

Agenda Report

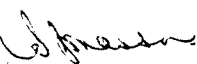
Report To: CITY COUNCIL

Report Date: October 10, 2001

Meeting Date: October 25, 2001

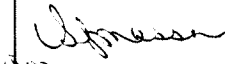
Subject: 2001 Omitted and Supplementary Tax Billing

Division Review:



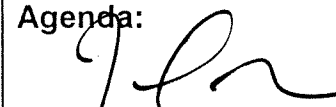
S. Jonasson
Director of Finance / City
Treasurer

Department Review:



D. Wuksinic
General Manager of
Corporate Services

**Recommended for
Agenda:**



J. L. (Jim) Rule
Chief Administrative
Officer

Report Prepared by: T. Derro, Supervisor of Tax / Chief Tax Collector

Recommendation:

That a by-law be passed authorizing the 2001 omitted and supplementary tax billing.

Executive Summary:

This report deals with the 2001 omitted and supplementary tax billing, including the due dates for this billing.

Finance Division

Report Reviewed By: Paddy Buchanan, Acting Manager of Current Accounting Operations

Report Title: 2001 Omitted and Supplementary Tax Billing

Date: October 10, 2001

Page 2

Background:

Sections 33 and 34 of the Assessment Act authorize a local municipality, in any year, to enter omitted and supplementary assessments to the collector's roll and to levy and collect realty taxes resulting from this additional assessment.

Omitted and supplementary assessments are generated by property additions or changes that increase current value assessment.

The 2001 final tax billing has been completed and it is appropriate that the 2001 omitted and supplementary tax billing be processed at this time.

For supplementary assessments added to the collector's roll after September 1, 2001, the due dates are:

November 21, 2001

December 21, 2001

For supplementary assessments added to the collector's roll after October 1, 2001, the due date is:

December 28, 2001

Agenda Report

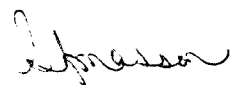
Report To: CITY COUNCIL

Report Date: October 19, 2001

Meeting Date: October 25, 2001

Subject: Signing Authorities - Bank Accounts

Division Review:



S. Jonasson
Director of Finance /
City Treasurer

Department Review:



D. Wuksinic
General Manager of
Corporate Services

**Recommended for
Agenda:**



J. L. (Jim) Rule
Chief Administrative
Officer

Report Prepared by: P. Buchanan, Acting Manager of Current Accounting

Recommendation:

Whereas a number of special purpose bank accounts were created by the former Regional Municipality of Sudbury and the former City of Sudbury, therefore be it resolved that the same special purpose bank accounts be authorized for the City of Greater Sudbury;

And that the designated position(s) for each special purpose bank account as outlined below be authorized for and on behalf of the City to deposit to or write cheques on the specific accounts, for City of Greater Sudbury purposes only;

And that the necessary by-law be prepared.

Sudbury Arena

Manager of Sudbury Arena

Pioneer Manor Trust

*One of General Manager of Health and Social Services
or Director of Pioneer Manor & Senior Services
or the Manager of Administration and Materials Control
AND one of Director of Finance / City Treasurer
or Manager of Financial Planning & Policy / Deputy Treasurer
or Manager of Current Accounting Operations*

Ontario Home Renewal

*One of Mayor or Deputy Mayor
AND one of Director of Finance / City Treasurer
or Manager of Financial Planning & Policy / Deputy Treasurer
or Manager of Current Accounting Operations*

Regional Business Centre

*One of General Manager of Economic Development &
Planning Services
or Manager of Business Development Team
AND one of Director of Finance / City Treasurer
or Manager of Financial Planning & Policy / Deputy Treasurer
or Manager of Current Accounting Operations*

*Police Services - Emergency
Bank Account*

*Two of Chief of Police or Deputy Chief of Police
or Superintendent or Director of Administration
or Executive Assistant to the Chief of Police*

Executive Summary:

This report recommends the authorization and signing officers for five existing special purpose bank accounts to be maintained by the City of Greater Sudbury. All of these accounts were in existence prior to 2001 and this authorization simply establishes the accounts under the umbrella of the City of Greater Sudbury banking arrangements.

Background:

From time to time, it is necessary for the City of Greater Sudbury (the City) to maintain bank accounts for special purposes. City Council, by resolution, authorizes the signing officers for the City bank transactions related to these special purpose bank accounts.

The purpose of each bank account set out in the resolution is summarized below.

Sudbury Arena

On occasion, the Sudbury Arena hosts special events that come to town through the efforts of a promoter. The Sudbury Arena collects the revenue, pays expenses and determines the net income for the event. The net income is usually not known until the conclusion of the event and the promoter expects to be paid at the conclusion of the event. The Manager of the Sudbury Arena runs a box office report at the end of the event, prepares a cheque on the Sudbury Arena bank account for the promoter's share of the proceeds and pays the promoter. The next day the Manager of the Sudbury Arena provides the box office report to Finance and requisitions a cheque to cover the value of the cheque to the promoter. All accounting for this bank account is done by Finance.

Pioneer Manor Trust

Money received by Pioneer Manor from residents such as monthly pension cheques and existing deposits from long-time residents is placed in the Pioneer Manor Trust bank account. This money is used for residents' monthly accommodation fees and discretionary spending when a cheque is requisitioned on the authority of the residents or the powers of attorney.

Ontario Home Renewal

The Ontario Home Renewal program made loans to individuals for home renovations. Loan repayments and annual remittance of these repayments to the Province are handled through this bank account.

Regional Business Centre

In 1999, FedNor advanced \$110,000 to the Regional Business Centre to be used to help small businesses become established. The Regional Business Centre in turn advanced 90% of start-up consulting fees incurred by a small business. At the end of two years, the client may be asked to repay the advance if the business prospers. The advance may also be forgiven if the business has not prospered during this period. The loans and potential future loan repayments are handled through this bank account.

Police Services - Emergency Bank Account

This bank account is used to provide cash advances and payments when there is insufficient time to access cheques through the City's accounts payable process. This money is normally accessed in emergency situations such as out-of-town travel for purposes of conducting investigations, meeting attendance and on-scene supplies / food during local situations. All accounting for this bank account is done by Finance and all charges are recorded against the approved Police Services budget. Any disbursements greater than \$500 are approved by the Chief or Deputy Chief of Police.


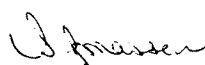

Agenda Report

Report To: **CITY COUNCIL**

Report Date: **October 11, 2001**

Meeting Date: **October 25, 2001**

Subject: Tax Policy Optional Classes

Division Review:  S. Jonasson Director of Finance / City Treasurer	Department Review:  D. Wuksinic General Manager of Corporate Services	Recommended for Agenda:  J. L. (Jim) Rule Chief Administrative Officer
Report Prepared by: E. Stankiewicz, Co-Ordinator of Current Budget		

Recommendation:

That Council maintain the large industrial optional class for the 2002 taxation year; and

That the necessary by-law be passed.

Executive Summary:

Under Section 2 of the Assessment Act, municipalities must adopt optional classes to be used for 2002 taxation purposes by October 31, 2001. The only optional class adopted in the past was the large industrial class and this is also the only optional class being recommended for 2002.

Background:

In 1998, upper tier and single tier municipalities were given the authority by the Province to establish optional property classes for taxation purposes. These optional property classes were as follows: large industrial, commercial office, shopping centres, and parking lots and vacant land.

The former Regional Municipality of Sudbury elected to establish only one optional class - the large industrial class for the following reasons:

- Our analysis of the industrial class indicated that without intervention, approximately \$730,000 previously paid by large industrial properties would instead be paid by the remaining industrial properties.
- In the commercial class there were no major shifts in taxation from choosing optional classes. In addition, it would only be more confusing to the taxpayer to have four separate tax rates instead of one commercial rate.

Approved 2001 Optional Property Classes

Earlier this year, based on recommendations made by Hemson Consulting, City Council authorized the continuation of the large industrial class for 2001 taxation purposes. No other optional classes were recommended or adopted by Council.

Council will recall that current value assessments (CVA) declined by approximately 4% overall in 2001. The decline in the large industrial class however was in excess of 20%, which meant a shift of the tax burden to all other classes including the residual industrial class. Had Council not maintained the large industrial class, there would have been an even greater benefit to large industrial properties at the expense of the residual industrial properties. Thus large industrial properties would have received a twofold benefit; reduced taxes because of lower CVAs and because of a reduced tax rate resulting from the elimination of the large industrial class.

Recommended 2002 Optional Property Classes

For 2002 it is recommended that Council continue with the large industrial class, leaving the tax burden the same for all industrial properties.

It is also recommended that Council continue with no optional commercial classes to again maintain the same tax burden for all commercial properties.

There is an option for the creation of a "new multi-residential" class with a lower tax ratio than the existing multi-residential class. This would apply only to newly constructed properties and the ratio may be maintained at the lower amount for a maximum of 25 years. This optional class is not recommended as there has been no new construction of multi-residential buildings in the recent past.

By maintaining the status quo for 2002, it ensures that property tax increases or decreases would only be affected by levy changes or assessment growth or loss.

Summary

The only optional class recommended for 2002 taxation purposes is the large industrial property class. This will maintain the current tax burden for each class within the City of Greater Sudbury.

Information Report

Report To: CITY COUNCIL

Report Date: October 15, 2001

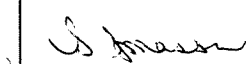
Subject: Cowan News

Division Review:



S. Jonasson
Director of Finance / City
Treasurer

Department Review:



D. Wuksinic
General Manager of
Corporate Services

C.A.O. Review:



J. L. (Jim) Rule
Chief Administrative
Officer

Report Prepared by: C. Mahaffy, Manager of Financial Planning & Policy

For Information Only

Executive Summary:

Periodically our insurer sends out a news letter which contains information relating to risk management.

Finance Division
Report Title: Cowan News
Date: October 15, 2001

Page 2

Background:

Attached is a copy of the Fall 2001 Cowan News, for your information. Copies have been sent to all General Managers for distribution to the appropriate sections throughout the City of Greater Sudbury.

COWAN NEWS

Published by Frank Cowan Company Limited

FALL 2001

With summer soon behind us it is back to school and back to fall and winter programs for Parks & Recreation departments across the country. Unfortunately allergies and anaphylaxis do not end with a change in the season. The following article gives practical advice on how to make your ongoing programs safer for these children. The full version appears in the May/June 2001 issue of Parks & Recreation Canada.

Anaphylaxis can appear suddenly and violently. It can be developed by anyone - not just those with known allergies. Every child with anaphylaxis is counting on the help of recreation staff to stay safe, both by preventing and dealing with an allergic reaction. Working as a team, parents and staff can help keep anaphylaxis manageable and have safer facilities and programs.

Program Assessment Issues

Review your program or facility with the following points in mind:

- How safe are children with anaphylactic/allergic conditions in your programs?
- How many of these children attend programs without their epinephrine?
- How prepared is staff to handle an anaphylaxis emergency?
- What are the legal implications in your jurisdiction regarding allergy management?

Pre-program

Registration forms should ask if a child needs or uses an EpiPen[®] autoinjector, and advise that children must bring EpiPens[®] to all programs. The form should stress that if the EpiPen[®] is

forgotten, efforts will be made to reach the family to have them either bring the EpiPen[®] or pick up the child. Advise parents that normally one pen is required per child. However, more may be necessary if an activity is more than 10 minutes from a medical facility. Consider using a trainer to educate staff on anaphylaxis and to practice how to use an EpiPen[®]. To familiarize staff with the health concerns of each child, consider posting the completed allergy alert forms and a recent photo of the child in all common areas including offices, staff rooms and the lunch area.

Educate

Send a friendly reminder to all parents requesting that allergic foods not be sent with their children and consider removing nut items from vending machines. To avoid singling out children, it may be necessary to form a "Peanut Club"; a special area for children with peanut products to eat, wash hands and clean up after together.

During Programming

The EpiPen[®] should be kept with the child at all times, preferably in a waist pouch. When swimming, the pens remain the child's responsibility but leaders, lifeguards and other staff need to know its location. An ideal solution is a waterproof box that floats. During hot weather, a colour change may indicate the pen has lost effectiveness. And, in cold temperatures, ensure children carry EpiPens[®] close to their bodies.

Choose activities where allergic children can participate fully (for example: no acorns in craft programs with children allergic to nuts). When groups leave on field trips or walks ensure they have

Being Prepared Could Save Lives

Excerpts reprinted with permission by Parks & Recreation Canada May/June 2001 issue

By:
Lorene Bodiam
Recreation
Supervisor, Parks
and Recreation
City of Toronto

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COULD SAVE LIVES. . . 1**

CLAIMS CORNER. . . . 1

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& LEAF BLOWERS. . . 4**

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Being Prepared Could Save Lives

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phones, walkie-talkies, or are accompanied by at least two staff members. Be sure to have attendance forms and procedures available during bus outings to ensure that children who require an EpiPen[®] are carrying them at all times.

Parents must be informed in advance of activities involving food, such as cookouts, bake sales, parties and trips. Ensure that all allergenic foods are kept in a separate area and that food, drinks, straws and utensils are not shared or mixed between containers.

Above all, listen to and believe the child! The child may feel a reaction before you see it.

Symptoms of Anaphylactic Shock :

- Nausea, vomiting and diarrhea;
- Difficulty breathing;
- Wheezing and excessive drooling;
- Trouble swallowing or throat closing;
- Coughing and hoarseness;
- Extreme weakness or dizziness;
- Pale, cold, clammy skin;
- Sense of impending doom;
- Fainting;
- Loss of consciousness;
- Change of colour.

Dealing with Anaphylactic Shock

When confronted with anaphylactic shock, staff members should follow three steps:

1. Implement emergency action plan using protocols supplied by parents and/or doctors.

2. Administer EpiPen[®]. Another child's EpiPen[®] should not be used in an emergency.

3. Call 911 - advise a child is having an anaphylactic reaction with breathing difficulties.

Disposing of an EpiPen[®]

In some Parks and Recreation facilities it is a requirement to have biohazard containers on site. In an emergency a heavy card or glass containers might be used for short term storage until proper receptacles are obtained. Pens should not be recapped in an original container as staff could easily prick themselves.

Conclusion

It is important to recognize there is no legal obligation for staff to provide an "allergen-free" environment. Parents should never be told that risk-free environment exists, suggesting it does creates a false sense of security.

With the increased incidence of anaphylaxis and complexity of the strategies to deal with it, standardized training is an essential topic, since we have a duty to children in our programs to provide an environment that is safe.

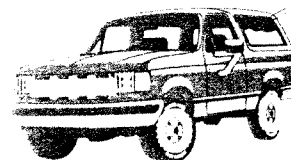
For additional information contact:
Anaphylaxis Canada,
416 Moore, Suite 305
Toronto, ON M4G 1C9
Phone 416-785-5666

Claims Corner

Every once in awhile, our Claims Department comes across an unusual incident that while serious, does make you shake your head in disbelief. It is these sorts of off beat incidents that we will periodically spotlight.

In early Spring 2001 a female was exiting her SUV when she lost her footing in the loose gravel of her driveway and fell

The Municipality was put on notice. She maintains that the city should have forced the builder of the new subdivision to pave all the driveways and not leave them as just gravel.



Across our country winter means snow and ways of removing it from our roads for safe travel. This is accomplished through a combination of plows for physical removal and road salt to melt the ice. Sand is frequently used as an abrasive for traction or when road temperatures are below the range of effective use for salt.

In recent years municipalities have faced additional pressures through Provincial downloading of services including the responsibility for additional roadways without offsetting increases in revenue. Communities are forced to balance the cost of snow removal against safety and environmental concerns all by the most cost efficient means. The very same public that demands clear roads in the winter also demands drinkable water and prudent use of tax dollars.

The current practices and procedures used by the community for snow removal should be reviewed periodically. As changes in technology and equipment are proven these should be integrated into the existing program as funds become available.

Recent trends have leaned towards the reduction in the amount of salt used, pre-wetting and anti-icing techniques.

Reduce Use of Salt:

All operators of salters should be aware of and have posted the minimum and maximum levels of salt that should be used for the various categories of roads and weather conditions. The possible use of other materials should be evaluated against salt for not just cost but also the cost of any potential environmental remediation or water contamination.

Pre-Wetting:

This involves the use of special equipment to wet the salt prior to its application to the road. Studies have

shown that salt that has been pre-wetted imbeds into the snow and speeds the melting process without being blown or washed away. However, there is usually a greater cost involved for the specialized machinery and training required.

Anti-Icing:

Traditionally, salting and ploughing only occur following a specific amount of snowfall. In anti-icing techniques applications of road salt (regular or pre-wetted) at the initial onset of snow is able to help prevent the build up of snow on the road by causing it to melt almost on contact. Any ploughing that immediately follows anti-icing would, of course, remove the salt from the road.

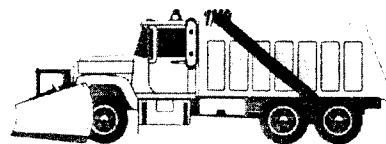
Public Behaviour:

Any changes that could make the expectations of drivers align with the realities of winter conditions will be an immediate plus for the snow removal operations. Currently drivers claim the right to be able to drive at the same speed regardless of weather conditions. However, drivers must adjust driving speed to align with road conditions. In other countries drivers are aware that the posted speed is decreased in the winter and that additional caution must be taken.

It may be possible to make the public your partner through announcements in the local media to provide general information about your communities snow removal practices. For example, which roads would be plowed bare, centre bare, track covered after a specified amount snowfall. The public should also be reminded of reducing speed due to road conditions, not passing plows and not parking vehicles in designated snow removal areas. Frequently the concerns raised by the public come simply by not knowing or understanding the process undertaken by the municipality.

In summary, your municipality should

ROAD SALT: WINTER NEEDS AND FUTURE RESPONSIBILITY



*Balancing the need
for clear roads in
the winter against
drinkable water and
prudent use of tax
dollars*

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*continued from
Page 3*

**TRENDS:
PESTICIDES AND
LEAF BLOWERS
— RECENT
DEVELOPMENTS
ACROSS THE
COUNTRY THAT
COULD AFFECT
YOUR
MUNICIPALITY**

have clearly defined written maintenance standards that outline such things as response times, salt and sand application rates, equipment, plow routes, etc. This together with accurate record keeping illustrating who is accountable and how those standards have been delivered is critical to effective management and reduction of liability.

For additional information contact:
Road Salt Institute - Utah;
Transportation Association of Canada;
Ministry of Environment Lands and
Parks for British Columbia; or the
Ministry of Transport of Ontario.

Several municipalities across the country have recently enacted by-laws to protect the health of their citizens. The trend for municipalities appears to be one of environmental and health awareness.

In June 2001, the Supreme Court of Canada ruled that municipalities have the right to enact regulations that address the concerns and issues facing its own community. Hudson, Quebec, had enacted a by-law to ban the use of non-essential pesticides on residential, commercial and municipal land. Similar by-laws currently exist in over 35 communities across Quebec. The by law does not eliminate the use of all pesticides but acts to restrict application to non-essential use. The pesticides would still be allowed for certain activities and locations such as for business and farming.

The courts reaffirmed that municipalities have the right to enact by-laws, provided that the regulations do not violate existing Federal or Provincial laws.

Across the country, many other municipalities have enacted similar regulations. Toronto, Calgary and Vancouver are all looking at purposing some type of restrictions on pesticide use. Currently, Ottawa bans the use of pesticides on public lands and Halifax has enacted regulations to ban use within 50m of schools and hospitals. A further ban on use on lawns and gardens will go into effect by 2003.

In a similar move Vancouver, BC, will be banning high decibel leaf blowers by 2004. Until that date, the use of blowers will be limited to use between October and January and a minimum of 50m from any residential building. It was felt by the city that such devices posed health concerns through both the emission of air pollution and may damage hearing if the level of noise emitted is greater than 65 decibels.

For further information: www.cbc.ca,
www.city.toronto.on.ca,
www.city.vancouver.bc.ca


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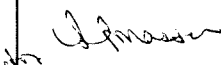

Agenda Report

Report To: CITY COUNCIL

Report Date: October 18, 2001

Meeting Date: October 25, 2001

Subject: Transition Board 2001 Financial Projections

Division Review:  S. Jonasson Director of Finance / City Treasurer	Department Review:  D. Wuksinic General Manager of Corporate Services	Recommended for Agenda:  J. L. (Jim) Rule Chief Administrative Officer
Report Prepared by: S. Jonasson, Director of Finance / City Treasurer		

For Information Only

Executive Summary:

At the September 13, 2001 Council meeting, Councillor Lalonde requested information on transition costs and the Transition Board's financial projections for 2001 - specifically what transition costs were on the 2001 general levy and how the projected savings from restructuring impacted on the overall general levy.

Background:

The Councillor's request for information relates to transition costs on the 2001 general levy and also to the financial projections of the Transition Board for 2001.

Transition Costs on the 2001 Levy

Councillor Lalonde indicated that he had received a number of enquiries from tax payers about the insert that was included with the 2001 tax bills - in reference to transition costs that were included in the levy.

The tax insert charted how the 2001 tax levy would be spent, showing that approximately 0.9 percent of the levy related to transition costs. This is the \$1.6 million in delayed implementation costs outlined on pages 4 and 5 of the Current Budget document. Council will remember that all departmental budgets were prepared assuming full implementation of the model as proposed for 2001. However, as a result of delays mainly related to labour relations issues, the savings were reduced by \$1.6 million based on the assumption that all labour relation issues would be resolved by June 2001. This was shown in the budget as delayed implementation costs and on the tax insert as transition costs that impacted on the levy.

During the budget process, Council recognized that labour relation issues would not be resolved by June, thus increasing the delayed implementation costs. As well, overall transition costs were considerably above original Transition Board estimates and also considerably in excess of provincial funding. Council did not increase the levy to cover these additional costs, funding the shortfall as part of the ten year capital plan with new revenue sources.

Financial Projections of the Transition Board for 2001

The financial projections of the Transition Board reflected savings for 2001 of some \$6.3 million. These restructuring savings were not a reduction in the levy. The Transition Board presentation to Council on January 8, 2001 showed that these savings would be offset by inflation costs of \$3.7 million and one-time cost adjustments of \$1.1 million as well as increased costs for police adequacy standards of \$200,000, for a net reduction in the levy of just over \$1 million. The Transition Board budget projections were further refined to reflect lower payment-in-lieu revenue as a result of assessment decline and modified enhancements approved by Council. The final budget approved by Council resulted in no increase in the levy. This is of course before (1) the reduction in the levy due to the introduction of the wastewater rate which benefited all taxpayers, and (2) the increase in the levy as a result of the change in the assessment status of the Greater Sudbury Housing Corporation from payment-in-lieu to taxable which had no impact on the tax base overall.



October 19, 2001

His Worship Mayor J. Gordon
& Members of City Council

Dear Sirs & Madame:

Re: Fireworks By-Law

At its meeting of October 11th, 2001, some questions were raised regarding the proposed Fireworks By-Law.

At the present time, four different Fireworks By-laws from some of the previous Municipalities are in place. These are being reviewed and a revised By-law is now being prepared.

It will be the recommendation of staff that a new By-law provide for the sale of Fireworks for Victoria Day, Canada Day, New Year's Eve, and such other days as the General Manager of Emergency Services may approve.

It is staff's intention to present this By-law to Council at its first meeting in November.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ron Swiddle'.

RMS*jl

Ronald M. Swiddle
City Solicitor

E-Mail: ron.swiddle@city.greatersudbury.on.ca

Direct Line: (705) 674-4455, ext. 4224

Fax: (705) 673-1651

Copy - Jim Rule
- General Managers
- Sandra Jonasson



October 19, 2001

His Worship Mayor J. Gordon
& Members of City Council

Dear Sirs & Madame:

Re: Draft New Municipal Act

The Minister of Municipal Affairs and Housing introduced a draft *Municipal Act* into the Legislature on Thursday, October 18, 2001.

The Minister indicates this new Act would come into effect on January 1st, 2003 and contains many of the earlier provisions set out in the earlier consultation drafts.

The Minister indicates that this new Act would give additional municipal flexibility, along with additional accountability.

The Minister also indicates that the new Act would give Municipalities new powers relating to community safety issues.

At this point, we have not received a copy of the Act, but expect to receive one shortly. Once received, staff will begin a detailed review of the provisions of the Bill and will provide a detailed Report to Council. It is not known at this date whether the House will be seeking consultation or submissions from Municipalities.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ron Swiddle'.

RMS*jl

Ronald M. Swiddle
City Solicitor

E-Mail: ron.swiddle@city.greatersudbury.on.ca
Direct Line: (705) 674-4455, ext. 4224
Fax: (705) 673-1651

Copy - Jim Rule
- General Managers
- Sandra Jonasson

City Agenda Report

Report To: CITY COUNCIL

Report Date: October 17th, 2001

Meeting Date: October 25 ,2001

Subject: Appointment of a Court of Revision under the *Drainage Act*
for Agricultural Drains

Division Review:



R. G. (Greg) Clausen, P. Eng.
Director of Engineering
Services

Department Review:



D. Bélisle
General Manager of
Public Works

C.A.O. Review:



J. L. (Jim) Rule
Chief Administrative Officer

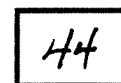
Report Prepared by: R. G. Clausen

Recommendation:

THAT the following three Members of Council be appointed to sit on the Court of Revision to hear appeals on drainage assessments for the term ending November 30, 2003.

1. _____
2. _____
3. _____

And that the first Member of Council listed be and is hereby appointed as the Chair of the Court of Revision



Executive Summary:

On October 11, 2001, Council gave first and second reading or provisional approval for the construction of the Lajoie-Crossman Agricultural Drain.

In accordance with the Drainage Act, R.S.O. 1990, the next step is for Council to appoint a Court of Revision. The Court of Revision hears any appeals dealing with assessment. The Court of Revision for the Lajoie-Crossman Drain must meet prior to Council's December meeting. Once all appeals are resolved, Council will then give third and final reading of the By-law, which authorizes construction to proceed.

The Court of Revision may consist of 3 or 5 members. The members may be City Councillors or interested individuals selected from the Community in accordance with the City's Procedural By-law. It is customary that the Chair of the Court of Revision be a Member of Council.

With respect to the current drain, the most efficient procedure would be to appoint three Members of Council to sit as a Court of Revision. Further, it is recommended that these Members of Council be appointed for the remainder of the current term of Council.

Background:

Lajoie-Crossman Agricultural Drain:

On October 11, 2001 City Council, in accordance with the provisions of the *Drainage Act*, R.S.O. 1990, gave first and second reading to By-law 2001-246 to provide for the Lajoie-Crossman Agricultural Drain in the former municipality of Rayside-Balfour.

By giving the By-law first and second reading, Council has accepted the Engineer's Report and agreed to proceed with the project.

Before receiving third and final reading, and prior to commencing this project, Council must appoint a "Court of Revision". This is a requirement of the *Drainage Act*.

Moreover, the court of revision for the Lajoie-Crossman Drain must meet before the December Council meeting.

Court of Revision:

The Court of Revision hears appeals on assessments - the portion of the cost of a proposed drainage work to be collected, as taxes, from the landowner. The Court of Revision has authority only to hear appeals against assessments, and has no authority to otherwise change the Engineer's Report.

To appeal to the Court of Revision a landowner assessed for the drainage works must give written notice of appeal to the clerk of the initiating municipality at least ten days before the first sitting of the Court. Notice of appeal forms are available from the clerk. The notice must state which land is assessed too high or too low or which land has not had proper consideration of its use (examples are agricultural land assessed as non-agricultural, subdivided land assessed as agricultural land, land used for intensive agriculture such as greenhouses assessed at the same rate as other agricultural land).

If a notice of appeal is late, but presented prior to the first sitting of the Court, the Court may hear the appeal provided it passes a resolution to accept late appeals. Under these circumstances the Court can proceed only if it gives notice to all persons who might be interested.

The Court of Revision holds a hearing, within the municipality that initiated the drainage works, between 20 and 30 days after a copy of the provisional by-law is mailed to all the affected landowners.

A quorum of the Court of Revision consists of the majority of the appointed members.

Where only one municipality is affected the Court consists of three or five members who have been appointed by the Council. Where more than one municipality is involved the Court consists of two members from the initiating municipality and one member from each of the other affected municipalities. To be appointed, the member must either be on Council or eligible to be elected to Council.

A decision of the Court of Revision can be appealed to the Ontario Drainage Tribunal.

As indicated above, the Court of Revision consists of three to five members from the municipality. It is common practice that municipalities appoint three members of Council to sit as a Court of Revision. Usually the members are Councillors of the wards which have agricultural drains. This is the past practice in both the former Town of Rayside-Balfour and the City of Valley East.

It is recommended, for the term of Council ending November 30, 2003, that the Court be composed solely of Members of Council. As indicated above the time-frame to establish the Court of Revision and to hear any appeal must be completed prior to the December meeting of Council. The 30 day appointment process for Citizen Appointments would not permit Council to meet the requirements of the *Drainage Act*.

It is recommended that Council adopt the foregoing resolution in order that this matter can proceed as expeditiously as possible.

All of which is respectfully submitted for Council's consideration.