

Mayor Mathieson, Chair presiding, to call the Council meeting to order.

Singing of O Canada

Moment of Silent Reflection

2. Declarations of Pecuniary Interest and the General Nature Thereof:

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and to otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

3. Adoption of the Minutes:

15 - 44

Motion by _____

THAT the Minutes of the Special Meeting of Council of The Corporation of the City of Stratford dated May 9, 2019 and the Regular Meeting of Council of The Corporation of the City of Stratford dated May 13, 2019 be adopted as printed.

4. Adoption of the Addendum/Addenda to the Agenda:

Motion by _____

THAT the Addendum/Addenda to the Regular Agenda of Council and Standing Committees dated May 28, 2019, be added to the Agenda as printed.

5. Report of the Committee of the Whole In-Camera Session:

5.1 From the May 13, 2019 Session under the Municipal Act, 2001 as amended, a matter concerning the following item:

Appointment of Director to Stratford Economic Enterprise Development Corporation

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))

Motion by _____

THAT Michael McCourt be appointed to the Stratford Economic Enterprise Development Board of Directors as the representative for the Manufacturing Sector for a three-year term to June, 2022 or until a successor is appointed by City Council;

AND THAT an exemption be granted to the requirement to be an eligible elector in Stratford.

5.2 From the May 13, 2019 Session under the Municipal Act, 2001 as amended, a matter concerning the following item:

Appointment to Active Transportation Advisory Committee

Personal matters about an identifiable individual(s) including municipal

employees or local board employees (section 239.(2)(b))

Motion by _____

THAT Wayne Sjaarda be appointed to the Active Transportation Advisory Committee as the Cycle Stratford representative, for a two-year term to November 30, 2021 or until a successor is appointed by City Council.

5.3 From the May 13, 2019 Session under the Municipal Act, 2001 as amended, a matter concerning the following item:

Appointment to Stratford Town and Gown Advisory Committee

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))

Motion by _____

THAT Katherine Prospero be appointed to the Stratford Town and Gown Advisory Committee as the University of Waterloo Administrative representative for a two-year term to November 30, 2020, or until a successor is appointed by City Council.

5.4 At the May 28, 2019 Session under the Municipal Act, 2001 as amended, matters concerning the following items were considered:

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years, Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them (section 239.(2)(h)), A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i)), and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))];

Municipal Representative on Thames Sydenham Drinking Water Source Protection Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

Labour relations or employee negotiations (section 239.(2)(d)).

6. Hearings of Deputations and Presentations:

6.1 Presentation of Award by CBEAC

The Civic Beautification and Environmental Awareness Committee to present an award to the winning entry in the commercial category of their 9th Annual Garbage Can Competition.

Motion by _____

THAT a representative from the Civic Beautification and Environmental Awareness Committee be heard to present an award to City Council.

6.2 Presentation by SRPC on a Living Wage

Kimberly Richardson, Living Wage Sub-committee member of the Social Research and Planning Council will present a report on a Living Wage in Stratford.

Motion by _____

THAT Kimberly Richardson on behalf of the Social Research and Planning Council be heard regarding the Living Wage.

6.3 Presentation by SRPC on myPerthHuron.ca

Ryan Erb, Executive Director of the United Way Perth Huron will present an update on the myPerthHuron website.

Motion by _____

THAT Ryan Erb on behalf of the Social Research and Planning Council be heard regarding an update on the myPerthHuron website.

7. Orders of the Day:

7.1 Proclamation - Safe Kids Week

45 - 46

Motion by _____

THAT City Council hereby proclaims June 3 to 9, 2019 as "Parachute Safe Kids Week" in the City of Stratford.

7.2 Resolution - Ontario Pork Congress Trade Show Municipal Significance

The Stratford and District Agricultural Society requested designation of the annual Trade Show for the Ontario Pork Congress to be held June 19 and 20, 2019 at the Rotary Complex, as a municipally significant event for the purpose of obtaining a liquor licence.

City Departments and the Police Department did not advise of concerns provided that occupant loads remain in accordance with the Ontario Fire Code and Ontario Building Code and that tent permits were obtained.

The Health Unit advises they require information from the organizers before they can provide comments.

Motion by _____

THAT City Council hereby designates the annual Trade Show for the Ontario Pork Congress to be held June 19 and 20, 2019 at the Rotary Complex as having municipal significance in Stratford for the purpose of obtaining liquor licences from the AGCO, subject to the necessary permits being obtained and conditions noted by departments met, compliance with the City's Municipal Alcohol Risk Policy and that approvals are obtained from the Perth District Health Unit prior to the event.

7.3 Resolution - Acceptance of Resignation

Motion by _____

THAT the resignation of Brandi Gillett from the Stratford Public Library Board be accepted.

7.4 Management Report - 2019 Tax Ratios and Tax Rates By-law (COU19-048)

47 - 49

Motion by _____

Staff Recommendation: THAT the report of the Director of Corporate Services dated May 28, 2019, regarding the 2019 Tax Ratios and Tax Rates By-law and Stratford City Centre BIA Tax Rate By-law be received for information;

AND THAT the necessary by-law to set and levy the 2019 rates of taxation for the City of Stratford be passed by Council at the May 28, 2019, meeting;

AND THAT the necessary by-law to set and levy the 2019 rates of taxation for the Stratford City Centre Business Improvement Area be

passed by Council at the May 28, 2019 meeting.

7.5 Resolution - Special Occasion Permit

The Stratford on Avon Shrine Club is holding a Spring Ceremonial and Potentate's Weekend on June 7 and 8, 2019 at the Stratford Rotary Complex. The organizer applied for a special occasion liquor licence from the AGCO and requested Council support of their application.

The Perth District Health Unit, Fire Department, Police Department and City Departments all provided no objections, provided that volunteer monitors refrain from drinking prior to or during their shifts.

Motion by _____

THAT City Council does not express concern with the issuance of a special occasion permit for the Stratford on Avon Shrine Club's Spring Ceremonial and Potentate's Weekend to be held June 8 and 9, 2019 at the Stratford Rotary Complex, subject to compliance with the City's Municipal Alcohol Risk Management Policy, the necessary permits being obtained and the required certificate of insurance being provided prior to the event.

8. Business for Which Previous Notice Has Been Given:

None scheduled.

9. Reports of the Standing Committees:

9.1 Report of the Planning and Heritage Committee:

Motion by _____

THAT the Report of the Planning and Heritage Committee dated May 28, 2019, be adopted as printed.

9.1.1 Planning Report-Zone Change Application Z01-19, 4272 Line 34 (PLA19-012)

50 - 69

THAT the application to amend the zoning on 4272 Line 34, located on the north side of Line 34 between O'Loane Avenue and the City limits, from an Agricultural (A) Zone in the Township of Perth East By-law 30-1999 to:

- Agricultural-Special Provision (A-1) Zone in the City of Stratford By-law 201-2000 on the retained lands to allow an agricultural use (no dwelling units permitted), a

conservation use and a forestry use and to apply a definition of agricultural use, a minimum lot area, a minimum lot frontage, minimum setbacks, maximum lot coverage, maximum height, MDS regulations and a special provision for services; and

- Agricultural-Special Provision (A-2) Zone in the City of Stratford By-law 201-2000 on the severed lands to allow a single detached, a home occupation and a bed and breakfast establishment and to apply special provision for a bed and breakfast, minimum setbacks (for main building and accessory structures), a maximum lot coverage (for main building and accessory structures), a maximum height, minimum lot area, a minimum lot frontage, a minimum landscaped open space, and a special provision for services.

BE APPROVED for the following reasons:

- It is consistent with the Provincial Policy Statement;
- It is consistent with the Official Plan; and
- The recommendation has regard for public interest.

9.2 Report of the Finance and Labour Relations Committee:

Motion by _____

THAT the Report of the Finance and Labour Relations Committee dated May 28, 2019, be adopted as printed.

9.2.1 Amendment to Notice Policy C.3.10

That Schedule 13 of Notice Policy C.3.10 be amended to add the following policies to the Schedule:

2.1 the relationship between members of Council and the officers and employees of the municipality;

7. the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.

8. pregnancy leaves and parental leaves of members of council.

9.2.2 Stratford Tourism Alliance – Q1 Update - 2019 (COU19-034)

THAT the Stratford Tourism Alliance report dated April 16, 2019 be received for information.

9.2.3 Stratford Economic Enterprise Development Corporation (investStratford) – 2019 Quarterly Report 1 (COU19-035) 83 - 88

THAT the Stratford Economic Enterprise Development Corporation (investStratford) quarterly report dated April 16, 2019, be received as information.

9.2.4 Management Report - 2018 Year End Results (COU19-027) 89 - 94

THAT the report of the Director of Corporate Services dated April 16, 2019 regarding 2018 year end results be received;

THAT the Wastewater surplus of \$295,914.40 be closed out to the Wastewater Rate Stabilization Reserve G-R18-WWTR-0000;

THAT the Water surplus of \$169,892.03 be closed out to the Water Rate Stabilization Reserve G-R18-WATR-0000;

THAT the Waste Management surplus of \$475,774.00 be closed out to the Waste Management Capital Reserve Fund R-R11-WAST;

THAT the Building Division surplus of \$59,560.01 be closed out to the Building Permit Reserve G-R07-BSUR-0000;

THAT the Parking surplus of \$422,593.98 be closed out to the Parking Capital Reserve Fund R-R11-PRKG;

AND THAT the Tax Supported surplus of \$53,677.52 be closed out to the Tax Rate Stabilization reserve G-R14-TAXS-0000.

9.2.5 Management Report - 2019 Municipal Debt Limits (COU19-029) 95 - 101

THAT the report of the Director of Corporate Services dated April 16, 2019 regarding 2019 Municipal Debt Limits be received for information.

9.2.6 Municipal Investment Performance for 2018 (COU19-030) 102 - 106

THAT the report of the Director of Corporate Services dated April 16, 2019, regarding 2018 investment performance, be received for information.

- 9.2.7 Proposed Revisions to the Community Grants Program (COU19-032)** 107 - 119
- THAT the report of the Director of Corporate Services dated April 16, 2019, regarding the Proposed Revisions to the Community Grants Program be received for information;
- AND THAT a final Community Grants Program policy be forwarded to Council for consideration of approval and adoption by by-law.
- 9.2.8 Purchasing Policy Update (COU19-033)** 120 - 235
- THAT the management report regarding an updated Policy P.5.1 Procurement of Goods and Services, Purchasing be received;
- THAT Council adopt the revised Policy P.5.1 Procurement of Goods and Services, Purchasing;
- AND THAT Policy C.2.1 Hiring of Consultants be rescinded.
- 9.2.9 Pregnancy and Parental Leave for Members of Council Policy (COU19-031)** 236 - 241
- THAT the report entitled "Pregnancy and Parental Leave for Members of Council Policy" be received for information;
- AND THAT the Pregnancy and Parental Leave for Members of Council Policy C.3.15 be approved.
- 9.2.10 Caregiver Policy Referral**
- THAT the development of a policy permitting a leave of absence by a member of Council for the purpose of acting as a caregiver or in an emergency situation be referred to staff for review.
- 9.2.11 Draft Policy Council – Staff Relations under section 270 (FIN19-012)** 242 - 247
- THAT the draft Council – Staff Relations Policy be adopted by City Council and authority be delegated to the Chief Administrative Officer or designate to respond to complaints and/or concerns.

9.3 Report of the Community Services Committee

Motion by _____

THAT the Report of the Community Services Committee dated May 28, 2019, be adopted as printed.

9.3.1 Amendments to City of Stratford By-law 174-2003 Smoking in Public Places (COM19-014) 248 - 277

THAT City of Stratford By-law 174-2003 Smoking in Public Places be amended as follows:

- No smoking in Market Square in areas that are not considered a highway;
- No Smoking in any area within 20 metres of City recreational facilities per the legal requirements of the Smoke Free Ontario Act;
- The inclusion of vaping products;
- The inclusion of cannabis;
- Sections 5.1 a), b), c) d) and sections 5.2 and 5.3 be removed;
- The inclusion of Perth and Stratford Housing Corporation (PSHC) properties;

THAT smoking be prohibited in City Parks;

AND THAT nominal funding for custom No Smoking signage be allocated from the City's share of the Ontario Cannabis Legalization Implementation Fund.

9.3.2 Multi-Year Governance Agreement for Joint Transit Procurements Facilitated by Metrolinx/TPI (Transit Procurement Initiative) (COM19-015) 278 - 280

THAT the Mayor and Clerk be authorized to sign the Metrolinx/TPI Multi-Year Governance Agreement for a five-year period 2019 - 2024.

10. Notice of Intent:

10.1 Notice of Public Meetings under the Planning Act

City of Stratford Council will hold public meetings on Monday, June 10, 2019 at 7:00 pm in the Council Chambers in City Hall, 1 Wellington

Street, Stratford to hear all interested persons with respect to the following planning applications under Section 34 of the Planning Act, R.S.O. 1990:

Zone Change Applications Z05-19 and Z07-19 for 265 St. David Street and 122 Birmingham Street

Zone Change Application Z06-19 for 379 Romeo Street N

Draft Plan of Condominium Application 31CDM19-003 for 350 O'Loane Avenue

10.2 Notice of Public Meeting under the Planning Act

Stratford Council intends to hold a public meeting on Wednesday June 19, 2019 regarding the draft Comprehensive Zoning By-law . Details to be provided.

11. Reading of the By-laws:

The following By-laws require First and Second Readings and Third and Final Readings and could be taken collectively upon unanimous vote of Council present:

Motion by _____

THAT By-laws 11.1 to 11.8 be taken collectively.

Motion by _____

THAT By-laws 11.1 to 11.8 be given First and Second Readings.

Motion by _____

THAT By-laws 11.1 to 11.8 be given Third and Final Readings.

- | | | |
|-------------|---|------------------|
| 11.1 | 2019 Tax Ratios, Tax Rates and governance By-law | 281 - 285 |
| | To set the tax ratios, tax rates for 2019 and govern and regulate the finances of The Corporation of the City of Stratford. | |
| 11.2 | 2019 Tax Ratios and Tax Rates for the Business Improvement Area | 286 - 287 |
| | To set the tax ratios and tax rates for 2019 for the Stratford City Centre Business Improvement Area (BIA). | |
| 11.3 | Appointments to SEED, ATAC and Town and Gown | 288 - 289 |

To amend By-law 178-2018 as amended, to make appointments to the Stratford Town and Gown Advisory Committee, the Stratford Economic Enterprise Development Corporation, the Active Transportation Advisory Committee and to accept resignations from the Stratford Town and Gown Committee.

11.4 Amendment to ATV By-law 65-2012 290 - 292

To amend By-law 65-2012 as amended, to permit and control the operation of all-terrain vehicles (ATVs) on certain highways and streets and property under the jurisdiction of The Corporation of the City of Stratford for the 2019 Canada Day Parade.

11.5 Governance Agreement for joint transit procurements 293 - 294

To authorize the entering into and execution of a multi-year governance agreement for joint transit procurements facilitated by Metrolinx and to appoint the Manager of Transit as the City's representative on the Steering Committee.

11.6 Amendment to Zoning By-law 201-2000 for Zone Change Application 201-19 295 - 298

To amend Zoning By-law 201-2000 as amended with respect to zone change application Z01-19 to amend the Agricultural (A) zoning on 4272 Line 34, Stratford.

11.7 Amendment to Purchasing By-law 117-2016 as amended 299 - 301

To amend Purchasing By-law 117-2016 as amended to update Policy P.5.1 Procurement of Goods and Services Policy.

11.8 Amendment to Smoking in Public Places By-law 174-2003 302 - 309

To amend Smoking in Public Places By-law 174-2003 as amended, to include Market Square, electronic cigarettes, vaping and cannabis and to reflect changes in municipal policy and provincial legislation.

12. Consent Agenda: CA-2019-060 to CA-2019-064 310 - 314

Council to advise if they wish to consider any items listed on the Consent Agenda.

13. New Business:

14. Adjournment to Standing Committees:

The next Regular Council meeting is June 10, 2019 in the Council Chamber, City Hall.

Motion by _____

THAT the Council meeting adjourn to convene into Standing Committees as follows:

- **Planning and Heritage Committee [7:15 pm or thereafter following the Regular Council meeting];**
- **Social Services Committee [7:20 pm or thereafter following the Regular Council meeting]; and**
- **Infrastructure, Transportation and Safety Committee [7:25 pm or thereafter following the Regular Council meeting]**

and to Committee of the Whole if necessary, and to reconvene into Council.

15. Council Reconvene:

15.1 Declarations of Pecuniary Interest made at Standing Committees

The Municipal Conflict of Interest Act requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the Act.

Declarations of Pecuniary Interest made at Standing Committee meetings held on May 28, 2019 with respect to the following Items and re-stated at the reconvene portion of the Council meeting:

Name, Item and General Nature of Pecuniary Interest

.....

15.2 Committee Reports

15.2.1 Infrastructure, Transportation and Safety Committee

Motion by _____

THAT Item 4.1 of the Infrastructure, Transportation and Safety Committee meeting dated May 28, 2019 be adopted as follows:

4.1 Ontario Active School Travel Fund (ITS19-041)

THAT the City of Stratford hire a School Travel Planning Facilitator on a temporary basis;

AND THAT the Mayor and Clerk be authorized to sign the necessary Funding Agreement.

15.3 Reading of the By-laws (reconvene):

315

The following By-law requires First and Second Readings and Third and Final Readings:

By-law 11.9 Confirmatory By-law

To confirm the proceedings of Council of The Corporation of the City of Stratford at its meeting held on May 28, 2019.

Motion by _____

THAT By-law 11.9 be given First and Second Readings.

Motion by _____

THAT By-law 11.9 be given Third and Final Readings.

15.4 Adjournment of Council Meeting

Meeting Start Time:

Meeting End Time:

Motion by _____

THAT the May 28, 2019 Regular Council meeting adjourn.



Stratford City Council Special Council Open Session MINUTES

Meeting #: 4579th
 Date: Thursday, May 9, 2019
 Time: 5:42 P.M.
 Location: Council Chamber, City Hall

Council Present: Deputy Mayor Ritsma - Chair Presiding, Councillor Burbach, Councillor Clifford, Councillor Gaffney, Councillor Henderson, Councillor Vassilakos

Regrets: Mayor Mathieson, Councillor Beatty, Councillor Bunting, Councillor Ingram, Councillor Sebben

Staff Present: Rob Horne - Chief Administrative Officer, Joan Thomson - City Clerk, Tatiana Dafoe - Deputy Clerk, Mike Beitz - Corporate Communications Lead

1. **Call to Order:**

Deputy Mayor Ritsma, Chair presiding, called the meeting to order.

Mayor Mathieson, Councillors Beatty, Bunting, Ingram and Sebben provided regrets for this meeting.

Condolences were extended to Mayor Mathieson and family for the passing of a family member.

2. **Declarations of Pecuniary Interest and the General Nature Thereof:**

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and to otherwise comply with the *Act*.

Name, Items and General Nature Thereof

A declaration of pecuniary interest was not made by a member at the May 9, 2019 Special Council meeting.

3. **Report of the Committee of the Whole In-Camera Session:**

3.1 **Report of the Committee of the Whole In-Camera Session:**

At the May 9, 2019 Session, under the Municipal Act, 2001 as amended, matters concerning the following items were considered:

- [Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))]

Direction was given at the In-camera Session.

R2019-193

Motion by Councillor Gaffney

Seconded By Councillor Burbach

THAT Kim McElroy be appointed as the Director of Social Services for The Corporation of the City of Stratford and the Administrator for the delivery of Ontario Works pursuant to Section 43 of the Ontario Works Act, 1997, S.O. 1997, c 25 as amended, effective May 13, 2019.

Carried

4. **Reading of the By-laws:**

The following by-laws required First and Second readings and Third and Final readings and were taken collectively upon unanimous vote of Council present:

By-law 62-2019 - To appoint a Director of Social Services for The Corporation of the City of Stratford and to appoint an Administrator for the delivery of Ontario Works pursuant to section 43 of the Ontario Works Act, 1997.

By-law 63-2019 - To confirm the proceedings of Council of The Corporation of the City of Stratford at its meeting held on May 9, 2018.

R2019-194

Motion by Councillor Vassilakos

Seconded By Councillor Henderson

THAT By-laws 62-2019 to 63-2019 be taken collectively.

Carried unanimously

R2019-195

Motion by Councillor Clifford

Seconded By Councillor Burbach

THAT By-laws 62-2019 to 63-2019 be read a First and Second time.

Carried two-thirds support

R2019-196

Motion by Councillor Henderson

Seconded By Councillor Gaffney

THAT By-laws 62-2019 to 63-2019 be read a Third time and Finally Passed.

Carried

Members were advised a media release regarding the new appointment would be sent out following conclusion of the meeting. A request was made for thanks to be extended to Ms. Mockler, Interim Director of Social Services.

5. **Adjournment:**

R2019-197

Motion by Councillor Gaffney

Seconded By Councillor Burbach

THAT the May 9, 2019 Special Council Meeting adjourn.

Carried

Meeting Start Time: 5:42 P.M.

Meeting End Time: 5:45 P.M.

Deputy Mayor – Martin Ritsma

Clerk - Joan Thomson



Stratford City Council Regular Council Open Session MINUTES

Meeting #: 4580th
 Date: Monday, May 13, 2019
 Time: 7:00 P.M.
 Location: Council Chamber, City Hall

Council Present: Deputy Mayor Ritsma - Chair Presiding, Councillor Beatty,
 *Councillor Bunting, Councillor Burbach, Councillor Clifford,
 *Councillor Gaffney, Councillor Henderson, Councillor Ingram,
 Councillor Sebben, Councillor Vassilakos

Regrets: Mayor Mathieson

Staff Present: Joan Thomson - City Clerk, David St. Louis - Director of
 Community Services, Ed Dujlovic - Director of Infrastructure and
 Development Services, Michael Humble - Director of Corporate
 Services, Jacqueline Mockler - Director of Human Resources,
 John Paradis - Fire Chief, Kim McElroy - Director of Social
 Services, Jeff Leunissen - Manager of Development Services,
 Tatiana Dafoe - Deputy Clerk, Mike Beitz - Corporate
 Communications Lead, Rachel Tucker - Planner, Stephanie
 Potter - Policy & Research Associate, Michael Mousley - Transit
 Manager, Julia Merritt – CEO Stratford Public Library

Also Present: Members of the Public and Media

1. **Call to Order:**

Deputy Mayor Ritsma, Chair presiding, called the Council meeting to order.

Singing of O Canada

Moment of Silent Reflection

Mayor Mathieson provided regrets for this meeting and condolences were extended to the Mayor and his family on the passing of a family member.

2. **Declarations of Pecuniary Interest and the General Nature Thereof:**

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and to otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

Councillor Bunting declared a pecuniary interest on Items 9.3.2 and 11.5 of the Council agenda as he is a Stratford Soccer Association board member.

3. **Adoption of the Minutes:**

R2019-198

Motion by Councillor Gaffney

Seconded By Councillor Burbach

THAT the Minutes of the Special Meeting of Council of The Corporation of the City of Stratford dated April 25, 2019 and the Regular Meeting of Council of The Corporation of the City of Stratford dated April 29, 2019 be adopted as printed.

Carried

4. **Adoption of the Addendums to the Agenda:**

R2019-199

Motion by Councillor Ingram

Seconded By Councillor Vassilakos

THAT the Addendum to the Regular Agenda of Council dated May 13, 2019, to include Item 5.3 and CA-2019-059 on the Consent Agenda be added to the Agendas as printed.

Carried

5. Report of the Committee of the Whole In-Camera Session:

5.1 At the May 9, 2019 Session under the Municipal Act, 2001, as amended, a matter concerning the following item was considered:

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)).

At the In-camera Session, direction was given.

5.2 At the May 13, 2019 Session under the Municipal Act, 2001, as amended, matters concerning the following items were considered:

- Security of municipal property of the municipality or local board (section 239.(2)(a)) and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));
- Appointment of Director to Stratford Economic Enterprise Development Corporation
Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));
- A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));
- Appointment to Active Transportation Advisory Committee
Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));
- Appointment to Stratford Town and Gown Advisory Committee
Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)).

At the In-camera Session, direction was given on all matters.

5.3 ADDED - Resolution - Renewable Natural Gas Initiative

It was questioned whether information related to potential impacts on traffic would be included in the website material. The Director of Infrastructure and Development Services advised it would be, along with additional information on the project and potential implications.

R2019-200

Motion by Councillor Clifford

Seconded By Councillor Beatty

THAT City staff proceed to host a public meeting and to post material on the city website to obtain community input regarding a renewable natural gas initiative in the City of Stratford, prior to Council considering a final decision on this investment opportunity.

Carried

6. Hearings of Deputations and Presentations:

None scheduled.

7. Orders of the Day:

7.1 Correspondence - MPAC's 2018 Annual Report

For the information of Council.

7.2 Resolution - Road Widening for Consent Application B01-18, 1 Ontario Street (COU19-040)

R2019-201

Motion by Councillor Ingram

Seconded By Councillor Vassilakos

THAT the conveyance of Part 6 on Plan 44R-5609 from 1935362 Ontario Limited to The Corporation of the City of Stratford, be authorized;

AND THAT upon conveyance of Part 6 on Plan 44R-5609 to the City of Stratford, these lands be dedicated as public highway.

Carried

7.3 Resolution - Improvement of the Roadhouse Drain (COU19-041)

R2019-202

Motion by Councillor Ingram

Seconded By Councillor Henderson

THAT R.J. Burnside & Associates Limited be appointed as Engineer under Section 78 of the Drainage Act, in order to prepare a preliminary report to examine options for improving the Roadhouse Drain;

AND THAT Staff notify the Upper Thames River Conservation Authority of the City's intent to improve the Roadhouse Drain.

Carried

7.4 Acceptance of Tender - St. Vincent Street South - Watermain Replacement Project Phase 2 T2019-05 (COU19-042)

R2019-203

Motion by Councillor Beatty

Seconded By Councillor Henderson

THAT the award of the St. Vincent Street Watermain Replacement Project Phase 2 be awarded to 291 Construction Limited at a total tender price of \$1,033,067.48 including HST;

AND THAT the Mayor and Clerk be authorized to sign the necessary Contract Agreement.

Carried

7.5 Application for a Deeming By-law for Lots 764 to 775, both inclusive, Registered Plan 47 (our file DB01-19) and exemption from the City of Stratford Sewer Use By-law 65-70 for 25, 45, 65, 85, and 105 Oxford Street (COU19-045)

R2019-204

Motion by Councillor Ingram

Seconded By Councillor Burbach

THAT a by-law be passed to deem Lots 764 to 775, both inclusive, Registered Plan 47 not to be in a plan of subdivision;

THAT the City Solicitor be authorized to make such stylistic and technical changes to the by-law as required to reflect the intent of this staff report;

THAT the City Clerk be authorized to give notice of the passing of the by-law to the owners of the land in accordance with the Planning Act;

THAT Council hear any person to whom a notice was sent who gives notice to the City Clerk within the required time that the person requests to make representation respecting the amendment or repeal of the by-law at the next meeting following the last day for receiving notice;

AND THAT 25, 45, 65, 85, and 105 Oxford Street from section 9b) be exempt of the City of Stratford Sewer Use By-law 65-70 to allow the existing private storm system on the subject lands that is approved within a registered site plan agreement to remain unchanged notwithstanding the lands are severed into four separate properties subject to the following conditions:

- **that provisional consent has been granted by the Committee of Adjustment for consent applications B04-19, B05-19, B06-19, and B07-19; and**
- **that all properties sharing the private storm sewer connection be required to enter into a private storm servicing agreement to deal with ongoing maintenance that is to be registered on title to the satisfaction of the Director of Infrastructure and Development Services.**

Carried

7.6 Resolution - Special Occasion Permit

The Stratford Festival Annual Garden Party will be held on Sunday, May 26, 2019 at the Stratford Festival Theatre. The organizer applied for a special occasion liquor licence from the AGCO and requested Council support of their application.

The Perth District Health Unit, the Fire Department and the Building Department all provided no objections.

R2019-205

Motion by Councillor Beatty

Seconded By Councillor Burbach

THAT City Council does not express concern with the issuance of a special occasion permit for the Stratford Festival Annual Garden Party to be held May 26, 2019 at the Stratford Festival Theatre.

Carried

7.7 Resolution - Special Occasion Permit

Bernard Westcott Productions, in conjunction with Junction 56 Distillery, will hold an event at the Stratford Masonic Hall on June 1,

2019. The organizers have applied for a special occasion liquor licence from the AGCO and request Council support of their application.

The Perth District Health Unit, the Fire Department and the Building Department all provided no objections.

R2019-206

Motion by Councillor Sebben

Seconded By Councillor Vassilakos

THAT City Council does not express concern with the issuance of a special occasion permit for the event to be held June 1, 2019 at the Stratford Masonic Concert Hall by Bernard Westcott Productions and Junction 56 Distillery.

Carried

7.8 Acceptance of Tender - Pleasant Drive Local Improvement Project – Tender Award for Contract T2019-13 (COU19-044)

R2019-207

Motion by Councillor Gaffney

Seconded By Councillor Vassilakos

THAT the capital budget for the Pleasant Drive Reconstruction be amended by adding:

- **\$63,000 for work related to the Wightman project (to be recovered from Wightman Inc.),**
 - **\$13,000 to be drawn from the Trails and Bike and Pedestrian Master Plan Implementation, and**
 - **\$140,088.14 from the Public Works Capital Reserve**
- for a total capital budget of \$1,816,088.14;**

THAT the award of the Pleasant Drive Reconstruction contract be awarded to Lavis Contracting Co. Limited at a total tender price of \$2,016,685.93 including HST;

AND THAT the Mayor and Clerk be authorized to sign the necessary Contract Agreement.

Carried

7.9 Resolution - Reporting For Community Grants and 2019 Grant Request for Operation of the Razzamajazz (COU19-046)

Motion By Councillor Vassilakos

Seconded By Councillor Burbach

THAT the report of the Director of Corporate Services dated 13th May 2019 regarding required reporting for Community Grants and 2019 Grant Request for Operation of the H.M.S. Razzamajazz be received;

THAT the Community Grant Reporting Guidelines be approved;

AND THAT the request from Tillsonburg Power and Sail Squadron for the operation of the Razzamajazz barge for the 2019 season be approved.

It was questioned how much the grant request is for. The Director of Corporate Services advised the request is for \$5,272.

Concern was expressed that information has not been provided on why this event should be fully funded from the community grants program.

It was questioned whether all community grant recipients will be required to complete financial reporting. The Director of Corporate Services advised they would be.

It was questioned whether a council decision had been made to approve the grant request.

R2019-208

Motion by Councillor Henderson

Seconded By Councillor Beatty

THAT Item 7.9 be deferred until the May 13, 2019 Reconvene portion of the meeting.

Carried

7.10 Resolution - Resignation from Stratford Town and Gown Advisory Committee

R2019-209

Motion by Councillor Henderson

Seconded By Councillor Ingram

THAT the resignation of Annaka Willemsen as the University of Waterloo Administrative representative on the Stratford Town and Gown Advisory Committee, be accepted.

Carried

Ms. Willemsen was thanked for her service to the Committee and it was noted her presence will be missed.

7.11 Resolution - Mayor/CAO Overview Report on Expected Impacts of the Recent Provincial Budget and Other Provincial Financial Announcements on Stratford and Related Areas (COU19-047)

R2019-210

Motion by Councillor Ingram

Seconded By Councillor Gaffney

THAT the report of the Mayor and CAO's Office, regarding impacts from the 2019 Provincial budget and other Provincial funding decisions on the City of Stratford, be received for information.

Discussion was held on the expected impacts of the recent provincial budget and other financial announcements on Stratford. A request was made for more information to be provided to the public on the expected impacts.

Deputy Mayor Ritsma called the question on the motion as printed.

Carried

Concern was expressed that members of the public are not fully aware of the financial responsibility municipalities are about to take on.

R2019-211

Motion by Councillor Vassilakos

Seconded By Councillor Ingram

THAT Stratford City Council opposes changes made through the Provincial Budget and the upcoming changes to the Planning Act as municipalities were not consulted and afforded an opportunity to provide feedback;

THAT in-year changes to current municipal budgets be opposed;

AND THAT a meeting be requested with MPP Pettapiece, the Minister of Municipal Affairs and other related ministries on the effects of downloading onto municipal governments.

It was questioned whether hiring of social service positions would continue if funding changes are made. Members were advised staff would review.

*Councillor Gaffney departed the meeting at 7:39 p.m.

A request was made to amend the motion to include sending the resolution to all municipalities in Ontario and to AMO.

Deputy Mayor Ritsma called the question on the motion as amended as follows:

THAT Stratford City Council opposes changes made through the Provincial Budget and the upcoming changes to the Planning Act as municipalities were not consulted and afforded an opportunity to provide feedback;

THAT in-year changes to current municipal budgets be opposed;

THAT a meeting be requested with MPP Pettapiece, the Minister of Municipal Affairs and other related ministries on the effects of downloading onto municipal governments;

AND THAT this resolution be forwarded to all municipalities in Ontario and to AMO.

Carried

8. Business for Which Previous Notice Has Been Given:

None scheduled.

9. Reports of the Standing Committees:

9.1 Report of the Infrastructure, Transportation and Safety Committee:

R2019-212

Motion by Councillor Vassilakos

Seconded By Councillor Burbach

THAT the Report of the Infrastructure, Transportation and Safety Committee dated May 13, 2019 be adopted as printed.

A request was made to take Item 9.1.3 separately.

Deputy Mayor Ritsma called the question on Items 9.1.1, 9.1.2, 9.1.4 and 9.1.5.

Carried

*Councillor Gaffney returned to the meeting at 7:44 p.m.

On Item 9.1.3, concern was expressed with permitting amplified sound until 2:00 a.m., in a residential area.

It was questioned how many responses were received that opposed the event. The Events Coordinator advised five responses were received and only one was opposed.

Deputy Mayor Ritsma called the question on Item 9.1.3.

Carried

9.1.1 Request for Exemption to Noise Control By-law 113-79 for 2019 Stratford Blues & Ribfest (ITS19-023)

THAT approval be given to the request from Stratford Blues & Ribfest for exemptions from the Noise Control By-law 113-79 for the June 21 to 23, 2019 event to permit the amplification of sound in a residential zone on Friday and Saturday nights until 10:30 p.m. and on Sunday from 12:00 p.m. to 7:00 p.m. and from the unreasonable noise provision [Schedule 1, Clause 8] for the duration of the 2019 Blues & Ribfest, including set-up on June 20, 2019 from 5:00 p.m. to 8:00 p.m. and take down on June 23, 2019 to 8:00 p.m.

9.1.2 Request for Exemption to Noise Control By-law 113-79 for a Private Event at 70 Grant Street (ITS19-024)

THAT approval be given to the request from the owners of 70 Grant Street for exemptions from Noise Control By-law 113-79 to permit the amplification of sound in a residential zone, the loading and unloading provision [Schedule 2, Clause 4] and from the unreasonable noise provision [Schedule 1, Clause 8] on Saturday, July 13, 2019 until 11:00 p.m.

9.1.3 Request for Exemption to Noise Control By-law 113-79 for a Private Event at 253 Hibernia Street (ITS19-025)

THAT approval be given to the request from the owners of 253 Hibernia Street for exemptions from Noise Control By-law 113-79 to permit the amplification of sound in a residential zone, the loading and unloading provision [Schedule 2, Clause 4] and from the

unreasonable noise provision [Schedule 1, Clause 8] on Saturday, July 6, 2019 from 5:30 p.m. to 2:00 a.m. on Sunday, July 7, 2019.

9.1.4 Request to Operate All-Terrain Vehicles on City Streets, Recreation Trails and Municipal Property for the Kinsmen Club of Stratford 2019 Canada Day Parade (ITS19-026)

THAT the request for exemption to permit the operation of All-Terrain Vehicles (ATVs) on certain city streets, recreation trails and municipal property under the jurisdiction of The Corporation of the City of Stratford as outlined on the attached map, for the Kinsmen Club of Stratford 2019 Canada Day Parade on July 19, 2019 be approved,

AND THAT By-law 65-2012 as amended, be further amended to authorize the operation of ATVs for the Kinsmen Club of Stratford 2019 Canada Day Parade on July 19, 2019;

AND THAT the event organizers provide the required certificate of insurance, including automobile insurance if required, in the amount of \$2 million per occurrence to the City prior to their event as described in the report.

9.1.5 Installation of a Loading and Unloading Zone on Wellington Street (ITS19-027)

THAT a loading and unloading zone be installed on the east side of Wellington Street between Market Place and the south end of City Hall;

AND THAT Schedule 7 of the Traffic and Parking By-law 159-2008, as amended, be further amended to include the loading and unloading zone on Wellington Street.

9.2 Report of the Social Services Committee

R2019-213

Motion by Councillor Henderson

Seconded By Councillor Vassilakos

THAT the Report of the Social Services Committee dated May 13, 2019, be adopted as printed.

Carried

9.2.1 Community Income Tax Clinics (SOC19-007)

THAT the report on annual Community Income Tax Clinic activities and outcomes be received for information and;

THAT Social Services issue a thank you to all businesses that offered and provided their support and services.

9.2.2 Huron and Perth Children Charter of Rights Projects (SOC19-006)

THAT the report titled "Huron and Perth Charter of Rights of Children and Youth Project" be received for information.

9.2.3 Discretionary Benefits Program Update (SOC19-008)

THAT approval be given for the Director of Social Services to expand benefits eligibility for items approved under the Discretionary Benefits Program to maximize use of available funding, effective June 1, 2019;

AND THAT staff be authorized to make future amendments to this policy as needs are identified from the community, based on best practices, working within the funding maximums supplied by the Province of Ontario;

AND That Delegation of Authority By-law 135-2017 as amended, be amended to delegate authority to staff to make future amendments to the policy.

9.3 Report of the Community Services Committee

R2019-214

Motion by Councillor Burbach

Seconded By Councillor Beatty

THAT the Report of the Community Services Committee dated May 13, 2019 be adopted as printed.

A request was made to take Item 9.3.2 separately.

Deputy Mayor Ritsma called the question on Items 9.3.1 and 9.3.3.

Carried

Deputy Mayor Ritsma called the question on Item 9.3.2.

Carried

*Councillor Bunting having declared a pecuniary interest on Item 9.3.2 did not partake in the vote on this matter.

9.3.1 Ad-Hoc Transit Committee (COM19-010)

THAT Council adopt the Ad-Hoc Transit Committee Terms of Reference as amended to revise the composition of the Committee to include two (2) council representatives, four (4) Citizens-at-Large – Conventional Transit and one (1) Citizen-at-Large – Parallel Transit;

AND THAT staff are authorized to move forward with advertising to fill the citizen position roles.

9.3.2 Stratford Soccer Association Field Usage Agreement (COM19-013)

THAT the City enter into a ten-year agreement with the Stratford Soccer Association for use of City-owned soccer fields May 1, 2019 to December 31, 2029.

9.3.3 Amended Municipal Alcohol Policy P.3.5 2019 (COM19-011)

THAT Council approve a revised Municipal Alcohol Policy, as presented.

10. Notice of Intent:

10.1 Notice Of Intent To Amend Purchasing Policy For Procurement Of Goods And Services P.5.1 And Notice Policy C.3.10 And Adopt Pregnancy And Parental Leave For Members Of Council And Council-Staff Relations Policies

At the May 28, 2019 Council meeting, City Council intends to consider amending its Notice Policy C.3.10 and Purchasing Policy P.5.1, as well as adopting new policies for Pregnancy and Parental Leave for Members of Council and Council-Staff Relations.

The Council meeting is scheduled to begin at 7:00 pm in the Council Chamber, City Hall. Notice Policy C.3.10 requires that notice be given prior to the Council meeting during which the proposed policies will be considered.

11. Reading of the By-laws:

The following By-laws required First and Second Readings and Third and Final Readings and could have been taken collectively upon unanimous vote of Council present:

A request was made to take Item 11.5 separately.

R2019-215

Motion by Councillor Beatty

Seconded By Councillor Henderson

THAT By-laws 64-2019 to 72-2019 be taken collectively.

Carried unanimously

R2019-216

Motion by Councillor Ingram

Seconded By Councillor Burbach

THAT By-laws 64-2019 to 72-2019 be given First and Second Readings.

Carried two-thirds support

R2019-217

Motion by Councillor Gaffney

Seconded By Councillor Clifford

THAT By-laws 64-2019 to 72-2019 be given Third and Final Readings.

Carried

R2019-218

Motion by Councillor Ingram

Seconded By Councillor Beatty

THAT By-law 73-2019 be given First and Second Readings.

Carried two-thirds support

R2019-219

Motion by Councillor Henderson

Seconded By Councillor Gaffney

THAT By-law 73-2019 be given Third and Final Readings.

Carried

*Councillor Bunting having declared a pecuniary interest on Item 11.5 did not partake in the vote.

11.1 Extension of Agreement for Provision of AODA and Regulation Services-By-law 64-2019

To authorize the entering into of an agreement for the Provision of AODA and Regulations Services with The Corporation of the County for Perth for a one year term to January 31, 2020.

11.2 Conveyance from 1935362 Ontario Limited-By-law 65-2019

To accept the transfer (conveyance) from 1935362 Ontario Limited of Part 6 on 44R-5609 as a condition of consent application B01-18 for 1 Ontario Street.

11.3 Dedication as Public Highway of Part of Church Street-By-law 66-2019

To dedicate Part 6 on Reference Plan 44R-5609 as public highway forming part of Church Street.

11.4 Award of Tender for St. Vincent Watermain Replacement Phase 2-By-law 67-2019

To authorize the acceptance of a tender, execution of a contract and the undertaking of the work by 291 Construction Ltd. for the St. Vincent Street South Watermain Replacement Project Phase 2 [T2019-05].

11.5 Field Usage Agreement with Stratford Soccer Association-By-law 73-2019

To authorize the entering into and execution of an Agreement with Stratford Soccer Association for the use of various city-owned soccer fields to December 31, 2029.

11.6 Amend Delegation of Authority By-law-By-law 68-2019

To amend By-law 135-2017, as amended, to delegate Council's authority to the Director of Social Services to amend the Discretionary Benefits Policy.

11.7 Amendment to Traffic and Parking By-law for loading and unloading zone-By-law 69-2019

To amend Schedule 7 of Traffic and Parking By-law 159-2008 as amended, to designate a loading and unloading zone on Wellington Street.

11.8 Deeming By-law-By-law 70-2019

To deem Lots 764 to 775, both inclusive Registered Plan 47 in the City of Stratford to no longer be registered lots on a plan of subdivision.

11.9 Amendment to Sewer Use By-law-By-law 71-2019

To amend Sewer Use By-law 65-70 as amended to grant an exemption for the properties known municipality as 25, 45, 65, 85 and 105 Oxford Street from section 9 b) of the By-law to allow the existing private storm system to remain unchanged notwithstanding the severances.

11.10 Acceptance of Tender T2019-13 for Pleasant Drive Reconstruction-By-law 72-2019

To authorize the acceptance of the tender, execution of the contract and the undertaking of the work by Lavis Contracting Co. Limited for Pleasant Drive Reconstruction [T2019-13].

12. Consent Agenda: CA-2019-053 to CA-2019-059

Members were advised CA-2019-059 was added to the Consent Agenda as part of the addendum. Council did not advise of any items to be considered on the Consent Agenda.

13. New Business:

13.1 Planter Day - May 25, 2019

Members were advised Communities in Bloom will be holding their Planter Day on May 25, 2019 at Home Hardware. Participants can receive free potting soil and plants, along with hotdogs. Information will be provided on the bee city initiative and on recycling changes in the City.

14. Adjournment to Standing Committees:

The next Regular Council meeting is Tuesday, May 28, 2019 in the Council Chamber, City Hall.

R2019-220

Motion by Councillor Sebben

Seconded By Councillor Vassilakos

THAT the Council meeting adjourn to convene into Standing Committees as follows:

- **Community Services Committee [7:15 pm or thereafter following the Regular Council meeting];**
- **Planning and Heritage Committee [7:20 pm or thereafter following the Regular Council meeting];**
- **Finance and Labour Relations Committee [7:30 p.m. or thereafter following the Regular Council meeting];**

and to Committee of the Whole if necessary, and to reconvene into Council.

Carried

15. Council Reconvene:

15.1 Declarations of Pecuniary Interest made at Standing Committees

The Municipal Conflict of Interest Act requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the Act.

Declarations of Pecuniary Interest made at Standing Committee meetings held on May 28, 2019 with respect to the following Items and re-stated at the reconvene portion of the Council meeting:

Name, Item and General Nature of Pecuniary Interest

There were no disclosures of pecuniary interest to be re-stated at the Reconvene meeting.

15.2 Item 7.9 Resolution - Reporting for Community Grants and 2019 Grant Request for Operation of the Razzamajazz (COU19-046)

R2019-221

Motion by Councillor Vassilakos

Seconded By Councillor Burbach

THAT the report of the Director of Corporate Services dated 13th May 2019 regarding required reporting for Community Grants and 2019 Grant Request for Operation of the H.M.S. Razzamajazz be received;

THAT the Community Grant Reporting Guidelines be approved;

AND THAT the request from Tillsonburg Power and Sail Squadron for the operation of the Razzamajazz barge for the 2019 season be approved.

Clarification was provided that a council decision had not been made on the community grant request for the Razzamajazz as this item was deferred at the April 8, 2019 Council meeting.

Deputy Mayor Ritsma called the question on the motion on the floor.

Carried

R2019-222

Motion by Councillor Vassilakos

Seconded By Councillor Sebben

THAT the City of Stratford continue with the operation of the Razzamajazz in 2019;

THAT a community grant up to \$5,272 be approved and funded from the contingency fund;

AND THAT staff prepare a report on future years funding after 2019.

Concern was expressed with fully funding an entertainment event when other community events did not receive their full grant request. It was noted evaluation criteria needs to be developed in order to determine whether this should be fully funded.

It was noted the motion states up to \$5,272 so that events can be directly paid for and the organizers will have to justify the expenses. Members were advised the City owns the boat and had agreements with other organizations to run these activities. It was recommended this event be funded in 2019 and that it be re-evaluated in 2020.

It was questioned whether the 2019 requested grant was larger than previous requests. The Director of Infrastructure and Development Services advised it has increased.

It was questioned how the grant funds would be distributed. The Director of Corporate Services advised staff would review with the organizers and develop a plan.

Deputy Mayor Ritsma called the question on the motion.

Carried

15.3 Committee Reports

15.3.1 Finance and Labour Relations Committee

R2019-223

Motion by Councillor Ingram

Seconded By Councillor Bunting

THAT Item 7.1 of the Finance and Labour Relations Committee meeting dated May 13, 2019 be adopted as follows:

7.1 - Consideration of the Stratford City Centre Business Improvement Area (SCC BIA) 2019 Budget (COU19-028)

THAT the report of the Director of Corporate Services dated April 16, 2019, regarding the Stratford City Centre Business Improvement Area 2019 budget be received for information;

THAT the 2019 budget of the Stratford City Centre Business Improvement Area be approved as submitted in the amount of \$307,950;

AND THAT the sum of \$290,750 shall be levied on properties located within the boundaries of the Stratford City Centre Business Improvement Area for the year 2019, such amount to be provided for as follows:

BIA Tax Rates for 2019:

Tax Class	Assessment	BIA Rate	Taxes
Commercial Occupied	\$88,847,679	0.00317175	\$281,803
Commercial Vacant	870,400	0.00222023	1,932

Industrial Occupied	1,598,000	0.00438978	7,015
TOTAL			\$290,750

Carried

15.3.2 Planning and Heritage Committee

R2019-224

Motion by Councillor Ingram**Seconded By** Councillor Burbach**THAT Items 4.1 and 4.2 of the Planning and Heritage Committee meeting of May 13, 2019 be adopted as follows:****4.1 Plan of Condominium Application 31CDM-19001 (PLA19-010)****THAT the City of Stratford, pursuant to Section 51(31) of the Planning Act, grant draft approval to Plan of Condominium 31CDM-19001 subject to the following conditions:**

- 1. This approval applies to the Draft Plan of Condominium 31CDM-19001 for POL Quality Homes Inc., prepared by MTE Ontario Land Surveyors Ltd., certified by Trevor McNeil OLS, dated February 6, 2019. The plan contains a total of 63 units, 28 residential units and 35 parking space units, located at 3199 and 3205 Vivian Line 37.**
- 2. This draft approval is for a Standard (Phased) Plan of Condominium under Part XI of The Condominium Act, 1998.**
- 3. The development is to be registered as one Condominium Corporation in two phases. The phase limits are to be to the satisfaction of the Manager of Development Services.**
- 4. This approval of the Draft Plan of Condominium applies for 5 years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval**

Authority.

5. Prior to final approval for the registration of any Condominium Corporation within the development by the City of Stratford, the Manager of Development Services, is to be advised in writing for each registration by the Municipal Building Official that:
 - a. all buildings are substantially complete, safe and functional and ready for occupancy within the phase limits;
 - b. the Owner's engineer has submitted a final lot grading certificate which has been accepted by the City within the phase limits;
 - c. certification has been provided from the Owner's engineer that has been accepted by the City confirming that all site works (services and facilities) required for the registration are completed;
 - d. the fire route and fire route signs have been installed to the satisfaction of the City;
 - e. the proposed Plan of Condominium showing "as-constructed" buildings and structures has been submitted and accepted by the City and is in compliance with all applicable Zoning By-law regulations within in the phase limits; and
 - f. all obligations of the Owner, pursuant to the Site Plan Agreement with the City for lands within the Draft Plan of Condominium are substantially complete.

6. Prior to final approval for the initial registration or any subsequent phase of the Condominium Corporation, the Manager of Development Services is to be satisfied that the Condominium Declaration shall contain the appropriate provisions to ensure:
 - the registration of easements for the benefit of the units, common elements, and servient tenements to provide for rights of access to, the use of and cost of maintenance of the joint facilities by all phases of the condominium;

- unitized parking spaces are to be owned by residential unit owners within the lands included in SP22-17;
- the initial registration having frontage on, vehicular access to an open public road and access for the construction of future phases;
- The initial registration and the first phase to contain a minimum of 14 residential units and 21 parking spaces each;
- the phase to be registered to comprise a contiguous parcel and is continuous with the existing phased condominium corporation; and
- the initial registration or registration of any subsequent phase will not divide the existing or proposed structures.

7. Prior to final approval for the initial registration or any subsequent phase of the Condominium Corporation, a final plan is to be submitted to the City of Stratford that identifies the exclusive use areas with the residential units they are intended for if proposed, to the satisfaction of the Manager of Development Services.

8. The Condominium Declaration shall contain a provision that outlines that telecommunications, mail delivery equipment, water lines and appurtenances, hydro, gas, perimeter fencing, accessible parking, visitor parking, sanitary sewer lines and appurtenances are to be described as a common element and may include items that are external to the buildings and items that service more than one unit and all common elements and are to be operated, repaired, replaced and maintained by the Condominium Corporation to the satisfaction of the Manager of Development Services.

9. Prior to final approval for the initial registration or any subsequent phase of the Condominium Corporation, a list of residential unit numbers and the corresponding legal descriptions that will be in place upon registration of the Plan of Condominium shall be submitted to the City of

Stratford and accepted to the satisfaction of the Manager of Development Services.

10. Prior to final approval for the registration of the development as a condominium corporation by the City of Stratford, the municipal addresses are to be assigned for all residential units and the addresses are to be posted along the façade of the building in accordance with By-Law 47-2008, all to the satisfaction of the Manager of Development Services.

11. Prior to final approval for the initial registration or any subsequent phase of the development as a Condominium Corporation by the City of Stratford, the Manager of Development Services, is to be advised in writing by the City of Stratford Corporate Services Department, Tax Division that all financial obligations/encumbrances on the said lands have been paid in full, including property taxes and local improvement charges.

12. Prior to final approval for the initial registration or any subsequent phase, the Manager of Development Services is to be advised in writing by Canada Post that the Owner has confirmed mail delivery equipment has been supplied and installed to the satisfaction of Canada Post.

13. Prior to final approval, for initial registration or any subsequent phase for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the City of Stratford a complete submission consisting of all required clearances, fees, and final plans, and to advise the City of Stratford in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

Notes:

1. Pursuant to Section 51(59) of the Planning Act, if a plan approved under Section 51(58) of the Planning Act is not registered within 30 days of approval, the City of Stratford may withdraw its approval.

- 2. All plans are to be prepared using total station survey and compatible with the latest version of AutoCAD. The final plan submitted for registration, engineered design drawings and construction record drawings are to be provided in print and digital format referenced to a control network compiled to the satisfaction of the City of Stratford Infrastructure & Development Services, Engineering Division in accordance with Ontario Basic Mapping (U.T.M. Grid 1:2000), for future use within the City's geographical information system.**
- 3. If final approval is not given to this Plan, within 5 years of the draft approval date, and no extensions have been granted, draft approval shall lapse under subsection 51(32) of the Planning Act, R.S.O., 1990. If the Owner wishes to request an extension to draft approval, a written explanation, together with a resolution from the local municipality, must be received by the Approval Authority 60 days prior to the lapsing date.**
- 4. Please note that an updated review of the plan, and revisions to the conditions of approval, may be necessary if an extension is to be granted.**
- 5. The Owner is advised that clearances from the following agencies is required:**
 - City of Stratford Corporate Services Department, Tax Division**
 - City of Stratford Infrastructure and Development Services Department, Manager of Development Services**
 - City of Stratford Infrastructure and Development Services Department, Chief Building Official**
 - City of Stratford Infrastructure and Development Services Department, Engineering Division**
 - Canada Post**
 - Union Gas**

4.2 Response to Council request for additional information on the April 8, 2019 staff report for Zone Change Application Z02-19, 45 Cambria Street and Pt Lot 30C, Plan 93 (PLA19-011)

THAT Council resolve in accordance with Section 34(17) of the Planning Act, that no further public notice is required to consider change to the requested permitted land uses, specifically to remove laundromat as a permitted use and to restrict the size of a restaurant use at 45 Cambria Street;

THAT the zoning of 45 Cambria Street BE CHANGED from a General Industrial I2 Zone to a General Industrial Special I2-32 Zone, as revised;

AND THAT the zoning for Pt Lot 30C, Plan 93 BE CHANGED from a Residential R2(2) Zone to a Residential Special R2(2)-48 Zone for the following reasons:

- **public input was received and considered;**
- **the request is consistent with the Provincial Policy Statement;**
- **the request is consistent with the goals and objectives of the Official Plan; and**
- **the zone change will provide for zoning that is consistent with the Official Plan policies.**

Carried

15.4 Reading of the By-laws (reconvene):

The following By-laws required First and Second Readings and Third and Final Readings and were taken collectively upon unanimous vote of Council present:

By-law 11.11 45 Cambria Street Zoning By-law Amendment-By-law 74-2019

To amend Zoning By-law 201-2000 as amended with respect to zone change application Z02-19 for 45 Cambria Street to allow for a site specific General Industrial I2 Zone and the property legally described as Pt Lot 30C, Plan 93 to allow for a site specific Residential R2(2) Zone.

By-law 11.12 Confirmatory By-law 75-2019

To confirm the proceedings of Council of The Corporation of the City of Stratford at its meeting held on May 28, 2019.

R2019-225

Motion by Councillor Beatty

Seconded By Councillor Vassilakos

THAT By-laws 74-2019 to 75-2019 be taken collectively.

Carried unanimously

R2019-226

Motion by Councillor Clifford

Seconded By Councillor Bunting

THAT By-laws 74-2019 to 75-2019 be given First and Second Readings.

Carried two-thirds support

R2019-227

Motion by Councillor Gaffney

Seconded By Councillor Henderson

THAT By-law 74-2019 to 75-2019 be given Third and Final Readings.

Carried

15.5 Adjournment of Council Meeting

R2019-228

Motion by Councillor Gaffney

Seconded By Councillor Ingram

THAT the May 28, 2019 Regular Council meeting adjourn.

Carried

Meeting Start Time: 7:00 P.M.

Meeting End Time: 7:55 P.M.

Reconvene Meeting Start Time: 9:10 P.M.

Reconvene Meeting End Time: 9:28 P.M.

Deputy Mayor – Martin Ritsma

Clerk - Joan Thomson



May 15, 2019

Dear Mayor Dan Mathieson,

On behalf of Parachute, Canada's national charity dedicated to injury prevention, I am writing to you today regarding an official public proclamation recognizing Parachute Safe Kids Week June 3 to 9, 2019.

In Safe Kids Week's 23rd year, we will focus on the topic of preventing harm from children's falls in the home and at play. The week will draw attention to predictable and preventable fall-related injuries in children, and the need to address key hazards for children that cause serious injuries from falls.

Falls are the leading cause of injury to Canadian children. Falling is a normal part of children's development, as they walk, climb, run, jump, play and explore their environment. While most falls do not result in serious injury, each year more than 140,000 children are seen in emergency departments for fall-related injuries. Most of these injuries to children under 5 occur in the home. This week will highlight the evidence-based solutions and injury prevention strategies.

I am requesting that Parachute's Safe Kids Week 2019 be publicly proclaimed in your jurisdiction in order to bring attention and awareness about preventing harmful child falls in the home and at play in your community.

I have enclosed a sample proclamation with suggested text for Parachute Safe Kids Week 2019. I look forward to following up with your office shortly.

Thank you in advance for your consideration and support of child and youth safety.

Sincerely,

Pamela Fuselli
Interim CEO

WHEREAS Parachute Canada's theme for Safe Kids Week 2019 is preventing harm from children's falls in the home and at play, and

WHEREAS preventable injuries are the number one killer of Canadians aged 1 to 44. Preventable injuries are costing the Canadian economy tens of billions of dollars, and

WHEREAS preventing harmful child falls in the home and at play is important. Falls are the leading cause of injury to Canadian children. While most child falls do not result in death, each year more than 140,000 children are seen in emergency departments for fall-related injuries. Most of these injuries to children under 5 occur in the home.

WHEREAS everyone can follow simple fall prevention tips to our children safe in the home and at play, and

WHEREAS Safe Kids Week is a week dedicated to raising awareness and seeking solutions to preventable child fatalities and serious injuries across Canada.

Everyone has a role to play in creating change among their peers, in classrooms and in their communities;

THEREFORE, I/We, _____, do hereby proclaim June 3 to June 9, 2019 as **Parachute Safe Kids Week** in _____.

(Signature)

(Title)



MANAGEMENT REPORT

Date: May 28, 2019
To: Mayor and Council
From: Michael Humble, Director of Corporate Services
Report#: COU19-048
Attachments: Draft By-law 11.1 and 11.2 attached to the Agenda under Section 11

Title: 2019 Tax Ratios and Tax Rates By-law

Objective: To pass the Tax Ratios and Tax Rates By-law to support the 2019 budgeted levy requirement, as well as the Stratford City Centre Business Improvement Area (BIA) tax rate By-law.

Background: The 2019 operating and capital budgets were approved by Council on 1st April 2019.

The Minister of Finance sets education tax rates to apply to property tax classes, which the City collects and remits to the four school boards. These were received on 9th April 2019.

Analysis: The approved tax supported operating budget totals \$59,220,210.

This is higher than the 2018 levy requirement by \$2,543,130, which is a result of the net budget impact (\$1,692,980) and the true assessment growth experienced by the City during the course of 2018 (\$850,160) being reflected in the 2019 budget.

The residential tax rate required to raise this amount of funds for municipal purposes is 0.01202594. This is a marginal decrease from the residential tax rate charged in 2018 (0.0120635) due to the impact of true growth in 2018 and the effect of continued phase-in of property valuation increases to CVA (current value assessment) over the four year period 2017-2020.

The relative tax proportions attributed to each class of property is impacted by the content of tax policies implemented by a municipality.

Tax policy generally refers to:

- the relative tax ratios applied to each of the core tax classes (commercial, industrial, multi-residential, farm, etc);
- whether a municipality has opted to create one of the eight additional optional property classes as permitted in the *Assessment Act* (shopping centres, parking lots, large industrial, etc);
- whether these optional property classes are taxed at a different rate compared to the broader class.

Since all upper and single tier municipalities are free to set their own tax class multipliers, tax class rates vary widely across the Province. As an example, the most recent BMA 2018 Municipal Study shows a wide range of tax ratios between the 56 municipalities that participate in their study.

	Multi-Residential	Commercial	Industrial
Stratford	2.0000	1.9759	2.7347
Average	1.7902	1.6871	2.1826
Median	1.8831	1.6929	2.2150
Minimum	1.0000	1.1000	1.1000
Maximum	2.6342	2.8476	4.7186

If tax ratios are not periodically reviewed and adjusted, property class assessed values that consistently increase at a faster rate than the residential class, may pay an increasing share of the overall tax levy.

Provincially, this has most prominently been the case for Farmland (FT) and also Multi-Residential (MT) in recent years.

Municipalities use tax policy tools to avoid major tax shifts that may occur between property classes as a result of phased-in reassessment impacts.

It has been a number of years since the City of Stratford undertook a tax policy review, and it was the intention of staff to bring forward a report to initiate the discussion for the 2019 fiscal year, but the later adoption of the 2019 budget (due to the municipal election) and recent technology issues, have pushed our schedule back.

From an operational perspective, it is necessary to approve 2019 tax rates by the end of May 2019 to facilitate the ordering and printing of tax bills for third and fourth billing and instalment dates.

An information report to review existing City tax policy has been prepared for Finance & Labour Relations Sub-committee for June. The intent is to inform Council of existing tax

policy, reference to comparator municipalities, outline options available and initiate discussion in advance of the 2020 budget and fiscal year.

A draft By-law is also attached for the Stratford City Centre Business Improvement Area 2019 tax rates. The 2019 budget and tax rates for BIA were recommended for approval at Finance & Labour Relations Sub-Committee on April 16th.

Financial Impact: The 2019 taxation rates are calculated to raise the levy required to fund the approved 2019 operating and capital budgets.

Staff Recommendation: **THAT the report of the Director of Corporate Services dated May 28, 2019, regarding the 2019 Tax Ratios and Tax Rates By-law and Stratford City Centre BIA Tax Rate By-law be received for information;**

AND THAT the necessary by-law to set and levy the 2019 rates of taxation for the City of Stratford be passed by Council at the May 28, 2019, meeting;

AND THAT the necessary by-law to set and levy the 2019 rates of taxation for the Stratford City Centre Business Improvement Area be passed by Council at the May 28, 2019, meeting.



Michael Humble, Director of Corporate Services



Rob Horne, Chief Administrative Officer



MANAGEMENT REPORT

Date: May 13, 2019
To: Planning and Heritage Committee
From: Jeff Leunissen, Manager of Development Services
Report#: PLA19-012
Attachments: None

Title: Planning Report-Zone Change Application Z01-19, 4272 Line 34

Objective: The purpose of this report is to provide staff's evaluation and recommendation on the zone change application submitted by MTE OLS Ltd., on behalf of W. Charlot Grains Ltd., accepted on January 8, 2019, to amend the zoning on 4272 Line 34 from an Agricultural (A) zone in the Township of Perth East Zoning By-law 30-1999 to an:

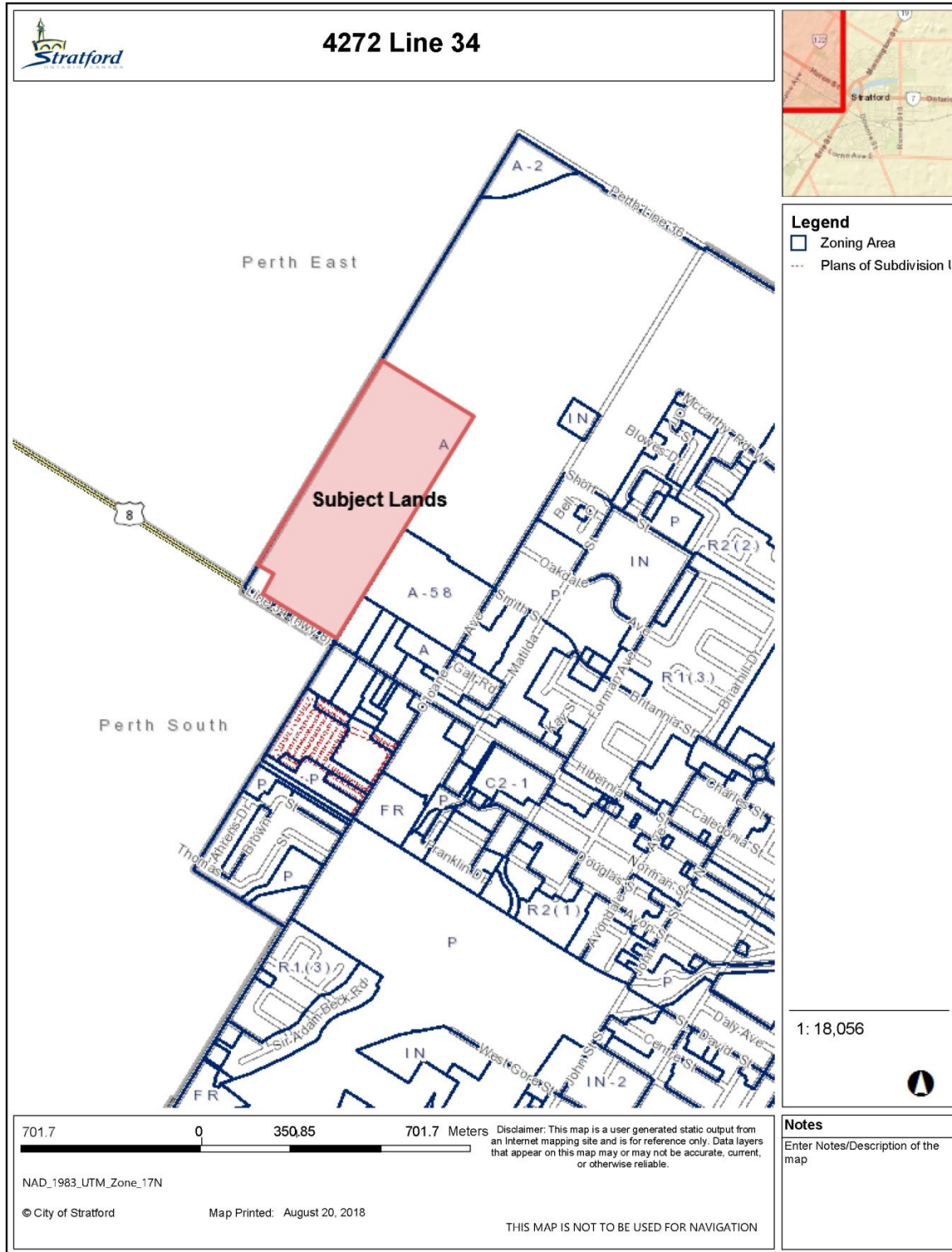
- Agricultural-Special Provision (A-___) Zone on the retained lands to prohibit new farm residential and non-farm residential uses and to require any rebuilds, enlargements or repairs to any buildings or structures to comply with Minimum Distance Separation (MDS) Formulae; and
- Agricultural-Special Provision (A___) Zone on the severed lands to allow a non-farm residential use on a lot with a minimum lot area of 3,000 m² and a minimum lot frontage of 37 m.

No additional studies or reports were submitted with this application.

Background:

Subject Site: The subject lands, known municipally as 4272 Line 34, are located on the north side of Line 34 between O'Loane Avenue and the City limits and are legally described as Part Lot 7 Con 1 (Geographic Township of Ellice) in the City of Stratford, Part 1 RP 44R-2584. Line 34 adjacent to the subject lands is a provincial highway-Highway 8.

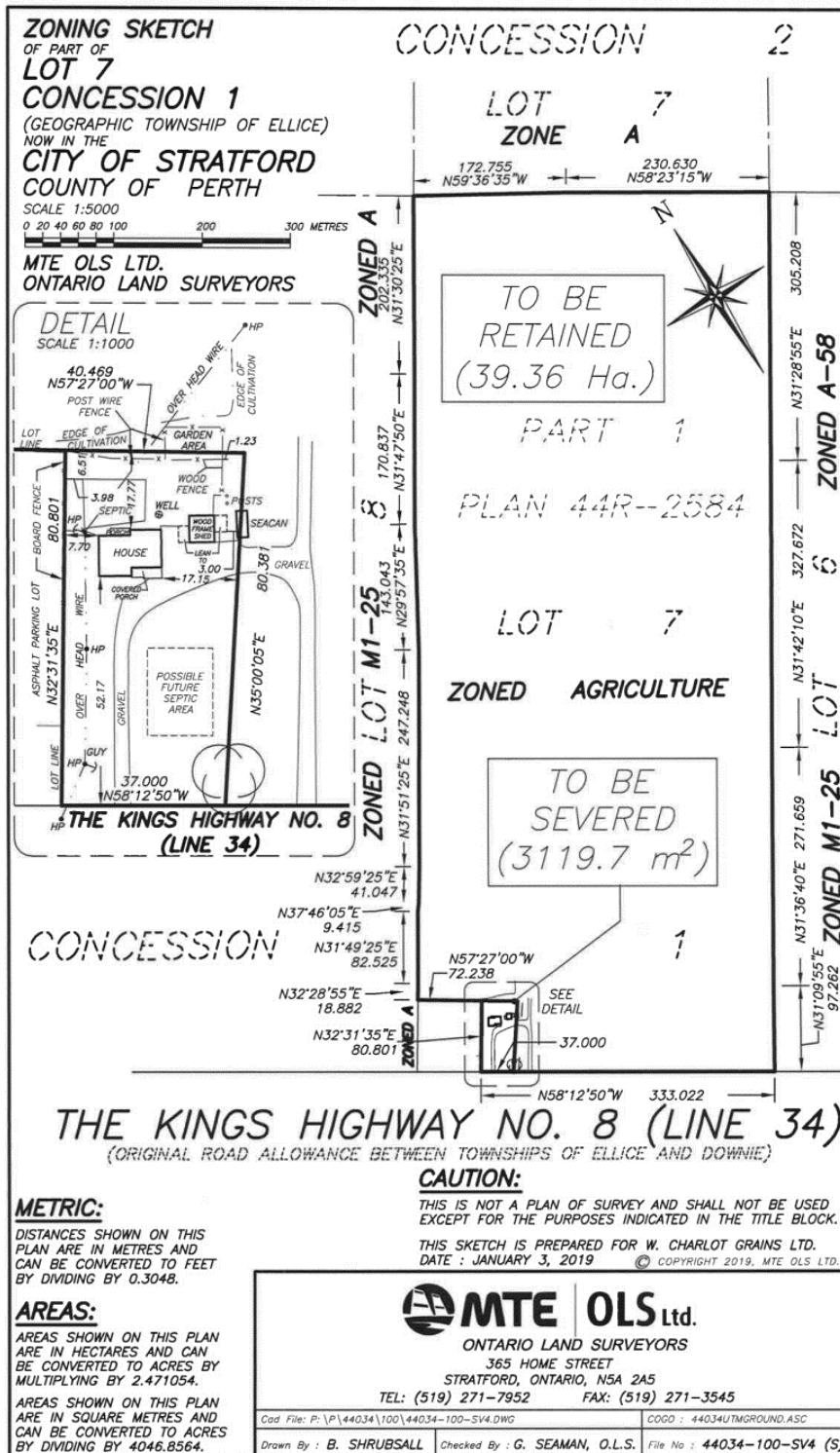
4272 Line 34 Location and Zoning Map



4272 Line 34



Concept Plan



Site Characteristics

Existing Use:	Agriculture-cash crop, farm dwelling, accessory buildings
Frontage:	333.02m (1,092.59ft)
Depth:	1,001.80m (3,286.75ft)
Area:	39.76ha (98.26ac)
Shape:	Regular

Surrounding Land Uses:

North:	Agriculture
East:	Contractor's Yard and Agriculture
South:	Stratford Perth Museum and the Stratford–Perth Archives
West:	Residential

Agency Comments

Circulation of the application to various agencies produced the following comments to date (May 6, 2019):

City of Stratford Infrastructure and Development Services Department – Engineering Division:

- No concerns.

City of Stratford Infrastructure and Development Services Department – Building Services:

- Plan indicates a sea container placed over the severed and retained lands. This should be removed or moved on one or more of the parcels legally.
- Septic calculations are required to confirm that the severed parcel is large enough to support possible future septic area, including applicable setbacks as noted in the Ontario Building Code.

Planning Note:

Building Services provided similar comments through the consent application (B07-18). In response, the conditions of the provisional consent include the following:

- the owner shall remove or relocate the existing seacan shipping container in accordance with the Zoning By-law, and
- the owner shall submit an inspection report from a licensed sewage installer indicating the condition, size, and location of the existing sewage system and confirmation that the septic system is in working order prior to the stamping of the deeds.

Building Services comments regarding the severed parcel being large enough to accommodate a possible future septic area that complies with the Ontario Building Code has been addressed through the provisional consent.

City of Stratford Fire Department

- No issues at this time.

Upper Thames River Conservation Authority

- The subject property is affected by areas of floodplain associated with the Roadhouse Drain. The UTRCA regulates development within the Regulation Limit in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. This regulation requires the landowner to obtain written approval from the UTRCA prior to any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.
- The UTRCA can advise that we have no objection to the Zoning By-law Amendment. We remind the applicant that a permit will be required for any works being undertaken within the UTRCA's Regulation limit.

Ministry of Transportation

- The Ministry of Transportation (MTO) has completed its review of the zoning change application. The application has been considered and reviewed in accordance with the requirements of our highway access policies, criteria, and the Public Transportation and Highway Improvement Act. The following outlines our comments:
 - MTO has interest in any planning application that can impact the provincial highway network. The number and type of entrances along a highway have a direct impact on the operations and safety of the highway.
 - The subject property fronts onto Highway 8 at the City of Stratford connecting link limits. The posted speed along the highway at the subject property changes from a posted 50km/hr to 60km/hr to 80 km/hr.
 - To qualify for a severance along a provincial arterial highway, a property is typically required to have 500m of pre-severance frontage. The subject property has ~333m of pre-severance frontage, though MTO will typically consider severances for the purpose of farm consolidation or farm operation severance (surplus residency) provided that the zoning is changed on the farm parcel to prohibit future dwellings.
 - In review of the subject zoning change application, MTO is support of the subject change in zoning on the following condition:
 - Each property has one highway entrance/access, MTO entrance permits are issued property and use specific.
 - The severed land is eligible for one residential entrance/
 - The farm parcel will be eligible for one agricultural entrance (interconnection to be removed).
 - An (updated) MTO entrance permit will be required for each property following the passing of the consent and zoning application. The MTO

Permits can be submitted electronically at the following location [MTO Online Permit Submission](#)¹

Planning staff would like to note that the applicant will be required to get an MTO permit as outlined above.

Festival Hydro

- This is outside Festival Hydro's service territory. No comments.

Hydro One

- No comments received.

Township of Perth East

- No concerns.

Public Comments:

Notice of the application was sent to 21 abutting property owners on January 31, 2019. Notice was also published in the Beacon Herald on February 2, 2019. No responses have been received to date. Any comments received after the completion of this report will be provided to the Planning and Heritage Committee.

Analysis:

History

The Committee of Adjustment granted provisional consent to a severance application (File B07-18) on September 12, 2018, on the subject lands to allow the severance of a dwelling surplus to the owner's farming operation subject to conditions. One of the conditions being that prior to final approval, the zoning be amended to prohibit dwelling units on the retained lands and to permit a single detached dwelling with a minimum lot area of 3,000 m² on the severed lands.

Provincial Policy Statement

Every planning decision in the Province of Ontario shall be consistent with the Provincial Policy Statement (PPS) which came into effect on April 30, 2014. The 2014 PPS provides policy direction on matters of provincial interest relating to Building Strong Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety.

The agriculture lot creation policies within section 2.3.4 of the PPS outline that lot creation in prime agricultural areas may be permitted for a residence surplus to a farming operation as a result of a farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation), provided that the new lot is limited to a maximum size needed to accommodate the use and appropriate sewage and water services. In addition, the policy regime requires the planning authority to ensure that new residential dwellings are

¹ <https://www.hcms.mto.gov.on.ca/>

prohibited on any remnant parcel of farmland created by the severance and that new lots comply with the minimum distance separation (MDS) formulae.

The severance proposed through application B07-18 was consistent with section 2.3.4 and conditions were included within the decision requiring the owner to rezone the lands to prohibit a new dwelling unit and to require any rebuilds, repairs and new buildings or structures to comply with MDS prior to the stamping of the deed. This application was submitted to address that condition. The rezoning application is consistent with the Provincial Policy Statement.

Official Plan

The property is designated 'Agriculture' in the City of Stratford Official Plan which permits a full range of non-intensive agricultural, existing uses, on-farm diverted uses, and agricultural-related uses.

The goals and objectives within 'Agricultural Areas' is to minimize conflicts between agriculture and non-agricultural uses, to prevent premature redevelopment of the annexed agricultural lands, and to discourage redevelopment and lot creation that could negatively impact comprehensive planning.

Section 4.12.6 outlines that new lot creation on lands designated 'Agricultural' will generally be discouraged. Minor lot line adjustments may be allowed provided the lot adjustment does not have any adverse impacts on surrounding land uses, create a separate building lot or undersized lot, or negatively impact the comprehensive redevelopment of the area.

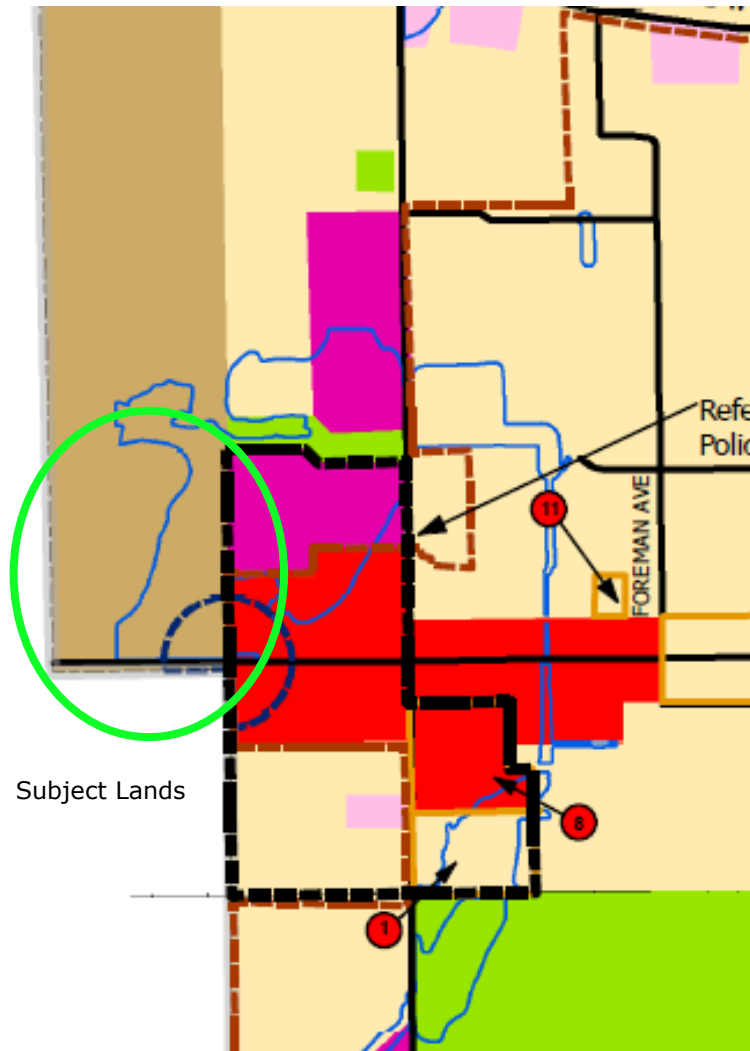
Although this proposal will result in the creation of a new lot, it does not create increased building potential as the dwelling on the severed lands exists and a condition was included with the consent requiring the owner to rezone the retained lands to prohibit a new dwelling. A condition was also included requiring the owner to rezone the severed lands to include a minimum lot frontage and minimum lot area that matches the size of the lands to ensure that the severed lands are not severed further to create new buildable lots.

The use on the severed and retained lands is not changing and will continue to be compatible with adjacent land uses. To ensure that uses continue to be compatible with adjacent land uses over the long-term, it is recommended that the uses on the retained lands be limited to non-intensive agricultural uses and that the uses on the severed lands be limited to a non-farm dwelling, bed and breakfast and home occupation.

Currently, the lands severed lands contain a septic system and a drilled well, and the retained lands are proposed to be vacant with no services. In accordance with section 7.3 of the Official Plan, all new urban development shall be connected to municipal water and sanitary systems and shall only be permitted where the systems have adequate capacity to service such development. No urban development is proposed through this application. Should the owner decide to build an agriculture structure, it would not be considered urban development. It is recommended that a special provision be included within the site specific

zoning for the retained lands stating no building shall be erected or enlarged unless the requirements for the service connections defined by the Ontario Building Code are provided. The application meets the general intent and purpose of the Official Plan.

Excerpt of Schedule "A" of the Official Plan



Legend

General Land Use

Class

- Agricultural Area
- Commercial Area
- Downtown Core
- Industrial Area
- Medium Density Residential
- Medium Density Residential Special
- Parks and Open Space
- Residential Area
- High Density Residential

- Special Study Area Section 11.2.16
- Factory District Area (Section 4.9)
- Cooper Site - Major Institutional Use Focus Area (Section 4.11)
- Built Boundary
- Municipal Boundary
- Gateway Areas
- Special Policy Areas
- Regulatory Flood Hazard

Zoning By-law

The lands are zoned Agricultural in the Township of Perth East Zoning By-law 30-1999. The Agricultural (A) zone permits farm uses including farm residential uses, a secondary farm occupation, a home occupation, a bed and breakfast/ farm vacation establishment, a grass airfield, a kennel, an existing institutional use, an existing non-farm residential use, conservation, forestry, recreational trails, uses accessory to the permitted use and wayside permit aggregate operations and portable asphalt plants.

It is recommended that these lands be brought into the City of Stratford Zoning By-law 201-2000 to promote consistent uses, definitions and regulations throughout the City.

The current City of Stratford Zoning By-law does not include an agricultural zone and section 3.16 states that no buildings or structures shall be erected, altered or used on any lot unless the lot is serviced by a public water system and a public sanitary sewer system except where such building or structure does not require a water supply or sanitary sewer service. Relief from this standard regulation is required because municipal services are not available and are not planned to be available in the near future.

It is recommended that on the retained lands, permitted uses be limited to an agricultural use, a conservation use and a forestry use, and that the following zoning regulations for agricultural uses within the Agricultural Zone in the Township of Perth East Zoning By-law continue to be applied to the lands:

- minimum lot area 33 ha
- minimum lot frontage 200 m
- minimum setbacks:
 - front yard 30 m
 - side yard 30 m
 - rear yard 30 m
- maximum lot coverage 30%
- maximum height 30 m

In addition, a definition for agricultural use is recommended to be included as one does not currently exist in the City of Stratford Zoning By-law. An agricultural use is defined in the Township of Perth East Zoning By-law as the growing of crops such as nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures. It is recommended that the current Township of Perth East Zoning By-law definition be applied but adapted to remove the raising of livestock, raising of other animals for food, fur or fibre including poultry and fish to ensure that any agricultural use is non-intensive. To ensure that there is no confusion about dwelling units on the subject lands, it is recommended that the definition also note that no dwelling units shall be permitted.

As requested by the applicant, it is recommended that a special provision be included requiring any rebuilds, enlargements or repairs to any buildings or structures to comply

with the Minimum Distance Separation (MDS) Formulae to achieve the highest level of compatibility with adjacent properties.

Lastly, since the retained lands currently do not have private services or access to public services, it is recommended that a special provision be included to outline that notwithstanding section 3.16 of the City of Stratford Zoning By-law within an Agricultural-Special Provision (A-___) zone that no building shall be erected or enlarged unless the requirements for service connections defined by the Ontario Building Code are provided.

Permitted uses and special provisions as proposed above for the retained lands are appropriate for the site and will ensure compatibility with abutting lands.

It is recommended that on the severed lands, the permitted uses be limited to a single detached dwelling, home occupation, and a bed and breakfast establishment and that the following zoning regulations for the non-agricultural uses within the Agricultural Zone in the Township of Perth East Zoning By-law continue to be applied to the lands:

- minimum setbacks for the main building:
 - front yard 15 m
 - side yard 7.5 m
 - rear yard 15 m
- maximum lot coverage 30%
- maximum height 12 m
- minimum setbacks for accessory structures:
 - side yard 3 m
 - rear yard 3 m
 - shall not be located in a front yard or within a required setback.

As requested by the applicant, and to ensure additional severances do not occur, it is recommended that the following be applied to the retained lands:

- minimum lot area 3,000 m²
- minimum lot frontage 37 m

Since the lot will now be used solely for residential purposes, a maximum lot coverage should be applied. A minimum of 30% is the standard landscaped open space requirement in the City of Stratford Zoning By-law and would be appropriate for these lands.

Currently the Township of Perth East Zoning By-law allows accessory structures in the Agricultural (A) Zone to be a maximum of 10% of the lot. Since the lot is approximately 3,000 m² in size, this would allow a 300 m² accessory structure which would be substantially larger than any other accessory structures permitted on residential lots within the City. As such, it is recommended that accessory structures be limited to a maximum of 5% lot coverage which would allow up to 150 m² for accessory structures.

A bed and breakfast establishment and home occupation is a proposed use for the subject lands. It is recommended that the current City of Stratford Zoning By-law home occupation

provisions be applied to the property. It is also recommended that a Bed and Breakfast be permitted with the maximum number of accessory guest rooms being limited to four (4). All the other provision of section 3.3 should apply. A maximum of four (4) accessory guest rooms is appropriate for the site as it has frontage on an arterial road.

Lastly, since the severed lands currently contain a septic system and a drilled well and do not have access to public services, it is recommended that a special provision be included to outline that notwithstanding section 3.16 of the City of Stratford Zoning By-law 201-2000 no building shall be erected or enlarged unless the requirements for service connections defined by the Ontario Building Code are provided.

Staff recommends that the permitted uses and special provisions as outlined above be implemented on the severed lands as the existing setbacks, lot coverage and maximum height provisions, proposed minimum landscaped open space, proposed bed and breakfast provisions and proposed servicing provisions are appropriate for the lands and the increased lot frontage requirement and lot area requirement will clearly demonstrate that it is not the intention to allow additional severances on these lands.

Subject to the recommended provisions, the application meets the general intent of the current Township of Perth East Zoning By-law and is consistent with the proposed provisions in the City of Stratford draft comprehensive Zoning By-law update.

Public Input

No public input was received on this application. Any comments received after the completion of the report will be provided to the Planning and Heritage Committee.

Other

The applicant has reviewed the draft by-law and has raised no objections.

Should the Planning and Heritage Committee not approve the staff recommendation, the motion shall include a statement outlining how the decision/ recommendation of the Planning and Heritage Committee is consistent with the Provincial Policy Statement, conforms to the City of Stratford Official Plan and how public input was considered.

Financial Impact: No additional claims or expenses are expected as a result of this application.

Staff Recommendation: **THAT the application to amend the zoning on 4272 Line 34, located on the north side of Line 34 between O’Loane Avenue and the City limits, from an Agricultural (A) Zone in the Township of Perth East By-law 30-1999 to:**

- **Agricultural-Special Provision (A-1) Zone in the City of Stratford By-law 201-2000 on the retained lands to allow an agricultural use (no**

dwelling units permitted), a conservation use and a forestry use and to apply a definition of agricultural use, a minimum lot area, a minimum lot frontage, minimum setbacks, maximum lot coverage, maximum height, MDS regulations and a special provision for services; and

- **Agricultural-Special Provision (A-2) Zone in the City of Stratford By-law 201-2000 on the severed lands to allow a single detached, a home occupation and a bed and breakfast establishment and to apply special provision for a bed and breakfast, minimum setbacks (for main building and accessory structures), a maximum lot coverage (for main building and accessory structures), a maximum height, minimum lot area, a minimum lot frontage, a minimum landscaped open space, and a special provision for services.**

BE APPROVED for the following reasons:

- **It is consistent with the Provincial Policy Statement;**
- **It is consistent with the Official Plan; and**
- **The recommendation has regard for public interest.**

R. Tucker

Prepared by: Rachel Tucker, Planner

Jeff Leunissen

Recommended by: Jeff Leunissen, MCIP, RPP – Manager of Development Services

Rob Horne

Rob Horne, Chief Administrative Officer

Draft By-law

Being a By-law to amend By-law 201-2000 as amended, with respect to zone change application Z01-19 by W. Charlot Grains Ltd., to amend the Agricultural (A) zoning on 4272 Line 34, located on the north side of Line 34 between O'Loane Avenue and the City limits.

WHEREAS authority is given to the Council of The Corporation of the City of Stratford by Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, to pass this by-law;

AND WHEREAS the said Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

AND WHEREAS the Council of The Corporation of the City of Stratford deems it in the public interest that By-law 201-2000, as amended, known as the Zoning By-law, be amended.

NOW THEREFORE BE IT ENACTED by the Council of The Corporation of the City of Stratford as follows:

1. The Township of Perth East Zoning By-law No. 30-1999 as it applies to the subject lands on Schedule "A" is hereby repealed.
2. That Schedule "A", Map 1a to By-law 201-2000 as amended, is hereby amended:

by adding those lands outlined in heavy lines and described as Agricultural Zone with site specific regulations A-1 and Agricultural Zone with site specific regulations A-2 on Schedule "A", attached hereto and forming part of this By-law and more particularly described as Part Lot 7 Con 1 (Geographic Township of Ellice) in the City of Stratford, Part 1 RP 44R-2584 known municipally as 4272 Line 34.

3. That By-law 201-2000 as amended, be further amended by adding section 22.1 being the Exceptions of the Agricultural (A) Zone with the following:

22.1 a) Defined Area (4272 Line 34)

A-1 as shown on Schedule "A", Map 1a

b) Permitted Uses:

- Agricultural use
- Conservation use
- Forestry use

c) Definition:

- Agricultural use means the growing of crops such as nursery and horticultural crops; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures. No dwelling units shall be permitted.

d) Minimum Setbacks:

- Front Yard: 30 m
- Side Yard: 30 m
- Rear Yard: 30 m

e) Lot Area:

- Minimum 33 ha

f) Lot Frontage:

- Minimum 200 m

g) Lot Coverage:

- Maximum 30%

h) Height:

- Maximum 30 m

i) Minimum Distance Separation (MDS) Formulae:

- Any repairs or rebuilds to any existing buildings or structures and enlargements and new buildings or structures shall comply with MDS.

j) Services:

- Notwithstanding section 3.16, on lands within the A-1 zone no building shall be erected, or enlarged unless the requirements for service connections defined by the Ontario Building Code are provided.

4. That By-law 201-2000 as amended, be further amended by adding section 22.2 being the Exceptions of the Agricultural (A) Zone with the following:

22.2 a) Defined Area (4272 Line 34)

A-2 as shown on Schedule "A", Map 1a

b) Permitted Uses:

- Single detached dwelling
- Home occupation
- Bed and breakfast establishment

c) Bed and Breakfast Site Specific Regulations:

- Notwithstanding section 3.3 a Bed and Breakfast is permitted in the A-2 zone with a maximum of four (4) accessory guest rooms.
- All other provisions of section 3.3 apply.

d) Minimum Setbacks (Main Building):

- Front Yard: 15 m
- Side Yard: 7.5 m
- Rear Yard: 15 m

e) Lot Area:

- Minimum 3000 m²

f) Lot Frontage:

- Minimum 37 m

g) Lot Coverage:

- Maximum 30%

h) Landscaped Open Space:

- Minimum 30%

i) Height:

- Maximum 12 m

j) Minimum Setbacks (Accessory Structures):

- Side Yard: 3 m

- Rear Yard: 3 m
- Shall not be located in a front yard or within a required setback.

k) Lot Coverage (Accessory Structures):

- Maximum 5%

l) Services:

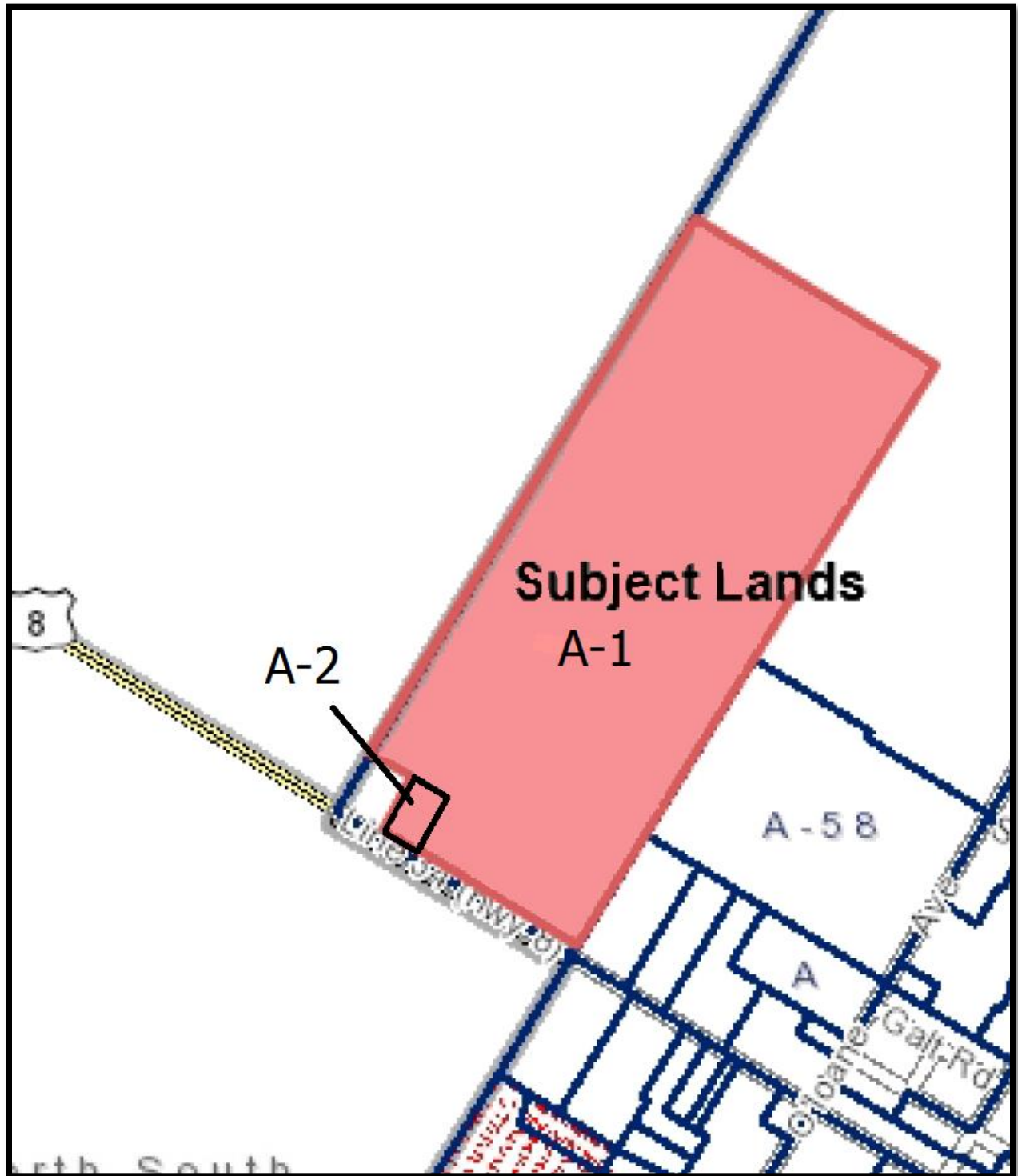
- Notwithstanding section 3.16, on lands within the A-2 zone no building shall be erected, or enlarged unless the requirements for service connections defined by the Ontario Building Code are provided.

5. This By-law shall come into effect upon Final Passage and in accordance with the *Planning Act*.

Mayor – Daniel B. Mathieson

Clerk – Joan Thomson

Schedule "A" to By-law ____-2019





CITY OF STRATFORD PUBLIC MEETING MINUTES

A **PUBLIC MEETING** was held on Monday, March 4, 2019 at 7:34pm in the Council Chamber, City Hall, Stratford to give the public and Council an opportunity to hear all interested persons with respect to Zone Change Application Z01-19, relating to 4272 Line 34 in the City of Stratford.

COUNCIL PRESENT: Mayor Mathieson - Chair presiding, Councillors Martin Ritsma, Tom Clifford, Bonnie Henderson, Graham Bunting, Danielle Ingram, Kathy Vassilakos, Jo-Dee Burbach, Cody Sebben, Brad Beatty and Dave Gaffney.

REGRETS: David St. Louis - Director of Community Services

STAFF PRESENT: Rob Horne – CAO, Mike Humble – Director of Corporate Services, Ed Dujlovic – Director of Infrastructure & Development Services, Jacqueline Mockler – Director of Human Resources, Joan Thomson – City Clerk, Tatiana Dafoe – Deputy Clerk, Jeff Bannon – City Planner, Rachel Tucker – City Planner, Jeff Leunissen – Manager of Development Services, Mike Beitz – Corporate Communications Lead and Nancy Bridges – Recording Secretary.

ALSO PRESENT: Members of the public, Media.

Mayor Mathieson called the meeting to order and stated that the purpose of the meeting is to give Council and the public an opportunity to hear all interested persons with respect to Zone Change Application Z01-19, 4272 Line 34 in the City of Stratford.

Mayor Mathieson explained the order of procedure for the public meeting.

STAFF PRESENTATION:

The City Planner described the property at 4272 Line 34 and explained that the zone change is to change from an Agricultural (A) zone in the Township of Perth East Zoning By-law to an Agricultural – Special Provision (A-_) Zone, to prohibit new farm or non-farm dwelling units and to require any rebuilds, enlargements or repairs to any buildings or structures to comply with Minimum Distance Separation (MDS) Formula on the retained lands and to permit a non-farm residential dwelling on a lot with a minimum lot area of 3000 square metres and a minimum lot frontage of 37 metres on the severed lands.

The Planner noted the surrounding uses are a mix of uses such as residential and agriculture.

The application was circulated to various agencies and the public and the responses included the following:

- The Building Division commented about the septic system and existing seacan shipping container
- MTO commented that the residential portion of the property is permitted to have one residential entrance and that the farm portion of the property is permitted to have one farm entrance and that the interconnection shall be removed and MTO permits will be required.

No comments were received from the public.

QUESTIONS FROM COUNCIL:

None.

APPLICANT PRESENTATION:

Trevor McNeil (MTE OLS Ltd.), the agent on the file, stated that the zone change application was the result of the severance application. The property was recently annexed into the city and the zone change is needed to allow for the farm house severance to occur.

QUESTIONS FROM COUNCIL:

Councillor Ingram questioned if the zoning complies with the draft zoning by-law.

The Planner noted that the property is intended to stay zoned agricultural and staff, through the review of this application, will be reviewing the draft zoning by-law to ensure that the proposed provisions are consistent.

Councillor Henderson asked for clarification whether there would be two entrances onto the highway and why the applicant was severing the property.

Mr. McNeil noted that there will be an entrance for the dwelling and an entrance for the farm. The severance will allow for the house to be sold and be completely separate from the farm. This will allow for the new owner to take pride in their home and take care of it, unlike many rental properties.

QUESTIONS FROM THE PUBLIC:

None.

Mayor Mathieson adjourned the meeting at 7:42pm

There were no requests to receive further information, as indicated on the form at the public meeting on March 4, 2019.



Corporate Services Department

MANAGEMENT REPORT

Date: April 16, 2019
To: Finance and Labour Relations Sub-committee
From: Michael Humble, Director of Corporate Services
Report#: COU19-034
Attachments: Stratford Tourism Alliance – Q1 Update - 2019

Title: Stratford Tourism Alliance – Q1 Update - 2019

Objective: To receive an update on the Stratford Tourism Alliance's year-to-date activities and financial position for 2019.

Background: Stratford Tourism Alliance (STA) give regular updates to Council through the Finance & Labour Relations Sub-Committee.

Analysis: Representatives from STA have been invited to attend as a delegation to present the attached report.

Financial Impact: None noted.

Staff Recommendation: **THAT the Stratford Tourism Alliance report dated April 16, 2019 be received for information.**

Michael Humble, Director of Corporate Services

Rob Horne, Chief Administrative Officer

Finance and Labour Relations 2019 Q1 Update



Executive Summary

- Revenue is at typical YOY pacing at 42.5% of budget in Q1. Most partnerships renew at beginning of fiscal year, so revenue normally front-loaded in budget cycle.
- Expenses tracking well for quarter at 24.1% of budget by end of Q1. All special project, on-going expenses, and City loan repayment on track for year-end.

2019 Actuals vs Budget – Revenues Q1⁷³

	Jan - Mar 19	Budget	% of Budget
Ordinary Income/Expense			
Income			
4000 · INTEREST INCOME	6.91	100.00	6.9%
4050 · MARKETING SALES	27,576.67	79,350.00	34.8%
4240 · MEMBERSHIP SALES	36,886.91	55,410.00	66.6%
4260 · PARTNERSHIPS*	288,000.00	619,000.00	46.5%
4280 · DESTINATION MARKETING FUND	8,633.04	95,000.00	9.1%
Total Income	361,103.53	848,860.00	42.5%

2019 Actuals vs Budget – Expenses Q1⁷⁴



	Jan - Mar 19	Budget	% of Budget
Expense			
5100 · CONTRACT AND CONSULTING	0.00	5,500.00	0.0%
5107 · 5107 Four Season Development	0.00	2,500.00	0.0%
5633 · BANK & MERCHANT SERVICE FEES	964.25	3,800.00	25.4%
5645 · INSURANCE	0.00	3,600.00	0.0%
5660 · TRAVEL	126.14	3,900.00	3.2%
5990 · Spec Proj - RTO Animation Fund	0.00	5,000.00	0.0%
6000 · MARKETING - INTERNET	6,228.45	112,230.00	5.5%
6150 · MARKETING - PRINT	15,145.77	81,500.00	18.6%
6151 · MARKETING - RADIO	0.00	1,000.00	0.0%
6152 · MARKETING*	110.00	51,800.00	0.2%
6153 · PROFESSIONAL FEES	426.00	23,000.00	1.9%
6155 · FACILITY MAINTENANCE	232.04	4,500.00	5.2%
6480 · PAYROLL	97,947.08	451,391.00	21.7%
6540 · OFFICE EXPENDITURES	6,773.87	24,550.00	27.6%
6550 · EVENT EXPENSES	406.60	3,900.00	10.4%
7000 · TELEPHONE/COMMUNICATIONS	1,453.87	8,500.00	17.1%
7300 · Stratford Always On Project	59,632.88		
Total Expense	189,446.95	786,671.00	24.1%
Other Income/Expense			
Other Expense			
5451 · Transfer to Reserve	0.00	20,000.00	0.0%
7100 · City Repayment on Loan	0.00	42,187.50	0.0%
Total Other Expense	0.00	62,187.50	0.0%

Community Engagement

- Current Active Partners - 191
- YOY decrease from 193 partners in March 2018
- 2019 YTD total of 6 new active partners, 13 lost



Q1 2019 digital metrics report

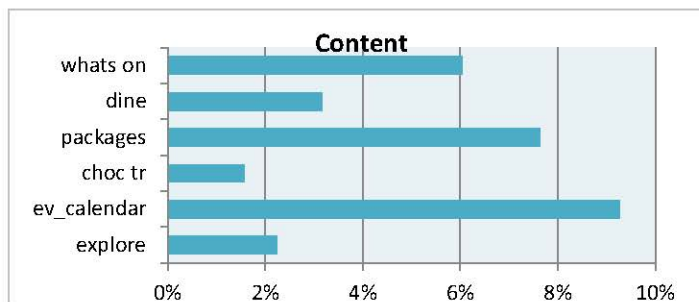
While closing the first themed campaign with our new digital agency, details to come in the next report, we can see that visits/users are not as high as in 2018 but that the pages per site visit have risen overall by 15% which speaks to the quality of site visitor that we are seeing. Social engagement is fighting back against the missing traffic-fiend that the Swan Parade became, especially with a position more free to focus on Instagram. Numbers for the other platforms have decreased. We continue to work with Chillwall on virtual concierge wording to increase usage from the current 1,200 sessions to date.



CAMPAIGN UPDATE DIGITAL ADS Romance to be reported Q2

Facebook Spend outside of CPC campaigns Feb/Mar

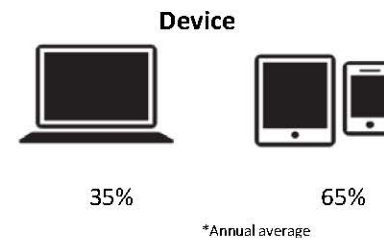
27,490 paid reach \$249.93 spend (all Google 360 cost-share)
1,668 clicks



Google Grants Q1 to be reported Q2

#StratfordAlwaysOn Food - Jan/Feb

Video views (30 sec+) 2,783 - \$0.08/view
Facebook 55,342 reach - 126 shares
1,163 FB page visits - 396 site visits



	Followers	Engaged Users/Mentions	Reach/Impressions
Facebook	14,984 ↑ 5%	27,030 ↓ -45%	1,173,986 ↑ 16%
Twitter	12,435 ↑ 0%	507 ↓ -33%	104,500 ↓ -67% YOY

Instagram
3,429 followers ↑ 31%
23,524 impressions
1,189 engagement in March

- YTD outreach 30 articles/blogs/radio/TV (15% of 2019 goal).
- Hosted travelstylemag/social influencer Jennifer Weatherhead weekend of March 22-24th.
- Continuous Stratford awareness presence in Toronto market on Dundas Square and PATH screens – Romance campaign in February | #nextgen teaser in March | reach 2,250,000 in GTA per month (double YOY reach)
- CTV News feature “In Your Backyard – 3 Arts videos produced and aired

Upcoming:

- Lifestyle guru, Lynn Spence will be featured in 9 new retail videos
- “Savour Spring in Stratford” campaign launch in partnership with Stratford Festival and other community partners

- AI-powered Virtual Concierge launched successfully on Jan. 29th. Positive feedback from potential visitors, as well as frontline staff at STA and other Stratford businesses. Widget incorporated on visitor page of Stratford Summer Music. Others expressing interest.
- Agency and production company completed delivery of five new destination videos as part of a #StratfordAlwaysOn campaign for digital and traditional media, supported by Ontario Ministry of Agriculture, Food, and Rural Affairs RED Grant program.
- Surpassed goal of 10 romance campaign partner packages for a total of 15 uploaded to website.
- Renewed agreement with RTO4 and BIA on Destination Animation Project for 2019.

Collaborations

- 25th Anniversary edition of Culinary Guide and related media campaign to be released this month. Launch event on April 29th at Richmond Station in Toronto (owned by Stratford Chef School alumnus). To be attended by over 40 culinary media writers and influencers, 5 Stratford #nextgen chefs, STA and SCS reps, and craft brewers/distillers.
- Participating in InvestStratford Smart City Value Proposition project with other city organizations.
- Partnered with SCS and DigiWriting to present Farm to Table Stratford contest in conjunction with Indigo Plum Rewards subscribers | 300 entries received – winner from Waterloo Region

Alignment with Regional Partners

- STA AGM on May 15th at the Bruce Hotel @ 4:30 p.m.
- Participated in Ontario Ministry of Tourism, Culture, and Sport round table discussion on new Ontario Tourism Strategy on February 14th.
- Bieber map updated to complement SP Museum Bieber exhibit refresh. Adds experiential layer to Stratford that Bieber fans love.
- Working with Ontario Tourism Innovation Lab to craft think tank working group agenda for provincial conference in the fall.



Thank you for your emails and updates on the growth, expansion, and programs in Stratford, Ontario. My connection with Stratford reaches back to 1957 when I saw acres of mud being created into a tent, a building, and a picturesque city. I was a student at St Jerome's College, Kitchener, Ontario.....Later, and for several years, my wife and I would spend a week in August in Stratford to attend the plays. For some reason or other, there has been a lapse of time for our coming to Stratford. Do I miss it...Oh, YES. Am I grateful for our online connection, OH, IMMENSELY. Stay safe...and good fortune to you and to Stratford.

As ever.... Leonardo Cruoglio

Thank you!





MANAGEMENT REPORT

Date: April 16, 2019
To: Finance & Labour Relations Sub-Committee
From: Michael Humble, Director of Corporate Services
Report#: COU19-035
Attachments: investStratford 2019 - Q1 Report

Title: Stratford Economic Enterprise Development Corporation (investStratford) – 2019 Quarterly Report 1

Objective: To update members of Sub-committee on recent and upcoming activities for the Stratford Economic Enterprise Development Corporation (investStratford).

Background: See attached report.

Analysis: Joani Gerber, Chief Executive Officer of Stratford Economic Enterprise Development Corporation, will be presenting a quarterly update to Sub-committee.

Financial Impact: Not applicable.

Staff Recommendation: **THAT the Stratford Economic Enterprise Development Corporation (investStratford) quarterly report dated April 16, 2019, be received as information.**

A handwritten signature in black ink, appearing to read "Michael Humble", written over a horizontal line.

Michael Humble, Director of Corporate Services

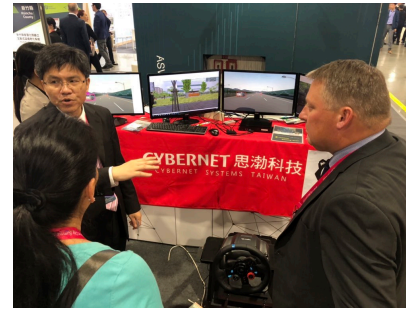
A handwritten signature in black ink, appearing to read "Rob Horne", written over a horizontal line.

Rob Horne, Chief Administrative Officer

Finance & Labour Relations Sub-Committee – April 16, 2019

Investment Attraction

- Taiwan Smart City Conference
 - Invited guests; strong trade commission support
- Site Selectors Guild
 - Worldwide Membership of Site Selectors
 - Annual Meeting/Direct Engagement – Salt Lake City
- Investing in Canada Community Fund
 - Leveraging \$10k+
 - Mission to Germany (May) & UK (June)



Finance & Labour Relations Sub-Committee – April 16, 2019

Business Retention & Expansion

- (Wright Business Park
 - (1 available lot
- (Crane – site design nearing completion
- (12 acre Wright Park #1 parcel – due diligence nearing completion
- (Total projects in discussion/development – 175+ acres
- (Concierge Process
 - (Seamless Land Sale Process – clearing title



Business Creation & Entrepreneurship

- Provincial Funding:
 - Core Funding – Renewed through March 31, 2022
 - Starter Company Program – Renewed through March 31, 2022 (\$65,000 grant funds)
 - Summer Company Program – Renewed through March 31, 2022 (\$21,000 grant funds)
 - Overall \$653,418
- Downtown Revitalization:
 - Working Group Established – CCC, STA, CoC, CFDC
 - Ontario Municipal Association Funding - \$20,000

Finance & Labour Relations Sub-Committee – April 16, 2019

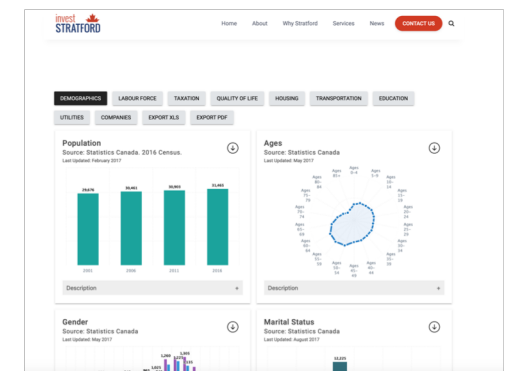
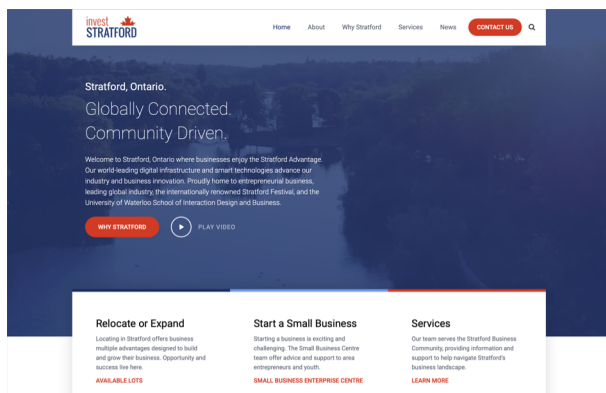
Workforce Development

- ' Skills Advance Program
 - ' Final graduation – 60 participants through the program in 2018/19
 - ' Stakeholders willing to move it forward in the absence of Provincial funding
- ' Immigration/New Canadians
 - ' Huron-Perth Immigration Committee – settlement services; etc.
- ' Housing Roundtable
 - ' Initial meetings w/City Housing Department, Infrastructure to research & develop recommendations for Council consideration – exploring alternative “price appropriate” housing projects

Finance & Labour Relations Sub-Committee – April 16, 2019

Marketing & Communications

- Website Complete – Search Engine Optimization Results over '18
 - Page hits up 10%
 - Drop offs down 9% (staying longer, more navigation)
 - Organic Searches up 24%
- 60% of site selectors & companies will use websites to gather preliminary data
- Townfolio Data – community profiles, reports



invest
STRATFORD
Globally Connected | Community Driven



MANAGEMENT REPORT

Date: April 16, 2019
To: Finance & Labour Relations Sub-committee
From: Michael Humble, Director of Corporate Services
Report#: COU19-027
Attachments: Attachment 1 - Financial Report As At December 31 2018

Title: 2018 Year End Results

Objective: To provide Mayor and Council with information regarding the 2018 fiscal year end results and the disposition of surpluses / funding of deficits.

Background: As part of best budgeting practices, a municipality should evaluate its financial performance relative to the adopted budget.

Staff is offering Council a review of the 2018 year end position, the resulting fund surplus/deficits and their disposition.

Analysis: All year end adjusting entries have now been made awaiting the auditor's review scheduled for the week of April 25th to 29th.

Rate supported operations close out to their own reserves and the following is a list of final positions and the reserve transfers that have been made.

Commentary on financial performance has not been provided here, but Attachment 1 will serve to highlight those operations that experienced unresolved fiscal challenges during 2018.

User Pay Operations

By definition, these operations close out to their own operating contingency or capital funding reserves without contribution from the general tax supported fund.

New for 2019 are rate stabilization funds for Water and Wastewater. These enable the funds required to be set aside for future capital needs to remain unaffected by the yearly

fluctuations of operating activities, and also ensures that the appropriate amount of funds for capital projects will be available when needed.

Wastewater operations finished the year with a **surplus** of \$295,914.40 which was closed out to the Wastewater Rate Stabilization Reserve G-R18-WWTR-0000.

Water operations finished the year with a **surplus** of \$169,892.03 which was closed out to the Water Rate Stabilization Reserve G-R18-WATR-0000.

Waste Management operations finished the year with a **surplus** of \$475,774.00 which was closed out to the Waste Management Capital Reserve Fund R-R11-WAST.

Parking operations experienced an overall surplus of \$676,693.98 and after leaving the budgeted amount of \$254,100 in operations as revenue, the residual **surplus** of \$422,593.98 was transferred to Parking Capital Reserve Fund R-R11-PRKG.

Building Division experienced a **surplus** of \$59,560.01 after consideration of direct and indirect costs. In keeping with the direction of Bill 124, this amount was transferred to the Building Permit reserve G-R07-BSUR-0000.

Tax Supported Operations

The divisional challenges experienced during 2018 were well reported to Council by way of regular operating variance reports. Early identification of fiscal challenges enabled staff to react and mitigate any deficit projections by in-year operational adjustments.

In 2018, the City also benefitted from:

- significant building permit activity which translated to in-year supplemental tax billing;
- lower than anticipated tax write-offs; and
- higher investment revenue due to change in investment strategy and rising interest rates.

The general tax supported fund which comprises all City services other than those specifically listed above finished the year in a **surplus** position of \$53,677.52

As in any year, some City operations were under budget while others experienced unresolved financial challenges to finish over their approved budget. Details can be found on Attachment 1.

This relatively small surplus shall be closed out to the Tax Rate Stabilization reserve (balance is currently \$413,365.73), the purpose of which is to maintain a reserve balance capable of absorbing yearly operating deficits and in-year unexpected expenditures.

The Reserve and Reserve Fund policy suggests an appropriate balance of "5% of previous year's municipal tax levy with a minimum balance of \$500,000".

This would suggest a range of \$500,000 to \$2,846,000.

The Tax Rate Stabilization Reserve is the City's cushion to smooth year to year operational challenges and offers the flexibility to react outside the budget process to emergent opportunities.

Any funds drawn from the Reserve are viewed as short term operational funding only to bridge the timeline to the next budget process, at which time funds withdrawn should be budgeted to be replaced.

Financial Impact: As noted above.

Staff Recommendation: THAT the report of the Director of Corporate Services dated April 16, 2019 regarding 2018 year end results be received;

AND THAT the Wastewater surplus of \$295,914.40 be closed out to the Wastewater Rate Stabilization Reserve G-R18-WWTR-0000;

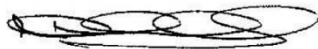
AND THAT the Water surplus of \$169,892.03 be closed out to the Water Rate Stabilization Reserve G-R18-WATR-0000;

AND THAT the Waste Management surplus of \$475,774.00 be closed out to the Waste Management Capital Reserve Fund R-R11-WAST;

AND THAT the Building Division surplus of \$59,560.01 be closed out to the Building Permit Reserve G-R07-BSUR-0000;

AND THAT the Parking surplus of \$422,593.98 be closed out to the Parking Capital Reserve Fund R-R11-PRKG;

AND THAT the Tax Supported surplus of \$53,677.52 be closed out to the Tax Rate Stabilization reserve G-R14-TAXS-0000.



Michael Humble, Director of Corporate Services



Rob Horne, Chief Administrative Officer

City of Stratford

Operating Variance Report As At 31st December 2018

Department	2018 Budget	31-Dec Results	% of Budget	Surplus / (Deficit) ACTUAL Variance At 31 Dec 2018	Explanation
<u>Mayor/Council/CAO Office</u>					
101 - Mayor's Office	87,744	88,575	100.9	(831)	
102 - Council Services	222,584	216,491	97.3	6,093	
111 - CAO's Office	650,112	667,514	102.7	(17,402)	
<u>Human Resources</u>					
112 - Human Resources	598,524	583,784	97.5	14,740	
<u>Corporate Services</u>					
121 - City Clerk	494,100	503,423	101.9	(9,323)	
131 - Financial Services	1,303,850	1,246,239	95.6	57,611	
134 - Information Technology	853,761	868,702	101.8	(14,941)	
135 - Parking	(254,100)	(254,100)	100.0	0	Revenue was \$77,000 over budget and expenses were \$45,000 under budget.
136 - Crossing Guards	220,404	204,627	92.8	15,777	Traffic warrant studies were not undertaken in 2018 due to resource constraints.
139 - General Financial Services	6,243,112	6,171,640	98.9	71,472	
810 - Requisitions from Others	8,515,434	8,535,323	100.2	(19,889)	
820 - Other Municipal Services	203,166	160,980	79.2	42,186	Committees and Parks Patrol under budget.
872 - Community Grants	567,225	778,159	137.2	(210,934)	Grant to Stratford Perth Rotary Hospice approved in 2018.
<u>Infrastructure & Development Services</u>					
141 - City Building Maintenance	721,859	703,340	97.4	18,519	
251 - Development Services					
** Building Inspection	(21,353)	0	0.0	(21,353)	
** ByLaw Enforcement	161,290	145,596	90.3	15,694	Legal fees (\$9,000) and payroll costs (\$5,000) were under budget.
** Planning & Zoning	206,406	122,909	59.5	83,497	Revenue was \$61,000 greater than expected. Legal fees (\$16,000) and Consultants (\$9,000) were under budget.
** Committee of Adjustment	63,051	82,082	130.2	(19,031)	Revenue was \$9,000 less than expected and payroll costs were \$15,000 over budget.
310 - Engineering	924,895	1,449,215	156.7	(524,320)	Engineering charges to capital projects were \$347,000 under budget. Payroll costs were \$187,000 over budget.
320 - Roads	6,312,670	6,419,086	101.7	(106,416)	
340 - Storm	567,757	555,258	97.8	12,499	
<u>Fire</u>					
211 - Fire	7,137,320	7,486,676	104.9	(349,356)	Salary costs not fully annualized from last year of contract. Unexpected vehicle repairs and fuel costs are over budget.
512 - Airport	173,862	230,619	132.6	(56,757)	Unforeseen tree trimming requirements.

City of Stratford

Operating Variance Report As At 31st December 2018

Department	2018 Budget	31-Dec Results	% of Budget	Surplus / (Deficit) ACTUAL Variance At 31 Dec 2018	Explanation
<u>Community Services</u>					
711 - Parks	2,106,712	2,001,728	95.0	104,984	
721 - Recreation	2,724,832	2,882,698	105.8	(157,866)	Part-time salaries over budget by \$146,000 due to the change in management of the Ag –plex and longer operating hours attributed to the moving of the SLAAA from KCC. Lost revenue from KCC in room rental and the Stratford Festival Theatre rental (\$117,000).
731 - Cemetery	233,993	181,635	77.6	52,358	Payroll costs under budget.
750 - Transit	1,576,770	1,761,961	111.7	(185,191)	Fare revenue under budget by \$66,000. Expenses over budget due to fuel costs and bus repairs.
751 - Parallel Transit	408,729	389,866	95.4	18,863	
<u>Social Services</u>					
611 - Social Services/Ontario Works	615,479	592,290	96.2	23,189	
614 - Social Housing	0	0		0	
615 - Housing	1,970,692	1,691,255	85.8	279,437	A number of expenditure accounts were under budget: Social Housing subsidies (\$421,000), payroll costs (\$312,000) and utilities (\$163,000). These savings were partially offset by increased repair costs (\$369,000).
616 - Child Care	330,137	293,817	89.0	36,320	Some wages and Special Needs Assistance costs were transferred to the Early Learning and Child Development Division in order to maximize 100% Ministry funding.
617 - Early Learning & Child Development	0	0		0	
613 - Anne Hathaway Day Care	(28,424)	(25,702)	90.4	(2,722)	
<u>Police</u>					
231 - Police	10,757,234	10,454,719	97.2	302,515	
<u>Library</u>					
411 - Library	2,278,002	2,262,515	99.3	15,487	
Total Tax Supported Expenses	58,927,829	59,452,919	100.9	(525,090)	
TREASURY REVENUES					
Municipal Taxation	(56,677,079)	(56,677,076)	100.0	(3)	
Payments In Lieu	(200,750)	(238,826)	119.0	38,076	New Landfill tax class is retained by City and not shared with Province.
Festival Hydro Dividends	(2,150,000)	(1,967,948)	91.5	(182,052)	Top Up Dividend not yet declared by Hydro Board.
Rebates and Write-offs	1,000,000	812,834	81.3	187,166	Variance caused by timing of appeal procedures. Budget is set based on multi-year average.
Supps and Omits	(900,000)	(1,381,904)	153.5	481,904	High volume of building permit activity.
Total Treasury Revenues	(58,927,829)	(59,452,919)	100.9	525,090	
Tax Supported Surplus / (Deficit)	0	0		0	

City of Stratford

Operating Variance Report As At 31st December 2018

Department	2018 Budget	31-Dec Results	% of Budget	Surplus / (Deficit) ACTUAL Variance At 31 Dec 2018	Explanation
USER PAY DEPARTMENTS					
330 - Sanitary	0	0		0	Revenues were 2.25% over budget and expenses were 2.15% under budget.
350 - Water	0	0		0	Revenues were 4.65% over budget.
360 - Waste	0	0		0	Revenues were 5.5% over budget and expenses were 10% under budget.
User Pay Surplus / (Deficit)	0	0		0	



MANAGEMENT REPORT

Date: April 16, 2019
To: Finance & Labour Relations Sub-committee
From: Michael Humble, Director of Corporate Services
Report#: COU19-029
Attachments: 2019 Annual Repayment Limit (MMAH)

Title: 2019 Municipal Debt Limits

Objective: To review the City's Annual Repayment Limit (ARL) and current borrowing capacity with Council.

Background: On an annual basis, the Ministry of Municipal Affairs & Housing (MMAH) issues a report to municipalities indicating the maximum amount available to commit to payments relating to debt and financial obligations. The limit is calculated as 25% of annual operating fund revenues (excluding certain revenues such as government grants and transfers from reserves and reserve funds).

The ARL is prepared in accordance with Ontario Regulation 403/02 based on the second previous year's Financial Information Return (FIR) that is submitted annually to MMAH.

This report provides Council with information with respect to the City's existing levels of long term debt as well as the additional long term borrowing that could be available as per the provincial guidelines.

Analysis: Attached to this report is a copy of the 2019 Annual Repayment Limit, provided by MMAH in March 2019.

The 2019 ARL is based on information from the 2017 FIR. The ARL is then adjusted by the City Treasurer to reflect debt commitments and transactions that have occurred subsequent to December 31, 2017, which ultimately impact the adjusted ARL as of 1st January 2019.

The calculation for the City of Stratford's 2019 ARL effective 1st January 2019, as provided by MMAH, is as follows:

	Amount
2017 Net Revenues	\$90,511,575
25% of Net Revenues	22,627,894
Less 2017 Net Debt Charges	(8,335,042)
Unadjusted Annual Repayment Limit	\$14,292,852

The following calculations reflect the City Treasurer's adjustments for debt commitments and transactions that have occurred subsequent to 31st December 2017.

The calculations reflect adjustments for:

- Council-approved long-term debt that has been approved but not yet financed as of 1st January 2019 in the amount of \$13.9 million.
- Adjustments for annual debt payments (new and expired) that are not included in the MMAH unadjusted ARL calculation, including payments related to new debt issued in 2018.

Assumptions have been made, where required, in calculating adjustments using an effective interest rate of 4% and loan periods of 7 to 15 years that match cash flow receipt of development charge funds and / or appropriate borrowing terms for the underlying assets.

The rate of interest and term is provided for illustration purposes only. The actual rate of interest will depend on market conditions and the term of debenture selected if borrowing requirements are pooled.

	Amount
Unadjusted Annual Repayment Limit	\$14,292,852
Change Due to 2018 Debt Servicing	216,746
2018 Issue of \$6.1m	(596,892)
Approved debt funding of capital projects not yet issued (\$13.9m @ 4%)	(1,820,833)
Adjusted Annual Repayment Limit	\$12,091,873

The adjusted ARL as at 1st January 2019 would allow the City to undertake additional long-term borrowings as outlined in the table below based on assumptions for anticipated rates of interest over varying terms. These amounts reflect the maximum amount of new debentures that may be issued according to provincial guidelines.

Annual Debt Charges	Interest Rate	Term (Years)	Debenture Amount
\$12,091,873	5.0%	15	\$105.7m
\$12,091,873	5.0%	25	\$135.9m

Long-Term Debt Position and Total Debt Capacity at 31st December 2018

At 31st December 2018, the City has physically borrowed 38.52% of its borrowing capacity (\$68.7m), but MMAH regulations include “approved not issued debt.” (\$13.9m)

Under MMAH regulations we are at 46.56% of our available borrowing capacity.

Additional debt capacity available to the City, based on the adjusted annual debt repayment limit above, is approximately \$106 million to \$136 million (based on a 5% interest rate) resulting in maximum debt capacity available to the City based on provincial guidelines of approximately \$188 million to \$218 million.

We are paying down currently existing debt at the rate of around \$6.3m per year.

Total Approved Debt By Source

The table below provides summary information on the total approved debt, both issued and approved but pending, categorized by the nature of the repayment obligations.

	Tax	Utility	User	
	Supported	Rates	Charges	TOTAL
	\$m	\$m	\$m	\$m
Debt Issued at 31/12/2018	38.2	22.9	7.6	68.7
Debt Approved But Not Issued	8.8		5.0	13.8
Total Approved Debt At 31/12/2018	47.0	22.9	12.6	82.5
Percentage By Source	57.0%	27.8%	15.3%	100.0%

Projected Debt Balances

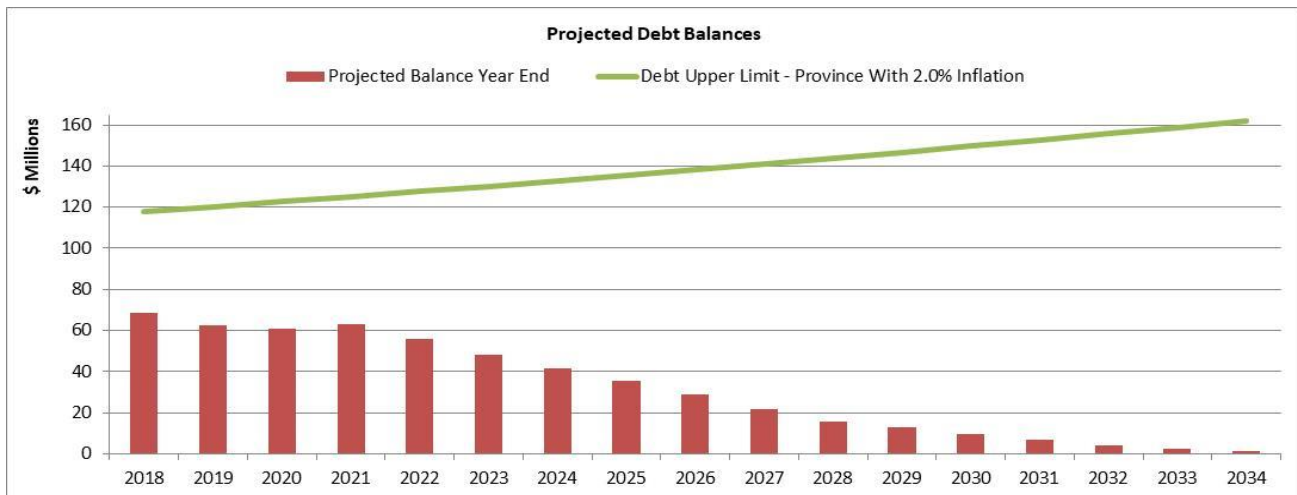
The graph below projects existing and approved debt balances by year and reflects assumptions for the expected timing of debt issuance as well as estimated annual principal repayments.

The graph includes a line that reflects the provincial ceiling indexed at the rate of 2% to which the City could borrow and be within its debt capacity level.

The City does not have a Debt Management Policy that would establish borrowing limits and define the types of projects to be funded by long term borrowing and the terms that could be considered for each project.

This policy will be prepared in the coming months and be presented to Council for its consideration.

As Council continues to review its Strategic Priorities for the current term, a debt management policy will assist in providing guidance for capital funding strategies and ensure they fall within approved and legislated parameters.



Capital Lease Financing Agreements

In accordance with Ontario Regulation 653/05 of the *Municipal Act, 2001*, and the City's Lease Financing policy (F.1.10), the City Treasurer is required to report annually on capital lease financing agreements.

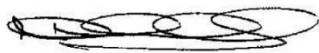
The Stratford Police Service has acquired two vehicles by way of long term capital leases. The outstanding balance is \$26,302 at 31st December 2018 which is 0.04% of the total long term financing arrangements of the City.

This proportion has not materially changed since the date of the last required report (31st December 2017).

In my opinion, all financing leases were made in accordance with Ontario Regulation 653/05 of the *Municipal Act, 2001*, and the City's Lease Financing policy (F.1.10).

Financial Impact: None.

Staff Recommendation: THAT the report of the Director of Corporate Services dated April 16, 2019 regarding 2019 Municipal Debt Limits be received for information.



Michael Humble, Director of Corporate Services



Rob Horne, Chief Administrative Officer

2019 ANNUAL REPAYMENT LIMIT

(UNDER ONTARIO REGULATION 403 / 02)

MMAH CODE: 65101
MUNID: 31011
MUNICIPALITY: Stratford C
UPPER TIER:
REPAYMENT LIMIT: \$ 14,292,852

The repayment limit has been calculated based on data contained in the 2017 Financial Information Return, as submitted to the Ministry. This limit represents the maximum amount which the municipality had available as of December 31, 2017 to commit to payments relating to debt and financial obligation. Prior to the authorization by Council of a long term debt or financial obligation, this limit must be adjusted by the Treasurer in the prescribed manner. The limit is effective January 01, 2019

FOR ILLUSTRATION PURPOSES ONLY,

The additional long-term borrowing which a municipality could undertake over a 5-year, a 10-year, a 15-year and a 20-year period is shown.

If the municipalities could borrow at 5% or 7% annually, the annual repayment limits shown above would allow it to undertake additional long-term borrowing as follows:

5% Interest Rate			
(a)	20 years @ 5% p.a.	\$	178,120,525
(a)	15 years @ 5% p.a.	\$	148,354,914
(a)	10 years @ 5% p.a.	\$	110,365,613
(a)	5 years @ 5% p.a.	\$	61,880,568
7% Interest Rate			
(a)	20 years @ 7% p.a.	\$	151,418,675
(a)	15 years @ 7% p.a.	\$	130,178,065
(a)	10 years @ 7% p.a.	\$	100,387,010
(a)	5 years @ 7% p.a.	\$	58,603,514

101 DETERMINATION OF ANNUAL DEBT REPAYMENT LIMIT

(UNDER ONTARIO REGULATION 403/02)

MUNICIPALITY:

Stratford C

MMAH CODE:

65101

Debt Charges for the Current Year

		1 \$
0210	Principal (SLC 74 3099 01).	6,017,000
0220	Interest (SLC 74 3099 02).	2,318,042
0299	Subtotal	8,335,042
0610	Payments for Long Term Commitments and Liabilities financed from the consolidated statement of operations (SLC 42 6010 01)	0
9910	Total Debt Charges	8,335,042

Amounts Recovered from Unconsolidated Entities

		1 \$
1010	Electricity - Principal (SLC 74 3030 01)	0
1020	Electricity - Interest (SLC 74 3030 02)	0
1030	Gas - Principal (SLC 74 3040 01)	0
1040	Gas - Interest (SLC 74 3040 02)	0
1050	Telephone - Principal (SLC 74 3050 01)	0
1060	Telephone - Interest (SLC 74 3050 02)	0
1099	Subtotal	0
1410	Debt Charges for Tile Drainage/Shoreline Assistance (SLC 74 3015 01 + SLC 74 3015 02)	0
1411	Provincial Grant funding for repayment of long term debt (SLC 74 3120 01 + SLC 74 3120 02).	0
1412	Lump sum (balloon) repayments of long term debt (SLC 74 3110 01 + SLC 74 3110 02).	0
1420	Total Debt Charges to be Excluded	0
9920	Net Debt Charges	8,335,042

Excluded Revenue Amounts

		1 \$
1610	Total Revenues (Sale of Hydro Utilities Removed) (SLC 10 9910 01).	128,329,475
2010	Fees for Tile Drainage / Shoreline Assistance (SLC 12 1850 04)	0
2210	Ontario Grants, including Grants for Tangible Capital Assets (SLC 10 0699 01 + SLC 10 0810 01 + SLC10 0815 01)	27,138,627
2220	Canada Grants, including Grants for Tangible Capital Assets (SLC 10 0820 01 + SLC 10 0825 01)	1,244,393
2225	Deferred revenue earned (Provincial Gas Tax) (SLC 10 830 01)	508,620
2226	Deferred revenue earned (Canada Gas Tax) (SLC 10 831 01)	268,430
2230	Revenue from other municipalities including revenue for Tangible Capital Assets (SLC 10 1098 01 + SLC 10 1099 01)	3,910,619
2240	Gain/Loss on sale of land & capital assets (SLC 10 1811 01)	1,404,794
2250	Deferred revenue earned (Development Charges) (SLC 10 1812 01)	1,743,306
2251	Deferred revenue earned (Recreation Land (The Planning Act)) (SLC 10 1813 01)	237,475
2252	Donated Tangible Capital Assets (SLC 53 0610 01)	0
2253	Other Deferred revenue earned (SLC 10 1814 01)	121,346
2254	Increase / Decrease in Government Business Enterprise equity (SLC 10 1905 01)	1,240,290
2299	Subtotal	37,817,900
2410	Fees and Revenue for Joint Local Boards for Homes for the Aged	0
2610	Net Revenues	90,511,575
2620	25% of Net Revenues	22,627,894
9930	ESTIMATED ANNUAL REPAYMENT LIMIT (25% of Net Revenues less Net Debt Charges)	14,292,852

* SLC denotes Schedule, Line Column.



MANAGEMENT REPORT

Date: April 16, 2019
To: Finance & Labour Relations Sub-committee
From: Michael Humble, Director of Corporate Services
Report#: COU19-030
Attachments: None

Title: Municipal Investment Performance for 2018

Objective: To report on the performance of municipal investments for the fiscal year 2018.

Background: The investment of surplus funds by the City is governed by s. 418 of the *Municipal Act, 2001* and Ontario Regulation 438/97 *Eligible Investments, Related Financial Agreements and Prudent Investment*.

O. Reg. 438/97, s. 8 (1) requires that..... *"If a municipality has an investment in a security prescribed under this Regulation, the council of the municipality shall require the treasurer of the municipality to prepare and provide to the council, each year or more frequently as specified by the council, an investment report"*.

Analysis:

Bank Accounts and Short Term Deposits

The City of Stratford maintains ten (10) bank accounts with RBC. Most are City funds, but others are funds managed or held for the benefit of others (Trust Funds, Golf Course, Police Traffic Safety).

All RBC accounts were paid interest at the negotiated rate of Prime minus 1.7% for the 2018 fiscal year. The updated banking proposal by RBC will increase that interest rate to Prime minus 1.55% effective 1st January 2019.

The effective interest rate was 2.25% as at 31st December 2018, which had risen from 1.5% at the prior year end.

A High Interest Savings Account was opened with ONE Investment Funds in June of 2018 for the investment of reserve fund balances.

Institution	Use of Funds	Interest Rate	Effective Rate	Book Value	Interest Earned
ONE Investment		2.415%	2.415%	\$ 15,158,379.32	\$ 158,379.32
Royal Bank of Canada	Reserve Funds	Prime - 1.7%	2.25%	\$ 10,656,367.13	\$ 210,963.83
Royal Bank of Canada	General Bank Account	Prime - 1.7%	2.25%	\$ 6,451,468.53	\$ 121,870.41
Royal Bank of Canada	Public Housing	Prime - 1.7%	2.25%	\$ 408,354.95	\$ 3,928.23
Royal Bank of Canada	Trust Funds	Prime - 1.7%	2.25%	\$ 397,518.87	\$ 6,739.41
Royal Bank of Canada	DBIA	Prime - 1.7%	2.25%	\$ 120,148.56	\$ 2,579.00
Royal Bank of Canada	Social Services	Prime - 1.7%	2.25%	\$ 95,263.93	\$ 983.07
Royal Bank of Canada	Golf Course	Prime - 1.7%	2.25%	\$ 36,232.36	\$ 1,964.91
Royal Bank of Canada	Police Traffic Safety	Prime - 1.7%	2.25%	\$ 4,985.22	\$ 93.54
Royal Bank of Canada	Perth & Stratford Housing	Prime - 1.7%	2.25%	\$ 3,834.18	\$ 1,682.74
Royal Bank of Canada	Anne Hathaway Daycare	Prime - 1.7%	2.25%	\$ 1,660.27	\$ 31.31

Investment Accounts

There are also four (4) investment accounts held with three (3) investment managers.

Institution	Use of Funds	Annualized Rate of Return	Book Value	Income	Beneficiary
ScotiaMcLeod	Cemetery Prepays	2.45%	\$ 586,295.00	\$ 13,317.70	Trust Accounts
BMO Nesbitt Burns	Cemetery Perpetual Care	-0.53%	\$ 2,475,529.79	\$ (13,110.79)	Trust Accounts
BMO Nesbitt Burns	General	3.35%	\$ 4,639,090.67	\$ 149,914.17	General
National Bank	Reserve Funds	4.44%	\$ 11,663,274.87	\$ 253,152.66	Reserve Funds
CIBC Wood Gundy	Reserve Funds	-0.07%	\$ -	\$ 52,182.34	Reserve Funds

CIBC Wood Gundy

The CIBC Wood Gundy investment account was closed out in March 2018 due to a high trading volume designed to match an underlying Manulife Canadian Bond Fund, of which many holdings were ineligible investments for municipalities under *Municipal Act* regulations. The investment philosophy was inconsistent with municipal interests. These problems notwithstanding, trading fees offset any income the portfolio managed to earn.

For the three months in 2018 that the account was open, the portfolio generated income of \$52,182 for an actual return of 0.46% (**1.83%** annualized) as instructions to cease trading activity had been placed in February.

National Bank

This account was opened in May 2018 as the primary recipient of reserve investment funds from the closed account at CIBC Wood Gundy.

In the six months of 2018, the portfolio returned 2.17%, or **4.34%** annualized with a book value of \$11,663,275 at year end.

The investment advisor for National Bank has been scheduled to address Finance Subcommittee on 21st May 2019 which is substantially one year after the account was opened.

Scotia McLeod

This firm manages one investment trust account with proceeds of Cemetery prepaid burial and internment fees.

Investment options are not subject to the restrictive Municipal Act "eligible list", but fall under the jurisdiction of the Trustees Act, 1990 which permits the "prudent investor" standard;

The rate of return was **2.45%** in 2018 with a book value of \$586,295 at year end.

BMO Nesbitt Burns

This firm maintains two investment accounts for the City of Stratford.

1. Perpetual Care for Stratford Avondale Cemetery

This realized a book value of \$2,475,530 at year end. It would have reported a rate of return of 3.34% except for one event that occurred in June. A CIBC bond holding with a coupon rate of 6.0% was called by the issuer prior to maturity. This action crystallized a loss on redemption for this instrument in the amount of \$96,400 and unfortunately negated our portfolio returns for the year.

The rate of return was **-0.53%** in 2018 with a book value of \$2,475,430 at year end.

2. City of Stratford General Investment Account

Holdings are a mix of Canadian bank and corporate bonds with less than 5 years to maturity and rating of A- or better. This investment mix is compliant with O.Reg 438/97 and encompasses the moderately higher yields that corporate bonds can offer over the banks.

The rate of return was **3.35%** in 2018 with a book value of \$4,489,177 at year end.

Statement By Treasurer As Required By O.Reg. 438/97, s.8(2)(c)

It is my opinion that all investments at the end of 2018 are consistent with the investment policies and goals adopted by the municipality. Reviews are undertaken with investment advisors on at least a quarterly basis to ensure holdings are consistent with the "eligible list" as defined by the *Municipal Act, 2001* and its Regulations.

Financial Impact:

Investment Returns

In 2018 the City earned **\$674,676** income for our discretionary and obligatory reserve funds (2017 - \$171,176) and **\$380,359** as investment income for our revenue fund to support tax supported operations (2017 – \$233,182).

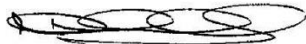
	2018	2017	2016	2015
Revenue Fund	\$ 380,359	\$ 233,182	\$ 223,571	\$ 187,566
Reserve Funds	\$ 674,676	\$ 171,176	\$ 399,098	\$ 366,127
TOTAL	\$ 1,055,035	\$ 404,358	\$ 622,669	\$ 553,693

Our investment strategy changed mid-year (late May) and our overall portfolio return was 2.21% for 2018 (2017 – 1.46%).

With a full year in 2019, higher bank rates and an improved bank spread negotiated through our RFP process, we anticipate continued improvement in our investment returns which will

- help grow our reserve balances to pay for capital projects, and
- augment our operating fund revenue and lower the tax levy requirement.

Staff Recommendation: THAT the report of the Director of Corporate Services dated April 16, 2019, regarding 2018 investment performance, be received for information.



Michael Humble CPA, CGA
Director of Corporate Services

A handwritten signature in black ink that reads "Rob Horne". The signature is written in a cursive style with a large, stylized "R" and "H".

Rob Horne, Chief Administrative Officer



MANAGEMENT REPORT

Date: April 16, 2019
To: Finance and Labour Relations Sub-committee
From: Michael Humble, Director of Corporate Services
Report#: COU19-032
Attachments: F.1.1 Grants to Organizations (existing policy)
F.1.1 Community Grants Program (proposed draft policy)
2019 Grant Application Guidelines (current)

Title: Proposed Revisions to the Community Grants Program

Objective: To review existing practices and recommend a revised Community Grants Program Policy.

Background: The existing policy has retained its current form since 2003.

Council has approved the current 2019 Grant Application Guidelines (attached).

The current process does not materially differentiate between:

- ongoing support (which could be formalized into funding agreements and incorporated into the operating budget of the City); and
- one-time requests for financial assistance for community programs or events.

Analysis: The City of Stratford is committed to sound fiscal management. Accordingly, discretionary funds set aside to support community groups via grants must continue to be allocated in a fair and transparent manner, based on established criteria.

The existing policy merits a comprehensive review, as it is now 15 years old (see attached). An updated Community Grants Program Policy could provide a clearer/better framework that can better reflect the City of Stratford's vision and strategic objectives.

The attached proposed draft policy is based on prior experience in the industry and is meant to form the basis for discussion and direction to staff to establish greater structure and transparency around this program.

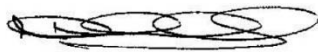
The following are a number of broad recommendations for Committee and Council consideration:

1. Consider entering into Funding Agreements with groups that the City wishes to support over the long term. These funding requests would then form part of the City's base budget and would not be considered under the Community Grant program.
2. Differentiate long term commitments for major capital projects (for example: contribution over five years to Stratford Perth Rotary Hospice or the Stratford General Hospital) from one-time requests for assistance or support from small community not for profit groups.
3. Define eligibility requirements for greater clarity and consistency for Funding Activities and Groups.
4. Establish Evaluation Criteria to be used by the Evaluation Team
5. Establish on-line reporting requirements for all recipients.

Financial Impact: The community grants budget is \$905,380 in 2019.

Staff Recommendations: THAT the report of the Director of Corporate Services dated April 16, 2019, regarding the Proposed Revisions to the Community Grants Program be received for information;

AND THAT a final Community Grants Program policy be forwarded to Council for consideration of approval and adoption by by-law.



Michael Humble, Director of Corporate Services



Rob Horne, Chief Administrative Officer

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The Corporation of the City of Stratford

Policy Manual

F.1 Financial and Fiscal

Dept: Corporate Services

Committee: Finance and Labour Relations

F.1.1 Grants to Organizations

Adopted: March 27, 1972
 Amended: February 12, 2001; January 27, 2003
 Reaffirmed:
 Related Documents:
☒ Council Policy ☐ Administrative Policy

That any group receiving a grant that is not considered as a donation, in cash or in free use or subsidized use of City facilities, be required to submit its most recent year-end financial statement (audited if available) and a budget detailing the use of the requested grant and to follow municipal tendering procedure in the purchase of supplies and equipment. Any initial request for a grant must also include information regarding the organization's governing committee or board. If the grant is for a scholarship or specific donation, then a financial statement and a budget may not be required.

Cheques for grants will be made payable only to an organization or to a company associated with an event.

Requests for reimbursement of expenditures under the approved grant must be accompanied by original documentation providing evidence of the expenditure by the organization or company.

DRAFT – 10th April 2019

The Corporation of the City of Stratford

Policy Manual

F.1 Financial and Fiscal

Dept: Corporate Services

Committee: Finance and Labour Relations

F.1.1 Community Grants Program

Adopted: March 27, 1972
 Amended: February 12, 2001; January 27, 2003,
 Reaffirmed:
 Related Documents:
☒ Council Policy ☐ Administrative Policy

1.0 PURPOSE:

The City of Stratford has established the Community Grants Program to:

- Improve the wellbeing of individuals, neighbourhoods and Stratford as a whole by directing City grant funding to eligible organizations that can demonstrate the greatest need in the community while supporting Council's strategic priorities.
- Diversify the availability of activities available to all residents of our community.
- Contribute to enhancing the quality of life in our community.
- Through this support, it is hoped that other funding may be leveraged, and participants and volunteers can be supported, attracted and retained.
- Ensure that the process to review and allocate grant funding is transparent, consistent and achieves the optimal impact for the investment provided.

2.0 AUTHORITY

This policy is established pursuant to Section 107 of the *Municipal Act, 2001* which allows a municipality, subject to section 106, to make grants, on such terms as to security and otherwise as the Council considers appropriate, to any person, group or body, including a fund, within or outside the boundaries of the municipality for any purpose that council considers to be in the interests of the municipality.

3.0 BUDGET

On an annual basis, Council will determine the total funding envelope for Community Grants as part of the annual operating budget.

As the number of grant requests may exceed funds available and budget priorities may change from year to year, applicants are not guaranteed funding. A grant approved in any year is not considered a commitment by the City of Stratford to continue financial assistance in future years.

Requests for multi-year and ongoing support for operations must typically be submitted by 30th August for inclusion in the operating budget of the following year. Council will consider ongoing requests for support on a case-by-case basis as part of budget deliberations.

4.0 ACTIVITY ELIGIBILITY FOR FUNDING

The Community Grants Program will provide grants to financially support eligible community-based organizations for operations, activities, programs, services and capital initiatives.

Applications must align with one or more of the City's strategic priorities.

Both the organization and the investment sought must benefit Stratford citizens, and activities must be open to the public at minimal or no charge.

5.0 GROUP ELIGIBILITY FOR FUNDING

In order to apply to the grant program, applicant organizations and funding requests must meet ALL of the following eligibility requirements:

- The organization must be an incorporated not-for-profit organization. This means that it is incorporated under provincial or federal legislation (with or without charitable status).
- The organization must have a volunteer board of directors (with the exception of ex-officio members).
- The organization must release annual audited financial statements, or where audited financial statements are not available, the applicant must provide financial statements that have been verified as correct by two signing officers from the organization.
- The organization must be in operation for at least one year.
- The organization must be in good standing with the City and, if applicable, its own governing bodies.

6.0 WHAT THE COMMUNITY GRANTS PROGRAM WILL NOT FUND

Community Grants cannot be used for:

- Travel or accommodation, food, beverage or alcohol.
- Uniforms, personal equipment.
- Consultant costs.
- Debt retirement, deficit reduction, depreciation or financing charges.
- Increasing endowment funds.
- Funding activities that serve primarily the membership, or for purposes of religious or political organizations.
- Achieving an operating surplus that can be donated to a separate group or entity.
- Funds granted under this program are not transferable between projects or groups without prior Council consent, and must be used for the specific purposes outlined in Council's original approval.
- Funding requests of more than \$15,000 per organization in any single grant cycle
- Retroactive payments. These are activities or costs incurred before grants are approved.
- 100% of the budget of an activity.

7.0 WHO THE COMMUNITY GRANTS PROGRAM WILL NOT FUND

- Individuals.
- For-profit businesses.
- Political organizations.
- Fundraising activities of Provincial/National organizations.
- Organizations who conduct the majority of their services outside of the City of Stratford.
- Organizations with surplus funds not identified for a specific purpose.
- Organizations whose activities may breach the Ontario Human Rights Code or Charter of Rights.
- Organizations who have failed to provide reports satisfactory to the City, including financial statements, as to the success of the previous year and specifically with respect to the allocation of grant funds, will not be eligible for grant funding until such time as proper documentation is submitted and evaluated.
- Any outstanding payments owing to the City from an organization must be paid in full before a grant application will be accepted.
- An organization can only apply once in a fiscal year for one City grant.

8.0 APPLICATION PROCESS

Information relevant to the grants process including application due dates and guidelines to apply will be advertised in local media and on the City website at www.stratford.ca.

The funding call will occur once per year, usually commencing in the month of September. Grants awarded will cover the period January – December of the following year.

All organizations must complete the application form in full which means that each question must be answered and all the requested supporting documentation must be submitted. Incomplete applications may not be considered. The City reserves the right to contact any organization for information which requires clarification.

Applications must be received by the City on or before 4:00pm on the advertised submission deadline. No late applications will be considered. It is the sole responsibility of the applicant to ensure that the City receives completed applications.

Eligible organizations can submit only one (1) application per year.

Funding requests cannot exceed \$15,000 per application.

Requests for in-kind grants such as waiving of City fees or use of Municipal facilities should be accompanied with a dollar value estimate that has been confirmed with the applicable City Department

Applications will be screened for their eligibility by staff and provided to the Community Grants Evaluation Team for review.

The Community Grants Evaluation Team will review each eligible application using the 'application assessment criteria' outlined in this policy.

Following these deliberations, Evaluation Team members will compile a list of approved grant applications and their respective funding allocations.

All applicants will receive notification via mail of Council's decision of whether or not their application was successful.

Following annual Council budget approval, the Finance Department will issue grant payments to the successful applicants.

The Community Grants Program has an appeal process for all applicants through the Finance & Labour Relations Sub-committee.

9.0 EVALUATION OF APPLICATIONS

The Community Grants Evaluation Team, consisting of two Council representatives and the Directors of Social Services, Community Services and Corporate Services (or their designates), will meet to review all qualified applications, and make recommendations to Council based on the established criteria in this policy and the financial parameters set within the annual budget.

The Evaluation Team does not hear delegations. Applications must be clear, concise and complete on their own to facilitate the Evaluation Team's review.

The Evaluation Team will typically report its recommendations to Council through the Finance and Labour Relations Committee.

Eligible applications will be evaluated based on the following criteria:

- How the activity or event will support the City's strategic priorities;
- Contribution to the community and impact to Stratford citizens by strengthening our community and growing our economy;
- Evidence of support from other partners, volunteers and other sources of funding to enable the organization or event to be sustainable;
- Additional financial and non-financial resources being leveraged from other sources;
- Evidence that the organization needs the funding. Organizations that have budgets or financial statements indicating a surplus will be required to provide explanations of the surplus and how the organization intends to use it. The level of organizational reserves may be considered;
- Sound organizational track record. This considers if the organization has the ability, skills and capacity to undertake the work;
- That the activities do not unnecessarily duplicate successful efforts that already exist in the community;
- Sustainability of the organization and activity as applicable; and
- The amount of funding requested by applicants and the funding available in the program.

10.0 FINAL REPORTING:

A summary of grants awarded will be published at least annually by the City.

Successful applicants who receive funding from the program must report on how the funding was spent and the impact the funding achieved.

Reports must be submitted to the City by November 30th of the same year for which the grant is awarded. For example, if a grant is awarded in January 2020, the grant recipient must provide a completed report by November 30, 2020.

If the grant recipient fails to fully complete and submit the report to the City within the stated time, that organization will not be eligible for future grant funding until such a time that the City is satisfied that the report has been submitted in full.

Reports will be forwarded to City Council for its review, typically through the Finance & Labour Relations Committee.

11.0 POLICY REVIEW

The Community Grants Policy will be reviewed annually by the Community Grants Evaluation Team.

12.0 DEFINITIONS

“Activities” means what the applicant has requested grant funding for (e.g. programs and services of an organization).

“Benefit to Stratford Residents” Organization’s service boundaries include Stratford or portion of Stratford, and at least one service, program, or activity location is in the City, or 50% or more of individuals served reside in the City.

“City” means the City of Stratford.

“Event” means a civic event, such as Canada Day, or festival undertaken in the City of Stratford.

“Grant” means a one-time sum of money provided to a not-for-profit organization.

“Incorporated Not-for-Profit Organization” means an entity incorporated under either federal or provincial not-for-profit legislation. These organizations may or may not have charitable status. Registered charities are included.

“In Good Standing” means that the organization is not in litigation with the City. The organization must be current on accounts receivable. The organization must have all relevant City taxes paid.

"Ontario Human Right's Code" The Ontario Human Rights Code (Code) is a provincial law that gives everybody equal rights and opportunities without discrimination in the social areas of:

- Employment
- Accommodation
- goods, services and facilities
- contracts
- membership in vocational associations and trade unions

DRAFT



CITY OF STRATFORD 2019 COMMUNITY GRANT APPLICATION GUIDELINES

Please ensure your application is complete and accurate by following these instructions.

Any questions can be directed by email to stfdbudget@stratford.ca or by phone at 519-271-0250 ext. 202.

NEW THIS YEAR – Online Application

2019 Community Grant Applications will be accepted online up to **November 30, 2018**.

A complete application will consist of an application form and a checklist. The links for these forms are on the 2019 budget page of the City's website.

Please complete the two forms together and when you are ready to send, click 'submit' for each. All forms must be completed and submitted in one session. There is not an option to save a partially completed form and return to it later.

Once submitted, you will receive 2 return messages to the email address you have identified on your application; one for each form.

The messages you receive will confirm receipt of your application/checklist, and will also provide you with a copy of what you have submitted and a reference number for each form.

Guidelines for Completing your Application

Please note that mandatory fields are marked with an asterisk (*)

1. Grant Information

- Please be specific as to dollar value of the grant being requested (\$xxx)
- In-Kind grant requests such as facility rentals will need a costing and value determined by the appropriate City dept.

2. General Organization Information

- Contact information listed here will be used for all correspondence regarding your grant application
- As email is the main method of contact for your application, please include an email address that will be checked regularly
- View the [Canada Revenue Agency's definitions](#) of a registered charity and a non-profit organization

3. Program Information

- A website address may be given to highlight information about your organization – please enter your website address in the “website link to program details” box and include the location within the website where the information can be found
- Separate documents should be uploaded to illustrate how the eligibility criteria are met

Applicants for a City grant must meet all of the following eligibility criteria:

- Must be a not-for-profit, non-profit, or registered charitable organization
- Programs must not be within the legislated mandates of other government or City service providers
- Applicants must demonstrate sound organizational and financial management

Also, consideration will be given to:

- How the organization’s activities impact the citizens of Stratford
- If the organization has secured other sources of revenue, other than your request for City funding

4. Financial Information

- All detailed financial information must be included with your application, as listed on the application form
- Year-end financial statements must include any accumulated surpluses and their designated purpose (if any)
- Budget must show all revenue, expenses and anticipated net surplus or deficit (if applicable)
- There is an area at the end of this section to provide any general information you have regarding your application

5. Application Process

- Application and checklist will be accepted up to Friday, November 30, 2018
- Completing the checklist will ensure you have included all necessary material

- Any questions regarding your grant submission may be directed to email or phone noted above
- Eligible applications will be forwarded to the Community Grants Evaluation Committee which is composed of two Council members and three City staff members selected from each of the Corporate Services, Community Services and Social Services departments

6. Evaluation Process

- The Grants Evaluation Committee will conduct its review of applications in February 2018
- The Committee's recommendations will be provided to City Council in March 2018
- Due to the upcoming municipal election, dates and timing may vary for this process

7. Final Decision

- Applicants will be notified of Council's decision by email
- City Council has final approval for all grant decisions



MANAGEMENT REPORT

Date: April 16, 2019
To: Finance and Labour Relations Sub-committee
From: Janice Beirness, Manager of Financial Services
Report#: COU19-033
Attachments: Attachment 1 - Current Purchasing Policy P.5.1
 Attachment 2 - Current Purchasing Policy with tracked changes
 Attachment 3 - New Draft Purchasing Policy
 Attachment 4 - Hiring of Consultants Policy C.2.1

Title: Purchasing Policy Update

Objective: To update Policy P.5.1 Procurement of Goods & Services (Purchasing Policy).

Background: Paragraph 44.1 of the Purchasing Policy (Attachment 1) requires that it "*be reviewed every five years, with a report being made to Council*".

The revised Purchasing Policy (Attachment 3) has been updated to include best practices from the Ontario Public Buyers Association.

It has been over twenty years since the Purchasing Policy has received a legal review. Siskinds has reviewed the draft policy for compliance with all current trade agreements.

The draft policy was also reviewed by Corporate Leadership Team.

Analysis: Attached are the current policy, a version that tracks the recommended changes, and the new draft policy.

The policy update consisted of minor legal housekeeping changes, the addition of clauses to comply with current trade agreements, and minor revisions to include municipal best practices.

The following lists the changes in more detail:

-Clause 11 has been expanded to include clauses from the attached Hiring of Consultants Policy. With this revision, staff recommend that the Hiring of Consultants Policy be rescinded.

-Clause 24 is new and has been added as part of the legal review.

-Clause 27 is new and is mandatory as per the Comprehensive and Economic Trade Agreement (CETA).

-Clause 29 changes the dollar limit range for a request for quotation from \$5,000-\$25,000 to \$5,000-\$30,000.

-Clause 32.2 was added for audit purposes and to ensure transparency when getting 3 quotes for purchases between \$5,000-\$30,000.

-Under Bid Irregularities, Schedule "A", there are now two parts, one for electronic bidding and one for hard copy bidding.

Financial Impact: None.

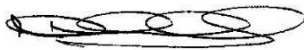
Staff Recommendations: THAT the management report regarding an updated Policy P.5.1 Procurement of Goods and Services, Purchasing be received;

AND THAT Council adopt the attached revised Policy P.5.1 Procurement of Goods and Services, Purchasing;

AND THAT Policy C.2.1 Hiring of Consultants be rescinded.



Janice Beirness, Manager of Financial Services



Michael Humble, Director of Corporate Services



Rob Horne, Chief Administrative Officer

The Corporation of the City of Stratford

Policy Manual

P.5 Purchasing and Materials Management

Dept: Corporate Services

Committee: Finance and Labour Relations

P.5.1 Procurement of Goods and Services Policy, Purchasing

Adopted: September 26, 2016

Amended:

Reaffirmed:

Related Documents: By-law 117-2016; Notice Policy

☒ Council Policy ☐ Administrative Policy



PURCHASING POLICY

Adopted by By-law 117-2016 on September 26, 2016

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1. LEGISLATIVE AUTHORITY

- 1.1 The *Municipal Act, 2001*, Section 270, as amended states that a municipality and a local board shall adopt policies with respect to its procurement of goods and services, including policies with respect to:
- a) the types of procurement processes that shall be used;
 - b) the goals to be achieved by using each type of procurement process;
 - c) the circumstances under which each type of procurement process shall be used;
 - d) the circumstances under which a tendering process is not required;
 - e) the circumstances under which in-house bids will be encouraged as part of a tendering process;
 - f) how the integrity of each procurement process will be maintained;
 - g) how the interests of the municipality or local board, as the case may be, the public and persons participating in a procurement process will be protected;
 - h) how and when the procurement processes will be reviewed to evaluate their effectiveness; and
 - i) any other prescribed matter.
- 1.2 Compliance with legislation procurement activities shall be subject to all applicable Municipal policies and by-laws and specific provisions of the Municipal Act, 2001 and all other relevant Federal and Provincial legislation.
- 1.3 Pursuant to the AODA, 2005 City Council has adopted a plan that focuses on accessibility issues and the development of strategic actions to remove (where possible) and prevent barriers to access for people with disabilities. All competitive bids will incorporate measures to ensure that customer service is available to everyone, including persons with disabilities.

2. PURPOSE OF THE PURCHASING POLICY

- 2.1 The purpose of this policy is to set out guidelines for the municipality to ensure that all purchases of materials, supplies and services provide the lowest costs consistent with the required quality and service.

- 2.2 An open and honest process shall be maintained that is fair and impartial.
- 2.3 The purchasing policy will promote and maintain the integrity of the purchasing process and protect Council, staff and vendors involved in the process, by providing clear direction and accountabilities.

3. GENERAL PROVISIONS

- 3.1 No contract or purchase shall be divided to avoid any requirements of this policy.
- 3.2 The Department shall be responsible for the preparation of specifications. Such specifications are to be generic or 'as equivalent' with the City of Stratford's approval.
- 3.3 No employee or Member of Council of The Corporation of the City of Stratford or local board as specified in paragraph 4.0 will have any interest directly or indirectly, as a contracting party, partner, shareholder, surety or otherwise in any contract for goods or services or in any of the monies to be derived there from, unless by resolution of Council prior to the award of a sealed bid.
- 3.4 If a Department Head has a direct or indirect interest and is responsible for the quote or tender, the process shall be undertaken by a designate appointed by Council.
- 3.5 The Corporation does not accept bids made by a Department submitted in response to a bid solicitation where the provision of the goods or services will be provided entirely by the employees of the Corporation otherwise known as In House Bids.
- 3.6 The Corporation may participate with other entities in co-operative purchase ventures when the best interests of the Corporation will be served.
- 3.7 No tender, proposal or quotation will be accepted from any bidder inclusive of its subcontractor, which has a claim or instituted a legal proceeding or has threatened a claim or legal proceeding against the Corporation or against whom the Corporation has a claim or instituted a legal proceeding with respect to any previous contract, without prior approval by Council.

- 3.8 All departments in conjunction with Purchasing staff shall review their contracts and tender specifications for goods and services, to ensure that wherever possible and economical as determined by the Department, specifications are amended to provide for expanded use of products and services that contain post-consumer recyclable waste and/or recyclable content to the maximum level allowable, without significantly affecting the intended use or performance of the product or service. It is also recognized that a cost analysis may be required in order to ensure that the products are made available at competitive prices in order to increase the development and awareness of Environmentally Sound Products. Any recommendation to award will be in favour of a bidder meeting specifications, terms and conditions of the tender and whose tender offers the lowest ultimate cost to the City for the goods or services being tendered with due consideration of the importance of quality, service and price.
- 3.9 The disclosure of information received relevant to the issue of a bid solicitation or the award of contracts emanating from bid solicitations shall be made by the appropriate offices in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended.

4. APPLICATION

- 4.1 The following committees, local boards and corporations are bound by this Policy:
- The Corporation of the City of Stratford
 - Stratford City Centre Business Improvement Area
 - Perth & Stratford Housing Corporation
 - Board of Park Management

5. AUTHORITY

- 5.1 The Corporation has, by the authority of Council, appointed the Manager of Financial Services to oversee all municipal purchasing. The position of Manager of Financial Services and the Purchasing Department are functions under the supervision of the Director of Corporate Services.

6. MANAGER OF FINANCIAL SERVICES RESPONSIBILITIES

6.1 The Manager of Financial Services is responsible for:

- a) the management, organization and administration of a city-wide, municipal purchasing function, as well as developing policies and procedures for the Purchasing function;
- b) preparing, issuing and receiving Requests for Proposal, Tenders, Quotations and Inquiries for goods and services, and for arranging the disposal of surplus goods;
- c) the correlation and unification, so far as possible, the requirements of the various departments of the Corporation, and by standardizing the kinds of goods and services used by the Corporation to the smallest quantity consistent with the needs of the various departments. This program shall be a joint enterprise among the various departments of the Corporation, with the Manager of Financial Services having the responsibility of putting the program into effect.

7. EMPLOYEE RESPONSIBILITIES

7.1 Each employee empowered to create, authorize and issue Purchase Orders in the name of the Corporation, is to understand that these steps constitute a commitment by the Corporation to honour the purchase of goods and services from vendors, for which the employee is to be held accountable.

8. CONSULTING FIRM RESPONSIBILITIES

- 8.1 Should it be deemed advantageous to engage the services of a consultant in the bidding process, the Department must ensure the consultant is aware of and follows the Corporation's purchasing policies and procedures.
- 8.2 Consultants are to provide a copy of any documentation being issued in the Corporation's name, to the Manager of Financial Services prior to issuance.

9. FINANCIAL ACCOUNTABILITY

- 9.1 No purchases shall be made unless approved in the annual budget or authorized by Council. Where this policy prescribes dollar limits, the contract amount shall be the estimated total acquisition cost less any applicable taxes.

10. CONTRACT ADMINISTRATION

- 10.1 It shall be the responsibility of the Department issuing the bid to enforce the contract terms, conditions and specifications.
- 10.2 The Manager of Financial Services in consultation with the Department Head of the requisitioning department may remove the vendor's name from the list of bidders for a period of up to two years on the basis of documented poor performance, non-performance or conflict of interest. This could include but is not limited to failure to meet completion dates, follow instructions, non-compliance with the *Occupational Health and Safety Act*, R.S.O. 1990 c.01 as amended, failure to comply with the terms and conditions of the contract. A written notice of the decision will be provided to the vendor by the Manager of Financial Services. To be reinstated on the bidders list, the vendor shall supply an updated company profile and 3 recent references which will be evaluated by the Manager of Financial Services.

11. REQUESTS FOR VENDOR INPUT

- 11.1 Vendors or potential vendors should not be requested to expend time, money or effort on design or in developing specifications or otherwise help define a requirement beyond the normal level of service expected from vendors.
- 11.2 When such services are required:
- a. the Manager of Financial Services shall be advised,
 - b. the contracted vendor will be considered as a consultant and unable to make an offer for the supply of goods and services,
 - c. shall be paid a fee,
 - d. and the detailed specifications shall become the property of the Corporation for use in obtaining competitive bids.

12. GRATUITIES

- 12.1 Regulations governing gifts and benefits to employees are governed by the City's Gifts and Benefits Policy (P.4.7).

13. LOCAL VENDOR/SUPPLIER PREFERENCE

- 13.1 The Corporation does not have or use any "Local Vendor or Supplier Preference" in its dealings, in order to comply with the Ontario Discriminatory Business Practices Act, R.S.O., 1990, as amended.

14. ADVERTISING

- 14.1 Bids shall be posted on the Corporation's website and where effective in the opinion of the Manager of Financial Services advertised in local newspapers and applicable publications or where necessary to comply with all existing statutory regulations.

15. BID ADDENDUM

- 15.1 In no instance shall anyone except the Manager of Financial Services or his designate, issue any verbal or written changes on a bid. All changes must be done through addendum issued with the approval of the Manager of Financial Services.

16. BID DEPOSITS

- 16.1 Bid deposits of no less than 5% of the estimated value of the work shall be required to accompany bid submissions for the following:
- a. All bids for municipal construction projects in excess of \$100,000.
 - b. Special contracts or scope of work as deemed appropriate by the Manager of Financial Services and the Department.

16.2 A bid deposit shall be provided in one of the following formats:

- a. Bid bonds or an agreement to bond issued by a bonding agency licensed to operate in the Province of Ontario naming the Corporation as the obliged.
- b. A irrevocable letter of credit naming the Corporation as the beneficiary.

16.3 The City does not pay interest on any bid deposits.

16.4 The City reserves the right to turn the bid deposit of the successful bidder into a financial guarantee if specified in the bid documents.

17. BONDING REQUIREMENTS

17.1 Performance, labour and material, and/or maintenance bonds are required for all construction projects exceeding \$100,000 for a minimum of 50% of the bid amount. The cost for bonding is to be included in the submission price.

17.2 All bonds must be in the form of a digital bond or scanned pdf with the original to follow upon request or as specified in the bid document.

17.3 Where performance, labour and material and/or maintenance bonding are required, an agreement to bond must be included with the bid submission in the form of a digital bond or scanned pdf, with the original to follow upon request or as specified in the bid document.

17.4 For some smaller construction projects under \$250,000, an irrevocable letter of credit for 100% of the bid amount may be accepted in lieu of bonding if specified in the bid documents. Such irrevocable letter of credit must include terms and conditions acceptable to the City of Stratford as specified in the bid documents.

18. INSURANCE

18.1 The standard insurance minimums are as follows:

\$2 million – commercial general liability policy

\$2 million – owned and non-owned automotive liability policy

\$2 million – homeowners (e.g. for rental of facilities)
 \$2 million – professional errors and omissions liability (as applicable)
 \$2 million – environmental impairment liability (as applicable)
 The amount of the project cost - Builders Risk (as applicable)

Other Insurance Coverage – the City reserves the right to request such higher limits of insurance or other types of policies appropriate to the Agreement as the City may reasonably require from time to time.

19. BID ANALYSIS

19.1 Bid submissions shall be analyzed by the initiating Department staff and a recommendation made. The dollar amount will determine which level of approval is required. Prior to the undertaking of the work the Department is to ensure all the required documentation is in place.

20. BID IRREGULARITIES

20.1 Bid irregularities are defined in Schedule A.

21. BIDS WITH EQUAL TOTAL PRICES

21.1 If two low Bids are found to be equal in price, quality and service, the successful bidder shall be determined by coin toss. The first received bid (time and date) will be "Heads". The coin toss shall be performed by the Manager of Financial Services in the presence of a representative of the Department and the tied bidders.

22. PROCESS FOR REDUCING COST OF OVERBUDGET BID SUBMISSIONS

22.1 If the lowest tender is within 10% of the budget amount the Corporation has the right to reject all bids or negotiate with the low bidder.

- 22.2 If the lowest bid is more than 10% higher than the budget amount the Corporation has the right to reject all bids, negotiate with the lowest bidder or request potential cost savings from the three lowest bidders and any other bidders who prices are within 10% of the lowest received. All requests and submissions shall be made in writing. Listed sub trades may not be substituted in this process.
- 22.3 Once potential cost savings have been identified the Corporation has the right to request a final revised base bid submission of the bidders.
- 22.4 Requests for potential cost savings shall be limited to deletions from the scope of work and associated changes or changes of materials and finishes. The Corporation shall not request pricing of significant design modifications without the approval of the bidder(s).

23. BID WITHDRAWAL

- 23.1 Requests for withdrawal of a bid shall be allowed if the request is made before the closing time. This withdrawal does not disqualify a bidder from submitting another bid on the same contract.
- 23.2 Should a bidder wish to withdraw their bid subsequent to the closing time or fails to proceed with the contract, the Corporation shall first obtain legal advice. At a minimum the bidder may forfeit their bid deposit and be prohibited from bidding on future opportunities for a period of one year.
- 23.3 The City reserves the right to withdraw any posted bid documents prior to closing. Such withdrawal will be posted as an Addendum. The City also reserves the right to accept or reject any bids.

24. DISPUTE RESOLUTION

- 24.1 Disputes shall be resolved as follows:

Meeting between the bidder, department representative making the purchase and the Manager of Financial Services.

If (a) does not lead to a resolution the decision may be appealed to the Director of Corporate Services.

If (b) does not lead to a resolution, the decision may be appealed to Council.

25. DISPOSAL OF SURPLUS GOODS

- 25.1 Dept. Directors or their designates has the authority to declare goods surplus and shall, from time to time, dispose of any surplus goods not required by the Corporation by way of:
 - a) Offering to any other department
 - b) Sealed bid
 - c) sale by auction or consignment,
 - d) direct negotiation with buyers,
 - e) donation to a charitable organization.
- 25.2 No employee, member of Council or the public shall be allowed to purchase any surplus goods directly from the City.
- 25.3 Surplus goods and/or products, at the discretion of the Manager of Financial Services and Department Head involved, may become the property of the Contractor, to be disposed of at their discretion.
- 25.4 In the event that the item does not sell by any of the means provided, the department may use an alternate method of disposal. ie. scrap

26. SOURCE SELECTION CRITERIA

- 26.1 The City uses the following criteria for the selection of the method for the acquisition of goods/services:
 - a) total dollar value as estimated for the product/project
 - b) availability of vendors capable of supplying product.
 - c) pre-determined qualification of vendors/suppliers.
 - d) nature of need of product, such as an emergency situation which requires immediate attention.

27. SOURCE SELECTION METHODS AND APPROVAL AUTHORITY

27.1 The City of Stratford uses the following methods of purchasing Goods and Services:

Standard Purchases (Less than \$25,000)
 Sealed Quotations (\$25,000 to \$100,000)
 Sealed Tenders (Greater than \$100,000)
 Request for Proposal
 Request for Information
 Request for Pre-qualification
 Sole Source Purchases
 Purchase at Public Auction
 Emergency Purchases

Dollar Amount	Authorization Required	Council Process
Less than \$25,000	Any employee authorized by the Department Head	No requirement to notify Council
\$25,000 to \$100,000	Director	Notification of quotation call through Consent Agenda
Greater than \$100,000	Council	Notification of tender call through Consent Agenda, awarded through By-law

28. STANDARD PURCHASE

28.1 A Standard Purchase is one in the amount less than \$25,000 and is accomplished by using a Purchase Order. For purchases greater than \$5,000 but less than \$25,000, the Department is first to obtain at least three (3) written quotations whenever possible. Quotations must be submitted on the standard quotation form provided by the Purchasing Division. Quotation documents and specifications can be issued and received by e-mail or fax transmission at the Department location.

29. SEALED QUOTATIONS (\$25,000 to \$100,000)

29.1 Competitive sealed quotation bidding will be the source selection used when the following conditions prevail:

- a) The item to be purchased is budgeted to cost between \$25,000 and \$100,000.
- b) Clear and adequate specifications for the item or service are available or can be developed.
- c) Adequate competition is available. Two or more responsible bidders are able to satisfy the buyer's requirements and criteria set forth in the Invitation to Bid, and independently contend for the contract.
- d) Sufficient time is available for the preparation of bid invitations, advertising and preparation of bids submissions by vendors.

29.2 Quotations to be awarded are not subject to City Council approval as provided for in this policy; however, prior notification to Council through the Consent Agenda is required when seeking sealed quotes.

30. SEALED TENDERS (Greater than \$100,000)

30.1 Competitive sealed tender bidding will be the source selection used when the conditions in Sealed Quotations prevail, with the exception the cost of the item to be purchased is budgeted to exceed \$100,000.

30.2 Prior notification to Council through the Consent Agenda is required when calling tenders. Council approval shall be in the form of a By-Law.

31. REQUEST FOR PROPOSAL - (RFP)

31.1 A Request for Proposal is used when the goods/services are of a highly specialized or flexible nature. This allows the Corporation to generalize the description of the project and this in turn has the vendors provide their bids on the latest and best products in their line.

- 31.2 Prior notification to Council on the Consent Agenda is required. The evaluation criteria and process shall be approved by the Manager of Financial Services prior to the issuance of the RFP. Request for Proposals exceeding \$100,000 are to be awarded by By-law.

32. CONSULTANTS

- 32.1 The Corporation shall issue a Request for Proposal for architectural services for city building projects in excess of \$300,000.
- 32.2 From time to time, consultants are required to provide specialized expertise. Consultants would not involve the Corporation's ongoing legal counsel, audit services and planning advice (special projects excluded). For projects where the consultant's fees are expected to be in excess of \$60,000 for an individual project, the purchasing policy and Consultant's Policy C.2.1 "Hiring of Consultants" shall apply.

33. REQUEST FOR INFORMATION – (RFI)

- 33.1 A request for information is used as a general market research tool to determine what goods and service(s) are available which will meet business or operational requirements and acquisition strategies and/or may occasionally request project estimate costs for the purpose of developing a solicitation.

34. REQUEST FOR PRE-QUALIFICATION - (RFPO)

- 34.1 A request for pre-qualification may be conducted for any goods, service(s) or construction to select the number of qualified bidders that may bid on the subsequent procurement process. This selection does not create any contractual obligation.

35. SOLE SOURCE PURCHASE (Non-competitive)

35.1 A sole source supplier shall be the only acceptable vendor who is able to furnish a certain product or service. In all cases, sole source purchases will not be permitted because there is a preference for a particular brand. The Department Head, in discussion with the Manager of Financial Services, will be responsible for making all sole source determinations. In doing so, he must consider:

Is there a lack of responsible competition for a product or service that is vital to the operation of the Corporation

Does the supplier possess exclusive capabilities?

Is the product or service unique and easily established as one of a kind?

Can program requirements be modified so that competitive products or services may be used?

Are there patented or proprietary rights that fully demonstrate:

1. A feature providing a superior utility not obtainable from similar products?
2. A product is available from only one prime source, and not merchandized through wholesalers, jobbers or retailers where competition could be encouraged.
3. What would the user department do if the product or service were discontinued.
4. In the case of any sole source purchase, the Manager of Financial Services shall retain a statement signed by himself and the Head of the department requiring the good or service, which verifies that the item or service purchased can be obtained from only one supplier and therefore meet the Sole Source criteria.

36. EQUIPMENT REPAIRS

36.1 In the case of equipment repairs for amounts not exceeding \$25,000, the Manager shall be authorized to select from various vendors not solely on the basis of cost, but also on ability, quality or workmanship, service availability, overall performance and experience without first obtaining bids.

37. PURCHASE AT PUBLIC AUCTION

- 37.1 In instances where a department wishes to purchase through public auction, the Department Head shall advise the Manager of Financial Services of the conditions involved in the proposed transaction, prior to the event.

38. EMERGENCY PURCHASES

- 38.1 Emergencies shall exist when there is a threat to health, welfare, or safety of people/or property, or when the operation of a portion of the Corporation is in jeopardy. Purchasing shall, in various cases, delegate the purchasing function to the user department for Emergency Purchases. Control, however, will not be delegated, and the end user department will be required to forward a complete record of the emergency purchase to the Purchasing Department.

39. LONG-TERM TENDERS/QUOTATIONS

- 39.1 Long-term tenders and quotations may be entered into for everyday goods and services when the following conditions apply:
To obtain satisfactory pricing.

To provide uniformity within the Corporation.

To maintain departmental inventories as required.

To reduce the amount of paperwork by eliminating day to day issuing of Purchase Orders and invoicing.

To allow each department to have accurate figures for annual budgets for operating supplies.

40. ACQUISITION OF GOODS AND SERVICES FROM GOVERNMENT BODIES

- 40.1 The Department Head may acquire any goods and services from a Federal, Provincial or Municipal body, ministry, agency, board, corporation or authority when similar goods or services are not available from other sources or in the case of Provincial or federal standing agreements. The Department Head may take advantage of these opportunities if they are deemed to be in the best interest of the City.

41. TECHNOLOGY SOLUTIONS

- 41.1 All technology solutions that will be connected to a City of Stratford system or network including but not limited to computer equipment and peripherals, software solutions, telephone and cellular equipment, PDA's and portable computing devices, MUST BE ordered through the Corporate Services Department of the City of Stratford. This Department will call quotations/tenders/ requests for proposals for items over \$5,000 in accordance with this Policy. Exceptions to this clause includes technology or automated solutions that do not require computer process, network or communication configuration.

42. LOBBYING PROHIBITED

- 42.1 The City will be entitled to reject a bid submission if any representative or a Bidder, including any other parties that may be involved in a joint venture, consortium, subcontractor or Supplier relationship, makes any representation or solicitation to any elected official, employee or agent of the City during the blackout period.

43. RETENTION OF DOCUMENTATION

- 43.1 All background information, information submitted by vendors, purchase orders and other relevant information involved in obtaining prices for goods and services shall be retained in the Department according to Records Retention By-law and this Policy.

44. PURCHASING PROCESS REVIEW

- 44.1 The Manager of Financial Services may randomly review departmental purchasing related files on an on-going basis to review the effectiveness and integrity of the processes and policy adherence. Every five (5) years this policy will be reviewed, or more frequently as required, with a report being made to Council.

45. PURCHASING PROCEDURES

- 45.1 Purchasing procedures as determined by the Manager of Financial Services are to be used as a guideline and for information on purchasing goods and services in compliance with this policy.

46. EXEMPTION BY COUNCIL

- 46.1 A Department may request exemption from any or all the purchasing methods outlined in this policy by submission of a report requesting the same to Council. Such exemption may be granted by resolution.

Schedule "A" - Bid Irregularities

A bid irregularity is a deviation between the requirements (terms, conditions, specifications, special instructions) of a bid request and the information provided in a bid response. For the purposes of this policy, bid irregularities are further classified as "major irregularities" or "minor irregularities"

A "major irregularity" is a deviation from the bid request that effects the price, quality, quantity or delivery, and is material to the award. If the deviation is permitted, the bidder could gain an unfair advantage over competitors. A bid with major deviations must be rejected.

A "minor deviation" is a deviation from the bid request, which affects form, rather than substance. The effect on the price, quality, quantity or delivery is not material to the award. If the deviation is permitted or corrected, the bidder would not gain an unfair advantage over competitors. The bidder will be permitted to correct a minor irregularity.

Mathematical Errors – Corrections by Staff

Errors in mathematical extensions and/or taxes and unit prices will be corrected by the Corporation and the bidder will be notified of the correction.

Vendor Withdrawal

In the event that the vendor withdraws their bid due to the identification of a major irregularity, the vendor will forfeit their bid deposit and the Corporation has the right to disqualify such vendor from participating in future bid opportunities for a period of up to one year.

BID IRREGULARITIES

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
1.	late bids	X		automatic rejection
2.	bids completed in pencil	X		automatic rejection
3.	bid deposit not submitted with the bid when the bid request indicated that such deposit is required	X		automatic rejection
4.	EXECUTION OF AGREEMENT TO BOND: a. Bond company corporate seal or equivalent proof of authority to bind company or signature missing b. surety company not licensed to do business in Ontario	X X		automatic rejection automatic rejection
5.	EXECUTION OF BID BONDS: a. corporate seal or equivalent proof of authority to bind company or signature of the BIDDER or both missing b. corporate seal or equivalent proof of authority to bind company or signature of BONDING COMPANY missing	X X		automatic rejection automatic rejection
6.	unsealed tender envelopes	X		automatic rejection
7.	pricing, specifications page or signature pages missing or unsigned	X		automatic rejection
8.	insufficient financial security (ie: no deposit or bid bond or insufficient deposit)	X		where security is required and amount of security is specified in request, automatic rejection

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
9.	bid received on documents other than those provided in request	X		not acceptable unless specified otherwise in the request
10.	bid document does not acknowledge addendums issued	X		automatic rejection
11.	EXECUTION OF BID DOCUMENT proof of authority to bind is missing	X		automatic rejection
12.	part bids (all items not bid)	X or	X	acceptable unless complete bid has been specified in the request
13.	bids containing minor clerical errors		X	2 working days to correct initial errors
14.	uninitialed changes to the request documents which are minor		X	2 working days to correct initial errors
15.	alternate items bid in whole or in part		X	available for further consideration unless specified otherwise in request
16.	unit prices in the schedule of prices have been changed but not initialled		X	2 working days to correct initial errors
17.	other mathematical errors which are not consistent with the unit prices		X	2 working days to correct initial corrections
18.	pages requiring completion of information by vendor are missing or incomplete	X		automatic rejection

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
19.	bid documents which suggest that the bidder has made a major mistake in calculations or bid	X	X	consultation with a Solicitor on a case-by-case basis
20.	Bid qualified or restricted by a statement or alteration added to any part of the documents	X		automatic rejection
21.	Bidder did not attend a mandatory site meeting.	X		automatic rejection
22.	RFP bids do not meet any defined mandatory requirements stated in the document.	X		automatic rejection

Schedule "B" - Definitions

In this policy, the following words will have the following meanings:

"Accessibility" – means a general term used to describe the degree of ease that something (e.g., device, service and environment) can be used and enjoyed by persons with a disability. The term implies conscious planning, design and/or effort to ensure it is barrier-free to persons with a disability, and by extension, highly usable and practical for the general population as well.

"Authority or Authorized" – the right to conduct the subject task as directed by Council either through resolution or through the approval of the annual Departmental budget (budget process and adoption.)

"Award" - when a Submission is formally accepted by the City, either by Council or by delegated authority as permitted in this policy.

"Bid" – an offer or submission received in response to a sealed quotation, sealed tender, RFP, RFI or RFPO, which is subject to acceptance or rejection.

"Bid Documents" - City documents used in connection with a Purchasing process.

"Bid Deposit" - Security to ensure that the successful Supplier on a Solicitation enters into a Contract with the City.

"Bidder" – a person or enterprise that submits a Bid.

"Blackout Period" – means the period of time from when the bid call document is released until the final award.

"Board" - An entity independent of the City, but recognized by Council as an agency which may take advantage of the City's purchasing power or process, in accordance with this Policy. Without limiting the generality of the foregoing, the Stratford City Centre Business Improvement Area, Perth & Stratford Housing Corporation, and Board of Park Management shall be considered a "Board".

"City" - The Corporation of the City of Stratford.

"Closing Time" - The place, date and time set by the Bid Documents for receipt of Responses.

"Consultants" - The supply of expertise or strategic advice that is presented for consideration and decision-making, or the guidance or execution of a specific project or undertaking and includes professional services such as engineering and architecture.

"Construction" - Construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products and materials, the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other work, but does not include Consulting Services related to the Construction unless they are specifically included in the Purchase.

"Contract" - A document to evidence an agreement for the purchase of deliverables, and includes both a Purchase Order and a Formal Agreement.

"Corporation or "Municipality" – The Corporation of the City of Stratford.

"Department Head" - The designated lead of a City Department responsible for direction and operation of a Department.

"Designate" – An individual duly appointed to act on behalf of the authorized authority.

"Disposal" – The transfer of ownership of Property by the City by sale, trade in, donation, alternative use or destruction.

"Elected Official" – a member of the Council for the City.

"Goods" – Any moveable property, including the costs of installing, maintaining or manufacturing such moveable property, including raw materials, products, equipment and other physical objects of every kind and description, whether in solid, liquid, gaseous or electronic form, unless they are purchased in connection with Construction.

"Insurance" – the amount and type of insurance coverage required by the City, to the satisfaction of the Treasurer. Evidence of adequate insurance coverage will be by certified documents issued by an insurance company licensed to operate in the Province of Ontario, certifying that the bidder is insured in accordance with the Municipality's insurance requirements.

"Non-competitive Procurement" – acquisition of goods and services without comparing pricing or product/service information from multiple vendors.

"Procedures" – a sequence of steps or actions establishing expectations of how the policies in this by-law are to be implemented.

"Purchase" – The acquisition of Deliverables by any means, including rental and leasing, and the functions that pertain to the acquisition of Deliverables, and "Purchasing" shall have a corresponding meaning.

"Purchasing Department" – The division of the Corporate Services Department, Finance Division charged with carrying out the Purchasing function.

"Purchaser Order/PO" – A standard Contract issued by the City to a Supplier to evidence an agreement for the purchase of Deliverables.

"Quotation" – prices on specific Goods and Services obtained formally through a Request for Quotation or informally from selected sources, which are submitted verbally, in writing, by e-mail or transmitted by facsimile.

"Sealed Bid" – a Bid submitted in a sealed envelope to a specified location, by a specified date, at a specified time.

"Services" – Intangible products not having a physical presence.

"Specifications" – Description of the physical or functional characteristics or the nature of a supply, service, equipment or construction item and may include requirements for inspection, testing, or preparing a Deliverable, and may also include drawings or samples or other means of illustrating the requirements.

"Surplus Goods" – any items no longer having any use to the City or in excess of the needs of the City, inclusive but not limited to obsolete supplies, scrap materials and vehicles, but excluding real property.

"Website" - The City's website at <http://www.stratfordcanada.ca>.

<p>The Corporation of the City of Stratford</p> <p>Policy Manual</p>	<p>P.5 Purchasing and Materials Management</p> <p>Dept: Corporate Services</p> <p>Committee: Finance and Labour Relations</p>
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P.5.1 Procurement of Goods and Services Policy, Purchasing

Adopted: September 26, 2016
 Amended:
 Reaffirmed:
 Related Documents: By-law 117-2016; Notice Policy
☒ Council Policy ☐ Administrative Policy



PURCHASING POLICY

Adopted by By-law 117-2016 on September 26, 2016

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1. LEGISLATIVE AUTHORITY

- 1.1 The *Municipal Act, 2001*, Section 270, as amended states that a municipality and a local board shall adopt policies with respect to its procurement of goods and services, including policies with respect to:
- a) the types of procurement processes that shall be used;
 - b) the goals to be achieved by using each type of procurement process;
 - c) the circumstances under which each type of procurement process shall be used;
 - d) the circumstances under which a tendering process is not required;
 - e) the circumstances under which in-house bids will be encouraged as part of a tendering process;
 - f) how the integrity of each procurement process will be maintained;
 - g) how the interests of the municipality or local board, as the case may be, the public and persons participating in a procurement process will be protected;
 - h) how and when the procurement processes will be reviewed to evaluate their effectiveness; and
 - i) any other prescribed matter.
- 1.2 Compliance with legislation procurement activities shall be subject to all applicable Municipal policies and by-laws and specific provisions of the Municipal Act, 2001 and all other relevant Federal and Provincial legislation including any international standards implemented by the Federal Government.
- 1.3 Pursuant to the ~~AODA~~, Ontarions with Disabilities Act ("ODA), 2001 as may be amended from time to time, Ontarians with Disabilites Act 2005 ("AODA) as may be amended from time to time and Ontario Regulation 191/11 under the AODA2005, the City Council has adopted shall consider accessibility criteria and features when procuring or acquiring goods, services, or facilities , except where it is not practicable to do so. In which case, an explanation shall be provided. ~~a plan that focuses on accessibility issues and the development of strategic actions to remove (where possible) and prevent barriers to access for people with disabilities.~~ All competitive bids will

incorporate measures to ensure that customer service is available to everyone, including persons with disabilities.

- 1.31.4 The Corporation of the City of Stratford must be prepared to manage and respond to extraordinary circumstances from time to time that require immediate decision making to prevent or alleviate serious delay, protecting lives, infrastructure and property, protect the environment , promote economic stability and help ensure the continuance of critical assets and government to respond to any emergency whether natural, technological and human-caused with or without warning as required under the provincial legislation Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 (as amended)

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2. PURPOSE OF THE PURCHASING POLICY

- ~~2.1 The purpose of this policy is: to set out guidelines for the municipality to ensure that all purchases of materials, supplies and services provide the lowest costs consistent with the required quality and service.~~

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- 2.1 2.1.1 to set out guidelines for the City to ensure that all purchases of materials, supplies and services provide the lowest costs consistent with the required quality and service

2.1.2 to describe the roles, responsibilities and authorities of the City's employees, officers, and elected officials in carrying out the City's Procurement operations.

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2.1.3 to maintain an open and honest process that is fair and impartial, non-discriminatory, fosters equal treatment, and is transparent and accountable.

2.1.4 to promote and maintain the integrity of the purchasing process and protect Council, staff and vendors involved in the process, by providing clear direction and accountabilities, and

2.1.5 to comply with the requirements of Section 270(1) of the Municipal Act and Provincial , Federal and International laws and legislation with respect to Procurement.

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~~2.2 An open and honest process shall be maintained that is fair and impartial.~~

~~2.3 The purchasing policy will promote and maintain the integrity of the purchasing process and protect Council, staff and vendors involved in the process, by providing clear direction and accountabilities.~~

3. City Conduct

3.1 The City shall conduct its procurement activities in a manner so as to maintain public trust.

3.2 All procurement activities must be conducted in accordance with:

- a. The City of Stratford's Employee Code of Conduct;
- b. The City's Code of Conduct for Council Members and Local Board Members;
- c. The Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50, as applicable
- d. The Canadian Free Trade Agreement consolidated 2017; and
- e. Where applicable other trade agreements that applies to Municipalities such as Canad-US Agreement on Government Procurement (CUSPA), Trade & Cooperation Agreement between Ontario and Quebec (TACOQ) and the Canada-European Union Comprehensive Economic and Trade Agreement (CETA).

3.3 No employee or Member of Council of the Corporation of the City of Stratford or local board as specified in this policy, will have any interest directly or indirectly, as a contracting party, partner, shareholder, surety or otherwise in any contract for goods or services or in any of the monies to be derived there from , unless by a resolution of Council prior to the award of a sealed bid.

3.4 If the City determines that a Director or Manager of a City department has a direct or indirect interest and is responsible for the bid, the process shall be undertaken by a designate approved by the Manager of Financial Services ("MFS"). The Corporation does not accept bids made by a Department submitted in response to a bid solicitation where the provision of the goods or services will be provided entirely by the employees of the Corporation known as "In House Bids".

3.5 The Corporation does not have or use any "Local Vendor or Supplier Preference" in its dealings, in order to comply with the Ontario Discriminatory Business Practices Act, R.S.O., 1990, as amended, the Canadian Free Trade Agreement, 2017 c.5 as may be

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amended from time to time; and the Competition Act R.S.C. 1985, c.C-34, as may be amended from time to time.

3.6 The Corporation does not tolerate any form of discrimination and forbids the granting of a preference to a local bidder and will uphold the regulatory requirements as set out in the Ontario Discriminatory Business Practices Act, R.S.O. 1990, c.D.12, as may be amended from time to time.

3.7 The Corporation of the City of Stratford adopts the ethical considerations of the Code of Ethica adapted from the Ontario Public Buyer's Association in its purchasing process.

3.8 The MFS is authorised to participate in and/or join in co-operative purchasing arrangements with other municipalities, local boards and other public commissions and agencies where the best interests of the Municipality will be served. Where such participation is at variance with the Municipality's Purchasing Policy, Council shall first authorize any participation.

4. Suppliers Conduct

4.1 The Corporation of the City of Stratford expects its Suppliers to act in a manner with integrity and conduct business in a ethical manner.

4.2 The City may refuse to engage in a business transaction or may terminate a business transaction with any Bidder that has including but without limiting the generality of the foregoing engaged in any illegal or unethical bidding practices, has or is in a potential conflict of interest, has created an unfair advantage in the procurement process or fails to adhere and carry out ethical business practices.

4.3 No bid or offer will be accepted from any Bidder, inclusive of the Bidder's subcontractors, who has a claim or has instituted a legal proceeding against the City, or against whom the City has a claim or instituted a legal proceeding, without prior approval of Council. For purposes of this provision, where such Bidder is a corporation, bidder shall include any non-arm's length corporation of the Bidder.

4.4 It is the responsibility of all Bidders participating in a procurement process to declare any perceived, potential, anticipated, or actual conflict of interest.

4.5 If a Bidder has been engaged to participate in the development of a solicitation document or the specifications for inclusion in a solicitation document, the Bidder will not be

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allowed to make a response directly or indirectly to the solicitation document. Refer to Section 14.

4.6 The City abides by the Competition Act R.S.C. 1985, c. C-34, as may be amended from time to time, and will report any suspected cases of collusion or other bid violations to the Competition Bureau and or other relevant lawful authorities.

4.7 The City shall be entitled to reject a bid submission if any representative or a Bidder, including any other parties that may be involved in a joint venture, consortium, subcontractor or Supplier relationship, makes any representation or solicitation to any elected official, employee or agent of the City during the blackout period.

5.0 CONFLICT OF INTEREST

5.1 No Goods or Services shall be purchased by the City from any officer or employee of the City or any member of Council or from any business in which any officer or employee of the City or any member of Council is an officer or such business without first declaring and advising of the conflict of interest at the time of submission.

6.0 APPLICATION OF POLICY

6.1 All City departments, elected City officials, committees and boards of the City shall acquire Goods and Services in accordance with this Policy and not otherwise excluding the City's Library Board and the Police Services Board.

6.2 No person shall have the right to acquire Goods and Services or to otherwise bind the City in respect of the acquisition of Goods and Services, except in accordance with this Policy.

6.3 The rules in the section 6 shall not apply where the funds, approval of borrowing, or the provision of other financial assistance is mandated by statute.

7.0 ADMINISTRATION

7.1 All invoices and accounts from vendors shall be authorized prior to payment. Authorization shall occur in the form of signatures of the Department Head or Designate and shall include staff denoting clerical accuracy, budgetary or specific Resolution approval, tender/quote number and an indication that Goods and Services were received in good order. These required signatures will be deemed to authorize payment.

7.2 Prior to City Council adopting the operating and capital budget, no person is authorized to purchase any Goods or Services other than those goods or services required

on a recurring basis for the day to day operations of the City, without the prior approval of Council.

7.3 The Treasurer is authorized to pay for Goods and Services purchased in accordance with this Policy and shall not pay for any such Goods and Services unless otherwise provided in this Policy or within the time commitments specified in the purchasing agreement or contract.

7.4 No prepayment for all or any part of Goods and Services shall be made unless the contract specifically provides for such prepayment.

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8. CAO OR DESIGNATE RESPONSIBILITIES

8.1 When non-compliance of this policy has been identified, the CAO or Designate shall direct the non-compliant department to get approval for their purchase by Council resolution.

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9. MANAGER OF FINANCIAL SERVICES RESPONSIBILITIES

9.1 The Manager of Financial Services MFS is responsible for:

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- a) the management, organization and administration of a city-wide, municipal purchasing function, as well as developing policies and procedures for the Purchasing function:
- b) preparing, issuing and receiving Requests for Proposal, Tenders, Quotations and Inquiries for goods and services, and for arranging the disposal of surplus goods:
- c) e) —the correlation and unification, so far as possible, the requirements of the various departments of the Corporation, and by standardizing the kinds of goods and services used by the Corporation to the smallest quantity consistent with the needs of the various departments. This program shall be a joint enterprise among the various departments of the Corporation, with the Manager of Financial Services having the responsibility of putting the program into effect.
- d. notifying the CAO and Treasurer of non-compliance of this Policy

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10. EMPLOYEE RESPONSIBILITIES

10.1 All employees are encouraged to develop and advance positive professional cooperative relationships with Bidders and within their Department, to seek consultation from their superiors in respect of any questions regarding the application or interpretation of this Policy. ~~Each employee empowered to create, authorize and issue Purchase Orders in the name of the Corporation, is to understand that these steps constitute a commitment by the Corporation to honour the purchase of goods and services from vendors, for which the employee is to be held accountable.~~

10.2 Any employee who becomes aware and or suspects a conflict of interest in relation to any solicitation or purchase shall immediately report to their Department Supervisor/Manager or Director.

10.3 No employee shall knowingly cause or permit anything by their actions and or communication to anyone that does or is likely to cause any supplier to have an unfair advantage or disadvantage in any purchasing opportunity.

10.4 City employees shall be required to adhere to any City, legal, or other statutory legislation including Trade Agreements, and the City policies and failure to do so may result in corrective action including progressive discipline up to and including discharge based on the circumstances.

10.5 All employees granted purchasing authority must be first trained on proper use and interpretation of this Policy and the applicable By-laws and legislation as determined by the Director of the department of which they are employed.

11. CONSULTING FIRM RESPONSIBILITIES

11.1 Should it be deemed advantageous to engage the services of a consultant in the bidding process, the Department must ensure the consultant is aware of and follows the Corporation's purchasing policies and procedures.

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11.2 Consultants are to provide a copy of any documentation being issued in the Corporation's name, to the Manager of Financial Services prior to issuance.

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11.3 From time to time, consultants are required to provide specialized expertise on various matters involving Engineers, Architects and Management Professionals. Consultants would not involve the City's ongoing legal counsel, audit services and planning advice (special projects excluded). Approval to proceed to engage consultants must be received either in budget approval or by resolution of Council.

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11.3.1 For projects where the Consultant's fees are expected to be less than \$60,000 for an individual project, the Department may directly hire the Consultant without issuing an RFP or Sealed Quotation.

11.3.2 For projects where the Consultant's fees are expected to be in excess of \$60,000, for an individual project, the following procedure will apply:

11.3.2.1 The Department will issue an RFP, a Sealed Quotation or a Sealed Tender.

11.3.2.2 If the cost of the Consultant is expected to exceed \$100,000, the Mayor and two(2) members of Council, as well as two (2) members of staff, will sit on the evaluation committee. The Mayor may ask that Council select a member to sit in his or her stead.

11.3.2.3 If the project is a continuation of previous work for which there is an obvious economic benefit to continue with the same consultant, the Director may see Council's permission to request for a single proposal for the project, which proposal must then receive Council approval.

12. FINANCIAL ACCOUNTABILITY

12.1 No purchases shall be made unless approved in the annual budget or authorized by Council. Where this policy prescribes dollar limits, the contract amount shall be the estimated total acquisition cost less any applicable taxes.

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13 CONTRACT ADMINISTRATION

13.1 It shall be the responsibility of the Department issuing the bid documents to enforce the contract terms, conditions and specifications.

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13.2 The Corporate Department will ensure that all Tender/Bid notices are available to suppliers free of charge and in compliance with Article 506 Subsection 6. (a) through (l) Canada's Free Trade Agreement c. 2017, as may be amended from time to time and any such articles that may be deemed applicable.

13.3 The Manager of Financial Services in consultation with the Department Head and or with the City's solicitor, may permit the exclusion of a Supplier based on the following grounds if there is supporting evidence:

- bankruptcy or insolvency
- false declarations
- significant or persistent deficiencies in performance of any substantive requirement or obligation under a prior contract or contracts
- final judgements in respect of serious crimes or other serious offences
- professional misconduct or acts or omissions that adversely reflect on the commercial integrity of the Supplier or
- failure to pay taxes

13.4 The Supplier excluded by the MFS in accordance with the provisions of this policy shall be excluded for a period deemed by the MFS which can be up to a period of two (2) years ("Exclusion Period"). To be reinstated after the Exclusion Period on the bidders list, the vendor shall supply an updated company profile and 3 recent references to the MFS for review and consideration..

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14. REQUESTS FOR VENDOR INPUT

14.1 Bidders or potential Bidders should not be requested to expend time, money or effort on design or in developing specifications or otherwise help define a requirement beyond the normal level of service expected from Bidders.

14.2 When such services as contemplated in this section are required:

- a. the MFS shall be advised,
- b. the contracted vendor will be considered as a consultant and unable to make an offer for the supply of goods and services, as per Article 509 of the Canadian Free Trade Agreement, as may be amended from time to

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time, Article 19.9 of the Comprehensive Economic and Trade Agreement, as may be amended from time to time, and Article 9.11 of the Trade and Cooperation Agreement Between Ontario and Quebec, as may be amended from time to time

- c. the Bidder providing the services shall be paid a fee,
- d. and the detailed specifications shall become the property of the Corporation for use in obtaining competitive bids.

~~3-~~ 15. GENERAL PROVISIONS

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~~3.1~~ 15.1 No contract or purchase shall be divided to avoid any requirements of this policy.

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~~3.2~~ 15.2 The Department shall be responsible for the preparation of specifications. Such specifications are to be generic or 'as equivalent' with the City of Stratford's approval. All dollar amounts referenced are in Canadian dollars and prices stated are before applicable taxes.

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~~3.3~~ No employee or Member of Council of The Corporation of the City of Stratford or local board as specified in paragraph 4.0 will have any interest directly or indirectly, as a contracting party, partner, shareholder, surety or otherwise in any contract for goods or services or in any of the monies to be derived there from, unless by resolution of Council prior to the award of a sealed bid.

~~3.4~~ 15.3 If a Department Head has a direct or indirect interest and is responsible for the quote or tender, the process shall be undertaken by a designate appointed by Council. Any reference to a day refers to a calendar day.

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~~3.5~~ 15.4 The Corporation does not accept bids made by a Department submitted in response to a bid solicitation where the provision of the goods or services will be provided entirely by the employees of the Corporation otherwise known as In House Bids. All Bidders must respect, comply and carry out all requirements as regulated by the Occupational Health and Safety Act, R.S.O. 1990, c.0.1 as my be amended from time to time and the Workplace Safety and Insurance Act, SO1997, c. 16, as may be amended from time to time,

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~~3.6~~ 15.5 The Corporation may participate with other entities in co-operative purchase ventures when the best interests of the Corporation will be served. All departments shall review their bid specifications for the Goods and Services, to ensure that they meet the applicable requirements of any trade agreement and policies of the City, and wherever possible specifications are amended to provide for expanded use of products and services that contain post-consumer recyclable waste and/or recyclable content to the maximum level allowable, without significantly affecting the intended us or performance of the product or service. It is also recognized that a cost analysis may be required in order to ensure that the products are made available at competitive prices. The department shall also consider

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opportunities wherever possible to increase the development and awareness of Environmentally Sound Products, wherever practicable and possible.

3.1

~~3.73.2 15.6 No tender, proposal or quotation will be accepted from any bidder inclusive of its subcontractor, which has a claim or instituted a legal proceeding or has threatened a claim or legal proceeding against the Corporation or against whom the Corporation has a claim or instituted a legal proceeding with respect to any previous contract, without prior approval by Council.~~ Excluding RPS's any recommendation to award a bid by a department will be in favour of a Bidder meeting specifications, terms and conditions of the bid and whose bid offers the lowest ultimate cost to the City for the goods or services being solicited with due consideration for the importance of quality, service and price.

~~3.8 All departments in conjunction with Purchasing staff shall review their contracts and tender specifications for goods and services, to ensure that wherever possible and economical as determined by the Department, specifications are amended to provide for expanded use of products and services that contain post-consumer recyclable waste and/or recyclable content to the maximum level allowable, without significantly affecting the intended use or performance of the product or service. It is also recognized that a cost analysis may be required in order to ensure that the products are made available at competitive prices in order to increase the development and awareness of Environmentally Sound Products. Any recommendation to award will be in favour of a bidder meeting specifications, terms and conditions of the tender and whose tender offers the lowest ultimate cost to the City for the goods or services being tendered with due consideration of the importance of quality, service and price.~~

~~3.9~~ 15.7 The disclosure of information received relevant to the issue of a bid solicitation or the award of contracts emanating from bid solicitations is subject to the provisions of ~~shall be made by the appropriate offices in accordance with~~ the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as may be amended from time to time. The City will make reasonable attempts to safeguard the confidentiality of any identified successful Bidder, but will not be held liable in any way whatsoever if such information is inadvertently disclosed.

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~~4. APPLICATION~~

~~4.1 The following committees, local boards and corporations are bound by this Policy:~~

- ~~— The Corporation of the City of Stratford~~
- ~~— Stratford City Centre Business Improvement Area~~
- ~~— Perth & Stratford Housing Corporation~~
- ~~— Board of Park Management~~

~~5. AUTHORITY~~

~~5.1 The Corporation has, by the authority of Council, appointed the Manager of Financial Services to oversee all municipal purchasing. The position of Manager of Financial Services and the Purchasing Department are functions under the supervision of the Director of Corporate Services.~~

~~6. MANAGER OF FINANCIAL SERVICES RESPONSIBILITIES~~

~~6.1 The Manager of Financial Services is responsible for:~~

- ~~a)i: the management, organization and administration of a city wide, municipal purchasing function, as well as developing policies and procedures for the Purchasing function;~~
- ~~b)i: preparing, issuing and receiving Requests for Proposal, Tenders, Quotations and Inquiries for goods and services, and for arranging the disposal of surplus goods;~~
- ~~e) the correlation and unification, so far as possible, the requirements of the various departments of the Corporation, and by standardizing the kinds of goods and services used by the Corporation to the smallest quantity consistent with the needs of the various departments. This program shall be a joint enterprise among the various departments of the Corporation, with the Manager of Financial Services having the responsibility of putting the program into effect.~~

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~~7.6. EMPLOYEE RESPONSIBILITIES~~

- ~~7.1 Each employee empowered to create, authorize and issue Purchase Orders in the name of the Corporation, is to understand that these steps constitute a commitment by the Corporation to honour the purchase of goods and services from vendors, for which the employee is to be held accountable.~~

~~8.14. CONSULTING FIRM RESPONSIBILITIES~~

- ~~8.1a: Should it be deemed advantageous to engage the services of a consultant in the bidding process, the Department must ensure the consultant is aware of and follows the Corporation's purchasing policies and procedures.~~

- ~~8.2a: Consultants are to provide a copy of any documentation being issued in the Corporation's name, to the Manager of Financial Services prior to issuance.~~

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9. FINANCIAL ACCOUNTABILITY

9.1 No purchases shall be made unless approved in the annual budget or authorized by Council. Where this policy prescribes dollar limits, the contract amount shall be the estimated total acquisition cost less any applicable taxes.

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10. CONTRACT ADMINISTRATION

10.1 It shall be the responsibility of the Department issuing the bid to enforce the contract terms, conditions and specifications.

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10.2 The Manager of Financial Services in consultation with the Department Head of the requisitioning department may remove the vendor's name from the list of bidders for a period of up to two years on the basis of documented poor performance, non-performance or conflict of interest. This could include but is not limited to failure to meet completion dates, follow instructions, non-compliance with the *Occupational Health and Safety Act*, R.S.O. 1990 c.01 as amended, failure to comply with the terms and conditions of the contract. A written notice of the decision will be provided to the vendor by the Manager of Financial Services. To be reinstated on the bidders list, the vendor shall supply an updated company profile and 3 recent references which will be evaluated by the Manager of Financial Services.

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11. REQUESTS FOR VENDOR INPUT

11.1 Vendors or potential vendors should not be requested to expend time, money or effort on design or in developing specifications or otherwise help define a requirement beyond the normal level of service expected from vendors.

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11.2 When such services are required:

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- a. the Manager of Financial Services shall be advised;
- b. the contracted vendor will be considered as a consultant and unable to make an offer for the supply of goods and services;

- ~~c. shall be paid a fee;~~
- ~~d. and the detailed specifications shall become the property of the Corporation for use in obtaining competitive bids.~~

~~12. GRATUITIES~~

- ~~12.1 Regulations governing gifts and benefits to employees are governed by the City's Gifts and Benefits Policy (P.4.7).~~

~~13. LOCAL VENDOR/SUPPLIER PREFERENCE~~

- ~~13.1 The Corporation does not have or use any "Local Vendor or Supplier Preference" in its dealings, in order to comply with the Ontario Discriminatory Business Practices Act, R.S.O., 1990, as amended.~~

~~14.~~ 16 ADVERTISING

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~~16.1~~ Bids shall be posted on the Corporation's website and where effective in the opinion of the ~~Manager of Financial Services~~ Department Head advertised in local newspapers and applicable publications or where necessary to comply with all existing statutory regulations.

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~~14.1~~ 16.2 The timing and length of advertising shall be defined by the Department Head.

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~~15.~~ 17 BID ADDENDUM

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~~17.1~~ In no instance shall anyone except the Manager of Financial Services or ~~his~~ designate, issue any verbal or written changes on a ~~B~~bid. All changes shall be in accordance with the bid analysis review and ~~an must be done through~~ addendum issued with the approval of the Manager of Financial Services.

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~~15.1~~ 17.2 A notification of an addendum shall be forwarded to each Bidder that has received the bid documents including but not limited to informal quotations, by bids&tenders, or by Department staff in the form of a cover letter to those that made a direct application with the City.

~~16.~~ 18 BID DEPOSITS

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~~16.1~~ 18.1 Bid deposits of no less than 5% of the estimated value of the work shall be required to accompany bid submissions for the following:

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- a. All bids for ~~municipal~~ City construction projects in excess of \$100,000;
and/or.
- b. Special contracts or scope of work as deemed appropriate by the Manager of Financial Services and the Department.

~~16.2~~ 18.2 A bid deposit shall be provided in one of the following formats:

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a. Bid bonds ~~or an agreement to bond~~ issued by a bonding agency licensed to operate in the Province of Ontario naming the ~~Corporation~~ City as the obliged.

b. A irrevocable letter of credit naming the Corporation as the beneficiary.

~~b. —~~ c. Certified cheque, bank draft or money order made payable to The Corporation of the City of Stratford.

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~~16.3~~ 18.3 The City ~~does shall~~ not pay interest on any bid deposits.

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~~16.4~~ 18.4 The City reserves the right to turn the bid deposit of the successful bidder into a financial guarantee if specified in the bid documents.

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~~17.~~ 19. BONDING REQUIREMENTS

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~~17.1~~ 19.1 Agreement to Bond, Performance, labour and material, and/or maintenance bonds are required for all construction projects exceeding \$100,000 for a minimum of 50% of the bid amount. The cost for bonding is to be included in the submission price.

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~~17.2 — All bonds must be in the form of a digital bond or scanned pdf with the original to follow upon request or as specified in the bid document.~~

~~17.3 — Where performance, labour and material and/or maintenance bonding are required, an agreement to bond must be included with the bid submission in the form of a digital bond or scanned pdf, with the original to follow upon request or as specified in the bid document.~~

19.2 A Bond can be either a certified cheque, bank draft, money order and or bonding documents issued by an approved Guarantee Company properly licenced in the Province of Ontario, on Canadian Construction Documents Committee (CCDC) bond forms or similar recognized form of agreement acceptable to the City.

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~~17.4~~ 19.3 For some smaller construction projects under \$250,000, an irrevocable letter of credit for 100% of the bid amount may be accepted in lieu of bonding if specified in the bid documents. Such irrevocable letter of credit must include terms and conditions acceptable to the City of Stratford as specified in the bid documents.

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~~18.~~ 20. INSURANCE

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~~18.1~~ 20.1 The standard insurance minimums are as follows:

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\$2 million – commercial general liability policy
 \$2 million – owned and non-owned automotive liability policy
 \$2 million – homeowners (e.g. for rental of facilities)
 \$2 million – professional errors and omissions liability (as applicable)
 \$2 million – environmental impairment liability (as applicable)
 The amount of the project cost - Builders Risk (as applicable)

Other Insurance Coverage – the City reserves the right to request such higher limits of insurance or other types of policies appropriate to the Agreement as the City may reasonably require from time to time.

~~19.~~ 21. BID ANALYSIS

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21.1 Bid submissions shall be analyzed by the initiating Department staff and a recommendation made. The dollar amount ([contract term](#)) will determine which level of approval is required. Prior to the undertaking of the work the Department is to ensure all the required documentation is in place.

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21.2 The Corporate Department shall not make changes to submissions received regardless of requests received by telephone, facsimile or letter and shall not be considered or included in or during the competitive process in any way. Any corrections by the Bidder must be made by withdrawal of submission and re-submission with a new Bid prior to closing through bids&tenders.

21.3 The MFS and Corporate Department are not bound to accept the lowest price and may make an award to another Bidder if, in the City's sole opinion and discretion, having regard for trade treaty obligations, delivery time, service and quality of goods, or outstanding claims that it would be in the best interests of the City to do so.

~~19.1~~ 21.4 A Supplier whose Bid is late if the delay is due solely to an administrative error on the part of the City, the Supplier will be given an opportunity to correct unintentional form errors after the deadline for the bid, and the same opportunity will be provided to all participating Suppliers.

22. BIDS WITH EQUAL TOTAL PRICES

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~~If two low Bids are found to be equal in price, quality and service, the successful bidder shall be determined by coin toss. The first received bid (time and date) will be "Heads". The coin toss shall be performed by the Manager of Financial Services in the presence of a representative of the Department and the tied bidders.~~

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22.1 The City in acting in an open, fair and transparent manner will, based on the consideration set out in this policy, make a determination to award, when two or more Bidders have the exact same total bid price and meet the requirements set out in the bid document to include but not limited to the lowest price. The determining factors for the award shall be based on the considerations set out in the section.

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22.2 The Bids having two equal prices will be reviewed in accordance with the following factors and consideration given to the Bid having the best anticipated favourable outcome to the City;

Goods: The Bidder having the preferred delivery date; and

Services: The Bidder being in the best position to offer better after sales services, if necessary.

22.3 If after evaluation of the factors set out above the two Bidders remain tied, then the City will notify the Bidders that the successful Bidder will be determined by a coin toss.

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Coin Toss Procedure

- a. The Bidders will be required to attend the City on the required date and time set by the City for the coin toss. If one Bidder fails to attend the coin toss, the award will automatically go to the Bidder present.
- b. When both Bidders are present, the Bidder with the first received bid to the City (time and date) will be 'Heads'. The coin toss shall be performed by the MFS in the presence of a representative of the Department and the tied Bidders.

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~~20-23~~ BID IRREGULARITIES

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~~20-4~~ 23.1 Bid irregularities are defined in Schedule A.

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~~21. BIDS WITH EQUAL TOTAL PRICES~~

~~21.1 If two low Bids are found to be equal in price, quality and service, the successful bidder shall be determined by coin toss. The first received bid (time and date) will be "Heads". The coin toss shall be performed by the Manager of Financial Services in the presence of a representative of the Department and the tied bidders.~~

24. Reporting to Council

24.1 City Council must approve the purchase of Deliverables where:

- a. The purchase price is greater than \$100,000 not including taxes;
- b. Any contract requiring approval from the Federal or Provincial Governments or any other Government Agencies;
- c. Any contract prescribed by a statute to be awarded by Council
- d. Where the award under \$100,000 is not being offered to the top ranked Bidder;
- e. The contract includes complex financing terms;
- f. Where prior budget approval has not been obtained;
- g. Where the total contract value exceeds the Council approved budget by more than ten percent (10%) or ten thousand (\$10,000) dollars; whichever is lower;
- h. Where a change in scope of the project occurs that was not part of the contingency plan and requires the procurement of additional deliverables, and where the overall costs exceeds the Council approved budget by more than ten percent (10%) or ten thousand (\$10,000) dollars; whichever is lower;
- i. Where the term, including any and all possible extension years of a proposed service contract is for an aggregate period longer than five (5) years;
- j. In any other instance in which the MFS and the CAO acting together, whether in consultation with legal services, feels it would be in the best interests of the City to do so; or
- k. Where Council has directed staff to provide a report for approval.

~~22.25. PROCESS FOR REDUCING COST OF OVERBUDGET BID SUBMISSIONS~~ Bid Negotiation

~~22.4~~ 25.1 If the lowest tender is within 10% of the budget amount the Corporate Department ~~ion~~ has the right to reject all bids or negotiate with the low bidder.

25.2 In the event potential cost savings have been identified, the Corporation has the right to request a final revised base bid submission of all Bidders.

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~~22.2—25.3~~ If the lowest bid is more than 10% higher than the budget amount the bid shall be reissued. ~~Corporation has the right to reject all bids, negotiate with the lowest bidder or request potential cost savings from the three lowest bidders and any other bidders who prices are within 10% of the lowest received. All requests and submissions shall be made in writing. Listed sub trades may not be substituted in this process.~~

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~~22.3~~ Once potential cost savings have been identified the Corporation has the right to request a final revised base bid submission of the bidders.

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~~22.4~~ 25.4 Requests for potential cost savings shall be limited to deletions from the scope of work and/or associated changes or changes of materials and finishes. The Corporate Department ~~ion~~ shall not request pricing of significant design modifications. ~~without the approval of the bidder(s).~~

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~~23-26.~~ BID WITHDRAWAL

26.1 Withdrawal requests must be made through bids&tenders.

~~23.1~~ 26.2 Requests for withdrawal of a bid shall be allowed if the request is made before the closing time. This withdrawal does not disqualify a bidder from submitting another bid on the same contract.

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~~23.2~~ 26.3 Should a bidder wish to withdraw their bid subsequent to the closing time or fails to proceed with the contract, the ~~Corporation City~~ shall first obtain legal advice. At a minimum the bidder may forfeit their bid deposit and be prohibited from bidding on future opportunities for a period of ~~up to one~~ two years.

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26.4 The City reserves the right to withdraw/cancel any posted bid documents prior to closing. Such withdrawal will be posted as an Addendum. ~~The City also reserves the right to accept or reject any bids.~~

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~~23.3~~ 26.5 After closing the City reserves the right to not award the bid and terminate the bid on bids&tenders.

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~~24.~~ DISPUTE RESOLUTION

~~24.1—~~ Disputes shall be resolved as follows:

~~Meeting between the bidder, department representative making the purchase and the Manager of Financial Services.~~

~~If (a) does not lead to a resolution the decision may be appealed to the Director of Corporate Services.~~

~~If (b) does not lead to a resolution, the decision may be appealed to Council.~~

27. Procurement Debriefings/Protests

27.1 All Bidders have the right to protest the outcome of the procurement process in accordance with the provisions of this policy.

Unsuccessful Vendor Debriefing Opportunity

27.2 Unsuccessful Bidders may request a "debriefing" within thirty (30) calendar days from notice of award posting date by contacting the City Purchasing Clerk in writing.

27.3 The City Purchasing Clerk will attempt to schedule an email or telephone debriefing with the unsuccessful Bidder and the Project Manager within fourteen (14) business days of the request.

27.4 The Project Manager is to make notes during the telephone debriefing and the outcome, to include listing any documents relied upon during the call with the unsuccessful Bidder. These notes are to be kept with the bid documents and filed in accordance with the Retention By-law.

Formal Protest after Debriefing

27.5 A formal protest must be made by the Supplier with regard to an award of tenders over one hundred thousand dollars (\$100,000). Staff will allow one week between notification of the staff recommendation or posting of unofficial bid results and the award.

27.6 For RFP's over one hundred thousand dollars (\$100,000), staff will provide notification of recommendation to all proponents two weeks prior to award of Council.

27.7 If a Bidder disputes the staff award recommendation, the Bidder may request a debriefing from the Manager or designate. If after this debriefing, the Bidder still disputes the decision, an appeal shall be conducted by a Dispute Committee, which

shall hear from both City staff and the supplier at a time and place appointed in writing by the Committee. The Dispute Committee shall be comprised of the MFS or designee, and the Department Head of the issuing department involved. The decision of the Dispute Committee shall be in writing. The City will establish an impartial authority that is independent of the bid process to receive and review a complaint that cannot be resolved between parties.

~~25. DISPOSAL OF SURPLUS GOODS~~

~~25.1 Dept. Directors or their designates has the authority to declare goods surplus and shall, from time to time, dispose of any surplus goods not required by the Corporation by way of:~~

- ~~a) Offering to any other department~~
- ~~b)a) Sealed bid~~
- ~~c)a) sale by auction or consignment;~~
- ~~d)a) direct negotiation with buyers;~~
- ~~e)a) donation to a charitable organization.~~

~~25.225.1 No employee, member of Council or the public shall be allowed to purchase any surplus goods directly from the City.~~

~~25.325.1 Surplus goods and/or products, at the discretion of the Manager of Financial Services and Department Head involved, may become the property of the Contractor, to be disposed of at their discretion.~~

~~25.425.1 In the event that the item does not sell by any of the means provided, the department may use an alternate method of disposal. ie. scrap~~

~~26. 28 SOURCE SELECTION CRITERIA~~

~~26.1 28.1~~ The City uses the following criteria for the selection of the method for the acquisition of goods/services:

- a) total dollar value as estimated for the product/project
- b) availability of vendors capable of supplying product.
- c) pre-determined qualification of vendors/suppliers.

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- d) nature of need of product, such as an emergency situation which requires immediate attention.

~~27.~~ 29 SOURCE SELECTION METHODS AND APPROVAL AUTHORITY

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~~27.1~~ 29.1 The City of Stratford uses the following methods of purchasing Goods and Services:

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Standard Purchases- ~~(Less than \$25,000)~~
~~Sealed Request for Quotations (\$25,000 to \$100,000)~~ Greater then \$5,000
 less than \$30,000
 Quotations - \$30,000 to \$100,000
~~Sealed~~ Tenders - ~~————— (Greater than \$100,000)~~
 Request for Proposal
 Request for Information
 Request for Pre-qualification
 Sole Source Purchases
 Purchase at Public Auction
 Emergency Purchases

Dollar Amount	Authorization Required	Council Process
Less than \$25 30,000	Any employee authorized by the Department Head	No requirement to notify Council
\$25 30,000 to \$100,000	Director	Notification of quotation call through Consent Agenda
Greater than \$100,000	Council	Notification of tender call through Consent Agenda, awarded through By-law

~~28.~~ 30 STANDARD PURCHASE

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~~28.1~~———30.1 A Standard Purchase is deemed to be a purchase of less then \$5,000 and is completed using a purchase order. ~~one in the amount less than \$25,000 and is accomplished by using a Purchase Order. For purchases greater than \$5,000 but less than \$25,000, the Department is first to obtain at least three (3) written quotations whenever possible. Quotations must be submitted on the standard quotation form provided by the Purchasing Division. Quotation documents and~~

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~~specifications can be issued and received by e-mail or fax transmission at the Department location.~~

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31. Request for Information

31.1 A request for information is used as a general market research tool to determine what Goods and Service(s) are available which will meet business or operational requirements and acquisition strategies and/or may occasionally request project estimate costs for the purpose of developing a solicitation.

32 Request for Quotation

32.1 Purchases greater than \$5,000 but less than \$30,000 – The Department will be required to first obtain at least three (3) written quotations, whenever possible. Quotations must be submitted on the standard request for quotation form provided by the Purchasing Department. Quotation documents and specifications can be issued and received by email or fax transmission at the Department location. These quotations are not required to be posted on our website.

32.2 A purchase order shall be created for the recommended supplier and submitted by the Department with the three (3) quotes or a rationale in support of not obtaining three (3) quotes, for review and approval by Purchasing prior to issuing the purchase order to the supplier.

33 Prequalification Notices and Standing Purchases

33.1 The MFS has the right to limit contracts to Prequalified Suppliers provided that they have been determined acceptable by the City for a period not to exceed a total of three (3) years.

33.2 When required, the City will publish the request for prequalification in accordance with Article 508 of Canadian Free Trade Agreement Consolidated 2017, as may be amended from time to time, only once, at the beginning of the period of validity of the list, and will state the period of validity and the ending date.

33.3 The City may limit the number of Predetermined Suppliers that will be permitted to bid and the criteria for selecting the limited number of Suppliers.

33.4 The process for awarding the bid to a Prequalified Supplier will be determined through the Bid Analysis process.

33.5 The City may call for a standing arrangement which arrangement will be set out in the bid document and will describe how call-ups or orders under the standing arrangement will be made.

33.6 Long term tenders and quotations may be entered into for everyday Goods and Services when the following conditions apply:

- To obtain satisfactory and or preferential pricing
 - To provide uniformity within the Corporation
 - To maintain departmental inventories as required
 - To improve efficiency by reducing the amount of paperwork by eliminating day to day issuing of Purchase Orders and invoicing
- To allow each department to have accurate figures for annual budgets for operating supplies

~~29.~~ 34 SEALED QUOTATIONS (\$2530,000 to \$100,000)

~~29.1~~ 34.1 Competitive sealed quotation bidding will be the source selection used when the following conditions prevail:

- a) The item to be purchased is budgeted to cost between \$2530,000 and \$100,000.
- b) Clear and adequate specifications for the item or service are available or can be developed.
- c) Adequate competition is available. Two or more responsible bidders are able to satisfy the buyer's requirements and criteria set forth in the Invitation to Bid, and independently contend for the contract.
- d) Sufficient time is available for the preparation of bid invitations, advertising and preparation of bids submissions by vendors.

~~29.2~~ 34.2 Quotations to be awarded are not subject to City Council approval as provided for in this policy; however, prior notification to Council through the Consent Agenda is required when seeking sealed quotes.

~~30.~~ 35 SEALED TENDERS (Greater than \$100,000)

~~30.1~~ 35.1 Competitive sealed tender bidding will be the source selection used when the conditions in Sealed Quotations prevail, with the exception the cost of the item to be purchased is budgeted to exceed \$100,000.

~~30.2~~ 35.2 Prior notification to Council through the Consent Agenda is required when calling tenders. Council approval shall be in the form of a By-Law.

~~31.~~ 36. REQUEST FOR PROPOSAL - (RFP)

~~31.1~~ 36.1 A Request for Proposal is used when the goods/services are of a highly specialized or flexible nature. This allows the Corporation to generalize the description of the project and this in turn has the vendors provide their bids on the latest and best products in their line.

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~~31.2~~ 36.2 Prior notification to Council on the Consent Agenda is required. The evaluation criteria and process shall be approved by the Manager of Financial Services prior to the issuance of the RFP. Request for Proposals exceeding \$100,000 are to be awarded by By-law.

~~32. CONSULTANTS~~

~~32.1—The Corporation shall issue a Request for Proposal for architectural services for city building projects in excess of \$300,000.~~

~~32.2—From time to time, consultants are required to provide specialized expertise. Consultants would not involve the Corporation's ongoing legal counsel, audit services and planning advice (special projects excluded). For projects where the consultant's fees are expected to be in excess of \$60,000 for an individual project, the purchasing policy and Consultant's Policy C.2.1 "Hiring of Consultants" shall apply.~~

~~33. REQUEST FOR INFORMATION — (RFI)~~

~~33.1—A request for information is used as a general market research tool to determine what goods and service(s) are available which will meet business or operational requirements and acquisition strategies and/or may occasionally request project estimate costs for the purpose of developing a solicitation.~~

~~34. REQUEST FOR PRE-QUALIFICATION — (RFPO)~~

~~34.1—A request for pre-qualification may be conducted for any goods, service(s) or construction to select the number of qualified bidders that may bid on the subsequent procurement process. This selection does not create any contractual obligation.~~

~~35.1~~ 37 SOLE SOURCE PURCHASE (Non-competitive)

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~~35.1~~ 37.1 A sole source supplier shall be the only acceptable ~~vendor Bidder~~ who is able to furnish a certain product or service. In all cases, sole source purchases will not be permitted because there is a preference for a particular brand. The Department Head, in ~~discussion-collaboration~~ with the Manager of Financial Services, will be responsible for making all sole source determinations. In doing so, he must consider:

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- A Is there a lack of responsible competition for a product or service that is vital to the operation of the Corporation
- B Does the supplier possess exclusive capabilities?
- C Is the product or service unique and easily established as one of a kind?
- D Can program requirements be modified so that competitive products or services may be used?
- E Are there patented or proprietary rights that fully demonstrate:
 1. A feature providing a superior utility not obtainable from similar products?
 2. A product is available from only one prime source, and not merchandized through wholesalers, jobbers or retailers where competition could be encouraged.
- ~~3. F~~ What would the user department do if the product or service were discontinued.
- 437.2. In the case of any sole source purchase, the Manager of Financial Services shall retain a statement signed by ~~himself and~~ the Head of the department requiring the good or service, which verifies that the item or service purchased can be obtained from only one supplier and therefore meet the Sole Source criteria. ~~Where the MFS and Department Head disagree that the purchase meets the criteria, the CAO will be required to determine if the purchase shall proceed by a sole source.~~

~~36. EQUIPMENT REPAIRS~~

~~36.1 In the case of equipment repairs for amounts not exceeding \$25,000, the Manager shall be authorized to select from various vendors not solely on the~~

~~basis of cost, but also on ability, quality or workmanship, service availability, overall performance and experience without first obtaining bids.~~

~~37.~~ 38 PURCHASE AT PUBLIC AUCTION

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~~37.1~~ 38.1 In instances where a department wishes to purchase through public auction, the Department Head shall advise the Manager of Financial Services of the conditions involved in the proposed transaction, prior to the event.

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~~38.~~ 39 EMERGENCY PURCHASES

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~~39.1~~ For the purposes of this section, "Emergency" means an event or occurrence that the CAO or Treasurer or Designate of the CAO or Designate of the Treasurer deem as an immediate threat to:

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- ~~a- Public health~~
- ~~b- The maintenance of essential City services and/or~~
- ~~c- The welfare and protection of persons, property, or the environment and the event or occurrence necessitates the immediate need for Goods and Services to mitigate the emergency and time does not permit for a competitive procurement process.~~

~~39.2~~ In the event of an Emergency the CAO and their respective delegates, Fire Chief or Deputy Fire Chief , or Chief Building Official or Deputy Chief Building Official are authorized to enter into a purchase agreement without the requirement for a formal competitive process.

~~39.3~~ A list of prequalified supplier will be used to select the suppliers whenever possible.

~~39.4~~ In the event of an emergency, there must be notification sent (email notice is acceptable) to the Purchasing Clerk or delegate. The steps taken to mitigate the Emergency must always be clearly documented regardless of the amount. The emergency procurement shall be reported by the responsible Director to the Committee and City Council (including the source of financing) at the next scheduled meeting following the event. The Director responsible for the area leading the emergency procurement must forward the appropriate purchase requisition(s) to the Purchasing Clerk or delegate within five (5) business days after the mitigated activities associated with the emergency event have been terminated.

~~38.1—Emergencies shall exist when there is a threat to health, welfare, or safety of people/or property, or when the operation of a portion of the Corporation is in jeopardy. Purchasing shall, in various cases, delegate the purchasing function to the user department for Emergency Purchases. Control, however, will not be delegated, and the end user department will be required to forward a complete record of the emergency purchase to the Purchasing Department.~~

40 DISPOSAL OF SURPLUS GOODS

40.1 Department - Directors or their designates must notify the MFS of any tangible capital assets ~~has the authority to declare goods surplus and shall, from time to time, dispose of any surplus goods not required by the Corporation by way of:~~

- a) Offering to any other department
- b) Sealed bid
- c) sale by auction or consignment,
- direct negotiation with buyers,
- d) donation to a charitable organization.

40.2 No employee, member of Council or the public shall be allowed to purchase any surplus goods directly from the City.

40.3 Surplus goods and/or products, at the discretion of the Manager of Financial Services and Department Head involved, may become the property of the Contractor, to be disposed of at their discretion.

40.4 In the event that the item does not sell by any of the means provided, the department may use an alternate method of disposal. ie. scrap

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39:LONG-TERM TENDERS/QUOTATIONS

~~39.1—Long term tenders and quotations may be entered into for everyday goods and services when the following conditions apply:~~

~~To obtain satisfactory pricing.~~

~~To provide uniformity within the Corporation.~~

~~To maintain departmental inventories as required.~~

~~To reduce the amount of paperwork by eliminating day to day issuing of Purchase Orders and invoicing.~~

~~To allow each department to have accurate figures for annual budgets for operating supplies.~~

~~40. ACQUISITION OF GOODS AND SERVICES FROM GOVERNMENT BODIES~~

~~40.1—The Department Head may acquire any goods and services from a Federal, Provincial or Municipal body, ministry, agency, board, corporation or authority when similar goods or services are not available from other sources or in the case of Provincial or federal standing agreements. The Department Head may take advantage of these opportunities if they are deemed to be in the best interest of the City.~~

~~41.~~ 41 TECHNOLOGY SOLUTIONS

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~~41.1~~ 41.1 All technology solutions that will be connected to a City of Stratford system or network including but not limited to computer equipment and peripherals, software solutions, telephone and cellular equipment, PDA's and portable computing devices, MUST BE ordered through the Corporate Services Department of the City of Stratford. This Department will call quotations/tenders/ requests for proposals for items over \$5,000 in accordance with this Policy. Exceptions to this clause includes technology or automated solutions that do not require computer process, network or communication configuration.

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42. EXEMPTION BY COUNCIL

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42.1 A Department may request exemption from any or all the purchasing methods outlined in this policy by submission of a report supporting the exemption and outlining the reasons for the exemption requesting the same to Council. Such exemption may be granted by resolution.

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~~42. LOBBYING PROHIBITED~~

~~42.1—The City will be entitled to reject a bid submission if any representative or a Bidder, including any other parties that may be involved in a joint venture, consortium, subcontractor or Supplier relationship, makes any representation or solicitation to any elected official, employee or agent of the City during the blackout period.~~

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43. RETENTION OF DOCUMENTATION

~~43.1~~ 43.1 All background information, information submitted by vendors, purchase orders and other relevant information involved in obtaining prices for goods and services shall be retained in the Department according to Records Retention By-law and this Policy.

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44. PURCHASING PROCESS REVIEW

~~44.1~~ 44.1 The Manager of Financial Services may randomly review departmental purchasing related files on an on-going basis to review the effectiveness and integrity of the processes and policy adherence. Every five (5) years this policy will be reviewed, or more frequently as required, with a report being made to Council.

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45. PURCHASING PROCEDURES

~~45.1a.~~ Purchasing procedures as determined by the Manager of Financial Services are to be used as a guideline and for information on purchasing goods and services in compliance with this policy.

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~~46.42. EXEMPTION BY COUNCIL~~

~~46.1a. A Department may request exemption from any or all the purchasing methods outlined in this policy by submission of a report requesting the same to Council. Such exemption may be granted by resolution.~~

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Schedule "A" - Bid Irregularities

~~A bid irregularity is a deviation between the requirements (terms, conditions, specifications, special instructions) of a bid request and the information provided in a bid response. For the purposes of this policy, bid irregularities are further classified as "major irregularities" or "minor irregularities"~~

~~A "major irregularity" is a deviation from the bid request that effects the price, quality, quantity or delivery, and is material to the award. If the deviation is permitted, the bidder could gain an unfair advantage over competitors. A bid with major deviations must be rejected.~~

~~A "minor deviation" is a deviation from the bid request, which affects form, rather than substance. The effect on the price, quality, quantity or delivery is not material to the award. If the deviation is permitted or corrected, the bidder would not gain an unfair advantage over competitors. The bidder will be permitted to correct a minor irregularity.~~

~~Mathematical Errors — Corrections by Staff~~

~~Errors in mathematical extensions and/or taxes and unit prices will be corrected by the Corporation and the bidder will be notified of the correction.~~

~~Vendor Withdrawal~~

~~In the event that the vendor withdraws their bid due to the identification of a major irregularity, the vendor will forfeit their bid deposit and the Corporation has the right to disqualify such vendor from participating in future bid opportunities for a period of up to one year.~~

Schedule "A"

ELECTRONIC - BID IRREGULARITIES

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
1.	late bids	X		Bidding system does not allow.
2.	Method of deliver – Where the bid has been submitted via any other method other than through the Bidding system, where no such provision is allowed for in the bid.	X		Bid Declared Non-Compliant
3.	bid deposit not submitted with the bid when the bid request indicated that such deposit is required	X		Bidding system does not allow.
4.	EXECUTION OF AGREEMENT TO BOND: a. Bond company corporate seal or equivalent proof of authority to bind company or signature missing b. surety company not licensed to do business in Ontario	X X		Bid Declared Non-Compliant
5.	EXECUTION OF BID BONDS: a. corporate seal or equivalent proof of authority to bind company or signature of the BIDDER or both missing b. corporate seal or equivalent proof of authority to bind company or signature of BONDING COMPANY missing	X X		Bid Declared Non-Compliant
6.	pricing, specifications page or signature pages missing or unsigned	X		Bidding system does not allow.
7	insufficient financial security (ie: no deposit or bid bond or insufficient deposit)	X		Bidding system does not allow.
8.	bid document does not acknowledge addendums issued	X		Bid Declared Non-Compliant
9.	EXECUTION OF BID DOCUMENT proof of authority to bind is missing	X		Bid Declared Non-Compliant

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
10.	part bids (all items not bid)	X or	X	acceptable unless complete bid has been specified in the request
11.	bids containing minor clerical errors		X	2 working days to correct initial errors
12.	alternate items bid in whole or in part		X	available for further consideration unless specified otherwise in request
13.	pages requiring completion of information by vendor are missing or incomplete	X		Bidding system will not allow.
14.	bid documents which suggest that the Bidder has made a major mistake in calculations or bid	X	X	consultation with a Solicitor on a case-by-case basis
15.	Bid qualified or restricted by a statement or alteration added to any part of the documents	X		Bid Declared Non-Compliant
16.	Bidder did not attend a mandatory site meeting.	X		Bid Declared Non-Compliant
17.	RFP bids do not meet any defined mandatory requirements stated in the document.	X		Bid Declared Non-Compliant
18.	Suspended Vendor – Bid received by a Bidder who has been suspended from the bidding process.	X		Bid Declared Non-Compliant
19.	Other Bid Irregularities			Ruling by Bid Review Panel – Bidder may be given up to five (5) business days to remedy the bid irregularity.

NOTE: All above noted should not be considered all-inclusive. The Manager of Financial Services, in consultation with the requisitioning department will review minor irregularities. The Manager of Financial Services may then accept the bid, or request that the Bidder rectify the deviation.

HARD COPY - BID IRREGULARITIES

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
1.	late bids	X		automatic rejection
2.	bids completed in pencil	X		automatic rejection
3.	bid deposit not submitted with the bid when the bid request indicated that such deposit is required	X		automatic rejection
4.	EXECUTION OF AGREEMENT TO BOND: a. Bond company corporate seal or equivalent proof of authority to bind company or signature missing b. surety company not licensed to do business in Ontario	X X		automatic rejection automatic rejection
5.	EXECUTION OF BID BONDS: a. corporate seal or equivalent proof of authority to bind company or signature of the BIDDER or both missing b. corporate seal or equivalent proof of authority to bind company or signature of BONDING COMPANY missing	X X		automatic rejection automatic rejection
6.	unsealed tender envelopes	X		automatic rejection
7.	pricing, specifications page or signature pages missing or unsigned	X		automatic rejection
8.	insufficient financial security (ie: no deposit or bid bond or insufficient deposit)	X		where security is required and amount of security is specified in request, automatic rejection

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
9.	bid received on documents other than those provided in request	X		not acceptable unless specified otherwise in the request
10.	bid document does not acknowledge addendums issued	X		automatic rejection
11.	EXECUTION OF BID DOCUMENT proof of authority to bind is missing	X		automatic rejection
12.	part bids (all items not bid)	X or	X	acceptable unless complete bid has been specified in the request
13.	bids containing minor clerical errors		X	2 working days to correct initial errors
14.	uninitialed changes to the request documents which are minor		X	2 working days to correct initial errors
15.	alternate items bid in whole or in part		X	available for further consideration unless specified otherwise in request
16.	unit prices in the schedule of prices have been changed but not initialled		X	2 working days to correct initial errors
17.	other mathematical errors which are not consistent with the unit prices		X	2 working days to correct initial corrections
18.	pages requiring completion of information by vendor are missing or incomplete	X		automatic rejection

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
19.	bid documents which suggest that the bidder has made a major mistake in calculations or bid	X	X	consultation with a Solicitor on a case-by-case basis
20.	Bid qualified or restricted by a statement or alteration added to any part of the documents	X		automatic rejection
21.	Bidder did not attend a mandatory site meeting.	X		automatic rejection
22.	RFP bids do not meet any defined mandatory requirements stated in the document.	X		automatic rejection
23.	Suspended Vendor – Bid received by a Bidder who has been suspended from the bidding process.	X		Automatic Rejection
24	Other Bid Irregularities			Ruling by Bid Review Panel- Bidder may be given up to five (5) business days to remedy the bid irregularity.

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NOTE: All above noted should not be considered all-inclusive. The Manager of Financial Services, in consultation with the requisitioning department will review minor irregularities. The MFS may then accept the bid, or request that the Bidder rectify the deviation.

Schedule "B" - Definitions

In this policy, the following words will have the following meanings:

"Accessibility" – means a general term used to describe the degree of ease that something (e.g., device, service and environment) can be used and enjoyed by persons with a disability. The term implies conscious planning, design and/or effort to ensure it is barrier-free to persons with a disability, and by extension, highly usable and practical for the general population as well.

"Authority or Authorized" – the right to conduct the subject task as directed by Council either through resolution or through the approval of the annual Departmental budget (budget process and adoption.)

"Award" - when a Submission is formally accepted by the City, either by Council or by delegated authority as permitted in this policy.

"Bid" – an offer or submission received in response to a sealed quotation, sealed tender, RFP, RFI or RFPQ, which is subject to acceptance or rejection.

~~"Bid Documents" – City documents used in connection with a Purchasing process.~~

"Bid Deposit" - Security to ensure that the successful Supplier on a Solicitation enters into a Contract with the City.

"Bidder" – a person or enterprise that submits a Bid.

"Blackout Period" – means the period of time from when the bid call document is released until the final award.

"Board" - An entity independent of the City, but recognized by Council as an agency which may take advantage of the City's purchasing power or process, in accordance with this Policy. Without limiting the generality of the foregoing, the Stratford City Centre Business Improvement Area, Perth & Stratford Housing Corporation, and Board of Park Management shall be considered a "Board".

"City" - The Corporation of the City of Stratford.

"Closing Time" - The place, date and time set by the Bid Documents for receipt of Responses.

"Competition" – means the solicitation of bids through a publicly posted solicitation document.

"Competitive Process" - means either an open Competition of an Invitational Competition.

"Consultants" - The supply of expertise or strategic advice that is presented for consideration and decision-making, or the guidance or execution of a specific project or undertaking and includes professional services such as engineering and architecture.

"Construction" - Construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products and materials, the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other work, but does not include Consulting Services related to the Construction unless they are specifically included in the Purchase.

"Contract" - A document to evidence an agreement for the purchase of deliverables, and includes both a Purchase Order and a Formal Agreement.

"Corporation or "Municipality" – The Corporation of the City of Stratford.

"Council" – means the Council of the City.

"Department Head" - The designated lead of a City Department responsible for direction and operation of a Department.

"Deliverable(s)" - means any Goods or Services or construction or combination thereof.

"Designate" – An individual duly appointed to act on behalf of the authorized authority.

"Disposal" – The transfer of ownership of Property by the City by sale, trade in, donation, alternative use or destruction.

"Elected Official" – a member of the Council for the City.

“Goods” – Any moveable property, including the costs of installing, maintaining or manufacturing such moveable property, including raw materials, products, equipment and other physical objects of every kind and description, whether in solid, liquid, gaseous or electronic form, unless they are purchased in connection with Construction.

“In House Bids” - means a bid made by a department and authorized by the Supervisor/Manager/Director responsible for that department, submitted in response to a call for a bid, where provision of Goods and Services will be entirely by the employees of the City.

“Invitational Competition” – means a competitive process in which an invitation to submit bids is issued at buyers.

“Insurance” – the amount and type of insurance coverage required by the City, to the satisfaction of the Treasurer. Evidence of adequate insurance coverage will be by certified documents issued by an insurance company licensed to operate in the Province of Ontario, certifying that the bidder is insured in accordance with the Municipality's insurance requirements.

“Non-competitive Procurement” – acquisition of goods and services without comparing pricing or product/service information from multiple vendors.

“Procedures” – a sequence of steps or actions establishing expectations of how the policies in this by-law are to be implemented.

“Procurement” or “Purchasing” – The acquisition of Deliverables by any means, including rental and leasing, and the functions that pertain to the acquisition of Deliverables, and “Purchasing” shall have a corresponding meaning.

“Purchasing Department” – The division of the Corporate Services Department, Finance Division charged with carrying out the Purchasing function.

“Purchaser Order/PO” – A standard Contract issued by the City to a Supplier to evidence an agreement for the purchase of Deliverables.

“Quotation” – prices on specific Goods and Services obtained formally through a Request for Quotation or informally from selected sources, which are submitted verbally, in writing, by e-mail or transmitted by facsimile.

"RFP"- Request for Proposal, a process in which a need is identified, nonetheless the method by which it will be achieved is not necessarily known at the outset and price is not the only evaluation being considered.

"RFQ" – Request for quotations, including formal and informal quotations, but not including RFSs or RFTs.

"RFT"- Request for tender, a process to request Supplier responses to supply deliverables in compliance with stated requirements, performance specifications, and terms and conditions and evaluation is made solely on price.

"Sealed Bid" – a Bid submitted in a sealed envelope to a specified location, by a specified date, at a specified time.

"Services" – Intangible products not having a physical presence.

"Solicitation Document" – means a document issued by the City to solicit Bids from Bidders, including but not limited to RFTs, RFPs and RFQs.

"Specifications" – Description of the physical or functional characteristics or the nature of a supply, service, equipment or construction item and may include requirements for inspection, testing, or preparing a Deliverable, and may also include drawings or samples or other means of illustrating the requirements.

"Supplier"- means a person, corporation or other entity carrying on the business of providing goods, services or construction.

"Surplus Goods" – any items no longer having any use to the City or in excess of the needs of the City, inclusive but not limited to obsolete supplies, scrap materials and vehicles, but excluding real property.

"Tender" – means an offer to procure, which specifies characteristics required and is set out in the solicitation document, which solicits a Bid.

"Website" - The City's website at <http://www.stratfordcanada.ca>.



The Corporation of the City of Stratford

Policy Manual

P.5 Purchasing and Materials Management

Dept: Corporate Services

Committee: Finance and Labour Relations

P.5.1 Procurement of Goods and Services Policy, Purchasing

Adopted: September 26, 2016
 Amended:
 Reaffirmed:
 Related Documents: By-law ____-2019; Notice Policy
☒ Council Policy ☐ Administrative Policy

PURCHASING POLICY

Adopted by By-law _____ on _____

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1. LEGISLATIVE AUTHORITY

- 1.1 The *Municipal Act, 2001*, ("Municipal Act"), section 270, as amended states that a municipality and a local board shall adopt policies with respect to its procurement of Goods and Services, including policies with respect to:
- a. the types of procurement processes that shall be used;
 - b. the goals to be achieved by using each type of procurement process;
 - c. the circumstances under which each type of procurement process shall be used;
 - d. the circumstances under which a tendering process is not required;
 - e. the circumstances under which in-house bids will be encouraged as part of a tendering process;
 - f. how the integrity of each procurement process will be maintained;
 - g. how the interests of the municipality or local board, as the case may be, the public and persons participating in a procurement process will be protected;
 - h. how and when the procurement processes will be reviewed to evaluate their effectiveness; and
 - i. any other prescribed matter.
- 1.2 Compliance with legislation procurement activities shall be subject to all applicable Municipal policies and by-laws and specific provisions of the *Municipal Act, 2001*, and all other applicable Federal and Provincial legislation including any international standards implemented by the Federal government.
- 1.3 Pursuant to the *Ontarians with Disabilities Act, 2001* ("ODA") as may be amended from time to time, *Ontarians with Disabilities Act, 2005* ("AODA") as may be amended from time to time, and Ontario Regulation 191/11 under the AODA, the City of Stratford shall consider accessibility criteria and features when procuring or acquiring goods, services, or facilities, except where it is not practicable to do so. In which case, an explanation shall be provided. All competitive bids will incorporate measures to ensure that customer service is available to everyone, including persons with disabilities.

- 1.4 The Corporation of the City of Stratford must be prepared to manage and respond to extraordinary circumstances from time to time that require immediate decision making to prevent or alleviate serious delay, protecting lives, infrastructure and property, protect the environment, promote economic stability and help ensure the continuance of critical assets and government to respond to any emergency whether natural, technological and human-caused with or without warning as required under the provincial legislation *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9 (as amended).

2. PURPOSE OF THE PURCHASING POLICY

- 2.1 The purpose of this Policy is:

- 2.1.1 to set out guidelines for the City to ensure that all purchases of materials, supplies and services provide the lowest costs consistent with the required quality and service;
- 2.1.2 to describe the roles, responsibilities and authorities of the City's employees, officers, and elected officials in carrying out the City's Procurement operations;
- 2.1.3 to maintain an open and honest process that is fair and impartial, non-discriminatory, fosters equal treatment, and is transparent and accountable.
- 2.1.4 to promote and maintain the integrity of the purchasing process and protect Council, staff and vendors involved in the process, by providing clear direction and accountabilities; and,
- 2.1.5 To comply with the requirements of Section 270(1) of the Municipal Act and with Provincial, Federal and International laws and legislation with respect to Procurement.

3. CITY CONDUCT

- 3.1 The City shall conduct its procurement activities in a manner so as to maintain public trust.
- 3.2 All procurement activities must be conducted in accordance with:
 - a. The City of Stratford's Employee Code of Conduct;

- b. The City's Code of Conduct for Council Members and Local Board Members;
 - c. The *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M. 50, as applicable.
 - d. The *Canadian Free Trade Agreement* Consolidated 2017; and
 - e. Where applicable other trade agreements that applies to municipalities such as Canada-US Agreement on Government Procurement (CUSPA), Trade & Cooperation Agreement between Ontario and Quebec (TACOQ) and the Canada-European Union Comprehensive Economic and Trade Agreement (CETA).
- 3.3 No employee or Member of Council of The Corporation of the City of Stratford or local board as specified in this policy, will have any interest directly or indirectly, as a contracting party, partner, shareholder, surety or otherwise in any contract for goods or services or in any of the monies to be derived there from, unless by a resolution of Council prior to the award of a sealed bid.
- 3.4 If the City determines that a Director or Manager of a City department has a direct or indirect interest and is responsible for the bid, the process shall be undertaken by a designate approved by the Manager of Financial Services ("MFS"). The Corporation does not accept bids made by a Department submitted in response to a bid solicitation where the provision of the goods or services will be provided entirely by the employees of the Corporation otherwise known as "In House Bids."
- 3.5 The Corporation does not have or use any "Local Vendor or Supplier Preference" in its dealings, in order to comply with the *Ontario Discriminatory Business Practices Act*, R.S.O., 1990, as amended, the *Canadian Free Trade Agreement*, 2017 c.5, as may be amended from time to time; and the *Competition Act*, R.S.C. 1985, c.C-34, as may be amended from time to time.
- 3.6 The Corporation will not tolerate any form of discrimination and forbids the granting of a preference to a local Bidder and will uphold the regulatory requirements as set out in the *Ontario Discriminatory Business Practices Act*, R.S.O. 1990, c. D. 12, as may be amended from time to time.
- 3.7 The Corporation of the City of Stratford adopts the ethical considerations of the Code of Ethics adapted from the Ontario Public Buyer's Association in its purchasing process.

- 3.8 The MFS is authorized to participate in and/or join in co-operative purchasing arrangements with other municipalities, local boards and other public commissions and agencies where the best interests of the Municipality will be served. Where such participation is at variance with the Municipality's Purchasing Policy, Council shall first authorize any participation.

4. SUPPLIERS CONDUCT

- 4.1 The Corporation of the City of Stratford expects its Suppliers to act in a manner with integrity and conduct its business in an ethical manner.
- 4.2 The City may refuse to engage in a business transaction or may terminate a business transaction with any Bidder that has including but without limiting the generality of the foregoing engaged in any illegal or unethical bidding practices, has or is in a potential conflict of interest, has created an unfair advantage in the procurement process or fails to adhere and carry out ethical business practices.
- 4.3 No bid or offer will be accepted from any Bidder, inclusive of the Bidder's subcontractors, who has a claim or has instituted a legal proceeding against the City, or against whom the City has a claim or instituted a legal proceeding, without prior approval of Council. For purposes of this provision, where such Bidder is a corporation, Bidder shall include any non-arm's length corporation of the Bidder.
- 4.4 It is the responsibility of all Bidders participating in a procurement process to declare any perceived, potential, anticipated, or actual conflicts of interest.
- 4.5 If a Bidder has been engaged to participate in the development of a solicitation document or the specifications for inclusion in a solicitation document, the Bidder will not be allowed to make a response directly or indirectly to that solicitation document. Refer to Section 14.
- 4.6 The City abides by the *Competition Act R.S.C. 1985, c. C-34*, as may be amended from time to time, and will report any suspected cases of collusion or other bid violations to the Competition Bureau and or other relevant lawful authorities.

- 4.7 The City shall be entitled to reject a bid submission if any representative or a Bidder, including any other parties that may be involved in a joint venture, consortium, subcontractor or Supplier relationship, makes any representation or solicitation to any elected official, employee or agent of the City during the blackout period.

5. CONFLICT OF INTEREST

- 5.1 No Goods or Services shall be purchased by the City from any officer or employee of the City or any member of Council or from any business in which any officer or employee of the City or any member of Council is an officer of such business without first declaring and advising of the conflict of interest at the time of submission.

6. APPLICATION OF POLICY

- 6.1 All City departments, elected City officials, committees and boards of the City shall acquire Goods and Services in accordance with this Policy and not otherwise excluding the City's Library Board and Police Services Board.
- 6.2 No person shall have the right to acquire Goods and Services or to otherwise bind the City in respect of the acquisition of Goods and Services, except in accordance with this Policy.
- 6.3 The rules in this section 6 shall not apply where the supply of funds, approval of borrowing, or the provision of other financial assistance is mandated by statute.

7. ADMINISTRATION

- 7.1 All invoices and accounts from vendors shall be authorized prior to payment. Authorization shall occur in the form of signatures of the Department Head or Designate and shall include staff denoting clerical accuracy, budgetary or specific Resolution approval, tender/quote number and an indication that Goods and Services were received in good order. These required signatures will be deemed to authorize payment.
- 7.2 Prior to City Council adopting the operating and capital budget, no person is authorized to purchase any goods or services other than those goods or services required on a recurring basis for the day to day operations of the City, without the prior approval of Council.

- 7.3 The Treasurer is authorized to pay for Goods and Services purchased in accordance with this Policy and shall not pay for any such Goods and Services unless otherwise provided in this Policy or within the time commitments specified in the purchasing agreement or contract.
- 7.4 No prepayment for all or any part of Goods and Services shall be made unless the contract specifically provides for such prepayment.

8. CAO OR DESIGNATE RESPONSIBILITIES

- 8.1 When non-compliance of this policy has been identified, the CAO or Designate shall direct the non-compliant department to get approval for their purchase by Council resolution.

9. MANAGER OF FINANCIAL SERVICES RESPONSIBILITIES

- 9.1 The MFS is responsible for:
 - a. the management, organization and administration of a City-wide purchasing function, as well as developing policies and procedures for the Purchasing function;
 - b. preparing, issuing and receiving Requests for Proposal, Tenders, Quotations and Inquiries for Goods and Services, and for arranging the disposal of surplus goods;
 - c. the correlation and unification, so far as possible, of the requirements of the various departments of the City, and standardizing the kinds of Goods and Services used by the City to the smallest quantity consistent with the needs of the various departments. This program shall be a joint enterprise among the various departments of the City, with the MFS having the responsibility of putting the program into effect; and
 - d. notifying CAO and Treasurer of non-compliance of this Policy.

10. EMPLOYEE RESPONSIBILITIES

- 10.1 All employees are encouraged to develop and advance positive professional cooperative relationships with Bidders and within their Department, to seek consultation from their superiors in respect of any questions regarding the application or interpretation of this Policy.

- 10.2 Any employee who becomes aware and or suspects a conflict of interest in relation to any solicitation or purchase shall immediately report to their Department Supervisor/Manager or Director.
- 10.3 No employee shall knowingly cause or permit anything by their actions and or communication to anyone that does or is likely to cause any supplier to have an unfair advantage or disadvantage in any purchasing opportunity.
- 10.4 City employees shall be required to adhere to any City, legal, or other statutory legislation including Trade Agreements, and the City policies and failure to do so may result in corrective action including progressive discipline up to and including discharge based on the circumstances.
- 10.5 All employees granted purchasing authority must be first trained on proper use and interpretation of this Policy and the applicable By-laws and legislation as determined by the Director of the department of which they are employed.

11. CONSULTING FIRM RESPONSIBILITIES

- 11.1 Should it be deemed advantageous to engage the services of a consultant in the bidding process, the Department must ensure the consultant is aware of and follows the Corporation's policies and procedures.
- 11.2 Consultants are to provide a copy of any documentation being issued in the Corporation's name, to the Manager of Financial Services prior to issuance.
- 11.3 From time to time, consultants are required to provide specialized expertise on various matters involving engineers, architects and management professionals.. Consultants would not involve the City's ongoing legal counsel, audit services and planning advice (special projects excluded). Approval to proceed to engage consultants must be received either in budget approval or by resolution of Council.
 - 11.3.1 For projects where the Consultant's fees are expected to be less than \$60,000. for an individual project, the Department may directly hire the Consultant without issuing an RFP or Sealed Quotation.
 - 11.3.2 For projects where the Consultant's fee are expected to be in excess of \$60,000. for an individual project, the following procedure will apply;
 - 11.3.2.1 The Department will issue an RFP, a Sealed quotation or a Sealed Tender.

- 11.3.2.2 If the cost of the Consultant is expected to exceed \$100,000, the Mayor and two (2) members of Council, as well as two (2) members of staff, will sit on the Evaluation Committee. The Mayor may ask that Council select a member to sit in his or her stead.
- 11.3.2.3 If the project is a continuation of previous work for which there is an obvious economic benefit to continue with the same consultant, the Director may seek Council's permission to request for a single proposal for the project, which proposal must then receive Council approval.

12. FINANCIAL ACCOUNTABILITY

- 12.1 No purchases shall be made unless approved in the annual budget or authorized by Council. Where this policy prescribes dollar limits, the contract amount shall be the estimated total acquisition cost less any applicable taxes.

13. CONTRACT ADMINISTRATION

- 13.1 It shall be the responsibility of the Department issuing the Bid Documents to enforce the contract terms, conditions and specifications.
- 13.2 The Corporate Department will ensure that all Tender/Bid Notices are available to Suppliers free of charge and in compliance with Article 506 Subsection 6. (a) through (l) *Canada's Free Trade Agreement c. 2017*, as may be amended from time to time and any such articles that may be deemed applicable.
- 13.3 The MFS in consultation with the Department Head and or with the City's solicitor, may permit the exclusion of a Supplier based on the following grounds if there is supporting evidence:
- bankruptcy or insolvency;
 - false declarations;
 - significant or persistent deficiencies in performance of any substantive requirement or obligation under a prior contract or contracts;
 - final judgments in respect of serious crimes or other serious offences;

- professional misconduct or acts or omissions that adversely reflect on the commercial integrity of the Supplier; or,
- failure to pay taxes.

13.4 The supplier excluded by the MFS in accordance with the provisions of this policy shall be excluded for a period deemed by the MFS which can be up to a period of two (2) years ("Exclusion Period"). To be reinstated after the Exclusion Period on the Bidders list, the vendor shall supply an updated company profile in addition to three (3) recent references to the MFS for review and consideration.

14. REQUESTS FOR VENDOR INPUT

14.1 Bidders or potential Bidders should not be requested to expend time, money or effort on design or in developing specifications or otherwise help define a requirement beyond the normal level of service expected from Bidders.

14.2 When such services as contemplated in this section are required:

- a. the MFS shall be advised;
- b. the contracted vendor will be considered as a consultant and unable to make an offer for the supply of Goods and Services, as per the Article 509 of the *Canadian Free Trade Agreement*, as may be amended from time to time, Article 19.9 of the *Comprehensive Economic and Trade Agreement*, as may be amended from time to time, and Article 9.11 of the *Trade and Cooperation Agreement Between Ontario and Quebec*, as may be amended from time to time;
- c. the Bidder providing the services shall be paid a fee; and,
- d. the detailed specifications shall become the property of the Corporation for use in obtaining competitive bids.

15. GENERAL PROVISIONS

15.1 No contract or purchase shall be divided to avoid any requirements of this policy.

- 15.2 All dollar amounts referenced are in Canadian dollars and prices stated are before applicable taxes.
- 15.3 Any reference to a day refers to a calendar day.
- 15.4 All Bidders must respect, comply and carry out all requirements as regulated by the *Occupational Health and Safety Act*, R.S.O. 1990, c. 0.1 as may be amended from time to time, and the *Workplace Safety and Insurance Act*, SO 1997, c. 16, as may be amended from time to time.
- 15.5 All departments shall review their bid specifications for Goods and Services, to ensure that they meet the applicable requirements of any trade agreement and policies of the City, and wherever possible specifications are amended to provide for expanded use of products and services that contain post-consumer recyclable waste and/or recyclable content to the maximum level allowable, without significantly affecting the intended use or performance of the product or service. It is also recognized that a cost analysis may be required in order to ensure that the products are made available at competitive prices. The department shall also consider opportunities wherever possible to increase the development and awareness of Environmentally Sound Products, wherever practicable and possible.
- 15.6 Excluding RFP's any recommendation to award a bid by a department will be in favour of a Bidder meeting specifications, terms and conditions of the bid and whose bid offers the lowest ultimate cost to the City for the goods or services being solicited with due consideration of the importance of quality, service and price.
- 15.7 The disclosure of information received relevant to the issue of a bid solicitation or the award of contracts emanating from bid solicitations is subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, as may be amended from time to time. The City will make reasonable attempts to safeguard the confidentiality of any identified successful Bidder, but will not be held liable in any way whatsoever if such information is inadvertently disclosed.

16. ADVERTISING

- 16.1 Bids shall be posted on the Corporation's website and where effective in the opinion of the Department Head advertised in local newspapers and

applicable publications or where necessary to comply with all existing statutory regulations.

- 16.2 The timing and length of advertising shall be defined by the Department Head.

17. BID ADDENDUM

- 17.1 In no instance shall anyone save and except the MFS or designate, issue any verbal or written changes on a Bid. All changes shall be in accordance with the bid analysis review and an addendum issued with the approval of the MFS.
- 17.2 A notification of an addendum shall be forwarded to each Bidder that has received the bid documents, including but not limited to informal quotations, by bids&tendersTM, or by Department staff in the form of a cover letter to those that made a direct application with the City.

18. BID DEPOSITS

- 18.1 Bid deposits of no less than 5% of the estimated value of the work shall be required to accompany bid submissions for the following:
- a. All bids for City construction projects in excess of \$100,000; and/or
 - b. Special contracts or scope of work as deemed appropriate by the MFS and the Department.
- 18.2 A bid deposit shall be provided in one of the following formats:
- a. Bid bonds issued by a bonding agency licensed to operate in the Province of Ontario naming the City as the obliged.
 - b. A irrevocable letter of credit naming the City as the beneficiary.
 - c. Certified cheque, bank draft or money order made payable to The Corporation of the City of Stratford.
- 18.3 The City shall not pay interest on any bid deposits.
- 18.4 The City reserves the right to turn the bid deposit of the successful Bidder into a financial guarantee if specified in the bid documents.

19. BONDING REQUIREMENTS

- 19.1 Agreement to Bond, Performance, labour and material, and/or maintenance bonds are required for all construction projects exceeding \$100,000 for a minimum of 50% of the bid amount. The cost for bonding is to be included in the submission price.
- 19.2 A Bond can be either a certified cheque, bank draft, money order and or bonding documents issued by an approved Guarantee Company properly licenced in the Province of Ontario, on Canadian Construction Documents Committee (CCDC) bond forms or similar recognized form of agreement acceptable to the City.
- 19.3 For some smaller construction projects under \$250,000, an irrevocable letter of credit for 100% of the bid amount may be accepted in lieu of bonding if specified in the bid documents. Such irrevocable letter of credit must include terms and conditions acceptable to the City of Stratford as specified in the bid documents.

20. INSURANCE

- 20.1 The standard insurance minimums, unless otherwise specified in the bid documents are as follows:
 - \$2 million – commercial general liability policy
 - \$2 million – owned and non-owned automotive liability policy
 - \$2 million – homeowners (e.g. for rental of facilities)
 - \$2 million – professional errors and omissions liability (as applicable)
 - \$2 million – environmental impairment liability (as applicable)
 - The amount of the project cost - Builders Risk (as applicable)
- 20.2 Other Insurance Coverage - The City reserves the right to request such higher limits of insurance or other types of policies appropriate to the Bid as the City may reasonably require from time to time.

21. BID ANALYSIS

- 21.1 Bid submissions shall be analyzed by the Corporate Department and a recommendation made. The dollar amount (contract term) will determine the level of City approval that shall be required. Prior to the undertaking of the work the Department is to ensure all the required documentation is in place.
- 21.2 The Corporate Department shall not make changes to submissions received regardless of requests received by telephone, facsimile or letter and shall not be considered or included in or during the Competitive Process in any way. Any corrections by the Bidder must be made by withdrawal of submission and re-submission with a new Bid prior to bid closing through bids&tendersTM.
- 21.3 The MFS and Corporate Department are not bound to accept the lowest price and may make an award to another Bidder if, in the City's sole opinion and discretion, having regard for trade treaty obligations, delivery time, service and quality of goods, or outstanding claims that it would be in the best interests of the City to do so.
- 21.4 A Supplier whose Bid is late if the delay is due solely to an administrative error on the part of the City, the Supplier will be given the opportunity to correct unintentional form errors after the deadline for the bid, and the same opportunity will be provided to all participating Suppliers.

22. BIDS WITH EQUAL TOTAL PRICES

- 22.1 The City in acting in an open, fair and transparent manner will, based on the consideration set out in this policy, make a determination to award, when two or more Bidders have the exact same total bid price and meet the requirements set out in the bid document to include but not limited to the lowest bid price. The determining factors for the award shall be based on the considerations set out in this section.
- 22.2 The Bids having two equal prices will be reviewed in accordance with the following factors and consideration given to the Bid having the best anticipated favourable outcome to the City;

Goods: The Bidder having the preferred delivery date; and

Services: The Bidder being in the best position to offer better after sales services, if necessary.

- 22.3 If after evaluation of the factors set out above the two Bidders remain tied, then the City will notify the Bidders that the successful Bidder will be determined by a coin toss.

Coin Toss Procedure

- a. The Bidders will be required to attend the City on the required date and time set by the City for the coin toss. If one Bidder fails to attend the coin toss, the award will automatically go to the Bidder present.
- b. When both Bidders are present, the Bidder with the first received bid to the City (time and date) will be "Heads". The coin toss shall be performed by the Manager of Financial Services in the presence of a representative of the Department and the tied Bidders.

23. BID IRREGULARITIES

- 23.1 Bid irregularities are defined in the attached **Schedule 'A'**.

24. REPORTING TO COUNCIL

- 24.1 City Council must approve the purchase of Deliverables where:
- a. The purchase prices is greater than \$100,000 not including taxes;
 - b. Any contract requiring approval from the Federal or Provincial Governments or any other Government Agencies;
 - c. Any contract prescribed by a statute to be awarded by Council;
 - d. Where the award under \$100,000 is not being offered to the top ranked Bidder;
 - e. The contract includes complex financing terms;
 - f. Where prior budget approval has not been obtained;
 - g. Where the total contract value exceeds the Council approved budget by more than ten percent (10%) or ten thousand (\$10,000) dollars; whichever is lower;
 - h. Where a change in the scope of the project occurs that was not part of a contingency plan and requires the procurement of additional deliverables, and where the overall costs exceeds the Council approved

budget by more than ten percent (10%) or ten thousand (\$10,000) dollars; whichever is lower;

- i. Where the term, including any and all possible extension years of a proposed service contract is for an aggregate period longer than five (5) years;
- j. In any other instance in which the MFS and the CAO acting together, whether in consultation with legal services, feels it would be in the best interests of the City to do so; or
- k. Where Council has directed staff to provide a report for approval.

25. BID NEGOTIATION

- 25.1 If the lowest tender is within 10% of the budget amount the Corporate Department has the right to reject all bids or negotiate with the low Bidder.
- 25.2 In the event potential cost savings have been identified, the Corporation has the right to request a final revised base bid submission of the Bidders.
- 25.3 If the lowest bid is more than 10% higher than the budget amount the bid shall be reissued.
- 25.4 Requests for potential cost savings shall be limited to deletions from the scope of work and/or associated changes or changes of materials and finishes. The Corporate Department shall not request pricing of significant design modifications.

26. BID WITHDRAWAL

- 26.1 Withdrawal requests must be made through bids&tenders™.
- 26.2 Requests for withdrawal of a bid shall be allowed if the request is made before the closing time. This withdrawal does not disqualify a Bidder from submitting another bid on the same contract if made within the expiry period.
- 26.3 Should a Bidder wish to withdraw their bid subsequent to the closing time or fails to proceed with the contract, the City shall first obtain legal advice from the City solicitor. At a minimum the Bidder may forfeit their bid deposit and be prohibited from bidding on future opportunities for a period of up to two years.

26.4 The City reserves the right to withdraw/cancel any posted bid documents prior to closing. Such withdrawal will be posted as an Addendum.

26.5 After closing the City reserves the right to not award the bid and terminate the bid on bids&tendersTM.

27. PROCUREMENT DEBRIEFINGS/PROTESTS

27.1 All Bidders have the right to protest the outcome of the procurement process in accordance with the provisions of this policy.

UNSUCCESSFUL VENDOR DEBRIEFING OPPORTUNITY

27.2 Unsuccessful Bidders may request a 'debriefing' within thirty (30) calendar days from notice of award posting date by contacting the City Purchasing Clerk in writing.

27.3 The City Purchasing Clerk will attempt to schedule an email or telephone debriefing with the unsuccessful Bidder and the Project Manager within fourteen (14) business days of the request.

27.4 The Project Manager is to make notes during the telephone debriefing and the outcome, to include listing any documents relied upon during the call with the unsuccessful Bidder. These notes are to be kept with the bid documents and filed in accordance with the Retention By-law.

FORMAL PROTEST AFTER DEBRIEFING

27.5 A formal protest must be made by the supplier with regard to an award of tenders over one hundred thousand dollars (\$100,000.). Staff will allow one week between notification of the staff recommendation or posting of unofficial bid results and the award.

27.6 For RFP's over one hundred thousand dollars (\$100,000.), staff will provide notification of recommendation to all proponents two weeks prior to award of Council.

- 27.7 If a Bidder disputes the staff award recommendation, the Bidder may request a debriefing from the Manager or designate. If after this debriefing, the Bidder still disputes the decision, an appeal shall be conducted by a Dispute Committee, which shall hear from both City staff and the supplier at a time and place appointed in writing by the Committee. The Dispute Committee shall be comprised of the MFS or designate, and the Department Head of the issuing department involved. The decision of the Dispute Committee shall be in writing. The City will establish an impartial authority that is independent of the bid process to receive and review a complaint that cannot be resolved between parties.

28. SOURCE SELECTION CRITERIA

- 28.1 The City uses the following criteria for the selection of the method for the acquisition of goods/services:
- a. total dollar value as estimated for the product/project;
 - b. availability of vendors capable of supplying product;
 - c. pre-determined qualification of vendors/suppliers;
 - d. nature of need of product, such as an emergency situation which requires immediate attention.

29. SOURCE SELECTION METHODS AND APPROVAL AUTHORITY

- 29.1 The City of Stratford uses the following methods of purchasing Goods and Services:

Standard Purchases - Less than \$5,000
 Request for Information
 Request for Quotation – Greater than \$5,000 less than \$30,000
 Request for Pre-qualification
 Quotations - \$30,000 to \$100,000
 Tenders - Greater than \$100,000
 Request for Proposal
 Sole Source Purchases
 Purchase at Public Auction
 Emergency Purchases

Dollar Amount	Authorization Required	Council Process
Less than \$30,000	Any employee authorized by the Department Head	No requirement to notify Council
\$30,000 to \$100,000	Director	Notification of quotation call through Consent Agenda
Greater than \$100,000	Council	Notification of tender call through Consent Agenda, awarded through By-law

30. STANDARD PURCHASE

- 30.1 A Standard Purchase is deemed to be a purchase in the amount of less than \$5,000 and is completed by using a Purchase Order.

31. REQUEST FOR INFORMATION – (RFI)

- 31.1 A request for information is used as a general market research tool to determine what goods and service(s) are available which will meet business or operational requirements and acquisition strategies and/or may occasionally request project estimate costs for the purpose of developing a solicitation.

32. REQUEST FOR QUOTATION

- 32.1 Purchases greater than \$5,000 but less than \$30,000 - The Department will be required to first obtain at least three (3) written quotations, whenever possible. Quotations must be submitted on the standard request for quotation form provided by the Purchasing Department. Quotation documents and specifications can be issued and received by e-mail or fax transmission at the Department location. These quotations are not required to be posted on our website.
- 32.2 A purchase order shall be created for the recommended supplier and submitted by the Department with the three (3) quotes or a rationale in support of not obtaining three (3) quotes, for review and approval by Purchasing prior to issuing the purchase order to the supplier.

33. PREQUALIFICATION NOTICES AND STANDING PURCHASES

- 33.1 The MFS has the right to limit contracts to Prequalified Suppliers provided that they have been determined acceptable by the City for a period not to exceed a total of three (3) years.
- 33.2 When required, the City will publish the request for prequalification in accordance with Article 508 of *Canadian Free Trade Agreement Consolidated 2017*, as may be amended from time to time, only once, at the beginning of the period of validity of the list, and will state the period of validity and the ending date.
- 33.3 The City may limit the number of Predetermined Suppliers that will be permitted to bid and the criteria for selecting the limited number of Suppliers.
- 33.4 The process for awarding the bid to a Prequalified Supplier will be determined through the Bid Analysis process.
- 33.5 The City may call for a standing arrangement which arrangement will be set out in the bid document and will describe how call-ups or orders under the standing arrangement will be made.
- 33.6 Long-term tenders and quotations may be entered into for everyday Goods and Services when the following conditions apply:
- To obtain satisfactory and or preferential pricing;
 - To provide uniformity within the Corporation;
 - To maintain departmental inventories as required;
 - To improve efficiency by reducing the amount of paperwork by eliminating day to day issuing of Purchase Orders and invoicing; or
 - To allow each department to have accurate figures for annual budgets for operating supplies.

34. QUOTATIONS (\$30,000 to \$100,000)

- 34.1 Competitive sealed quotation bidding will be the source selection used when the following conditions prevail:

- a. The item to be purchased is budgeted to cost between \$30,000 and \$100,000;
- b. Clear and adequate specifications for the item or service are available or can be developed;
- c. Adequate competition is available - two or more responsible Bidders are able to satisfy the buyer's requirements and criteria set forth in the Invitation to Bid, and independently contend for the contract; and,
- d. Sufficient time is available for the preparation of bid invitations, advertising and preparation of bids submissions by Bidders.

34.2 Quotations to be awarded are not subject to City Council approval as provided for in this policy; however, prior notification to City Council through the Consent Agenda is required when seeking sealed quotes.

35. TENDERS (Greater than \$100,000)

- 35.1 Competitive sealed tender bidding will be the source selection used when the conditions in Quotations prevail, with the exception the cost of the item to be purchased is budgeted to exceed \$100,000.
- 35.2 Prior notification to Council through the Consent Agenda is required when calling tenders. Council approval shall be in the form of a By-Law.

36. REQUEST FOR PROPOSAL - (RFP)

- 36.1 A Request for Proposal is used when the goods/services are of a highly specialized or flexible nature. This allows the City to generalize the description of the project and this in turn has the vendors provide their bids on the latest and best products in their line.
- 36.2 Prior notification to City Council on the Consent Agenda is required. The evaluation criteria and process shall be approved by the MFS prior to the issuance of the RFP. Request for Proposals exceeding \$100,000 are to be awarded by By-law.

37. SOLE SOURCE PURCHASE (Non-competitive)

37.1 A sole source supplier shall be the only acceptable Bidder who is able to furnish a certain product or service. In all cases, sole source purchases will not be permitted merely because there is a preference for a particular brand. The Department Head, in collaboration with the MFS, will be responsible for making all sole source determinations. In doing so and making such determinations, the Department Head must consider:

- a. Is there a lack of responsible competition for a product or service that is vital to the operation of the Corporation?
- b. Does the supplier possess exclusive capabilities?
- c. Is the product or service unique and easily established as one of a kind?
- d. Can program requirements be modified so that competitive products or services may be used?
- e. Are there patented or proprietary rights that fully demonstrate:
 - i. A feature providing a superior utility not obtainable from similar products?
 - ii. A product is available from only one prime source, and not merchandized through wholesalers, jobbers or retailers where competition could be encouraged.
- f. What would the user department do if the product or service were discontinued?

37.2 In the case of any sole source purchase, the MFS shall retain a statement signed by the Head of the department requiring the good or service, which verifies that the item or service purchased can be obtained from only one supplier and therefore meet the Sole Source criteria. Where the MFS and Department Head disagree that the purchase meets the criteria, the CAO will be required to determine if the purchase shall proceed by a sole source.

38. PURCHASE AT PUBLIC AUCTION

38.1 In instances where a Department wishes to purchase through public auction, the Department Head shall advise the MFS of the conditions involved in the proposed transaction, prior to the event.

39. EMERGENCY PURCHASES

- 39.1 For the purposes of this section, "Emergency" means an event or occurrence that the Chief Administrative Officer or Treasurer or Designate of the Chief Administrative Officer or Designate of the Treasurer deem as an immediate threat to:
- a. Public health;
 - b. The maintenance of essential City services; and/or
 - c. The welfare and protection of persons, property, or the environment; and the event or occurrence necessitates the immediate need for Goods or Services to mitigate the emergency and time does not permit for a competitive procurement process.
- 39.2 In the event of an Emergency the Chief Administrative Officer and their respective delegates, Fire Chief or a Deputy Fire Chief, or Chief Building Official or Deputy Chief Building Official are authorized to enter into a purchase agreement without the requirement for a formal competitive process.
- 39.3 A list of pre-qualified suppliers will be used to select the suppliers, whenever possible.
- 39.4 In the event of an emergency, there must be a notification sent (e-mail notice is acceptable) to the Purchasing Clerk or delegate. The steps taken to mitigate the Emergency must always be clearly documented regardless of amount. The emergency procurement shall be reported by the responsible Director to Committee and City Council (including the source of financing) at the next scheduled meeting following the event. The Director responsible for the area leading the emergency procurement must forward the appropriate purchase requisition(s) to the Purchasing Clerk or delegate within five (5) business days after the mitigation activities associated with the emergency event have been terminated.

40. DISPOSAL OF SURPLUS GOODS

- 40.1 Department Directors or their designates must notify the MFS of any tangible capital assets to declare goods surplus and shall, from time to time, dispose of any surplus goods not required by the Corporation by way of:

- a. Offering to any other department;
 - b. sale by auction or consignment;
 - c. sealed bid; or,
 - d. donation to a charitable organization.
- 40.2 No employee, member of Council or the public shall be allowed to purchase any surplus goods directly from the City.
- 40.3 Surplus goods and/or products, at the discretion of the MFS and Department Head involved, may become the property of the Contractor, to be disposed of at their discretion.
- 40.4 In the event that the item does not sell by any of the means provided, the department may use an alternate method of disposal for example disposal as scrap material.

41. TECHNOLOGY SOLUTIONS

- 41.1 All technology solutions that will be connected to a City of Stratford system or network including but not limited to computer equipment and peripherals, software solutions, telephone and cellular equipment, PDA's and portable computing devices, must be ordered through the Corporate Services Department of the City of Stratford. This Department will call quotations/tenders/requests for proposals for items over \$5,000 in accordance with this Policy. Exceptions to this clause include technology or automated solutions that do not require computer process, network or communication configuration.

42. EXEMPTION BY COUNCIL

- 42.1 A Department may request exemption from any or all the purchasing methods outlined in this policy by submission of a report supporting the exemption and outlining the reasons for the exemption to Council. Such exemption may be granted by resolution.

43. RETENTION OF DOCUMENTATION

- 43.1 All background information, information submitted by vendors, purchase orders and other relevant information involved in obtaining prices for Goods and Services shall be retained in the Department according to Records

Retention By-law and this Policy, as may be amended or revised from time to time.

44. PURCHASING PROCESS REVIEW

- 44.1 The MFS may randomly review departmental purchasing related files on an on-going basis to review the effectiveness and integrity of the processes and policy adherence. Every five (5) years this policy will be reviewed, or more frequently as required, with a report being made to Council.

45. PURCHASING PROCEDURES

- 45.1 Purchasing procedures as determined by the MFS shall be adhered to for purchasing Goods and Services in compliance with this policy at all times.

Schedule "A"

ELECTRONIC - BID IRREGULARITIES

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
1.	late bids	X		Bidding system does not allow.
2.	Method of deliver – Where the bid has been submitted via any other method other than through the Bidding system, where no such provision is allowed for in the bid.	X		Bid Declared Non-Compliant
3.	bid deposit not submitted with the bid when the bid request indicated that such deposit is required	X		Bidding system does not allow.
4.	EXECUTION OF AGREEMENT TO BOND: a. Bond company corporate seal or equivalent proof of authority to bind company or signature missing b. surety company not licensed to do business in Ontario	X X		Bid Declared Non-Compliant
5.	EXECUTION OF BID BONDS: a. corporate seal or equivalent proof of authority to bind company or signature of the BIDDER or both missing b. corporate seal or equivalent proof of authority to bind company or signature of BONDING COMPANY missing	X X		Bid Declared Non-Compliant
6.	pricing, specifications page or signature pages missing or unsigned	X		Bidding system does not allow.
7.	insufficient financial security (ie: no deposit or bid bond or insufficient deposit)	X		Bidding system does not allow.
8.	bid document does not acknowledge addendums issued	X		Bid Declared Non-Compliant
9.	EXECUTION OF BID DOCUMENT proof of authority to bind is missing	X		Bid Declared Non-Compliant

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
10.	part bids (all items not bid)	X or	X	acceptable unless complete bid has been specified in the request
11.	bids containing minor clerical errors		X	2 working days to correct initial errors
12.	alternate items bid in whole or in part		X	available for further consideration unless specified otherwise in request
13.	pages requiring completion of information by vendor are missing or incomplete	X		Bidding system will not allow.
14.	bid documents which suggest that the Bidder has made a major mistake in calculations or bid	X	X	consultation with a Solicitor on a case-by-case basis
15.	Bid qualified or restricted by a statement or alteration added to any part of the documents	X		Bid Declared Non-Compliant
16.	Bidder did not attend a mandatory site meeting.	X		Bid Declared Non-Compliant
17.	RFP bids do not meet any defined mandatory requirements stated in the document.	X		Bid Declared Non-Compliant
18.	Suspended Vendor – Bid received by a Bidder who has been suspended from the bidding process.	X		Bid Declared Non-Compliant
19.	Other Bid Irregularities			Ruling by Bid Review Panel – Bidder may be given up to five (5) business days to remedy the bid irregularity.

NOTE: All above noted should not be considered all-inclusive. The Manager of Financial Services, in consultation with the requisitioning department will review minor irregularities. The Manager of Financial Services may then accept the bid, or request that the Bidder rectify the deviation.

HARD COPY - BID IRREGULARITIES

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
1.	late bids	X		automatic rejection
2.	bids completed in pencil	X		automatic rejection
3.	bid deposit not submitted with the bid when the bid request indicated that such deposit is required	X		automatic rejection
4.	EXECUTION OF AGREEMENT TO BOND: a. Bond company corporate seal or equivalent proof of authority to bind company or signature missing b. surety company not licensed to do business in Ontario	X X		automatic rejection automatic rejection
5.	EXECUTION OF BID BONDS: a. corporate seal or equivalent proof of authority to bind company or signature of the BIDDER or both missing b. corporate seal or equivalent proof of authority to bind company or signature of BONDING COMPANY missing	X X		automatic rejection automatic rejection
6.	unsealed tender envelopes	X		automatic rejection
7.	pricing, specifications page or signature pages missing or unsigned	X		automatic rejection
8.	insufficient financial security (ie: no deposit or bid bond or insufficient deposit)	X		where security is required and amount of security is specified in request, automatic rejection
9.	bid received on documents other than those provided in request	X		not acceptable unless specified otherwise in the request
10.	bid document does not acknowledge addendums issued	X		automatic rejection

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
11.	EXECUTION OF BID DOCUMENT proof of authority to bind is missing	X		automatic rejection
12.	part bids (all items not bid)	X or	X	acceptable unless complete bid has been specified in the request
13.	bids containing minor clerical errors		X	2 working days to correct initial errors
14.	Un-initialled changes to the request documents which are minor		X	2 working days to correct initial errors
15.	alternate items bid in whole or in part		X	available for further consideration unless specified otherwise in request
16.	unit prices in the schedule of prices have been changed but not initialled		X	2 working days to correct initial errors
17.	other mathematical errors which are not consistent with the unit prices		X	2 working days to correct initial corrections
18.	pages requiring completion of information by vendor are missing or incomplete	X		automatic rejection
19.	bid documents which suggest that the Bidder has made a major mistake in calculations or bid	X	X	consultation with a Solicitor on a case-by-case basis
20.	Bid qualified or restricted by a statement or alteration added to any part of the documents	X		automatic rejection
21.	Bidder did not attend a mandatory site meeting.	X		automatic rejection
22.	RFP bids do not meet any defined mandatory requirements stated in the document.	X		automatic rejection

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
23.	Suspended Vendor – Bid received by a Bidder who has been suspended from the bidding process.	X		Automatic rejection
24.	Other Bid Irregularities			Ruling by Bid Review Panel – Bidder may be given up to five (5) business days to remedy the bid irregularity.

NOTE: All above noted should not be considered all-inclusive. The Manager of Financial Services, in consultation with the requisitioning department will review minor irregularities. The Manager may then accept the bid, or request that the Bidder rectify the deviation.

Schedule “B” – Definitions

In this policy, the following words will have the following meanings:

“Accessibility” – means a general term used to describe the degree of ease that something (e.g., device, service and environment) can be used and enjoyed by persons with a disability. The term implies conscious planning, design and/or effort to ensure it is barrier-free to persons with a disability, and by extension, highly usable and practical for the general population as well.

“Authority or Authorized” – the right to conduct the subject task as directed by Council either through resolution or through the approval of the annual Departmental budget (budget process and adoption.)

“Award” - when a Submission is formally accepted by the City, either by Council or by delegated authority as permitted in this policy.

“Bid” – an offer or submission received in response to a sealed quotation, sealed tender, RFP, RFI or RFPO, which is subject to acceptance or rejection.

“Bid Deposit” - Security to ensure that the successful Supplier on a Solicitation enters into a Contract with the City.

“Bidder” – a person or enterprise that submits a Bid.

“Blackout Period” – means the period of time from when the bid call document is released until the final award.

“Board” - An entity independent of the City, but recognized by Council as an agency which may take advantage of the City’s purchasing power or process, in accordance with this Policy. Without limiting the generality of the foregoing, the Stratford City Centre Business Improvement Area, Perth & Stratford Housing Corporation, and Board of Park Management shall be considered a “Board”.

“City” - The Corporation of the City of Stratford.

"Closing Time" - The place, date and time set by the Bid Documents for receipt of Responses.

"Competition" – means the solicitation of bids through a publicly posted solicitation document.

"Competitive Process" – means either an open Competition or an Invitational Competition.

"Consultants" - The supply of expertise or strategic advice that is presented for consideration and decision-making, or the guidance or execution of a specific project or undertaking and includes professional services such as engineering and architecture.

"Construction" - Construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products and materials, the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other work, but does not include Consulting Services related to the Construction unless they are specifically included in the Purchase.

"Contract" - A document to evidence an agreement for the purchase of deliverables, and includes both a Purchase Order and a Formal Agreement.

"Corporation or "Municipality" – The Corporation of the City of Stratford.

"Council" – means the Council of the City.

"Department Head" - The designated lead of a City Department responsible for direction and operation of a Department.

"Deliverable(s)" – means any goods and services or construction or combination thereof.

"Designate" – An individual duly appointed to act on behalf of the authorized authority.

"Disposal" – The transfer of ownership of Property by the City by sale, trade in, donation, alternative use or destruction.

"Elected Official" – a member of the Council for the City.

"Goods" – Any moveable property, including the costs of installing, maintaining or manufacturing such moveable property, including raw materials, products, equipment and other physical objects of every kind and description, whether in solid, liquid, gaseous or electronic form, unless they are purchased in connection with Construction.

"In House Bids" – means a bid made by a department and authorized by the supervisor/manager/director responsible for that department, submitted in response to a call for a bid, where the provision of Goods or Services will be entirely by the employees of the City.

"Invitational Competition" – means a competitive process in which an invitation to submit bids is issued by City.

"Insurance" – the amount and type of insurance coverage required by the City, to the satisfaction of the Treasurer. Evidence of adequate insurance coverage will be by certified documents issued by an insurance company licensed to operate in the Province of Ontario, certifying that the bidder is insured in accordance with the Municipality's insurance requirements.

"Non-competitive Procurement" – acquisition of goods and services without comparing pricing or product/service information from multiple vendors.

"Procedures" – a sequence of steps or actions establishing expectations of how the policies in this by-law are to be implemented.

"Procurement" or "Purchasing" - the acquisition of Deliverables by any means, including rental and leasing, and the functions that pertain to the acquisition of Deliverables, and "Purchasing" shall have a corresponding meaning.

"Purchasing Department" – The division of the Corporate Services Department, Finance Division charged with carrying out the Purchasing function.

"Purchaser Order/PO" – A standard Contract issued by the City to a Supplier to evidence an agreement for the purchase of Deliverables.

"Quotation" – prices on specific Goods and Services obtained formally through a Request for Quotation or informally from selected sources, which are submitted verbally, in writing, by e-mail or transmitted by facsimile.

"RFP" – Request for proposal, a process in which a need is identified, nonetheless the method by which it will be achieved is not necessarily known at the outset and price is not the only evaluation being considered.

"RFQ" – Request for quotations, including formal and informal quotations, but not including RFPs or RFTs.

"RFT" – Request for tender, a process to request Supplier responses to supply Deliverables in compliance with stated requirements, performance specifications, and terms and conditions and evaluation is made solely on price.

"Sealed Bid" – a Bid submitted in a sealed envelope to a specified location, by a specified date, at a specified time.

"Services" – Intangible products not having a physical presence.

"Solicitation Document" – means the document issued by the City to solicit Bids from Bidders, including but not limited to RFTs, RFPs and RFQs.

"Specifications" – Description of the physical or functional characteristics or the nature of a supply, service, equipment or construction item and may include requirements for inspection, testing, or preparing a Deliverable, and may also include drawings or samples or other means of illustrating the requirements.

"Supplier" - means a person, corporation or other entity carrying on the business of providing goods, services or construction.

"Surplus Goods" – any items no longer having any use to the City or in excess of the needs of the City, inclusive but not limited to obsolete supplies, scrap materials and vehicles, but excluding real property.

"Tender" – means an offer to procure, which specifies characteristics required and is set out in the Solicitation Document, which solicits a Bid.

"Website" - The City's website at <http://www.stratfordcanada.ca>

DRAFT

The Corporation of the City of Stratford

Policy Manual

C.2 Consultants

Dept: CAO's Office

Committee: Finance and Labour Relations

C.2.1 Hiring of Consultants

Adopted: April 12, 1999 by R99-125
 Amended: March 12, 2001 by R2001-104; November 13, 2007
 Reaffirmed:
 Related Documents: Delegation of Authority By-law 135-2017
☒ Council Policy ☐ Administrative Policy

PURPOSE AND SCOPE:

This policy is for the guidance and direction of elected officials and employees of the City of Stratford when the City is in a position to hire a consultant. From time to time, consultants are required to provide specialized expertise on various matters involving engineers, architects and management professionals. Consultants would not involve the City's ongoing legal counsel, audit services and ongoing planning advice (special projects excluded).

OVERVIEW:

Approval to proceed to engage consultants must be received either in budget approval or by resolution of Council.

POLICY:

For projects where the consultant's fees are expected to be in excess of \$60,000 for an individual project, the following procedure will apply:

1. A Selection Committee shall be recommended by the department head and approved by the Chief Administrative Officer.
2. If the cost of the consultant is expected to exceed \$100,000, the Mayor and 2 members of Council, as well as 2 members of staff, will sit on the Selection Committee. The Mayor may ask that Council select a member to sit in his or her stead.
3. If the project is a continuation of previous work for which there is an obvious economic benefit to continue with the same consultant, the Director may seek Council's permission to request for a single proposal for the project, which proposal must then receive Council approval.

4. The appropriate department shall either advertise for or shall invite requests for proposal from consultants. If inviting requests for proposals, at least 6 consultants including all local consultants known to do this type of work shall be contacted.
5. Requests for proposals will be submitted in two separate sealed envelopes; namely the Proposal as Part A, and the Fee, including disbursements, to do the work as Part B.
6. The Selection Committee will develop a "Consultant Evaluation Matrix" for the project
7. The Proposal and Fee envelopes will be opened by the Purchasing officer with the Fee envelope information being held in confidence by the Purchasing Officer until the Selection Committee has completed the technical evaluation of the Consultants.
8. The Selection Committee may conduct an optional interview of Consultants.
9. The Selection Committee will evaluate and mark the Technical merit of each of the Consultant proposals using the "Consultant Evaluation Matrix".
10. The Selection Committee will rank the Consultants based on total technical evaluation mark from "Consultant Evaluation Matrix".
11. After the Selection Committee agrees on the Technical ranking of the Consultant, the Fee envelope Part B information is obtained from the Purchasing Officer and the appropriate mark is added to the Consultant Evaluation Matrix to determine the Consultant with the highest total combined mark.
12. The Selection Committee will recommend selection of a consultant to Council through the Chief Administrative Officer.
13. It is understood that Council may under special circumstances (such as large Consultant fee variance) award the project to a different Consultant than that recommended by the Selection Committee.



MANAGEMENT REPORT

Date: April 16, 2019
To: Finance and Labour Relations Sub-committee
From: Tatiana Dafoe, Deputy Clerk
Report#: COU19-031
Attachments: Draft Pregnancy and Parental Leave for Members of Council Policy C.3.15

Title: Pregnancy and Parental Leave for Members of Council Policy

Objective: To receive Council approval of the Pregnancy and Parental Leave for Members of Council Policy C.3.15

Background: Bill 68: "Modernizing Ontario's Municipal Legislation Act" reviewed and amended two significant pieces of legislation in Ontario: the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*.

One amendment to the *Municipal Act, 2001* was the requirement for municipalities to adopt new policies, one being a policy to permit pregnancy and parental leave of members of Council. This requirement was proclaimed in force on March 1, 2019.

Analysis: The attached draft policy meets the requirements of the *Municipal Act, 2001* as amended by Bill 68. Under the policy, the offices of council members could not be deemed vacant due to a related absence for 20 consecutive weeks or less due to a pregnancy, the birth of the member's child or the adoption of a child by the member.

The draft policy also includes provisions to ensure a member reserves the right to participate as an active Member of Council at any time during his or her leave. In addition, the policy provides for the member to be paid during their absence and that any other expenses normally paid will continue to be covered in accordance with By-law 20-98.

Financial Impact: Under the current process, members of Council wishing to take a pregnancy or parental leave would be required to request a leave of absence which is unpaid. Under the recommended policy, the member would be entitled to payment and any other expenses normally paid would also be covered.

The exact financial implications are unknown at this time as the City is undertaking a review of council remuneration. Detailed information on the financial impacts will be provided following completion of this review.

Staff Recommendation: THAT the report entitled "Pregnancy and Parental Leave for Members of Council Policy" be received for information;

AND THAT the Pregnancy and Parental Leave for Members of Council Policy C.3.15 be approved.



Tatiana Dafoe, Deputy Clerk



Michael Humble, Director of Corporate Services



Rob Horne, Chief Administrative Officer

The Corporation of the City of Stratford

Policy Manual

C.3 Council and Committees

Dept: Corporate Services Department

Committee: Finance and Labour Relations

C.3.15 Pregnancy and Parental Leave for Members of Council

Adopted:

Amended:

Reaffirmed:

Related Documents: Procedural By-law, By-law 20-98

☒ Council Policy ☐ Administrative Policy

1.0 LEGISLATION

Section 270 of the Municipal Act, 2001, provides that:

- (1) A municipality shall adopt and maintain policies with respect to the following matters:
8. Pregnancy leaves and parental leaves of members of council.

2.0 POLICY STATEMENT

The City Stratford recognizes a member of Council's right to take leave for a pregnancy, the birth of the member's child or the adoption of a child by the member as required by and in accordance with section 270 of the *Municipal Act, 2001*. The City is committed to providing a clear and transparent process for members of Council on pregnancy and parental leaves as permitted by the Act.

3.0 PURPOSE AND SCOPE

The purpose of the policy is to establish a procedure for members of Council declaring a pregnancy and parental leave and to identify the remuneration package and other administrative matters.

In accordance with Section 270 of the *Municipal Act, 2001*, this policy applies to a member of Council who is absent from meetings of council for at least three consecutive months (20 weeks or less) as a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.

4.0 DEFINITIONS:

For the purposes of this Policy:

"Act" means the *Municipal Act, 2001*, as amended;

"City" means The Corporation of the City of Stratford;

"Member" means a member of Stratford City Council;

"Pregnancy and/or Parental Leave" means an absence of 20 consecutive weeks or less as a result of a Member's pregnancy, the birth of a Member's child or the adoption of a child by the Member in accordance with Section 259 (1.1) of the *Municipal Act, 2001*.

5.0 PROCEDURES

1. City Council supports a Member of Council's right to pregnancy and/or parental leave in keeping with the following principles:
 - A Member of Council is elected to represent the interests of his or her constituents.
 - A Member's pregnancy and/or parental leave does not require Council approval and his or her office cannot be declared vacant as a result of the leave.
 - Legislative and administrative matters requiring action during a Member's pregnancy and/or parental leave should be addressed in a manner that is consistent with the Member's wishes.
 - A Member of Council on pregnancy and/or parental leave shall reserve the right to exercise his or her delegated authority at any time during their leave.
2. The office of a member of Council shall not become vacant if a member is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.
3. Prior to the member missing meetings of Council for three consecutive months, a member of Council shall complete the Leave of Absence Form attached as Schedule A to this policy and submit the form to the City Clerk.
4. A member of Council on pregnancy or paternity leave is exempt from attending meetings of council and any other City of Stratford committee to which the member has been appointed.
5. Members of Council shall continue to receive a copy of the Council agenda.
6. Members of Council on pregnancy or paternity leave shall participate in events, conferences, committee meetings, constituent meetings or respond to communications at the level they determine, utilizing an out of office email feature to identify they are on leave, the level of service offered and an alternate contact if required.
7. Members of Council on pregnancy or paternity leave shall continue to receive remuneration in accordance with By-law 20-98.

8. Members of Council on pregnancy or paternity leave shall continue to have access to all equipment supplied to a regular member including but not limited to access to their information technology equipment and e-mail account.

6.0 REVIEW

This policy will be reviewed as required due to legislative changes.

DRAFT



Member of Council Request for a Leave of Absence

While completing this form please refer to Policy C.3.15: Pregnancy and Parental Leave for Members of Council, if the request for a leave is as a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.

1) PREGNANCY OR PARENTAL LEAVE UP TO 20 WEEKS

Complete this section of the Leave of Absence form if the Leave of Absence is for 20 consecutive weeks or less.

Member of Council Name:

Leave Begin Date:

Expected Date of Return:

2) LEAVE ADMINISTRATION

Would you like to receive the Council agenda while on leave? Yes: ☐ No: ☐

Address to send the Council packet:

Will you initiate an out of office message during leave? Yes: ☐ No: ☐

If yes, indicate member of Council or staff person to be identified as alternate contact for out of office message:

Do you wish to receive mail and event invitations during leave? Yes: ☐ No: ☐

If yes all mail and invitations will be scanned and sent electronically. Provide preferred email address:



MANAGEMENT REPORT

Date: April 16, 2019
To: Finance and Labour Relations Committee
From: Joan Thomson, City Clerk
Report#: FIN19-012
Attachments: Draft Policy Council – Staff Relations s 270

Title: Draft Policy Council – Staff Relations under section 270

Objective: To consider adopting a Council – Staff Relations Policy to continue to promote a respectful workplace between Council Members and Employees.

Background: An amendment to the Municipal Act 2001 by the Provincial Government requires that all municipalities adopt a policy on staff-council relations. The legislation does not prescribe the content of such a policy. The requirement to have a Council – Staff Relations Policy is in addition to the requirement to have a Council Code of Conduct.

The purpose of this report is to outline the positive working relationship that exists between Council Members and Staff. This working relationship is based on interactions between Council which is responsible for developing policy and Staff who are responsible for administering and delivering the municipal services determined by Council.

Analysis: The Council – Staff Relations Policy has been drafted to identify key roles for Council and for Employees. The Policy contains broad statements of how Council and Employees together, and in their separate roles, will interact and conduct municipal government business.

Specific requirements for behaviour and conduct are set out in the respective Council Code of Conduct and in the Employee Code of Conduct, along with formal complaint processes.


The Council-Staff Relations Policy identifies the policies, procedures and practices that will continue to promote a respectful workplace for Council, Employees and the Community.

Financial Impact: None identified.

Staff Recommendation: THAT the draft Council – Staff Relations Policy be adopted by City Council and authority be delegated to the Chief Administrative Officer or designate to respond to complaints and/or concerns.



Joan Thomson, City Clerk



Michael Humble, Director of Corporate Services



Rob Horne, Chief Administrative Officer

The Corporation of the City of Stratford

Policy Manual

C.3 Council and Committees

Dept: Corporate Services Department

Committee: Finance and Labour Relations

C.3. XX Council – Staff Relations Policy

Adopted:

Amended:

Reaffirmed:

Related Documents: Code of Conduct for Members of Council and Local Boards; Employee Code of Conduct, Procedural By-law, Accountability and Transparency Policy, Harassment and Discrimination Policy, Violence in the Workplace Policy

☒ Council Policy ☐ Administrative Policy

1.0 Policy Statement

The Corporation of the City of Stratford (the “City or the “Corporation”) will promote a respectful, tolerant and harassment-free relationship and workplace between members of Council and the Officers and Employees of the Corporation, guided by the Code of Conduct for Members of Council and Local Boards, the Employee Code of Conduct, Procedural By-law, City’s Values adopted by City Council, Accountability and Transparency Policy, Harassment and Discrimination Policy and Workplace Violence Policy.

2.0 Purpose and Scope

The purpose of this Policy is to outline the roles and working relationships that exist between Council and Employees of the City.

This Policy applies to all City full-time, part-time, contract, casual and temporary employees and members of Council. This may include off-site job related functions and social events related to work and employment.

3.0 Authority

This Policy is made under and is a statutory requirement of section 270 of the Municipal Act, 2001 as amended.

4.0 Definitions

“City or Corporation” means The Corporation of the City of Stratford;

"Council" means the Mayor, a member or members of the municipal council of The Corporation of the City of Stratford;

"Meetings" means any regular, special or other meeting of Council or local board or of a committee of either of them, where,

- a) a quorum of members is present, and
- b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

"Officer(s)" means a person who holds a position of responsibility in the Corporation and is an employee with definite rights and duties prescribed by statute or by-law;

"Staff or Employee" means full-time, part-time, contract, casual and temporary staff who are employees of the City and officers of the Corporation. This may include off-site job related functions and social events related to work and employment;

5.0 Roles

Role clarification and sensitivity are fundamental to the success of the working relationship between Council and Staff. Both Council and Employees are required to have a solid understanding of the following:

Role of Council and Employees

- Relate to one another in a courteous, respectful and professional manner;
- Act in a manner that enhances public confidence in local government;
- Understand and appreciate their respective roles and responsibilities;
- Demonstrate commitment to communication and consultation among ourselves and with the public;
- Show leadership, rely on our knowledge and judgement and respond based upon our areas of expertise; and
- Maintain confidentiality and, when appropriate, address confidential matters in "in-camera / closed session" at meetings.

Council Role

Council as a whole is the decision making and governing body of the City and is ultimately responsible to the electorate for the good governance of the City.

Council shall:

- Understand and adhere to the duties and roles established for the Mayor and Council by the Municipal Act, 2001 (sections 224-228) as amended, in governing and providing political direction;
- Determine corporate policy and make decisions about local government matters after consultation with Employees and community residents;

- Respond to constituent concerns;
- Be open to discussion and to ask when clarification is needed;
- Direct questions or concerns in relation to the administration or management of the City to the CAO or designate;
- Give directions to Employees only by Council as a whole and/or through the CAO, who in turn shall direct matters as required;
- Respect Employee time and limit requests for Staff Report to only matters that are essential for the effective administration of the City or in the public interest;
- Understand that Employees will undertake projects only if they have been directed to do so by Council as a whole and/or through the CAO;
- Recognize that certain Employees are statutory officers and have specific statutory authorities, duties and powers and responsibilities that cannot be interfered with;
- Members do not have an administrative or managerial role in the day to day business of the City;
- Comply with the Council Code of Conduct.

City Staff Role

- Oversee all administrative and advisory roles for Council;
- Develop and oversee Employee workplans;
- Serve Council as a whole rather than any individual Member;
- Provide a timely and professional response to Council based on their professional expertise, research and judgement, outlining factors that will assist in the decision making process, to assist Council with respect to their decisions;
- Carry out their duties based on political neutrality and objectivity, free from undue influence from any individual member(s) of Council;
- Implement the decisions of Council and ensure administrative practices and procedures are established to carry out Council's decisions and any other duties specifically assigned to them by Council;
- Respond to inquiries from Council and provide appropriate follow up to keep Members informed;
- Refrain from publicly criticizing decisions of Council;
- Not speak publicly on behalf of Council on matters related to Council decisions without authorization to do so; and
- Comply with the City's Employee Code of Conduct.

Expectations

It is expected that **Council** will

- Request appropriate Employee input prior to making policy decisions and convey feedback to Employees;
- Discuss issues with appropriate Employees and advise Employees of questions prior to meetings whenever possible;

- Advise the City Clerk of questions or concerns that may arise prior to meetings whenever possible to ensure Employees have time to formulate an informed and helpful response for consideration by Council;
- Request advice from the City Clerk about the appropriate wording of motions, amendments and formal Employee directions in accordance with the Procedural By-law;
- Consult with Employees prior to making confirmations to constituents.

It is expected that **Employees** will

- Ensure that Council is apprised of any issues that may impact their decision making process;
- Present a corporate and community perspective to Council;
- Notify Council of key changes to legislation and any unintended or unexpected impacts of policy decisions through written reports and/or presentations in a timely fashion;
- Notify Council of media inquiries or releases.

6.0 Monitoring and Compliance

This Policy shall be reviewed by the CAO of the City as necessary or when subject to amendments to the Municipal Act, 2001 and any required updates or amendments shall be presented to Council for approval.

7.0 Procedures

The Director of Human Resources shall be responsible for receiving complaints and/or concerns related to Employees under this Policy. Upon receipt of a complaint and/or concern, the Director of Human Resources shall notify:

1. In the case of Employees, the Chief Administrative Officer of the City and the Director of the City for the Employee; or
2. In the case of a Director of the City, the Chief Administrative Officer of the City; or
3. In the case of the Chief Administrative Officer of the City, the Mayor or Deputy Mayor; or
4. In the case of members of Council, the Integrity Commissioner of the City.

The Integrity Commissioner of the City shall be responsible for receiving complaints and/or concerns related to Council under this Policy.

Where there is a discrepancy between this Policy and the applicable Code of Conduct, the applicable Code of Conduct prevails as determined by the Chief Administrative Officer if related to an Employee complaint or as determined by the Integrity Commissioner of the City if related to a Council complaint.



MANAGEMENT REPORT

Date: May 13, 2019
To: Community Services Committee
From: Stephanie Potter, Policy and Research Associate
Report#: COM19-014
Attachments: Draft Smoking in Public Places By-law - 174-2003 - Changes Tracked
Draft Smoking in Public Places By-law - 174-2003 - Clean Copy

Title: Amendments to City of Stratford By-Law 174-2003 Smoking in Public Places

Objective: To recommend amending the City of Stratford By-Law 174-2003 Smoking in Public Places to include Market Square, electronic cigarettes, vaping and cannabis, and to reflect recent changes in municipal policy and Provincial legislation that increases restrictions on smoking in outdoor places.

Background:

On 10 December 2018, Staff brought a report to Council outlining proposed amendments to City of Stratford By-Law 174-2003 Smoking in Public Places to include cannabis, vaping, and Market Square. The report is available for review in the 10 December 2018 Council Agenda package, pages 69 to 97:
<https://www.stratfordcanada.ca/en/calendar/council/Default.aspx?StartDate=12/10/2018&EndDate=12/10/2018&Limit=25>

At the 10 December meeting, Council provided the following direction:

That Council direct City staff to revise By-Law 174-2003 Smoking in Public Places in accordance with the criteria set out in this report (COU18-070);

And that Staff bring a revised Smoking in Public Places Bylaw to Council for review in the first quarter of 2019.

Two revised versions of By-Law 174-2003 are attached for your consideration, one with changes tracked, and a clean revised copy.

Analysis:

A) Council Direction

In order to implement Council direction given on 10 December 2018, the following revisions are being recommended to the Smoking in Public Places By-Law:

- No smoking in Market Square in areas that are not considered a highway;
- No Smoking in any area within 20 metres of City recreational facilities and sporting areas in accordance with the provisions of the *Smoke-Free Ontario Act*;
- The inclusion of vapour products;
- The inclusion of cannabis.

B) Additional Revisions

i) Changes in Provincial Legislation

The additional proposed revisions in the attached by-law have been included to reflect changes in Ontario legislation:

- Section 5.1 a) b) and c) have been removed, as designated smoking rooms in these facilities are no longer allowed under the Smoke Free Ontario Act;
- Section 5.1 d) has been removed, as these regulations have been replaced by the Smoke Free Ontario Act;
- Sections 5.2 and 5.3 have been removed because they are no longer relevant.

ii) Changes in Perth and Stratford Housing Corporation (PSHC) Policy

The by-law has also been revised to reflect the Smoke-Free Policy for all Perth and Stratford Housing Corporation (PSHC) properties, implemented in August 2018 (note that Current tenants who have signed lease agreements before the policy was enacted are exempt from this policy, as long as they remain in their current unit).

iii) Smoke Free City Parks

The Perth District Health Unit recommends that the Smoking in Public Places By-Law be revised to include the prohibition of smoking and vaping in all City Parks (including tobacco and cannabis). Currently, the Smoke-Free Ontario Act prohibits smoking/vaping within 20 metres of playgrounds, publicly owned recreation facilities, and public areas within 20 metres of the edge of any sporting or spectator area.

The following municipalities have amended their smoking in public places by-law or proposed new by-laws to prohibit smoking in parks, including:

- Durham Region
- City of Hamilton
- King Township
- City of Kingston
- Town of Richmond Hill
- Town of Shelburne

C) Rationale

The rationale for prohibiting smoking in City parks, as well as other public spaces where possible, is to protect public health by limiting the impact of smoking in public areas such as City's parks and recreation properties, buildings and structures. The purpose of the by-law is to enhance the quality and use of City property, and to improve the environmental conditions in and around City properties, buildings, and structures.

D) Enforcement

Staff recognize that outdoor smoking regulations can be difficult to enforce due to a lack of public awareness and limited staffing to proactively enforce regulations. At present, enforcement is carried out on a complaint basis.

The Perth District Health Unit will assist with enforcement of this by-law and can assist with increasing awareness and providing education regarding this terms and conditions of this by-law. The Health Unit reports that other Ontario municipalities who have implemented smoke-free outdoor spaces by-laws have had minimal issues with enforcement, noting that that these by-laws are generally self-enforcing with adequate signage and education. The Health Unit reports that they have received few complaints from Stratford residents regarding smoking in public places.

If Council decides to proceed with the proposed changes to this by-law, it is recommended that adequate signage be installed to help ensure public awareness. It is also recommended that a joint press release be issued from the City and the Health Unit detailing these changes, and the reporting process. A joint meeting would be arranged between key City staff, the Health Unit, and Stratford Police to develop a process for complaints. Finally, the City website would need to be updated with information on who to call to report an issue.

E) Authority

The City has the capacity, rights, powers and privileges of a natural person, and may pass by-laws prohibiting or regulating the use and protection of public assets for social and environmental purposes, the delivery of services, and for the health, safety and well-being of persons under the authority of Municipal Act, R. S. O. 1990, c. M.45, including but not limited to sections 8, 9, 10 and 115. The City is obligated to comply with the provisions of the *Smoke-Free Ontario Act*.

Financial Impact:

a) Signage:

- No smoking signage has been installed at City facilities to include "No Vaping;"
- The Health Unit will be purchasing some updated banner and lawn signs that the City and/or event organizers can use for special events;
- Signage advising of the City's by-law would need to be custom-ordered for the following areas:
 - Market Square;
 - Parks and/or playgrounds;
- Custom No Smoking/No Vaping signage for Market Square and/or City parks is expected to cost approximately \$50 per sign;
- Temporary/moveable A-frame no smoking signage for special events would cost approximately \$265 each.

The Health Unit has advised that municipalities that are considering by-law enhancements could use some of their cannabis dollars help to cover these costs. The City has received a total of \$83,395 through the Ontario Cannabis Legalization Implementation Fund. Custom No Smoking signage is not expected to cost more than \$3,500 in total.

b) Penalties:

Set fines for smoking in designated public places under By-Law 174-2003 have been set at \$115. If Council wishes to proceed with the recommended revisions, Staff would meet with the Health Unit to review and initiate the process of revising the current list of fines with the approval of Council and ultimately the Ontario Court of Justice.

The current maximum fine for smoking in a prohibited area is \$5000.00.

The City may incur prosecution costs, but note that penalties would be sought in the event of a prosecution.

Staff Recommendation: THAT City of Stratford By-law 174-2003 Smoking in Public Places be amended as follows:

- **No smoking in Market Square in areas that are not considered a highway;**
- **No Smoking in any area within 20 metres of City recreational facilities per the legal requirements of the Smoke Free Ontario Act;**
- **The inclusion of vaping products;**

- **The inclusion of cannabis;**
- **Sections 5.1 a), b), c) d) and sections 5.2 and 5.3 be removed;**
- **The inclusion of Perth and Stratford Housing Corporation (PSHC) properties;**

THAT Council provide direction on the prohibition of smoking in City Parks;

AND THAT nominal funding for custom No Smoking signage be allocated from the City's share of the Ontario Cannabis Legalization Implementation Fund.



Stephanie Potter, Policy and Research Associate



Rob Horne, Chief Administrative Officer

Province of Ontario legislation: "*Smoke-Free Ontario Act*" prohibits smoking is prohibited in all enclosed workplaces and public places across Ontario as of May 31, 2006. To find out more information about the *Smoke-Free Ontario Act*, go to:

www.mhp.gov.on.ca/english/health/smoke_free/background.asp



**BY-LAW NUMBER 174-2003
OF
THE CORPORATION OF
THE CITY OF STRATFORD**

BEING a By-law to regulate smoking in public places and work places
in the City of Stratford and to repeal By-law 62-93 as amended.

~~WHEREAS section 115 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, authorizes the council of a local municipality to pass a by-law regulating the smoking of tobacco in public places and work places within the municipality and designating public places or work places or classes or parts of such places as places in which smoking tobacco or holding lighted tobacco is prohibited;~~

~~WHEREAS Section 8 of the *Municipal Act 2001*, S.O. 2001, c.25 as amended provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and~~

~~AND WHEREAS Section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority; and~~

~~AND WHEREAS clause 6 of subsection 10 (2) of the *Municipal Act* provides that a municipality may pass by-laws in the interest of the health, safety and well-being of its residents; and~~

~~AND WHEREAS section 115 of the *Municipal Act, 2001* authorizes the council of a local municipality to pass a by-law regulating the smoking or vapourizing of tobacco and cannabis in public places and work places within the municipality and designating public places or work places or classes or parts of such places as places in which smoking tobacco or cannabis or holding lighted tobacco, cannabis, or an electronic cigarette is prohibited; and~~

~~AND WHEREAS Section 128 of the *Municipal Act* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the council are or could become or cause public nuisances; and~~

~~AND WHEREAS Section 129 of the *Municipal Act* provides that a local municipality may prohibit and regulate with respect to odours; and~~

~~AND WHEREAS the Council of The Corporation of the City of Stratford wishes to prohibit the smoking or vapourizing of tobacco and cannabis in certain public places; and~~

~~AND WHEREAS Section 18 of the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, Schedule 3, contemplates that a municipal by-law may deal with a matter to which that Act applies but in a more restrictive manner, and directs that the by-law prevails to the extent that it is more restrictive than the Act; and~~

~~AND~~ ~~AND~~ WHEREAS it has been determined that second-hand smoke is a serious health hazard because of its adverse effects and risk to the health of the inhabitants, visitors and workers in the municipality;

AND WHEREAS it is desirable for the purpose of promoting and protecting the health, safety and welfare of the inhabitants, visitors and workers of the City to ensure that public places and work places will be free from second-hand smoke, except those places or areas exempted by by-law;

NOW THEREFORE BE IT ENACTED by Council of Corporation of the City of Stratford as follows:

1.0 DEFINITIONS AND INTERPRETATION

In this By-law:

"bar or night club" means a building or structure, or a portion thereof, which has both of the following features:

- 1) the predominant purpose is the serving of alcohol and entry is intended to be restricted to those of the age of majority; and,
- 2) the food served, if any, would generally be described as a "snack" rather than a full meal;

and includes, without limiting the generality of the foregoing, bars, taverns, nights clubs, adult entertainment establishments;

"beer garden, beer tent or tent" means a delineated outdoor area where beverages are sold or offered to the public for immediate consumption that:

- 1) is not covered by a temporary or permanent roof; or
- 2) if covered by a temporary or permanent roof;
 - i) has no permanent walls surrounding the roofed area; and
 - ii) has a circulation of fresh air through the area.

"bingo hall" means any building, location or premises where bingo events within the meaning of the *Gaming Control Act, 1992* are conducted;

"cannabis" means cannabis as defined in section 2(1) of the Cannabis Act (Canada) and includes any products containing cannabis.

"casino" means an establishment within the meaning of the *Gaming Control Act, 1992* and includes any building, location or premises or portion thereof, where the conduct of one or more gaming events is held for the purpose of raising money for a charity or non-profit organization;

"City" means The Corporation of the City of Stratford;

"City Hall" means the municipal building situated at 1 Wellington Street, City of Stratford, Province of Ontario;

"City Park" means land and land covered by water and all portions thereof under the control, management or joint-management of the City, that is or hereafter may be established, dedicated, set apart or made available by the City for recreational purposes, including without limiting the generality of the foregoing, a park, playgrounds, sportsfields, a leash-free dog park and an environmentally significant area, including any buildings, structures, facilities, erections and improvements located in or on such land;

"common area" means any indoor area of a building that is open to the public for the purposes of access to a retail establishment, office, hotel, motel, inn, hostel, shopping mall, shopping plaza, and includes an elevator, escalator, stairway, corridor, passageway, hallway, unenclosed eating areas in corridors, public restrooms, unenclosed public seating areas and unenclosed public standing areas, whether or not the eating area, seating area or standing area is leased;

"common area of a residential building" includes, but is not limited to an elevator, escalator, stairway, hallway, corridor, a laundry room, a foyer, a reception area, a community room and a parking garage. It does not include rented or privately owned living quarters;

"convention facility" means a place of public assembly with space available for rent or lease for a meeting or assembly of persons, representatives or delegates, whether public or private in nature and includes a hotel convention facility;

"designated public place" means a public place as designated under section 2 of this By-law;

"designated smoking room (DSR)" means a room designated by the employer or proprietor for use as a smoking area provided that the room is separately enclosed and ventilated to the exterior of the premises in accordance with the standards as prescribed in the *Tobacco Control Act Ontario Regulation 613/94* and any amendments thereto. Further, the room designated as a DSR must be:

- 1) not located in an essential part of the building through which persons must travel to get to another area of the premises, such as but not limited to a work site, an office, storage area, eating area, washroom, stairwell or reception area;
- 2) either:
 - i) set aside specifically for the purpose of smoking; or
 - iii) set aside for the purpose of smoking and for the purpose of carrying on another activity if there is another area on the premises, that is equal to or greater in size than the smoking area, in which smoking is not permitted and in which that other activity may be carried on; and
- 3) is signed by the proprietor as a DSR in prominent locations in the DSR and at entrances to the DSR so as to be conspicuous at all times

"electronic cigarette" or "e-cigarette" or "electronic smoking device" means a vapourizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine or cannabis.

"employee" means a person who, being paid or unpaid, performs any work for or supplies any service to an employer, or a person who receives any instruction or training in the activity, business, work, trade, occupation or profession of an employer and includes a volunteer and a person who is self-employed and "employment" has a corresponding meaning;

"employer" means any person who, as the owner, proprietor, manager, contractor, superintendent, supervisor or overseer of any activity, business, work trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of an employee and with respect to public transportation vehicles, taxicabs or limousines, the owner or operator of the public transportation vehicle or taxicab service;

"Entrance or Exit" means any entrance or exit used by the public and or staff to enter or exit a Municipal Building and also means any external serving window of a municipal building or municipal occupied building, or part thereof which is used as a concession stand;

"food court" means an area within an enclosed shopping area or shopping mall where food or drink is offered for sale or sold to the public for immediate consumption;

"inspector" means any employee or class of employee of the City or the Perth District Health Unit, authorized by the City to carry out an inspection and to enforce the provisions of this By-law or a person or class of person appointed by Council of the City as a by-law enforcement officer to enforce this By-law, or any police officer of the Stratford Police Services;

"laundromat" means any facility, premises or areas within a building to which the public has access for the purposes of laundering, washing or drying;

"Market Square" means the property where City Hall is located and described as the lands bounded by Downie Street, Wellington Street and Block "C," otherwise known as Market Place;

"Municipal Building" means any enclosed building or structure owned by the City or any building of which any portion is rented to the City and includes, and is not limited to municipal offices, transit facilities, bus shelters, community centres, libraries, indoor swimming pools, arenas, museums, art galleries, public washrooms, concession stands, recreational centres, fire halls, ambulance stations, police stations, golf course clubhouses and all Perth and Stratford Housing Corporation (PSHC) properties, but excludes buildings owned by Perth and Stratford Housing Corporation;

"outdoor area" means an existing area as of the date of this By-law coming into force, ~~where food or beverages are sold or offered to the public for immediate consumption~~ that:

- 1) is not covered by a temporary or permanent roof; or
- 2) if covered by a temporary or permanent roof:
 - i) has one or more unobstructed, exterior openings in the walls surrounding the roofed area which are:
 - a) located between the floor and a height of 2.44 metres above the floor, and

- b) equal to or greater in area than 35% of the total wall surface, such wall surface to be calculated as if the roofed area were surrounded by walls 2.44 metres in height;
- ii) does not share open windows with a place of refreshment;
- iii) does not share open doors with a place of refreshment, except when doors are being opened by individuals to enter or exit the outdoor area;
- iv) does not have a thermostat controlled heating or air conditioning system nor does it share a thermostat controlled heating or air conditioning system with a place of refreshment; and,
- v) has a circulation of fresh air throughout the area.

"person" includes a corporation;

"place of amusement" means an indoor area of a building or structure or portion thereof, whether privately or publicly owned, in which the predominant use is that of the playing of games or amusement and includes without limiting the generality thereof, bowling, billiards or pool, video games arcade machines;

"place of public assembly" means the whole or part of an area to which the public has access by right or by invitation, express or implied, whether by payment of money or not, but does not include an outdoor area;

"place of refreshment" means any premises where food or drink is offered for sale or is sold to the public for immediate consumption together with any part where the public has access and includes without limiting such, a restaurant, a dining room, a dairy bar, a coffee shop, a donut shop, a snack bar, a refreshment stand, a banquet hall or facility, a bar or night club, a tavern, an adult entertainment establishment, a beer garden, beer tent or tent, ~~but does not include an outdoor area;~~

"Playground" means any part of an outdoor area fitted with play equipment, including but not limited to slides, swings, climbing equipment. This area may be defined by a border which encloses an area of sand, rubber, or any similar safety surface;

"private club" means a club that:

- 1) has a membership list;
- 2) where each member is required by the club to pay an annual or periodic membership;
- 3) has an executive/leadership that is elected by all the members on an annual or periodic basis;
- 4) has a constitution or by-laws that provide the governing rules for the membership, executives, fees, etc.,
- 5) is not-for-profit;
- 6) that has a requirement in its by-laws where non-members cannot enter the premises to consume food or alcohol unless accompanied by a member.

"proprietor" means the person who ultimately controls, governs or directs the activity carried on within a public place and includes the person actually in charge of the premises at any particular time;

"public facility" means any hall, room or banquet area whether publicly owned or privately owned, and is rented for an event or function but does **not** include an outdoor area;

"public place" means the whole or part of any building to which the public has access;

"reception area" means the public space used by an office or establishment for the receiving or greeting of customers, clients or other persons dealing with such office or establishment;

"Recreation Amenity" means any part of an outdoor area established for recreation or sport activity, including but not limited to playgrounds, pools, wading pools, spray pads, outdoor skating rinks, sport fields (including but not limited to fields for soccer, baseball, football, field hockey, lacrosse, cricket), skateboard parks, bicycle or BMX parks, courts (including but not limited to courts for tennis, basketball);"

"retail establishment" means any building or part of a building, booth, stall or place where goods are exposed for sale or offered for sale by retail;

"school bus" means a public vehicle licensed for the purpose of transporting children to and from school or to or from any activity, event or function associated therewith;

"seating capacity" means the number of legal seats available for use by patrons or customers engaging in the immediate consumption of food or drink while seated;

"service counter" means an indoor counter where persons receive a service including, but not limited to, the exchange of money, sales, provision of information, transactions, advice or the transfer of money or goods;

"service line" means an indoor line of two or more persons awaiting service of any kind, regardless of whether or not such service involves the exchange of money including, but not limited to sales, provision of information, transactions, advice or the transfer of money or goods;

"shopping mall" means any enclosed building or group of buildings containing one or more retail establishments;

"smoke" or **"smoking"** means the smoking or holding of lighted tobacco, cannabis, or electronic cigarettes in any form and includes the holding or carrying of a lighted cigar, cigarette, e-cigarette or pipe or any other lighted smoking equipment, but excludes smoke or smoking where smoke or smoking is used in a stage production of a theatrical rehearsal or performance;

"smoke-free" means that no smoking or vaping is permitted;

"taxi-cab service" means the use of a taxi-cab or other vehicle for the conveyance of one or more passengers in exchange for a fee or other consideration;

"vapourizing or vaping or vape" means:

1) inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing tobacco, cannabis or any other substance, or

2) holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from tobacco, cannabis or any other substances ~~inhaling or exhaling vapour from an electronic cigarette (e-cigarette) or holding an activated e-cigarette, whether or not the vapour contains nicotine or cannabis.~~

"work-place" means a building, structure, vessel, vehicle or conveyance or part thereof, to which the public may or may not have access either express or implied, in which one or more employees work, including any other area in the building, structure, vessel, vehicle or conveyance utilized by employees, but does not include an outdoor patio.

1.1 All schedules attached to this By-law form part of this By-law.

1.2 Headings and sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this By-law.

1.3 Where this By-law cites or refers to any act, regulation, code or other bylaw, the citation or reference is to that act, regulation, code or other by-law as amended, whether amended before or after the commencement of this By-law, and includes reference to any other act, regulation, code or other by-law that may be substituted in its place.

~~1.1.4~~ 1.4 Nothing in this By-law relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence.

2.0 GENERAL PROHIBITIONS

2.1 No person shall smoke or vape in any of the following designated public places, whether or not a no smoking sign is posted:

- a) a common area;
- b) any indoor service line or any service counter in any premise to which the public has access;
- c) a school bus;

- d) a theatre or auditorium, gymnasium, indoor swimming pool, locker room, arena, community centre, library, museum or art gallery or other enclosed place of public assembly;
- e) a public washroom;
- f) a food court;
- g) a public facility;
- h) a reception area;
- i) a place of amusement;
- j) a municipally owned or leased building, structure, vehicle, vessel or conveyance;
- k) a bingo hall;
- l) a place of refreshment;
- m) a taxi-cab service;
- n) a public transit vehicle;
- o) a common area of a residential building;
- p) a retail establishment or a shopping mall;
- q) a transit waiting room, including a transit shelter;
- r) a convention facility;
- s) an enclosed parking garage to which the public has access;
- t) a laundromat;
- u) a barber shop or hairdressing establishment;
- v) a casino, race track or premises with slot machines;
- w) a shelter or drop in centre;
- x) a common area of a public place;
- y) a private club;
- z) all Perth and Stratford Housing Corporation (PSHC) properties for those lease agreements entered into after , effective August 2018.
- aa) Indoor common areas in condominiums, apartment buildings and university/college residences.

2.2 No person shall smoke or vape in any work-place whether or not a no smoking sign is posted.

2.3 Every proprietor and every employer shall ensure compliance with this By-law.

2.4 Every operator of a taxi-cab service shall ensure compliance with the provisions of this section 2.1 of this By-law at all times while within his or her own taxi-cab or limousine, while it is being operated operating as a taxi-cab or limousine.

2.5 Every employer shall make it known to ~~inform~~ each employee in the work-place that smoking is prohibited in the work place.

2.6 An employer, operator, or proprietor must not permit a person to smoke or vape on premises controlled or owned by them where doing so is prohibited by this By-law.

3.0 **SIGNS TO BE POSTED**

3.1 Every proprietor of a public place subject to the provisions of this bBy-law enumerated in section 2.1 and every employer shall post and maintain signs at each entrance to their building or premises and in each washroom, in ~~conspicuous~~ locations that are clearly visible to all persons.

3.2 ~~Each sign required to be posted by this By-law shall be a minimum of, at least~~ 14 centimetres (5.5 inches) by 14 centimetres (5.5 inches) in size that includes a depiction of the international no smoking symbol at least 7.5 centimetres (3 inches) in size and ~~have~~ lettering at least 1.6 centimetres (5/8 inch) high and at least 0.4 centimetres (1/8 inch) wide at the narrowest point with the rest of the letter sized proportionately ~~which—that~~ reads "City of Stratford By-law, Maximum Fine \$5,000" as shown ~~in~~ Schedule "A" attached hereto.

~~3.3 Deviations from the content of the sign prescribed in this section that do not affect the substance or that are not calculated to mislead, do not affect the validity of the sign.~~

~~3.4.3~~ Any sign prohibiting smoking that refers to a previous By-law of the City is deemed to be referring to this By-law.

3.4 No person shall remove, cover up or alter any sign which has been posted pursuant to the requirements of this By-law.

4.0 **ASHTRAYS**

4.1 Every employer shall ensure that no ashtrays or similar like paraphernalia are placed or permitted to remain in any part of the work place.

4.2 Every proprietor shall ensure that no ashtrays or similar like paraphernalia are placed or permitted to remain in any part of the premises referred to in this By-law, where smoking is prohibited~~not permitted~~.

5.0 **EXEMPTIONS AND RESTRICTED AREAS**

5.1 Despite any other provisions of this By-law a person may smoke or vape in the following areas provided the area meets the conditions of the *Smoke-Free Ontario Act, 2017* for such exemption~~Notwithstanding sections 2.1 and 2.2, this By-law does not apply to: :~~

~~a) a Designated Smoking Room (DSR) in a private club that has been designated by a majority of the bona fide members of the club as a DSR, provided that the DSR:~~

~~i) has a floor area not exceeding 50% of the total floor area of the club; and~~

~~ii) is separate, fully enclosed, used for the exclusive use of the members of the club and not available to the public;~~

~~and provided that the proprietor ensures that only employees, bona fide members of the private club, and their guests are allowed within the DSR;~~

~~b) a Designated Smoking Room (DSR) that was lawfully established after January 1, 2001 under By-law 62-93, as amended, or the *Tobacco Control Act* and before April 1, 2005, provided that the employer or proprietor continues:~~

~~i) to operate and maintain the DSR ventilation system to the standards as prescribed by the *Tobacco Control Act Ontario Regulation 613/94* and any amendments thereto;~~

~~ii) to ensure that the DSR is signed as a DSR in prominent locations in the DSR and at entrances to the DSR, so as to be conspicuous at all times; and~~

~~iii) to ensure compliance with this By-law.~~

~~c) a Designated Smoking Room (DSR) in a bingo hall provided that the DSR:~~

~~i) is up to a maximum of 50% of the total floor area of the bingo hall used for the playing of bingo;~~

~~ii) is signed by the proprietor as a DSR in prominent locations in the DSR and at entrances to the DSR so as to be conspicuous at all times;~~

~~and provided that the proprietor ensures compliance with this By-law~~

~~d) an area that on the date this By-law comes into force is set aside for smoking, if the area is in a premises referred to in subsection 6(3), (5) or (6) of *Ontario Regulation 613/94* and the area meets the requirements of those subsections and subsections 6(1) and (2) of *Ontario Regulation 613/94*;~~

- a) an outdoor area subject to the provisions of this By-law including but not limited to, ~~provided that the outdoor area is signed in prominent locations and at the entrances to the outdoor area, so as to be conspicuous at all times, as an area where smoking is permitted notwithstanding section 14.-~~
- b) a room or rooms in a hotel, motel or other place where rooms are rented for sleeping accommodation, provided that:
 - i) the room is used for sleeping accommodation only;
 - ii) each room is identified and specifically set aside as a room in which smoking is permitted; and
 - iii) the proprietor indicates that smoking is permitted in the identified room(s) by installing and maintaining a sign that is at the entrance to the identified room(s) so as to be conspicuous at all times;
- c) short term accommodation units in private residence buildings;
- ~~ed)~~ a bed and breakfast establishment, a guest home;
- ~~fe)~~ private dwellings;
- ~~fg)~~ Despite any other provision of the By-law a person may smoke or vape in a location permitted pursuant to section 13 of the *Smoke-Free Ontario Act, 2017* any part of a workplace that is used as a private residence, whether temporarily or permanently;

~~5.2 Notwithstanding section 5.0 of this By-law, a Designated Smoking Room (DSR) shall not be permitted to be installed after April 1, 2005 in premises where a DSR, in accordance with this by-law, did not previously exist. This provision does not prohibit maintenance after April 1, 2005, of a lawfully established DSR.~~

~~5.3 A new outdoor area established after this by-law comes into effect, in which smoking is permitted in accordance with all other provisions of this By-law, shall be restricted to a maximum seating capacity of 50.~~

6.0 INSPECTIONS

- 6.1 An inspector may, at any reasonable time, enter any designated public place or work-place for the purposes of determining compliance with this By-law.
- 6.2 No inspector may enter a work-place that is also a dwelling without the consent of the occupant or without first obtaining and producing a warrant.
- 6.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, an inspector in the exercise of a power or performance of a duty under this By-law.
- 6.4 Where any person contravenes any provision of this By-law, an Inspector may direct such person to comply with this By-law. No person so directed, shall fail to comply with such direction without delay.
- 6.5 Where an Inspector has reasonable grounds to believe that an offence has been committed by a person, the Inspector may require the name, address and proof of identity of that person and no person shall fail to supply the required information.

7.0 OFFENCES AND PENALTY

- 7.1 Every person who is convicted of an offence under any provisions of this By-law shall be liable to a penalty as set out in section 61 of the *Provincial Offences Act, R.S.O. 1990 chapter P.33* or any successor thereof.
- 7.2 If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty that is imposed, the court in which the conviction is entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

8.0 CONFLICTS

- 8.1 If a provision of this By-law conflicts with an Act or Regulation or another By-law, the provision that is the most restrictive of smoking shall prevail.

9.0 SEVERABILITY

- 9.1 If any section or sections of this By-law, or part thereof, is found in any court of law to be illegal or beyond the power of the City to enact, such sections or part thereof shall be deemed to be severable and all other sections or parts of the By-law shall be deemed to be separate and independent thereof and to be enacted as such.

10.0 REPEAL

- 10.1 By-law 62-93 and any amendments thereto are repealed upon this By-law coming into effect.

11.0 EFFECTIVE DATE

- 11.1 This By-law comes into effect on August 1, 2004 as it relates to Bingo Country, Royal Canadian Legion Branch 8, and Army Navy and Air Force Veterans Club, Unit 261.
- 11.2 This By-law comes into effect on April 1, 2004 as it relates to all other locations.

12.0 SCHEDULES

12.1 Schedule "A" attached hereto forms part of this By-law.

12.2 Schedule "B" attached hereto forms part of this By-law.

12.3 Schedule "C" attached hereto forms part of this By-law.

13.0 TITLE

- 13.1 This By-law may be cited as the City of Stratford "**Smoking in Public Places By-law**".

14.0 OUTDOOR SPACES

14.1 No person shall be permitted to smoke or vape within nine (9) metres (30 feet) of any part of the following outdoor spaces:

a) an Entrance or Exit of a Municipal Building.

b) Sheltered outdoor areas with a roof and more than two walls that the public or employees frequent, or are invited to (such as a bus shelter);
a bus shelter.

c) City property.

14.2 No person shall be permitted to smoke or vape within ~~twenty (20) meters (65 feet)~~ of any of the following outdoor spaces:

a) Children's playgrounds and all public areas within 20 metres of these grounds;

b) Schools, on school grounds, and all public areas within 20 metres of these grounds;

c) Publicly owned sports fields, nearby spectator areas and public areas within 20 metres of these areas;

d) Outdoor grounds of hospitals (public/private) and psychiatric facilities;

e) Reserved seating areas at outdoor sports and entertainment locations;

f) Grounds of community recreational facilities, and public areas within 20 metres of those grounds; and,

g) Restaurant and bar patios and within 9 metres of these patios.

14.3 No person shall be permitted to smoke or vape in a City Park.

14.4 No person shall be permitted to smoke or vape in Market Square in the following areas:

a) Those areas identified on the attached Schedule 'B';

b) In the parking area or sidewalk area when Market Square is closed for a special event in accordance with the applicable permits issued by the City and as identified in Schedule 'C'; and

~~a)c)~~ Within 9 metres of any entrance to Stratford City Hall.

15.0 HOSPITAL PROPERTY

- 15.1 No person shall smoke on Stratford General Hospital properties identified by municipal address below, or in any buildings, structures and open spaces located on the municipal addresses below:
- a) 46 General Hospital Drive
 - b) 90 John Street South
 - c) 88 John Street South
 - d) 86 John Street South
 - e) 118 John Street South
 - f) 130 Youngs Street.

16.0 EXEMPTIONS TO OUTDOOR SPACES

- 16.1 The provisions of Section 14.0 of this By-law do not apply to smoking on a highway.
- 16.2 This By-law does not prohibit an Aboriginal person from smoking if the activity is carried out for traditional Aboriginal cultural or spiritual purposes.
- 16.3 This By-law does not prohibit a non-Aboriginal person from smoking if the activity is carried out with an Aboriginal person and for traditional Aboriginal cultural or spiritual purposes.

17.0 APPLICATION OF SECTIONS

- 17.0 The application of Section 14.0 and Section 15.0 is not affected by the absence or presence of signage with respect to smoking.

Read a FIRST, SECOND and THIRD time and

~~FINALLY PASSED this 22nd day of September, 2003.~~

~~"Karen Haslam"~~
Mayor – Karen Haslam

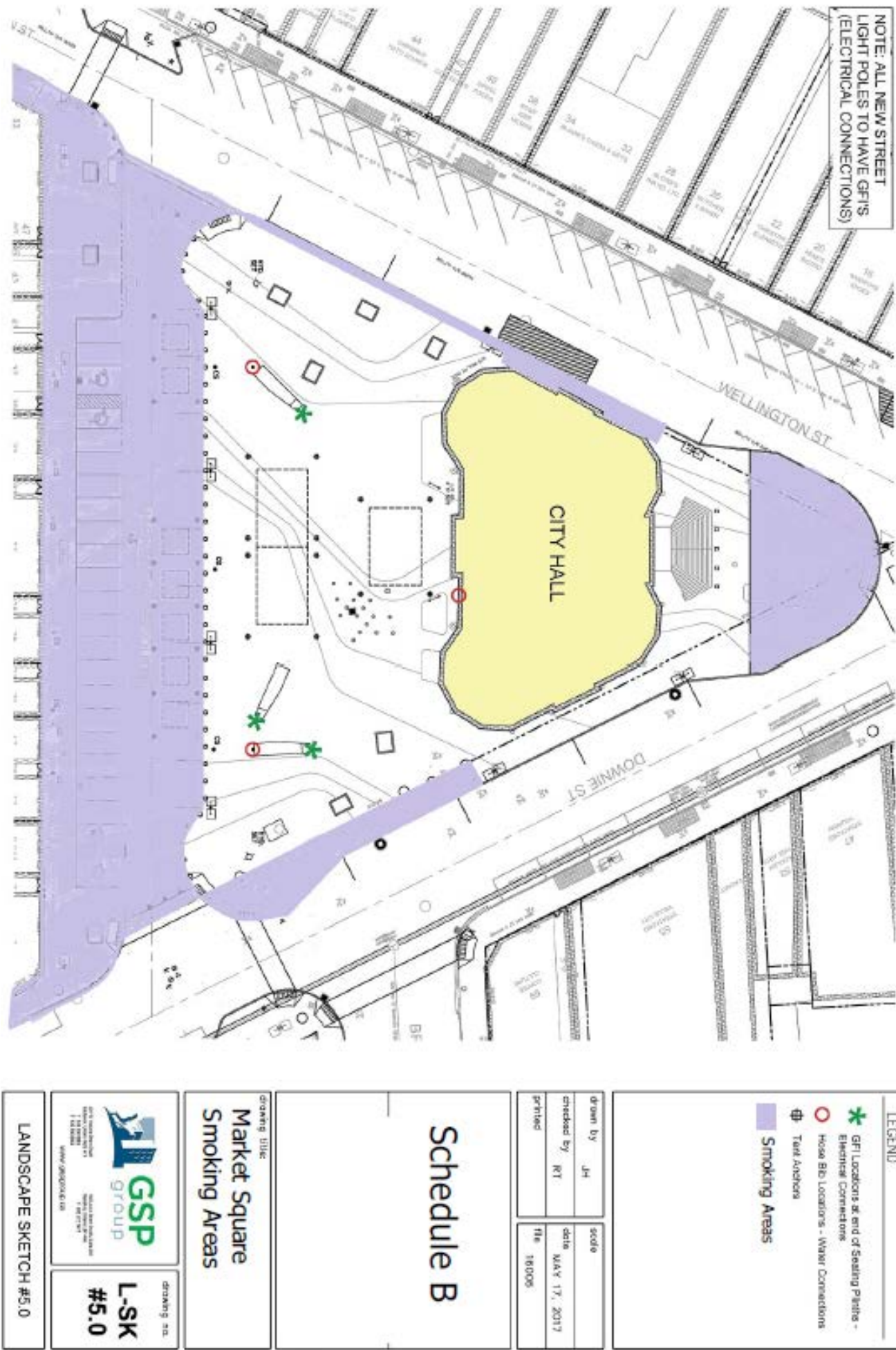
~~"Joan Thomson"~~
Clerk – Joan Thomson

This is Schedule "A" to By-law Number 174-2003

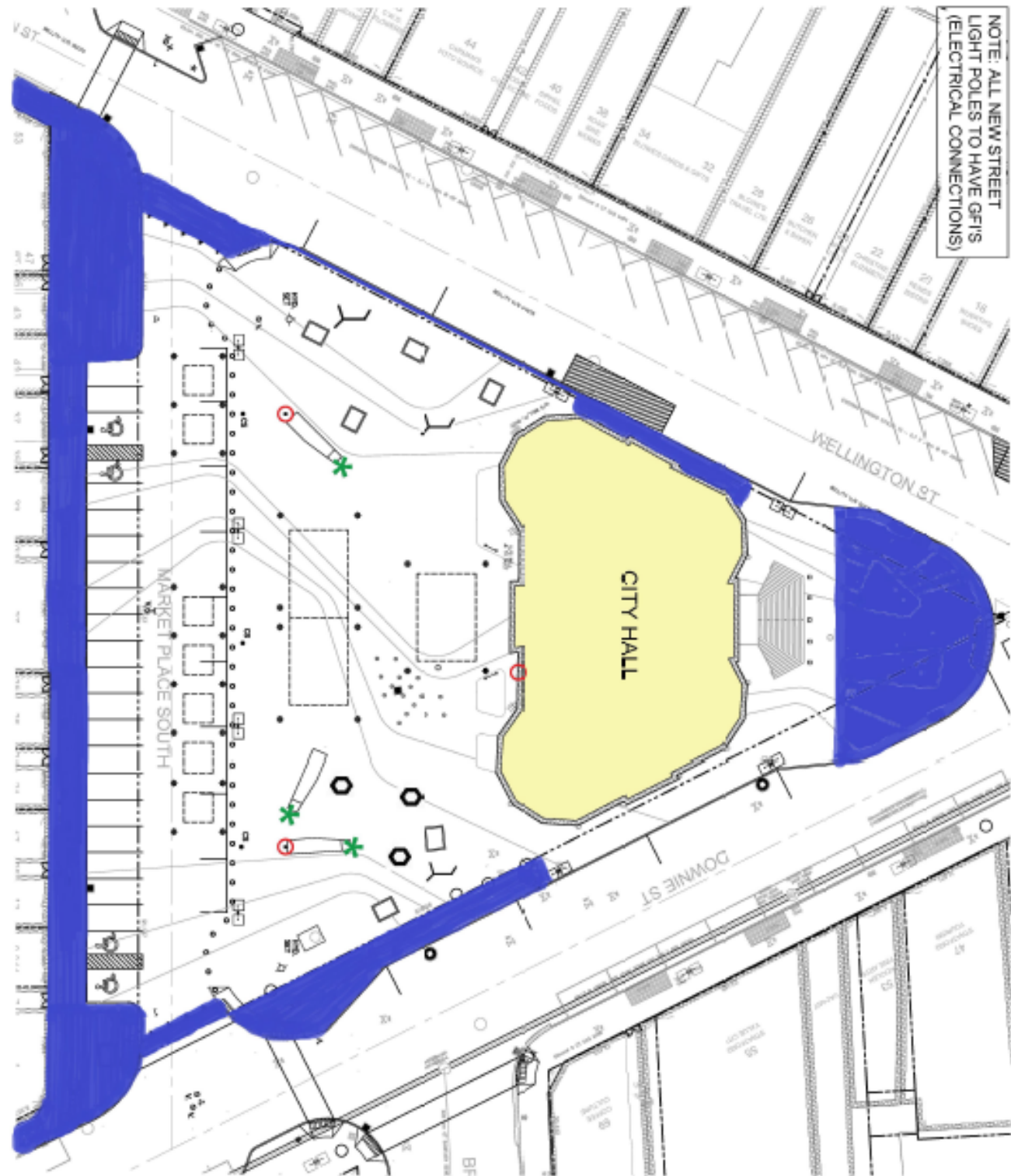
~~enacted this 22nd day of September, 2003~~



This is Schedule "B" to By-law Number 174-2003



This is Schedule "C" to By-law Number 174-2003



LEGEND	
	GFI Locations at end of Seating Plinths - Electrical Connections
	Hose Bib Locations - Water Connections
	Smoking Areas
	Terr. Anchors
Metadata	
drawn by JH	scale
checked by RT	date MAY 17, 2017
printed	file 16006
Schedule C	
EVENT ROUGH IN PLAN	
STRATFORD MARKET SQUARE	
STRATFORD ONTARIO	
drawing title	
Market Square Special Event	
Smoking Areas when parking area is closed	
drawing no.	
L-SK #5.0	
LANDSCAPE SKETCH #5.0	

Province of Ontario legislation: "*Smoke-Free Ontario Act*" prohibits smoking is prohibited in all enclosed workplaces and public places across Ontario as of May 31, 2006. To find out more information about the *Smoke-Free Ontario Act*, go to:

www.mhp.gov.on.ca/english/health/smoke_free/background.asp



**BY-LAW NUMBER 174-2003
OF
THE CORPORATION OF THE CITY OF STRATFORD**

BEING a By-law to regulate smoking in public places and work places in the City of Stratford and to repeal By-law 62-93 as amended.

WHEREAS Section 8 of the *Municipal Act 2001, S.O. 2001, c.25* as amended provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS clause 6 of subsection 10(2) of the *Municipal Act* provides that a municipality may pass by-laws in the interest of the health, safety and well-being of its residents;

AND WHEREAS section 115 of the *Municipal Act*, authorizes the council of a local municipality to pass a by-law regulating the smoking or vapourizing of tobacco and cannabis in public places and work places within the municipality and designating public places or work places or classes or parts of such places as places in which smoking tobacco or cannabis or holding lighted tobacco, cannabis, or an electronic cigarette is prohibited;

AND WHEREAS Section 128 of the *Municipal Act* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the council are or could become or cause public nuisances;

AND WHEREAS Section 129 of the *Municipal Act* provides that a local municipality may prohibit and regulate with respect to odours;

AND WHEREAS the Council of The Corporation of the City of Stratford wishes to prohibit the smoking or vapourizing of tobacco and cannabis in certain public places;

AND WHEREAS Section 18 of the *Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Schedule 3*, contemplates that a municipal by-law may deal with a matter to which that Act applies but in a more restrictive manner, and directs that the by-law prevails to the extent that it is more restrictive than the Act;

AND WHEREAS it has been determined that second-hand smoke is a serious health hazard because of its adverse effects and risk to the health of the inhabitants, visitors and workers in the municipality;

AND WHEREAS it is desirable for the purpose of promoting and protecting the health, safety and welfare of the inhabitants, visitors and workers of the City to ensure that public places and work places will be free from second-hand smoke, except those places or areas exempted by by-law;

NOW THEREFORE BE IT ENACTED by Council of Corporation of the City of Stratford as follows:

1.0 DEFINITIONS AND INTERPRETATION

In this By-law:

"bar or night club" means a building or structure, or a portion thereof, which has both of the following features:

- 1) the predominant purpose is the serving of alcohol and entry is intended to be restricted to those of the age of majority; and,
- 2) the food served, if any, would generally be described as a "snack" rather than a full meal;

and includes, without limiting the generality of the foregoing, bars, taverns, nights clubs, adult entertainment establishments;

"beer garden, beer tent or tent" means a delineated outdoor area where beverages are sold or offered to the public for immediate consumption that:

- 1) is not covered by a temporary or permanent roof; or
- 2) if covered by a temporary or permanent roof;
 - i) has no permanent walls surrounding the roofed area; and
 - ii) has a circulation of fresh air through the area.

"bingo hall" means any building, location or premises where bingo events within the meaning of the *Gaming Control Act, 1992* are conducted;

"cannabis" means cannabis as defined in section 2(1) of the Cannabis Act (Canada) and includes any products containing cannabis.

"casino" means an establishment within the meaning of the *Gaming Control Act, 1992* and includes any building, location or premises or portion thereof, where the conduct of one or more gaming events is held for the purpose of raising money for a charity or non-profit organization;

"City" means The Corporation of the City of Stratford;

"City Hall" means the municipal building situated at 1 Wellington Street, City of Stratford, Province of Ontario;

"City Park" means land and land covered by water and all portions thereof under the control, management or joint-management of the City, that is or hereafter may be established, dedicated, set apart or made available by the City for recreational purposes, including without limiting the generality of the foregoing, a park, playgrounds, sportsfields, a leash-free dog park and an environmentally significant area, including any buildings, structures, facilities, erections and improvements located in or on such land;

"common area" means any indoor area of a building that is open to the public for the purposes of access to a retail establishment, office, hotel, motel, inn, hostel, shopping mall, shopping plaza, and includes an elevator, escalator, stairway, corridor, passageway, hallway, unenclosed eating areas in corridors, public restrooms, unenclosed public seating areas and unenclosed public standing areas, whether or not the eating area, seating area or standing area is leased;

"common area of a residential building" includes, but is not limited to an elevator, escalator, stairway, hallway, corridor, a laundry room, a foyer, a reception area, a community room and a parking garage. It does not include rented or privately owned living quarters;

"convention facility" means a place of public assembly with space available for rent or lease for a meeting or assembly of persons, representatives or delegates, whether public or private in nature and includes a hotel convention facility;

"designated public place" means a public place as designated under section 2 of this By-law;

"designated smoking room (DSR)" means a room designated by the employer or proprietor for use as a smoking area provided that the room is separately enclosed and ventilated to the exterior of the premises in accordance with the standards as prescribed in the *Tobacco Control Act Ontario Regulation 613/94* and any amendments thereto. Further, the room designated as a DSR must be:

- 1) not located in an essential part of the building through which persons must travel to get to another area of the premises, such as but not limited to a work site, an office, storage area, eating area, washroom, stairwell or reception area;
- 2) either:

- i) set aside specifically for the purpose of smoking; or
 - iii) set aside for the purpose of smoking and for the purpose of carrying on another activity if there is another area on the premises, that is equal to or greater in size than the smoking area, in which smoking is not permitted and in which that other activity may be carried on; and
- 3) is signed by the proprietor as a DSR in prominent locations in the DSR and at entrances to the DSR so as to be conspicuous at all times

“electronic cigarette” or **“e-cigarette”** or **“electronic smoking device”** means a vapourizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine or cannabis.

“employee” means a person who, being paid or unpaid, performs any work for or supplies any service to an employer, or a person who receives any instruction or training in the activity, business, work, trade, occupation or profession of an employer and includes a volunteer and a person who is self-employed and “employment” has a corresponding meaning;

“employer” means any person who, as the owner, proprietor, manager, contractor, superintendent, supervisor or overseer of any activity, business, work trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of an employee and with respect to public transportation vehicles, taxicabs or limousines, the owner or operator of the public transportation vehicle or taxicab service;

“Entrance or Exit” means any entrance or exit used by the public and or staff to enter or exit a Municipal Building and also means any external serving window of a municipal building or municipal occupied building, or part thereof which is used as a concession stand;

“food court” means an area within an enclosed shopping area or shopping mall where food or drink is offered for sale or sold to the public for immediate consumption;

“inspector” means any employee or class of employee of the City or the Perth District Health Unit, authorized by the City to carry out an inspection and to enforce the provisions of this By-law or a person or class of person appointed by Council of the City as a by-law enforcement officer to enforce this By-law, or any police officer of the Stratford Police Services;

“laundromat” means any facility, premises or areas within a building to which the public has access for the purposes of laundering, washing or drying;

“Market Square” means the property where City Hall is located and described as the lands bounded by Downie Street, Wellington Street and Block “C,” otherwise known as Market Place;

“Municipal Building” means any enclosed building or structure owned by the City or any building of which any portion is rented to the City and includes, and is not limited to municipal offices, transit facilities, bus shelters, community centres, libraries, indoor swimming pools, arenas, museums, art galleries, public washrooms, concession stands, recreational centres, fire halls, ambulance stations, police stations, golf course clubhouses and all Perth and Stratford Housing Corporation (PSHC) properties.

“outdoor area” means an existing area as of the date of this By-law coming into force, that:

- 1) is not covered by a temporary or permanent roof; or
- 2) if covered by a temporary or permanent roof:
 - i) has one or more unobstructed, exterior openings in the walls surrounding the roofed area which are:
 - a) located between the floor and a height of 2.44 metres above the floor, and
 - b) equal to or greater in area than 35% of the total wall surface, such wall surface to be calculated as if the roofed area were surrounded by walls 2.44 metres in height;
 - ii) does not share open windows with a place of refreshment;

- iii) does not share open doors with a place of refreshment, except when doors are being opened by individuals to enter or exit the outdoor area;
- iv) does not have a thermostat controlled heating or air conditioning system nor does it share a thermostat controlled heating or air conditioning system with a place of refreshment; and,
- v) has a circulation of fresh air throughout the area.

"person" includes a corporation;

"place of amusement" means an indoor area of a building or structure or portion thereof, whether privately or publicly owned, in which the predominant use is that of the playing of games or amusement and includes without limiting the generality thereof, bowling, billiards or pool, video games arcade machines;

"place of public assembly" means the whole or part of an area to which the public has access by right or by invitation, express or implied, whether by payment of money or not, but does not include an outdoor area;

"place of refreshment" means any premises where food or drink is offered for sale or is sold to the public for immediate consumption together with any part where the public has access and includes without limiting such, a restaurant, a dining room, a dairy bar, a coffee shop, a donut shop, a snack bar, a refreshment stand, a banquet hall or facility, a bar or night club, a tavern, an adult entertainment establishment, a beer garden, beer tent or tent;

"Playground" means any part of an outdoor area fitted with play equipment, including but not limited to slides, swings, climbing equipment. This area may be defined by a border which encloses an area of sand, rubber, or any similar safety surface;

"private club" means a club that:

- 1) has a membership list;
- 2) where each member is required by the club to pay an annual or periodic membership;
- 3) has an executive/leadership that is elected by all the members on an annual or periodic basis;
- 4) has a constitution or by-laws that provide the governing rules for the membership, executives, fees, etc.,
- 5) is not-for-profit;
- 6) that has a requirement in its by-laws where non-members cannot enter the premises to consume food or alcohol unless accompanied by a member.

"proprietor" means the person who ultimately controls, governs or directs the activity carried on within a public place and includes the person actually in charge of the premises at any particular time;

"public facility" means any hall, room or banquet area whether publicly owned or privately owned, and is rented for an event or function but does **not** include an outdoor area;

"public place" means the whole or part of any building to which the public has access;

"reception area" means the public space used by an office or establishment for the receiving or greeting of customers, clients or other persons dealing with such office or establishment;

"Recreation Amenity" means any part of an outdoor area established for recreation or sport activity, including but not limited to playgrounds, pools, wading pools, spray pads, outdoor skating rinks, sport fields (including but not limited to fields for soccer, baseball, football, field hockey, lacrosse, cricket), skateboard parks, bicycle or BMX parks, courts (including but not limited to courts for tennis, basketball);"

"retail establishment" means any building or part of a building, booth, stall or place where goods are exposed for sale or offered for sale by retail;

"school bus" means a public vehicle licensed for the purpose of transporting children to and from school or to or from any activity, event or function associated therewith;

"seating capacity" means the number of legal seats available for use by patrons or customers engaging in the immediate consumption of food or drink while seated;

"service counter" means an indoor counter where persons receive a service including, but not limited to, the exchange of money, sales, provision of information, transactions, advice or the transfer of money or goods;

"service line" means an indoor line of two or more persons awaiting service of any kind, regardless of whether or not such service involves the exchange of money including, but not limited to sales, provision of information, transactions, advice or the transfer of money or goods;

"shopping mall" means any enclosed building or group of buildings containing one or more retail establishments;

"smoke" or **"smoking"** means the smoking or holding of lighted tobacco, cannabis, or electronic cigarettes in any form and includes the holding or carrying of a lighted cigar, cigarette, e-cigarette or pipe or any other lighted smoking equipment, but excludes smoke or smoking where smoke or smoking is used in a stage production of a theatrical rehearsal or performance;

"smoke-free" means that no smoking or vaping is permitted;

"taxi-cab service" means the use of a taxi-cab or other vehicle for the conveyance of one or more passengers in exchange for a fee or other consideration;

"vapourizing or vaping or vape" means:

- 1) inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing tobacco, cannabis or any other substance, or
- 2) holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from tobacco, cannabis or any other substances

"workplace" means a building, structure, vessel, vehicle or conveyance or part thereof, to which the public may or may not have access either express or implied, in which one or more employees work, including any other area in the building, structure, vessel, vehicle or conveyance utilized by employees, but does not include an outdoor patio.

- 1.1 All schedules attached to this By-law form part of this By-law.
- 1.2 Headings and sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this By-law.
- 1.3 Where this By-law cites or refers to any act, regulation, code or other bylaw, the citation or reference is to that act, regulation, code or other by-law as amended, whether amended before or after the commencement of this By-law, and includes reference to any other act, regulation, code or other by-law that may be substituted in its place.
- 1.4 Nothing in this By-law relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence.

2.0 PROHIBITION

- 2.1 No person shall smoke or vape in any of the following designated public places, whether or not a no smoking sign is posted:
 - a) a common area;
 - b) any indoor service line or any service counter in any premise to which the public has access;
 - c) a school bus;
 - d) a theatre or auditorium, gymnasium, indoor swimming pool, locker room, arena, community centre, library, museum or art gallery or other enclosed place of public assembly;
 - e) a public washroom;
 - f) a food court;
 - g) a public facility;

- h) a reception area;
- i) a place of amusement;
- j) a municipally owned or leased building, structure, vehicle, vessel or conveyance;
- k) a bingo hall;
- l) a place of refreshment;
- m) a taxi-cab service;
- n) a public transit vehicle;
- o) a common area of a residential building;
- p) a retail establishment or a shopping mall;
- q) a transit waiting room, including a transit shelter;
- r) a convention facility;
- s) an enclosed parking garage to which the public has access;
- t) a laundromat;
- u) a barber shop or hairdressing establishment;
- v) a casino, race track or premises with slot machines;
- w) a shelter or drop in centre;
- x) a common area of a public place;
- y) a private club;
- z) all Perth and Stratford Housing Corporation (PSHC) properties for those lease agreements entered into after August 2018.
- aa) Indoor common areas in condominiums, apartment buildings and university/college residences.

2.2 No person shall smoke or vape in any workplace whether or not a no smoking sign is posted.

2.3 Every proprietor and every employer shall ensure compliance with this By-law.

2.4 Every operator of a taxi-cab service shall ensure compliance with the provisions of this By-law at all times while operating as a taxi-cab or limousine.

2.5 Every employer shall make it known to each employee in the workplace that smoking is prohibited in the work place.

2.6 An employer, operator, or proprietor must not permit a person to smoke or vape on premises controlled or owned by them where doing so is prohibited by this By-law.

3.0 SIGNS TO BE POSTED

3.1 Every proprietor of a public place subject to the provisions of this by-law and every employer shall post and maintain signs at each entrance to their building or premises and in each washroom, in locations that are clearly visible to all persons.

3.2 Each sign required to be posted by this By-law shall be a minimum of 14 centimetres (5.5 inches) by 14 centimetres (5.5 inches) in size that includes a depiction of the international no smoking symbol at least 7.5 centimetres (3 inches) in size and have lettering at least 1.6 centimetres (5/8 inch) high and at least 0.4 centimetres (1/8 inch) wide at the narrowest point with the rest of the letter sized proportionately that reads "City of Stratford By-law, Maximum Fine \$5,000" as shown on Schedule "A" attached hereto.

3.3 Any sign prohibiting smoking that refers to a previous By-law of the City is deemed to be referring to this By-law.

- 3.4 No person shall remove, cover up or alter any sign which has been posted pursuant to the requirements of this By-law.

4.0 ASHTRAYS

- 4.1 Every employer shall ensure that no ashtrays or similar like paraphernalia are placed or permitted to remain in any part of the work place.
- 4.2 Every proprietor shall ensure that no ashtrays or similar like paraphernalia are placed or permitted to remain in any part of the premises referred to in this By-law, where smoking is prohibited.

5.0 EXEMPTIONS AND RESTRICTED AREAS

- 5.1 Despite any other provisions of this By-law a person may smoke or vape in the following areas provided the area meets the conditions of the *Smoke-Free Ontario Act, 2017* for such exemption:
- a) an outdoor area subject to the provisions of this By-law including but not limited to section 14.
 - b) a room or rooms in a hotel, motel or other place where rooms are rented for sleeping accommodation, provided that:
 - i) the room is used for sleeping accommodation only;
 - ii) each room is identified and specifically set aside as a room in which smoking is permitted; and
 - iii) the proprietor indicates that smoking is permitted in the identified room(s) by installing and maintaining a sign that is at the entrance to the identified room(s) so as to be conspicuous at all times;
 - c) short term accommodation units in private residence buildings;
 - d) a bed and breakfast establishment, a guest home;
 - e) private dwellings;
 - f) Despite any other provision of the By-law a person may smoke or vape in a location permitted pursuant to section 13 of the *Smoke-Free Ontario Act, 2017*;

6.0 INSPECTIONS

- 6.1 An inspector may, at any reasonable time, enter any designated public place or workplace for the purposes of determining compliance with this By-law.
- 6.2 No inspector may enter a workplace that is also a dwelling without the consent of the occupant or without first obtaining and producing a warrant.
- 6.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, an inspector in the exercise of a power or performance of a duty under this By-law.
- 6.4 Where any person contravenes any provision of this By-law, an Inspector may direct such person to comply with this By-law. No person so directed, shall fail to comply with such direction without delay.
- 6.5 Where an Inspector has reasonable grounds to believe that an offence has been committed by a person, the Inspector may require the name, address and proof of identity of that person and no person shall fail to supply the required information.

7.0 OFFENCES AND PENALTY

- 7.1 Every person who is convicted of an offence under any provisions of this By-law shall be liable to a penalty as set out in section 61 of the *Provincial Offences Act, R.S.O. 1990 chapter P.33* or any successor thereof.

- 7.2 If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty that is imposed, the court in which the conviction is entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

8.0 CONFLICTS

- 8.1 If a provision of this By-law conflicts with an Act or Regulation or another By-law, the provision that is the most restrictive of smoking shall prevail.

9.0 SEVERABILITY

- 9.1 If any section or sections of this By-law, or part thereof, is found in any court of law to be illegal or beyond the power of the City to enact, such sections or part thereof shall be deemed to be severable and all other sections or parts of the By-law shall be deemed to be separate and independent thereof and to be enacted as such.

10.0 REPEAL

- 10.1 By-law 62-93 and any amendments thereto are repealed upon this By-law coming into effect.

11.0 EFFECTIVE DATE

- 11.1 This By-law comes into effect on August 1, 2004 as it relates to Bingo Country, Royal Canadian Legion Branch 8, and Army Navy and Air Force Veterans Club, Unit 261.
- 11.2 This By-law comes into effect on April 1, 2004 as it relates to all other locations.

12.0 SCHEDULES

- 12.1 Schedule "A" attached hereto forms part of this By-law.
- 12.2 Schedule "B" attached hereto forms part of this By-law.
- 12.3 Schedule "C" attached hereto forms part of this By-law.

13.0 TITLE

- 13.1 This By-law may be cited as the City of Stratford **"Smoking in Public Places By-law"**.

14.0 OUTDOOR SPACES

- 14.1 No person shall be permitted to smoke or vape within nine (9) metres (30 feet) of any part of the following outdoor spaces:
- a) an Entrance or Exit of a Municipal Building;
 - b) Sheltered outdoor areas with a roof and more than two walls that the public or employees frequent, or are invited to (such as a bus shelter);
 - c) City property.
- 14.2 No person shall be permitted to smoke or vape within any of the following outdoor spaces:
- a) Children's playgrounds and all public areas within 20 metres of these grounds;
 - b) Schools, on school grounds, and all public areas within 20 metres of these grounds;
 - c) Publicly owned sports fields, nearby spectator areas and public areas within 20 metres of these areas;
 - d) Outdoor grounds of hospitals (public/private) and psychiatric facilities;
 - e) Reserved seating areas at outdoor sports and entertainment locations;
 - f) Grounds of community recreational facilities, and public areas within 20 metres of those grounds; and,
 - g) Restaurant and bar patios and within 9 metres of these patios.
- 14.3 **No person shall be permitted to smoke or vape in a City Park.**
- 14.4 No person shall be permitted to smoke or vape in Market Square in the following areas:

- a) Those areas identified on the attached Schedule 'B';
- b) In the parking area or sidewalk area when Market Square is closed for a special event in accordance with the applicable permits issued by the City and as identified in Schedule 'C;' and
- c) Within 9 metres of any entrance to Stratford City Hall.

15.0 HOSPITAL PROPERTY

- 15.1 No person shall smoke on Stratford General Hospital properties identified by municipal address below, or in any buildings, structures and open spaces located on the municipal addresses below:
- a) 46 General Hospital Drive
 - b) 90 John Street South
 - c) 88 John Street South
 - d) 86 John Street South
 - e) 118 John Street South
 - f) 130 Youngs Street.

16.0 EXEMPTIONS TO OUTDOOR SPACES

- 16.1 The provisions of Section 14.0 of this By-law do not apply to smoking on a highway.
- 16.2 This By-law does not prohibit an Aboriginal person from smoking if the activity is carried out for traditional Aboriginal cultural or spiritual purposes.
- 16.3 This By-law does not prohibit a non-Aboriginal person from smoking if the activity is carried out with an Aboriginal person and for traditional Aboriginal cultural or spiritual purposes.

17.0 APPLICATION OF SECTIONS

- 17.0 The application of Section 14.0 and Section 15.0 is not affected by the absence or presence of signage with respect to smoking.

Read a FIRST, SECOND and THIRD time and

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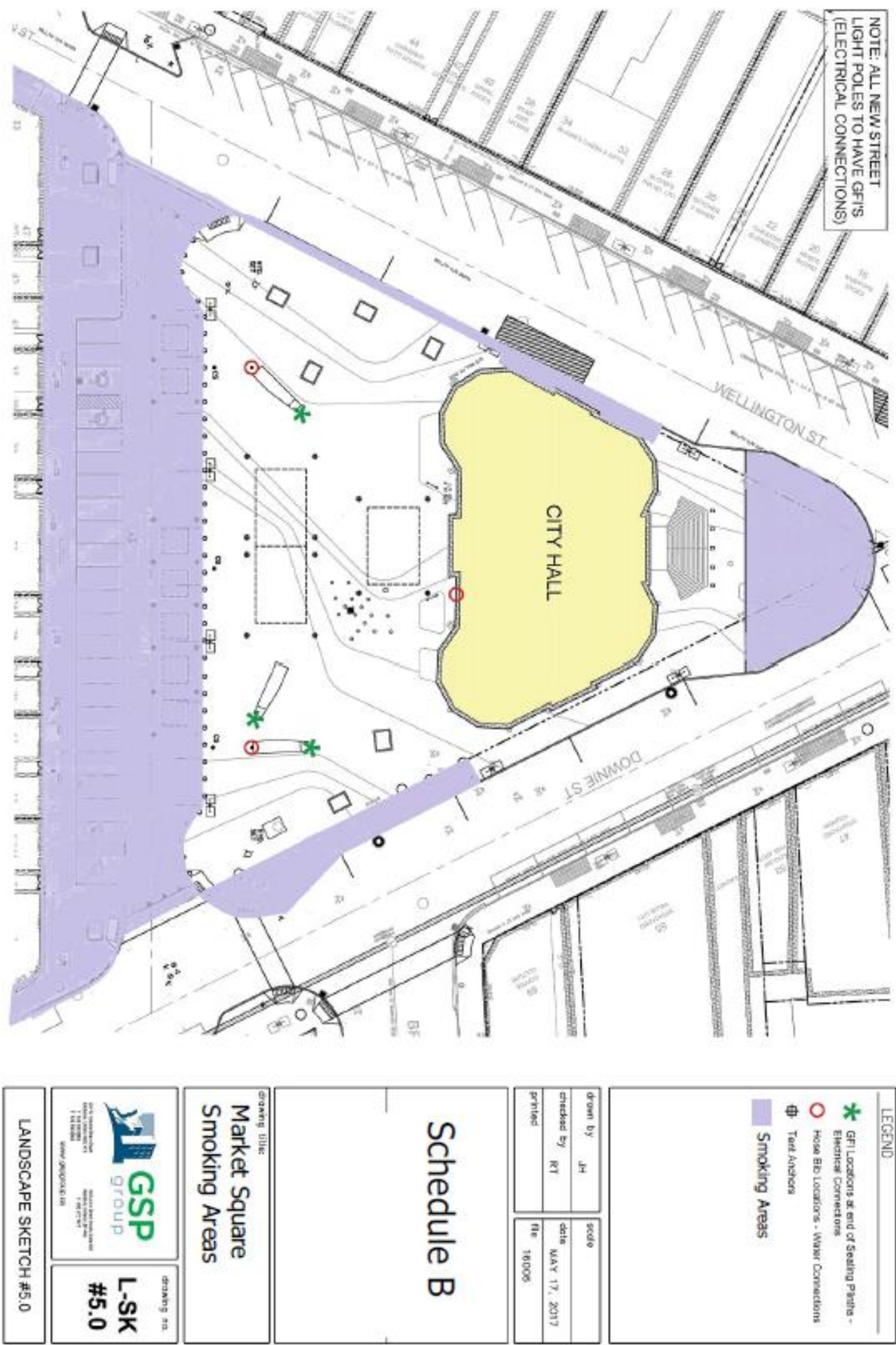
Mayor – Karen Haslam

Clerk – Joan Thomson

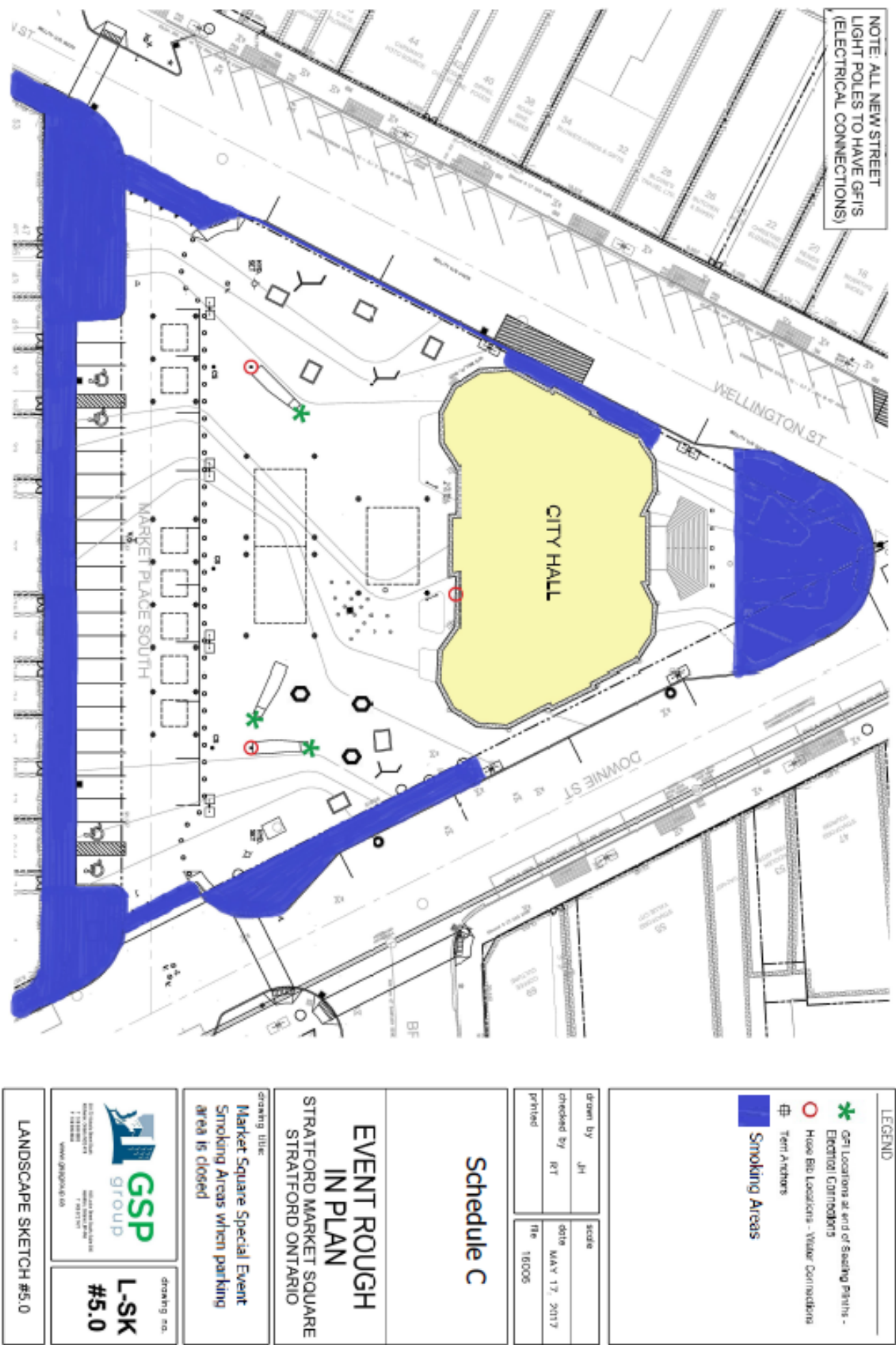
This is Schedule "A" to By-law Number 174-2003



This is Schedule "B" to By-law Number 174-2003



This is Schedule "C" to By-law Number 174-2003





MANAGEMENT REPORT

Date: April 2, 2019
To: Community Services Committee
From: Michael Mousley, Manager of Transit
Report#: COM19-015
Attachments: None

Title: Multi-Year Governance Agreement for Joint Transit Procurements Facilitated by Metrolinx/TPI (Transit Procurement Initiative)

Objective: To provide information to Council on the benefits to signing the Metrolinx/TPI Agreement for transit procurement.

Background: In 2006/2007 the Ministry of Transportation partnered with a number of municipalities to develop a common vehicle specification for 40-foot urban diesel buses as part of a Transit Procurement Initiative. The procurement process was designed to be open, fair and competitive.

Due to its success another common specification was developed for the purchase of Specialized Transit Buses.

The objectives of the procurement programs are "to reduce the unit costs of buses by consolidating bus orders to achieve the volumes required to attain economies of scale; reduce procurement process related costs; improve production and delivery scheduling, and reduce uncertainty for manufacturers through longer production runs, greater predictability and performance-based specifications".

Additional benefits to participating municipalities are:

- Increased influence over bus manufacturers to provide a higher quality of product and process;
- Improved warranty periods and delivery standards;
- Improved and guaranteed bus delivery dates (this is important with MTO subsidy program dates);
- The procurement process was built on using collective expertise from the transit industry;

- Quality bus inspection services during the manufacturing process; and
- Potential for future pooling of parts and continued technical knowledge exchange.

Due to the successes of this joint procurement initiative for transit vehicles, Metrolinx in consultation with Ontario transit systems has expanded the program to now include other joint procurements of transit system equipment, technology, facilities and related supplies and services.

The benefits to the Multi-Year Governance Agreement are:

- It streamlines processes throughout the program for Municipalities and Metrolinx;
- Facilitates Joint Procurements across an array of goods/services as approved by the program Steering Committee;
- Continues to add administration savings and value to the Joint Procurement process; and
- Still allows a participant to opt out as they deem necessary.

Metrolinx goes through a full transparent open procurement process and also hires a qualified ITS consultant to help develop the technical specs and evaluate the proponents during the RFP stage.

Analysis: To date there have been 47 participating transit agencies in the program since 2006, across Ontario, small, medium & large transit operations. Partnerships continue to grow year over year including (transit agencies roughly the same size as Stratford Transit):

Elliot Lake
 City of Coburg
 City of Kenora
 Peterborough Transit
 Kawartha Lakes
 Cornwall Transit
 Belleville Transit
 Orangeville Transit
 Bracebridge Transit
 Thunder Bay Transit
 Port Hope
 North Bay
 St. Thomas Transit
 Timmins Transit

TPI have successfully awarded 22 joint procurements covering conventional and specialized buses, bus parts, video and tracking bus technologies. Information in their last Fiscal Annual 2017-2018 report includes:

- Savings to Ontario taxpayers est. \$25.9 million

- 93% client survey satisfaction
- Over \$617 million in contract purchases
- 18.4 % growth in bus order in-take
- Zero liability or liquidated damages claims to date by any of our partners against suppliers

The City is not obligated to participate. This agreement is in place if the City chooses to use it and there is no cost to the City to join TPI. Once the City joins, there is an opportunity to have a steering committee representative.

Once the agreement is signed, staff will prepare a follow up management report, including financial information to authorize procurement through TPI to begin replacing the current GPS system which includes additional amenities as AVL tracking, real time bus arrival, bus app.

Financial Impact: There are no financial implications resulting from the recommendations of this report. There is no fee to be in this agreement.

Staff Recommendation: THAT Council authorize the Mayor and Clerk to sign the Metrolinx/TPI Multi-Year Governance Agreement for a five-year period 2019 - 2024.



Transit Manager



Director of Community Services



Rob Horne, Chief Administrative Officer



**BY-LAW NUMBER -2019
OF
THE CORPORATION OF THE CITY OF STRATFORD**

BEING a by-law to set tax ratios and tax rates for the year 2019 and govern and regulate the finances of The Corporation of the City of Stratford.

WHEREAS Section 9 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, hereafter referred to as "the Act" provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS the Council of The Corporation of the City of Stratford has by By-law 39-2019 of the City dated the 1st day of April 2019 prepared and adopted estimates of all sums required during the year for the purposes of the Municipality totaling \$59,222,010 pursuant to Section 290 of the Act;

AND WHEREAS Section 10(2)3 of the Act provides that a single-tier municipality may pass by-laws respecting financial management of the municipality and its local boards;

AND WHEREAS Section 307.(1) of the Act provides that all taxes shall, unless expressly provided otherwise, be levied upon the whole of the assessment for real property or other assessments made under the *Assessment Act* according to the amounts assessed and not upon one or more kinds of property or assessment or in different proportions;

AND WHEREAS Section 308.(2) and (3) of the Act provides that every municipality shall establish a set of tax ratios, and such tax ratios are the ratios that the tax rate for each property class must be to the tax rate for the residential property class where the residential property class tax ratio is 1;

AND WHEREAS Section 312.(2) of the Act provides for the passing of a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the local municipality rateable for local municipality purposes;

AND WHEREAS the taxes for School Purposes shall be levied, collected and administered by the Municipality in accordance with the Education Act, R.S.O. 1990, c.E.2, Ontario Regulation 400/98 made and most recently revised under that Act;

NOW THEREFORE BE IT ENACTED by the Council of The Corporation of the City of Stratford as follows:

1. That for the taxation year 2019 the starting property class tax ratios are:

Property Class	Tax Ratio
a. Residential/Farm	1.000000
b. Multi-residential	2.000000
c. New Multi-residential	1.000000
d. Commercial	1.975937
e. Industrial	2.758490
f. Pipelines	1.509000
g. Farmlands	0.250000
h. Landfill	1.965003

2. That for the purpose of this by-law:

- a) The commercial property class includes all occupied commercial office property, shopping centre property and parking lot property.
- b) The industrial property class includes all occupied industrial property.

3. That the final tax levy to be billed and imposed under this by-law shall be paid in two instalments due on the following dates:

- a) 50% thereof on the 16th day of August, 2019; and
- b) The remainder thereof on the 18th day of October, 2019.

4. That the final tax levy to be billed under this by-law shall be reduced by the amount raised by the interim tax levy.

5. That all taxes levied under this by-law shall be payable into the hands of the Treasurer in accordance with the provisions of this by-law.

6. That the final tax levy for those on a 12 month pre-authorized automatic withdrawal payment plan shall be paid in 6 equal instalments due and payable on or after the first day of each month July to December. The pre-authorized payment plans shall be penalty free for as long as the taxpayer is in good standing with the terms of the plan agreement.

7. That a penalty of one and one-quarter (1¼) per cent shall be added to any instalment on the first day of default and on the first day of each calendar month thereafter in which such default continues until the end of the year in which the taxes are levied, and such penalty shall be levied and collected in the same manner as if it had been originally imposed with and formed part of such instalment;

8. That the Treasurer may mail or cause to be mailed to the address of the residence or place of business of each person taxed under this by-law, a notice specifying the amount of taxes payable.

9. That the notice to be mailed under this by-law shall contain the particulars provided for in this by-law and the information required to be entered on the tax bill under Section 343 of the *Municipal Act*.

10. That the Treasurer shall be authorized to accept part payment from time to time on account of any taxes due, and to give a receipt of such part payment, provided that acceptance of any such part payment shall not affect the collection of any percentage charge imposed and collectable under this by-law in respect of non-payment or late payment of any taxes or any instalment of taxes.

11. That nothing in this by-law shall prevent the Treasurer from proceeding at any time with the collection of any tax, or any part thereof, in accordance with the provisions of the statutes and by-laws governing the collection of taxes.
12. That the Treasurer is hereby directed and authorized to undertake any required action necessary to collect the taxes levied herein.
13. That Schedule "A" attached hereto forms part of this by-law.
14. That Schedule "B" attached hereto forms part of this by-law.
15. That this By-law shall be deemed to have come into force and to take effect on January 1, 2019.

Read a FIRST, SECOND and THIRD Time and

FINALLY PASSED this 28th day of May, 2019.

Mayor – Daniel B. Mathieson

Clerk – Joan Thomson

Schedule "A" to By-law -2019**passed this 28th day of May, 2019**

1. That the assessment made and concluded in the last preceding year to wit,

<u>Class</u>	<u>Qualifying Codes</u>	<u>Current Value Assessment</u>
Residential-English Public	RT	
Residential-English Separate	RT	
Residential-French Public	RT	
Residential-French Separate	RT	
Residential-No Support	RT	
Residential-Education Only	RD	
Multi-Residential-English Public	MT	
Multi-Residential-English-Separate	MT	
Multi-Residential-No Support	MT	
Multi-Residential-French Public	MT	
Multi-Residential-French Separate	MT	
New Multi-Residential-English Public	NT	
New Multi-Residential-English Separate	NT	
Commercial Occupied-No Support	CT	
Commercial-Excess Land-No Support	CU	
Commercial Vacant Land-No Support	CX	
Shopping Occupied-No Support	ST	
Shopping Occup-New Construction-No Support	ZT	
Commercial New Construction-No Support	XT	
Commercial New Construction-Excess Land	XU	
Office Occupied-No Support	DT	
Industrial Occupied-No Support	IT	
Industrial-Excess Land-No Support	IU	
Industrial Vacant Land-No Support	IX	
Industrial New Construction-No Support	JT	
Industrial New Construction-Excess Land	JU	
Large Ind-New Construction-No Support	KT	
Large Ind-New Const-Excess Land-No Support	KU	
Large Industrial Occupied-No Support	LT	
Large Industrial-Excess Land-No Support	LU	
Pipelines-No Support	PT	
Farmlands-English Public	FT	
Farmlands-English Separate	FT	
<u>Payments in Lieu</u>		
Residential-English Public	RH	
Commercial Occupied-No Support	CF	
Commercial Occupied-No Support	CG	
Commercial Vacant Land-No Support	CY	
Commercial Occupied-Shared	CH	
Commercial Vacant Land-Shared	CJ	
Industrial Occupied-Shared	IH	
Industrial Vacant Land-Shared	IJ	
Landfill	HF	
Total Taxable		

is hereby adopted by the Council of The Corporation of the City of Stratford for the year 2019 and shall be levied.

Schedule "B" to By-law -2019**passed this 28th day of May, 2019**

1. That the tax rates of The Corporation of the City of Stratford for the year 2019 for the purposes mentioned in this By-law, but not including local improvement rates or other special rates collected as taxes, shall be as follows:

<u>Class</u>	<u>Municipal</u>	<u>Education</u>
Residential-English Public		
Residential-English Separate		
Residential-No Support		
Residential-French Public		
Residential-French Separate		
Residential-Education Only		
Multi-Residential-English Public		
Multi-Residential-English Separate		
Multi-Residential-No Support		
Multi-Residential-French Public		
Multi-Residential-French Separate		
New Multi-Residential-English Public		
New Multi-Residential-English Separate		
Commercial Occupied-No Support		
Commercial Excess Land-No Support		
Commercial Vacant Land-No Support		
Shopping Occupied-No Support		
Shopping Occupied-New Constr-No Support		
Commercial New Construction-No Support		
Commercial New Construction-Excess Land		
Office Occupied-No Support		
Industrial Occupied-No Support		
Industrial Excess Land-No Support		
Industrial Vacant Land-No Support		
Industrial-New Construction-No Support		
Industrial-New Construction-Excess Land		
Large Ind-New Construction-No Support		
Large Ind-New Constr-Excess L-No Support		
Large Industrial Occupied-No Support		
Large Industrial-Excess Land-No Support		
Pipelines-No Support		
Farmlands-English Public		
Farmlands-English Separate		
<u>Payments in Lieu</u>		
Residential-English Public		
Commercial Occupied-CF-No Support		
Commercial Occupied-CG-No Support		
Commercial Occupied-Shared		
Commercial Vacant Land-Shared		
Commercial Vacant Land-No Support		
Industrial Occupied-No Support		
Industrial Vacant Land-Shared		
Landfill		



BY-LAW NUMBER -2019
OF
THE CORPORATION OF THE CITY OF STRATFORD

BEING a By-law to levy a special charge upon the rateable property in the business improvement area for Stratford City Centre Business Improvement Area (BIA) for 2019.

WHEREAS section 208 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, requires the City to levy a special charge upon the rateable properties in the Business Improvement Area (BIA) that are in a prescribed business property class sufficient to raise the amount required for the purposes of the Board of Management of the BIA;

AND WHEREAS the total rateable property in the BIA, upon which the assessment will be levied, is set out in Schedule "A" attached to this By-law and which said assessment is the basis upon which the taxes for the BIA will be raised;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

1. That the tax rates set out in Schedule "A" attached to this By-law shall be levied upon the rateable properties as set out therein for the purposes of raising the sums of money required by the Stratford City Centre BIA.
2. That the Supervisor of Tax Revenue shall proceed to collect the amount to be raised by this By-law, together with all other sums on the tax roll in the manner as set forth in the *Assessment Act*, the *Municipal Act* and any other applicable Acts and the By-laws in force in this municipality.
3. That it shall be lawful for the Treasurer of The Corporation of the City of Stratford to pay and the said Treasurer is hereby authorized to pay out the monies of The Corporation of the City of Stratford from time to time for such purposes, the rates and payments specified in Schedule "A" attached hereto and forming part of this By-law.
4. That when payment of any installment or any part of any installment of taxes levied by this By-law is in default, penalties or where applicable interest, shall be imposed respectively in accordance with City of Stratford policies.
5. That Schedule "A" attached to this By-law, forms part of this By-law.
6. This By-law is deemed to have come into force and effect on January 1, 2019.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 28th day of May, 2019.

Mayor – Daniel B. Mathieson

Clerk – Joan Thomson

Schedule “A” to By-law -2019

Adopted this 28th day of May, 2019

BIA Tax Rates for 2019:

Tax Class	Assessment	BIA Rate	Taxes
Commercial Occupied	\$88,847,679	0.00317175	\$281,803
Commercial Vacant	870,400	0.00222023	1,932
Industrial Occupied	1,598,000	0.00438978	7,015
TOTAL			\$290,750

BIA Budget for 2019:

		19 Budget
REVENUES		
	Tax Levy	\$ 290,750.00
	Interest on Accounts	\$ 1,200.00
	HST Rebate	\$ 9,000.00
D007	Carriage Ride Revenue	\$ 2,000.00
D007	Christmas Revenue	\$ 5,000.00
D007	Canada Day Revenue	\$ -
D007	Grants	\$ -
D008	Destination Animation Fund	\$ -
	TOTAL REVENUES	\$ 307,950.00
EXPENSES		
	Operating	
D200	CC Support Fees - Admin, Events, Membership	\$ 117,000.00
D201/D204	Office Operations	\$ 4,400.00
D202	Insurance	\$ 1,200.00
D205	AGM / Membership Events	\$ 1,500.00
D208	Phone	\$ 600.00
D213	Anticipated Levy Refund	\$ 5,000.00
D245	Maps	\$ 5,000.00
D235	Directory Sign Maintenance	\$ 1,500.00
	Events, Marketing and Beautification	
D275	Community Events	\$ 14,250.00
D275	Christmas (carolers/Santa/G-C's/promotion)	\$ 25,000.00
D275	Stratford Summer Music	\$ 5,000.00
D275	Carriage Rides	\$ 15,000.00
D258	Newsletter Production/Delivery	\$ 1,000.00
D261	Promotion	\$ 22,000.00
D260	Website Maintenance & Hosting	\$ 2,000.00
D256	New Business Packages	\$ 500.00
D256	Other (Canada Day/Christmas g/c) Purchase	\$ 1,500.00
D256	STA contribution	\$ 40,000.00
D238	Beautification (maintenance, recycling/garbage/benches/racks)	\$ 35,000.00
D265	Destination Animation Fund	\$ 10,500.00
	TOTAL EXPENSE	\$ 307,950.00
	NET INCOME/EXPENSES CURRENT YR	\$ -
	Gift Certificate Revenues	\$ 25,000.00
	Gift Certificate Payouts	\$ (40,000.00)
	G/Cs Difference Outstanding	\$ (15,000.00)



BY-LAW NUMBER -2019
OF
THE CORPORATION OF THE CITY OF STRATFORD

BEING a By-law to amend By-law 178-2018 as amended, to make appointments to the Stratford Town and Gown Advisory Committee, the Stratford Economic Enterprise Development Corporation, the Active Transportation Advisory Committee and to accept resignations from the Stratford Town and Gown Committee and Stratford Public Library.

WHEREAS Council of The Corporation of the City of Stratford adopted By-law 178-2018 to appoint Council Members to Sub-committees of Council and Standing Committees of Council and to Advisory Committees, Boards and Agencies and to appoint Citizens to Advisory Committees and Boards during the 2018 term of municipal office;

AND WHEREAS Council of The Corporation of the City of Stratford deems it necessary to make further appointments to its Advisory Committees, Committees and Boards;

AND WHEREAS Council of The Corporation of the City of Stratford deems it necessary to accept recent resignations from its Advisory Committees, Committees and Boards;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

1. That By-law 178-2018 as amended, is further amended by deleting from subsection 2.15 c) the appointment of Annaka Willemsen as a University of Waterloo Administration representative for a two year term to November 30, 2020.
2. That By-law 178-2018 as amended, is further amended by adding to subsection 2.15 c) the following appointment:

"c) Katherine Prospero is hereby appointed as a University of Waterloo Administration representative for a two-year term to November 30, 2020 or until a successor is appointed by City Council;"
3. That By-law 178-2018 as amended, is further amended by adding to subsection 2.19 c) the following appointment:

"c) Michael McCourt, representing the Manufacturing sector;"
4. That By-law 178-2018 as amended, is further amended by adding to subsection 2.2) the following appointment:

- "h) Wayne Sjaarda is hereby appointed as a Cycle Stratford representative to the Active Transportation Advisory Committee for a two-year term to November 30, 2021;"
5. That By-law 178-2018 as amended, is further amended by deleting paragraph b) from subsection 2.14 to rescind the re-appointment of Brandi Gillett to the Stratford Public Library Board.
6. This By-law shall come into force and take effect upon final passage thereof.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 28th day of May, 2019.

Mayor – Daniel B. Mathieson

Clerk – Joan Thomson



BY-LAW NUMBER -2019
OF
THE CORPORATION OF THE CITY OF STRATFORD

BEING a By-law to amend By-law 65-2012 as amended, to permit and control the operation of all-terrain vehicles (ATVs) on certain highways and streets and property under the jurisdiction of The Corporation of the City of Stratford for the 2019 Canada Day Parade.

WHEREAS Council of The Corporation of the City of Stratford enacted By-law 65-2012 as amended, to permit the operation of all-terrain vehicles (ATVs) on certain streets, recreation trails and municipal property in Stratford during certain hours specified therein;

AND WHEREAS Council deems it necessary to further amend By-law 65-2012 as amended, to permit the operation of ATVs on certain city streets, recreation trails and municipal property for the 2019 Canada Day Parade;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

1. That Schedule "A" to By-law 65-2012 as amended, be further amended by adding thereto the Authorized Events in Schedule "A" attached hereto and forming part of this By-law.
2. That Schedule "B" to By-law 65-2012 as amended, be further amended by adding the Streets and Recreation Trails in Schedule "B" attached hereto and forming part of this By-law.
3. This By-law shall come into force and take effect upon final passage thereof.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 28th day of May, 2019.

Mayor – Daniel B. Mathieson

Clerk – Joan Thomson

THIS IS SCHEDULE “A” TO BY-LAW -2019

adopted this 28th day of May, 2019

Amending By-law 65-2012 as amended

AUTHORIZED EVENTS

Year	Event Organizer	Event	Date	Time
2019	Kinsmen Club of Stratford	Canada Day Parade	July 1, 2019	6:30 p.m. to 8:00 p.m.

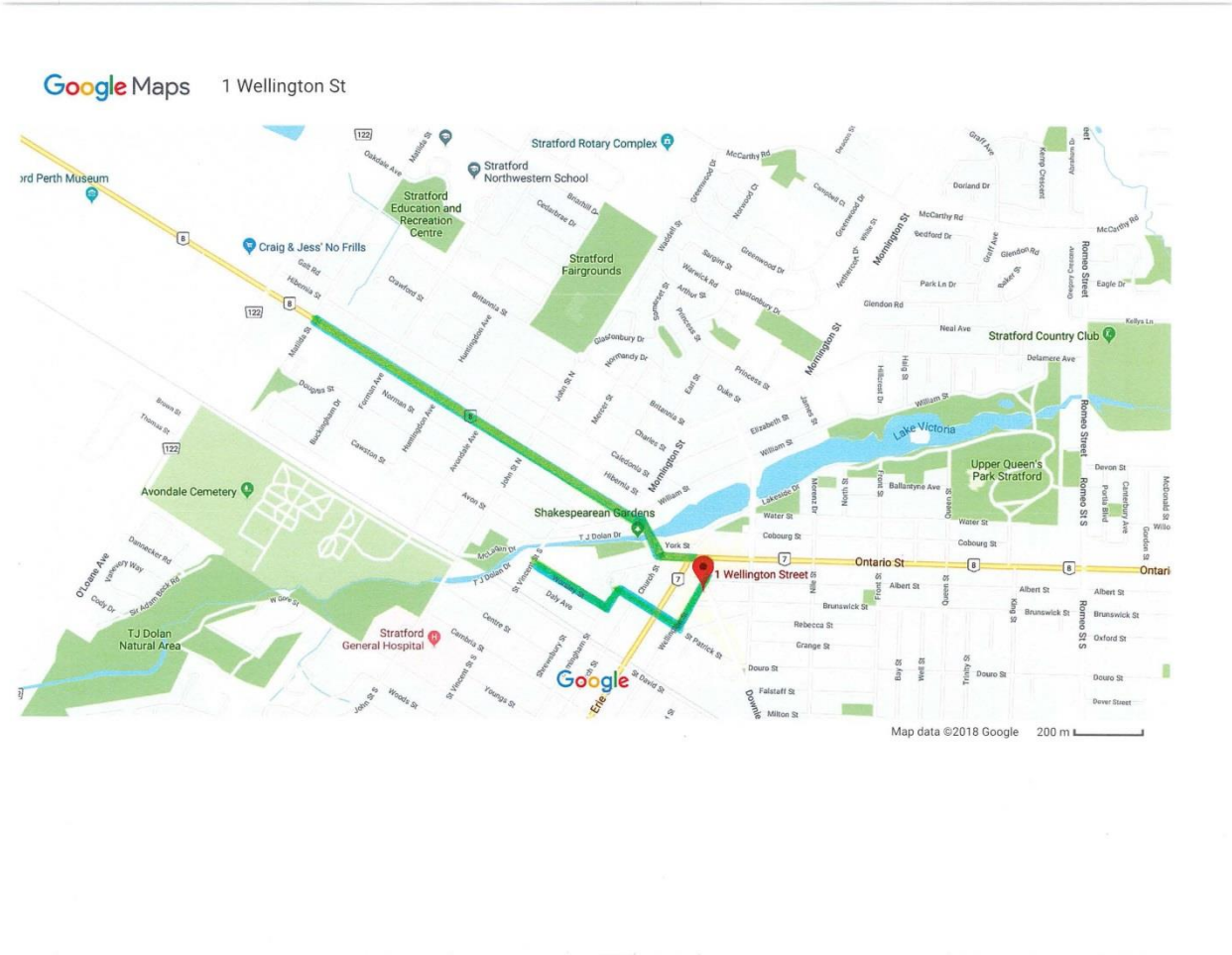
THIS IS SCHEDULE "B" TO BY-LAW -2019

adopted this 28th day of May, 2019

Amending By-law 65-2012 as amended

Streets and Recreation Trails to which the provisions of this By-law apply:

For the 2019 Canada Day Parade as prescribed in Schedule "A" of this By-law.





**BY-LAW NUMBER -2019
OF
THE CORPORATION OF THE CITY OF STRATFORD**

BEING a By-law to authorize the entering into and execution of a Multi-year Governance Agreement for Joint Transit Procurements facilitated by Metrolinx and to appoint a Steering Committee Member and Alternate Steering Committee Member.

WHEREAS Section 8.(1) of the *Municipal Act, 2001, S.O. 2001, c.25 as amended*, provides that the powers of a municipality under this or any other Act, shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 10.(1) of the *Municipal Act 2001* provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Metrolinx has a mandate to act as the central procurement agency for local transit systems across Ontario;

AND WHEREAS Metrolinx has worked with the transit service providers of various Ontario municipalities to facilitate joint procurements of transit system vehicles, equipment, technology, facilities and related supplies and services;

AND WHEREAS The Corporation of the City of Stratford owns and operates a public and parallel transit system within the City of Stratford;

AND WHEREAS Metrolinx and the Council of The Corporation of the City of Stratford along with Parties participating in the governance agreement, recognize the value of the joint procurement process in consolidating transit needs to achieve economies of scale, collaboration, and reducing time and costs associated with the public procurement process by standardizing the Procurement Documents, thereby allowing transit systems to focus on core competencies, making it more convenient for Ontarians to access transit services in their communities, connect with other transit systems and travel across the Province of Ontario;

AND WHEREAS the Parties hereto wish to enter into a multi-year governance agreement to govern the various joint procurements to be facilitated by Metrolinx during the five year period beginning April 1, 2019 and ending March 31, 2024 with an option to renew until March 31, 2029;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

1. That the Multi-year Governance Agreement for Joint Transit Procurements facilitated by Metrolinx effective the 1st day of April, 2019 for the purpose of purchasing certain transit system vehicles, equipment, technology, facilities and related supplies and services on an exclusive basis from suppliers, selected pursuant to public procurement processes facilitated by Metrolinx, on terms and conditions set out in the relevant procurement documents and in the Governance Agreement between, among others, The Corporation of the City of Stratford and Metrolinx be entered into and the Mayor and Clerk or their respective delegates be and the same are hereby authorized to execute the said agreement on behalf of and for this Corporation and to affix the corporate seal thereto.
2. That the Council of The Corporation of the City of Stratford appoints as Steering Committee Member for The Corporation of the City of Stratford, the Manager of Transit and authorizes the Member to perform any action and provide any required recommendations, instructions and approvals to complete the procurements within the scope of the Governance Agreement, and to exercise Council's rights of early termination in accordance with Section 9.6 (Termination Without Cause by a Purchaser) of the governance agreement.
3. That the Council of The Corporation of the City of Stratford appoints the Director of Community Services as an Alternate Member to the Steering Committee for The Corporation of the City of Stratford, to perform the actions in Paragraph 2 above, in the absence of the Steering Committee Member.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 28th day of May, 2019.

Mayor – Daniel B. Mathieson

Clerk – Joan Thomson



**BY-LAW NUMBER -2019
OF
THE CORPORATION OF THE CITY OF STRATFORD**

BEING a By-law to amend Zoning By-law 201-2000 as amended, with respect to zone change Z01-19 to amend the Agricultural (A) zoning on 4272 Line 34, located on the north side of Line 34 between O'Loane Avenue and the City Limits.

WHEREAS authority is given to the Council of The Corporation of the City of Stratford by Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, to pass this by-law;

AND WHEREAS the Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

AND WHEREAS the Council of The Corporation of the City of Stratford deems it in the public interest that By-law 201-2000, as amended, known as the Zoning By-law, be further amended.

NOW THEREFORE BE IT ENACTED by the Council of The Corporation of the City of Stratford as follows:

1. That the Township of Perth East Zoning By-law 30-1999 as it applies to the subject lands on Schedule "A" is hereby repealed.

2. That Schedule "A", Map 1a to Zoning By-law 201-2000 as amended, of The Corporation of the City of Stratford, is hereby amended:

by adding those lands outlined in heavy lines and described as Agricultural Zone with site specific regulations A-1 and Agricultural Zone with site specific regulations A-2 on Schedule "A", attached hereto and forming part of this By-law and more particularly described as Part Lot 7 Con 1 (Geographic Township of Ellice) in the City of Stratford, Part 1 RP 44R-2584 known municipally as 4272 Line 34.

3. That Zoning By-law 201-2000 as amended, be further amended by adding section 22.1 being the Exceptions of the Agricultural (A) Zone with the following:

22.1 a) Defined Area (4272 Line 34)

A-1 as shown on Schedule "A", Map 1a

b) Permitted Uses:

- Agricultural use
- Conservation use
- Forestry use

c) Definition:

- Agricultural use means the growing of crops such as nursery and horticultural crops; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures. No dwelling units shall be permitted.

d) Minimum Setbacks:

- Front Yard: 30 m
- Side Yard: 30 m
- Rear Yard: 30 m

e) Lot Area:

- Minimum 33 ha

f) Lot Frontage:

- Minimum 200 m

g) Lot Coverage:

- Maximum 30%

h) Height:

- Maximum 30 m

i) Minimum Distance Separation (MDS) Formulae:

- Any repairs or rebuilds to any existing buildings or structures and enlargements and new buildings or structures shall comply with MDS.

j) Services:

- Notwithstanding section 3.16, on lands within the A-1 zone no building shall be erected, or enlarged unless the requirements for service connections defined by the Ontario Building Code are provided.

4. That Zoning By-law 201-2000 as amended, be further amended by adding section 22.2 being the Exceptions of the Agricultural (A) Zone with the following:

22.2 a) Defined Area (4272 Line 34)

A-2 as shown on Schedule "A", Map 1a

b) Permitted Uses:

- Single detached dwelling
- Home occupation
- Bed and breakfast establishment

c) Bed and Breakfast Site Specific Regulations:

- Notwithstanding section 3.3 a Bed and Breakfast is permitted in the A-2 zone with a maximum of four (4) accessory guest rooms.
- All other provisions of section 3.3 apply.

d) Minimum Setbacks (Main Building):

- Front Yard: 15 m
- Side Yard: 7.5 m
- Rear Yard: 15 m

e) Lot Area:

- Minimum 3000 m²

f) Lot Frontage:

- Minimum 37 m

g) Lot Coverage:

- Maximum 30%

h) Landscaped Open Space:

- Minimum 30%

i) Height:

- Maximum 12 m

j) Minimum Setbacks (Accessory Structures):

- Side Yard: 3 m
- Rear Yard: 3 m
- Shall not be located in a front yard or within a required setback.

k) Lot Coverage (Accessory Structures):

- Maximum 5%

l) Services:

- Notwithstanding section 3.16, on lands within the A-2 zone no building shall be erected, or enlarged unless the requirements for service connections defined by the Ontario Building Code are provided.

5. This By-law shall come into effect upon Final Passage and in accordance with the *Planning Act*.

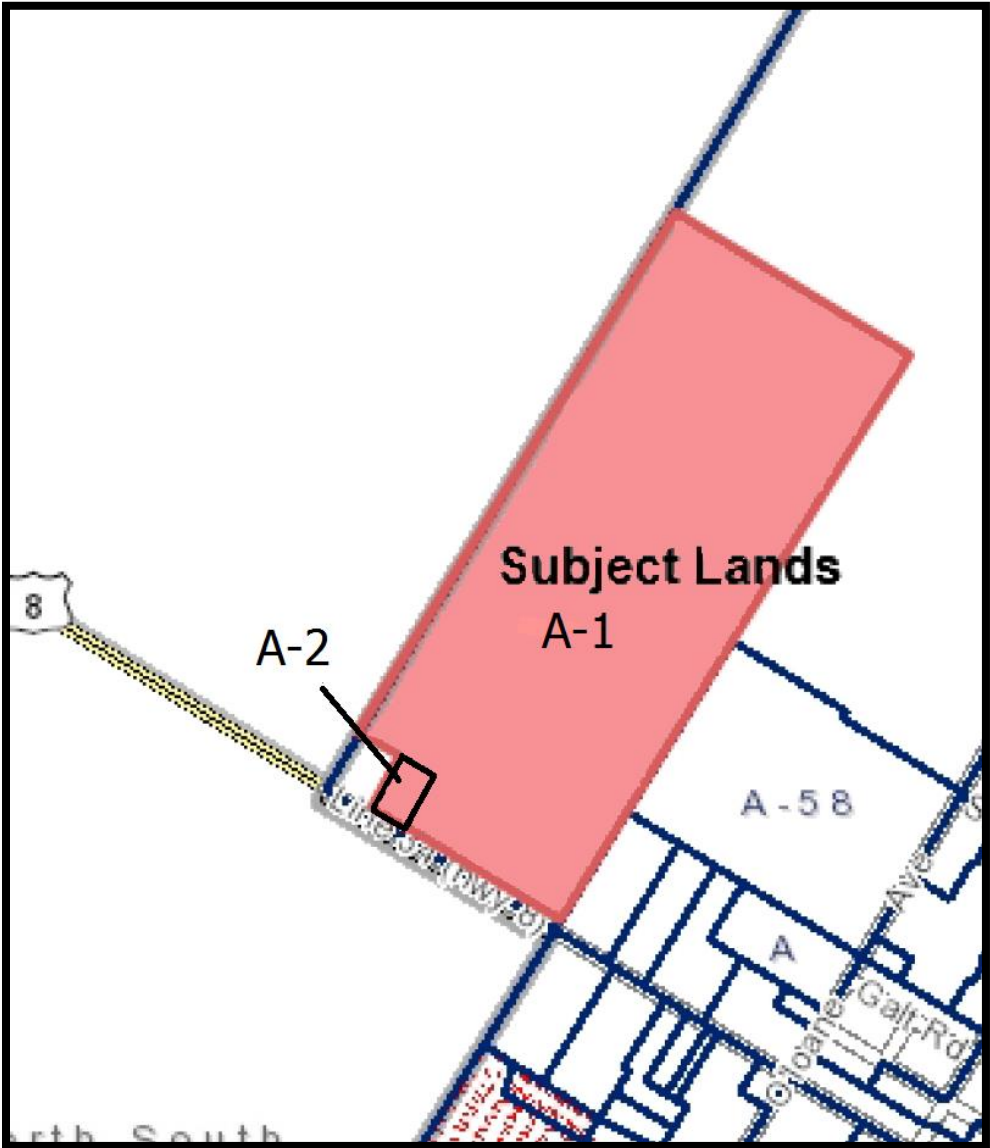
READ a FIRST, SECOND and THIRD time and

FINALLY PASSED this 28th day of May, 2019.

Mayor – Daniel B. Mathieson

Clerk – Joan Thomson

Schedule "A" to By-law -2019
Adopted May 28, 2019





BY-LAW NUMBER - 2019
OF
THE CORPORATION OF THE CITY OF STRATFORD

BEING a By-law to amend Purchasing By-law 117-2016 and Purchasing Policy P.5.1 with respect to the procurement of goods and services of The Corporation of the City of Stratford and its local boards and committees and to rescind Policy C.2.1 for the Hiring of Consultants.

WHEREAS section 270(1) 3 of the Municipal Act, 2001, S.O. 2001 c. 25 as amended, provides that a municipality shall adopt and maintain a policy with respect to its procurement of goods and services;

AND WHEREAS the Council of The Corporation of the City of Stratford adopted By-law 117-2016 to adopt Purchasing Policy P.5.1 to set out guidelines for the City to ensure that all purchases of materials, supplies and services provide the lowest costs consistent with the required quality and service;

AND WHEREAS the Council of The Corporation of the City of Stratford

AND WHEREAS notice of intent to amend the procurement policy was given in accordance with Notice Policy C.3.10, to update Purchasing Policy P.5.1;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

1. That Schedule "A" to By-law 117-2016 as the Policy for the Procurement of Goods and Services for The Corporation of the City of Stratford and its local boards and committees is hereby deleted and replaced with Schedule "A" attached to this By-law.
2. That City Council by resolution, may refuse to grant any exemption requested to the Purchasing Policy or may grant the exemption applied for or any exemption of lesser effect and may contain such terms and conditions as Council determines.
3. That Schedule "A" attached hereto forms part of this By-law.
4. That Policy C.2.1 for the Hiring of Consultants is hereby rescinded in its entirety upon this By-law coming into force and effect.
5. That this by-law shall come into force and take effect upon final passage thereof.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 28th day of May, 2019

Mayor – Daniel B. Mathieson

Clerk – Joan Thomson

THIS IS SCHEDULE "A" TO BY-LAW -2019

Amending Purchasing By-law 117 - 2016

passed this 28th day of May, 2019

PURCHASING POLICY P.5.1



**BY-LAW NUMBER -2019
OF
THE CORPORATION OF THE CITY OF STRATFORD**

BEING a By-law to amend Smoking in Public Places By-law 174-2003 as amended, to include Market Square, electronic cigarettes, vaping and cannabis, and to reflect changes in municipal policy and provincial legislation.

WHEREAS the Council of The Corporation of the City of Stratford adopted By-law 174-2003 to regulate smoking in public places and work places;

AND WHEREAS after having consulted with the public and public health authorities, Council considers it desirable for the public to amend Smoking in Public Places By-law 174-2003 as amended, to include Market Square, electronic cigarettes, vaping and cannabis, and to reflect changes in municipal policy and provincial legislation;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

1. That Smoking in Public Places By-law 174-2003 as amended, be further amended by deleting the preamble clauses from the By-law as amended and replacing with the following preamble clauses:

"WHEREAS Section 8 of the *Municipal Act 2001, S.O. 2001, c.25* as amended provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS clause 6 of subsection 10 (2) of the Municipal Act provides that a municipality may pass by-laws in the interest of the health, safety and well-being of its residents;

AND WHEREAS section 115 of the Municipal Act, 2001 authorizes the council of a municipality to pass a by-law regulating the smoking or vapourizing of tobacco and cannabis in public places and work places within the municipality and designating public places or work places or classes or parts of such places as places in which smoking tobacco or cannabis or holding lighted tobacco, cannabis, or an electronic cigarette is prohibited;

AND WHEREAS Section 128 of the Municipal Act provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the council are or could become or cause public nuisances;

AND WHEREAS Section 129 of the Municipal Act provides that a local municipality may prohibit and regulate with respect to odours;

AND WHEREAS the Council of The Corporation of the City of Stratford wishes to prohibit the smoking or vapourizing of tobacco and cannabis in certain public places;

AND WHEREAS Section 18 of the Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Schedule 3, contemplates that a municipal by-law may deal with a matter to which that Act applies but in a more restrictive manner, and directs that the by-law prevails to the extent that it is more restrictive than the Act;

AND WHEREAS it has been determined that second-hand smoke is a serious health hazard because of its adverse effects and risk to the health of the inhabitants, visitors and workers in the municipality;

AND WHEREAS it is desirable for the purpose of promoting and protecting the health, safety and welfare of the inhabitants, visitors and workers of the City to ensure that public places and work places will be free from second-hand smoke, except those places or areas exempted by by-law;"

2. That Smoking in Public Places By-law 174-2003 as amended, be further amended by amending the Section Title of Section **1.0** from "**DEFINITIONS**" to "**DEFINITIONS AND INTERPRETATION**".
3. That Smoking in Public Places By-law 174-2003 as amended, be further amended by adding definitions to Section **1.0 DEFINITIONS AND INTERPREATION** as follows:

"**cannabis**" means cannabis as defined in section 2(1) of the *Cannabis Act* (Canada) and includes any products containing cannabis;"

"**electronic cigarette**" or "**e-cigarette**" or "**electronic smoking device**" means a vapourizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine or cannabis;"

"**Market Square**" means the property where City Hall is located and described as the lands bounded by Downie Street, Wellington Street and Block "C" otherwise known as Market Place;"

"**vapourizing or vaping or vape**" means

- 1) inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing tobacco, cannabis or any other substance, or,
 - 2) holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from tobacco, cannabis or any other substances;"
4. That Smoking in Public Places By-law 174-2003 as amended, be further amended by replacing definitions in Section **1.0 DEFINITIONS AND INTERPREATION** with the amended definitions, as follows:

"**City Park**" means land and land covered by water and all portions thereof under the control, management or joint-management of the City, that is or hereafter may be established, dedicated, set apart or made available by the City for recreational purposes, including without limiting the generality of the foregoing, a

park, playgrounds, sports fields, playing fields, trails, splashpads, pools, a leash-free dog park, skate park, and an environmentally significant area, including any buildings, structures, facilities, erections and improvements located in or on such land;

"Municipal Building" means any enclosed building or structure owned by the City or any building of which any portion is rented to the City and includes, and is not limited to municipal offices, transit facilities, bus shelters, community centres, libraries, indoor swimming pools, arenas, museums, art galleries, public washrooms, concession stands, recreational centres, fire halls, ambulance stations, police stations, golf course clubhouses and all Perth and Stratford Housing Corporation (PSHC) properties;"

"smoke" or **"smoking"** means the smoking or holding of lighted tobacco, cannabis or electronic cigarettes in any form and includes the holding or carrying of a lighted cigar, cigarette, e-cigarette or pipe or any other lighted smoking equipment, but excludes smoke or smoking where smoke or smoking is used in a stage production of a theatrical rehearsal or performance;

"smoke-free" means that no smoking or vaping is permitted;"

5. That new subsections be added to Section **1.0 DEFINITIONS AND INTERPRETATION**, as follows:

"1.1 All schedules attached to this By-law form part of this By-law.

1.2 Headings and sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this By-law.

1.3 Where this By-law cites or refers to any act, regulation, code or other by-law, the citation or reference is to that act, regulation, code or other by-law as amended, whether amended before or after the commencement of this By-law, and includes reference to any other act, regulation, code or other by-law that may be substituted in its place.

1.4 Nothing in this By-law relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence."

6. That subsection 2.1 of Smoking in Public Places By-law 174-2003 as amended, be further amended by adding to subsection 2.1, the words "or vape" immediately after "No person shall smoke ...".

7. That subsection 2.1 of Smoking in Public Places By-law 174-2003 as amended, be further amended by adding to subsection 2.1, new paragraphs as follows:

"z) all Perth and Stratford Housing Corporation (PSHC) properties for those lease agreements entered into after August, 2018;

aa) Indoor common areas in condominiums, apartment buildings and university/college residences;"

8. That subsection 2.2 of Smoking in Public Places By-law 174-2003 as amended, be amended by adding to subsection 2.2, the words "or vape" immediately after "No person shall smoke ...".

9. That subsection 2.4 of Smoking in Public Places By-law 174-2003 as amended, be amended by replacing subsection 2.4 with the following new subsection 2.4:

- "2.4 Every operator of a taxi-cab service shall ensure compliance with the provisions of this By-law at all times while operating as a taxi-cab or limousine."
10. That subsection 2.5 of Smoking in Public Places By-law 174-2003 as amended, be amended by adding to subsection 2.5, the words "make it known to" immediately after "Every employer shall ...".
 11. That section **2.0 PROHIBITION** of Smoking in Public Places By-law 174-2003 as amended, be further amended by adding to section 2.0, the following new subsection:

"2.6 An employer, operator, or proprietor must not permit a person to smoke or vape or premises controlled or owned by them where doing so is prohibited by this By-law."
 12. That subsection 3.1 of Smoking in Public Places By-law 174-2003 as amended, be replaced with amended subsection 3.1 as follows:

"3.1 Every proprietor of a public place, subject to the provisions of this By-law, and every employer shall post and maintain signs at each entrance to their building or premises and in each washroom, in locations that are clearly visible to all persons."
 13. That subsection 3.2 of Smoking in Public Places By-law 174-2003 as amended, be replaced with amended subsection 3.2 as follows:

"3.2 Each sign required to be posted by this By-law shall be a minimum of 14 centimetres (5.5 inches) by 14 centimetres (5.5 inches) in size that includes a depiction of the international no smoking symbol at least 7.5 centimetres (3 inches) in size and have lettering at least 1.6 centimetres (5/8 inch) high and a least 0.4 centimetres (1/8 inch) wide at the narrowest point with the rest of the letter sized proportionately that reads "City of Stratford By-law, Maximum Fine \$5,000" as shown on Schedule "A" attached hereto."
 14. That subsection 3.4 of Smoking in Public Places By-law 174-2003 as amended, be replaced with amended subsection 3.4 as follows:

"3.4 No person shall remove, cover up or alter any sign which has been posted pursuant to the requirements of this By-law."
 15. That subsection 4.1 and subsection 4.2 of Smoking in Public Places By-law 174-2003 as amended, be amended by adding the word "similar" immediately prior to the words "... like paraphernalia" in both subsections.
 16. That subsection 4.2 of Smoking in Public Places By-law 174-2003 as amended, be further amended by replacing in subsection 4.2, the words "not permitted" with the word "prohibited."
 17. That subsection 5.1 of Smoking in Public Places By-law 174-2003 as amended, be replaced with amended subsection 5.1 as follows:

"5.1 Despite any other provisions of this By-law a person may smoke or vape in the following areas provided the area meets the conditions of the *Smoke-Free Ontario Act, 2017* for such exemption:"

18. That subsection 5.1 of Smoking in Public Places By-law 174-2003 as amended, be amended by deleting paragraphs a), b), c), d), e), f), g), h), i) and j) in their entirety and replacing with new paragraphs as follows:

- "a) an outdoor area subject to the provisions of this By-law including but not limited to section 14.
- b) a room or rooms in a hotel, motel or other place where rooms are rented for sleeping accommodation, provided that:
 - i) the room is used for sleeping accommodation only;
 - ii) each room is identified and specifically set aside as a room in which smoking is permitted; and
 - iii) the proprietor indicates that smoking is permitted in the identified room(s) by installing and maintaining a sign that is at the entrance to the identified room(s) so as to be conspicuous at all times;
- c) short term accommodation units in private residence buildings;
- d) a bed and breakfast establishment, a guest home;
- e) private dwellings;
- f) Despite any other provision of the By-law, a person may smoke or vape in a location permitted pursuant to section 13 of the *Smoke-Free Ontario Act, 2017*.

19. That section **12.0 SCHEDULES** of Smoking in Public Places By-law 174-2003 as amended, be amended by adding to the section, new subsections as follows:

"12.2 Schedule "B" attached hereto forms part of this By-law.

12.3 Schedule "C" attached hereto forms part of this By-law."

20. That section **14.0 OUTDOOR SPACES** of Smoking in Public Places By-law 174-2003 as amended, be amended by replacing the subsections in their entirety with new subsections as follows:

"14.1 No person shall be permitted to smoke or vape within nine (9) metres (30 feet) of any part of the following outdoor spaces:

- a) an Entrance or Exit of a Municipal Building.
- b) Sheltered outdoor areas with a roof and more than two walls that the public or employees frequent, or are invited to (such as a bus shelter);
- c) City property.

14.2 No person shall be permitted to smoke or vape within any of the following outdoor spaces:

- a) Children's playgrounds and all public areas within 20 metres of these grounds;
- b) Schools, on school grounds, and all public areas within 20 metres of these grounds;
- c) Publicly owned sports fields, nearby spectator areas and public areas within 20 metres of these areas;
- d) Outdoor grounds of hospitals (public/private) and psychiatric facilities;
- e) Reserved seating areas at outdoor sports and entertainment locations;
- f) Grounds of community recreational facilities, and public areas within 20 metres of those grounds; and,
- g) Restaurant and bar patios and within 9 metres of these patios.

14.3 No person shall be permitted to smoke or vape in a City Park.

14.4 No person shall be permitted to smoke or vape in Market Square in the following areas:

- a) Those areas identified on the attached Schedule 'B';
- b) In the parking area or sidewalk area when Market Square is closed for a special event in accordance with the applicable permits issued by the City and as identified in Schedule 'C;' and
- c) Within 9 metres of any entrance to Stratford City Hall."

21. That Smoking in Public Places By-law 174-2003 as amended, be amended by adding Schedule "B" "Market Square Smoking Areas" and Schedule "C" "Market Square Special Event Smoking Areas when parking area is closed" both attached to this By-law, to By-law 174-2003 as amended.

22. This By-law shall come into force and take effect upon the final passage thereof.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 28th day of May, 2019.

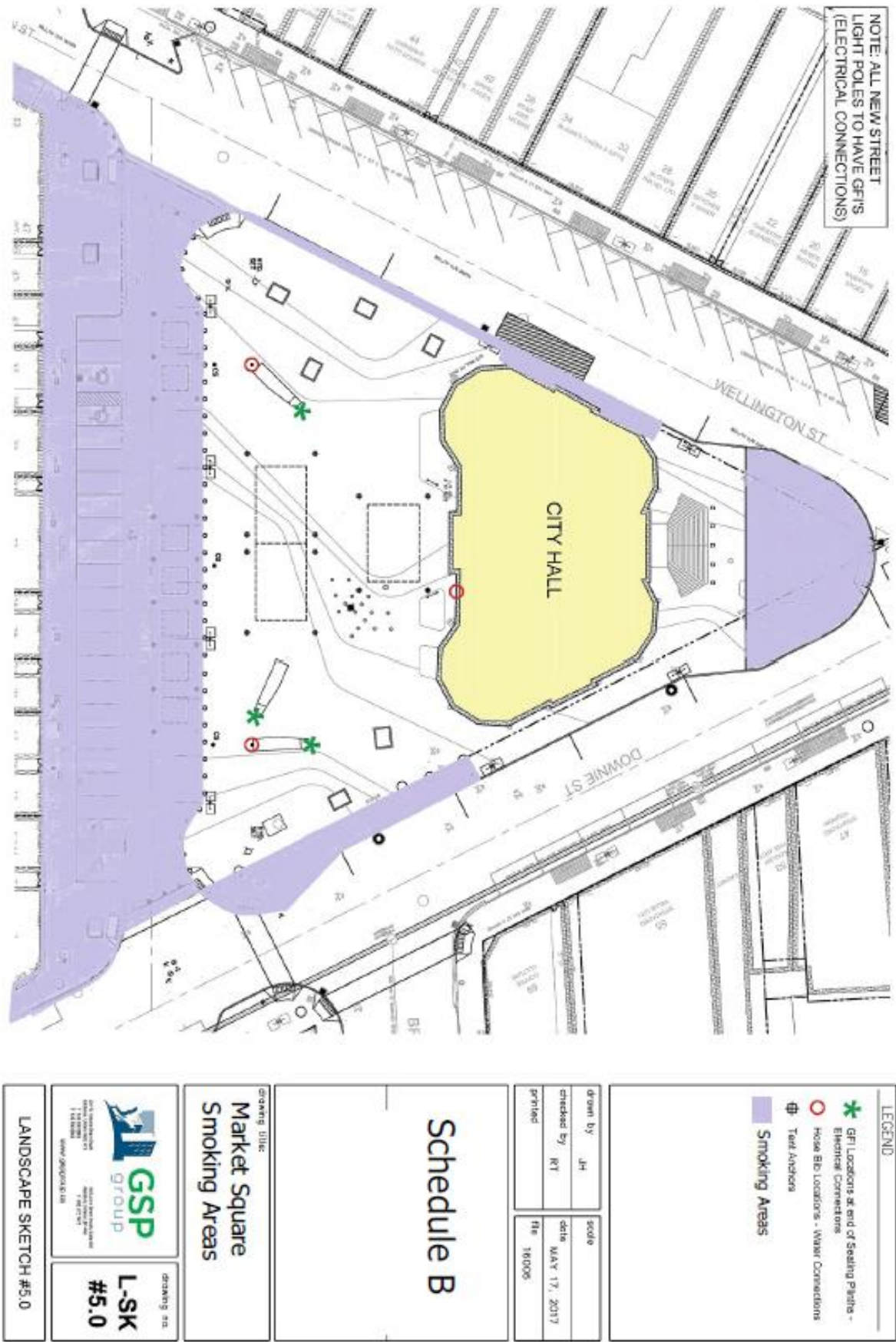
Mayor – Daniel B. Mathieson

Clerk – Joan Thomson

This is Schedule "B" to By-law -2019

adopted this 28th day of May, 2019

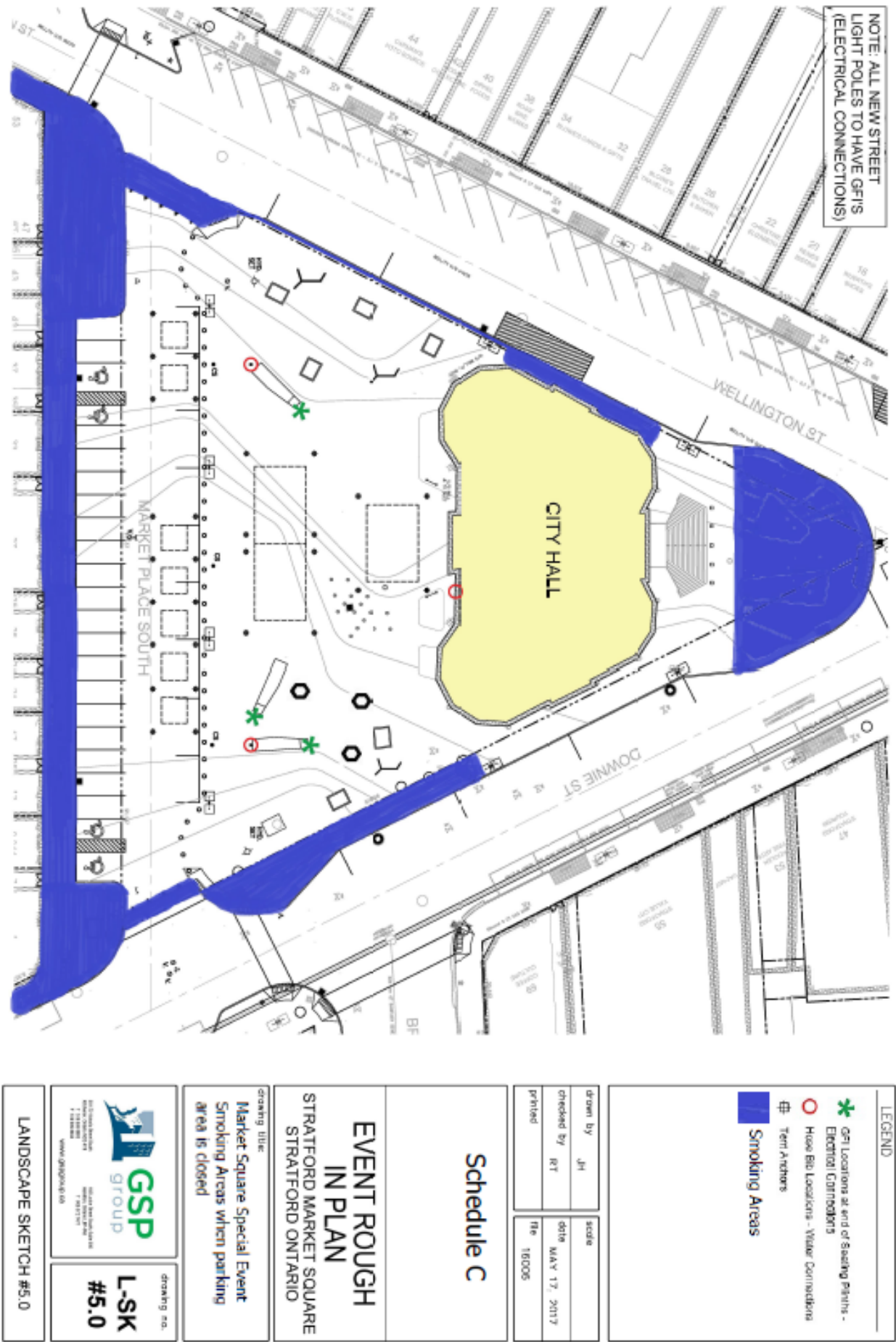
amending Smoking in Public Places By-law 174-2003 as amended



This is Schedule "C" to By-law -2019

adopted this 28th day of May, 2019

amending Smoking in Public Places By-law 174-2003 as amended





STRATFORD CITY COUNCIL CONSENT AGENDA

May 28, 2019

REFERENCE NO. CONSENT AGENDA ITEM

- | | |
|-------------|---|
| CA-2019-060 | <p>In accordance with By-law 135-2017 the Infrastructure and Development Services Department provides notification that the following streets were temporarily closed to through traffic, local traffic only:</p> <ul style="list-style-type: none"> • Shakespeare Street from Downie Street to Nile Street on Thursday, May 16 for one day only for sanitary repair. • Quinlan Road (Perth 36) from O'Loane Avenue to Mornington Street on Wednesday, May 22 until approximately September 30, 2019 for the Quinlan Pump Station forcemain installation. <p>Emergency Services were notified.</p> |
| CA-2019-061 | <p>Resolution from the OMB Reform Working Group opposing Bill 108.</p> <p><u>Attachment – Email and resolution dated May 10, 2019</u></p> <p>Endorsement of the resolution is requested.</p> |
| CA-2019-062 | <p>Resolution from the Town of Hanover regarding cuts to Ontario Library Services.</p> <p><u>Attachment – Letter from the Town of Hanover dated May 13, 2019</u></p> <p>Endorsement of the resolution is requested.</p> |
| CA-2019-063 | <p>In accordance with By-law 102-2008 and By-law 135-2017, the City Clerk provides notification that the following streets were/will be temporarily closed for parades/street events:</p> <ul style="list-style-type: none"> • For the Stratford Pride Parade on Sunday, June 9 as follows: <ul style="list-style-type: none"> From 9:30 a.m. to 11:25 a.m.: <ul style="list-style-type: none"> • Veteran's Drive From Coburg Street To Waterloo Street From 10:45 a.m. to 11:25 a.m.: <ul style="list-style-type: none"> • Waterloo Street From Water Street To William Street |

From 10:45 a.m. to 12:00 p.m.:

- Lakeside Drive From Waterloo Street To Richard Monette Way
- Queen's Park Drive From Lakeside Drive North To Richard Monette Way
- Richard Monette Way
- Parkview Drive From Water Street To Richard Monette Way

- For the Shriner Parade on Saturday, June 8 as follows:

From 1:45 p.m. to 3:00 p.m.:

- Worsley St. from St. Vincent St. S to Birmingham St.
- Birmingham St. from Worsley St. to St. Patrick St.
- St. Patrick St. from Birmingham St. to Wellington St.
- Wellington St. from St. Patrick St. to Downie St.
- George St. W. from St. Patrick St. to Downie St.
- Market Place from Wellington St. to Downie St.

From 2:00 p.m. to 3:00 p.m.:

- Downie St. from Albert St. to Douro St.
- St. Patrick St. from Wellington St. to Downie St.

Emergency Services were notified.

CA-2019-064

Correspondence from the Perth District Health Unit regarding the provincial 2019 budget, possible amalgamation with Huron and Grey Bruce Health units in 2020 and impacts on local programs, services and budget.

Attachment – Letter from the PDHU dated May 15, 2019

For the information of Council.

WHEREAS the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and

WHEREAS All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

WHEREAS Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and

WHEREAS On August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into “...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government.”; and

WHEREAS This MOU is “enshrined in law as part of the Municipal Act”. And recognizes that as “...public policy issues are complex and thus require coordinated responses...the Province endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest”; and

WHEREAS By signing this agreement, the Province made “...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact”; and

WHEREAS Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Hereby Resolved That **your Municipality** oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

Be it further resolved that **your Municipality** call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and

Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

May 13, 2019

Kathi Maskell, Chair
 Hanover Public Library Board
 451 10th Avenue
 Hanover, ON N4N 2P1

Dear Mrs. Maskell:

Re: Resolution - Cuts to Ontario Library Services

Please be advised that at the Committee of the Whole meeting held on Monday, May 6, 2019 the Council of the Town of Hanover passed the following resolution:

Moved by COUNCILLOR HOCKING | Seconded by COUNCILLOR FLEET

WHEREAS the provincially funded Ontario Library Service agencies (Southern Ontario Library Service and Ontario Library Service – North) provide vital shared and collaborative public library services, including the Overdrive ebook collection, inter-library loan system and deliveries, technical support, skills training, and other services that are not sustainable by small and rural libraries alone;

WHEREAS the Ontario Library Service agencies ensure consistent quality and range of services are available to citizens through all public libraries no matter where they are located;

WHEREAS the Ontario Library Service agencies exist to provide value for money, efficiency and respect for taxpayer dollars by acting as a source of expertise and coordination, and leverage combined purchasing power to reduce operating costs for all Ontario public libraries; and

WHEREAS the role of these agencies is crucial to the day-to-day provision of services to the public at libraries of all sizes in every part of Ontario;

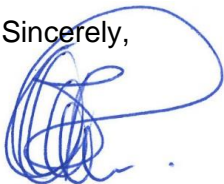
THEREFORE, we the undersigned petition the Legislative Assembly of Ontario as follows:

1. To reverse the 50% funding cuts to Southern Ontario Library Service and Ontario Library Service – North agencies and reinstate provincial funding for these services to at least the 2017-2018 funding level, and
2. To maintain the operating grant funding for all Ontario libraries.

AND THAT this resolution be sent to the MPP, Minister of Tourism, Culture and Sport and all municipalities in Ontario.

CARRIED

Sincerely,



Brian Tocheri
 CAO/Clerk

cc Honourable Mike Toboloo, Minister of Culture, Recreation & Sport – minister.mtcs@ontario.ca
 Bill Walker, MPP Bruce-Grey-Owen Sound - bill.walker@pc.ola.org
 Municipalities of Ontario



Wednesday, May 15, 2019

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queens Park
Toronto, ON M7A 1A1
Sent via e-mail: doug.ford@pc.ola.org

The Honourable Christine Elliott
Deputy Premier and Minister of Health and Long-Term Care
Hepburn Block 10th Floor
80 Grosvenor Street, Toronto, ON M7A 1E9
Sent via email: christine.elliott@pc.ola.org

Dear Premier Ford and Minister Elliott,

During its regular board meeting on May 15, 2019, the Board of Health for the Perth District Health Unit (PDHU) further reviewed:

- The budget tabled by the government of Ontario on April 11, 2019, with regard to proposed changes to local public health; and
- Additional information received during a verbal consultation on May 1, 2019, that PDHU would be part of a larger regional public health entity including Huron County Health Unit and Grey Bruce Health Unit by April 1, 2020, under this proposal.

The Board notes that these are significant changes within a short timeline, and with a major impact on boards of health and municipalities, and therefore the Board is requesting final, approved 2019 budgets in a timely manner.

Boards of health have already determined their budgets for the 2019 year, and the changes announced are retroactive to April 1, 2019. It is critical that details are provided in order that boards and municipalities are able to effectively adjust their planning to comply with these changes. It is very difficult and frustrating to manage 2019 programs, services, and budget with limited information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathy Vassilakos".

Kathy Vassilakos
Chair, Perth Board of Health

Cc: Mr. Randy Pettapiece, MPP Perth Wellington
Mayor Dan Mathieson, City of Stratford
Mayor Todd Kasenberg, North Perth
Mayor Robert Wilhelm, Perth South
Mayor Rhonda Ehgoetz, Perth East
Mayor Al Strathdee, Town of St. Marys
Mayor Walter McKenzie, West Perth
Dr. David Williams, Chief Medical Officer of Health



BY-LAW NUMBER -2019
OF
THE CORPORATION OF THE CITY OF STRATFORD

BEING a By-law to confirm the proceedings of Council of The Corporation of the City of Stratford at its meeting held on May 28, 2019.

WHEREAS subsection 5(1) of the *Municipal Act, 2001, S.O. 2001 c.25* as amended, provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS subsection 5(3) of the *Act* provides that the powers of council are to be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Stratford at this meeting be confirmed and adopted by By-law;

NOW THEREFORE BE IT ENACTED by the Council of The Corporation of the City of Stratford as follows:

1. That the action of the Council at its meeting held on May 28, 2019 in respect of each report, motion, resolution, recommendation or other action passed and taken by the Council at its meeting, is hereby adopted, ratified and confirmed, as if each report, motion, resolution or other action was adopted, ratified and confirmed by its separate by-law.
2. The Mayor of the Council and the proper officers of the City are hereby authorized and directed to do all things necessary to give effect to the said action, to obtain approvals where required, and, except where otherwise provided, to execute all documents necessary in that behalf in accordance with the by-laws of the Council relating thereto.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 28th day of May, 2019.

Mayor – Daniel B. Mathieson

Clerk – Joan Thomson