	THE CORPORATION OF THE TOWN OF COBOURG
	COMMITTEE OF THE WHOLE AGENDA
	Monday July 22, 2019 at 3:00 PM Council Chambers, Victoria Hall, Cobourg

A Committee of the Whole meeting of the Cobourg Municipal Council will be held on Monday, July 22, 2019 at 3:00 P.M. in the Council Chambers, Victoria Hall, Cobourg.

I CALL TO ORDER

II CLOSED SESSION

1. THAT Council meet in Closed Session at 3:00 P.M in accordance with Section 239 (2) of the *Municipal Act, 2001*, regarding:

s. 239(2)(b) personal matters about a identifiable individual, including a municipal or local board employee:

1. Taxi-Cab Driver License Application.

S.239(2)(c) A proposed or pending acquisition or disposition of Land by the Municipality or Local Board.

1. A Potential Sale of Land.

(Committee of the Whole Meeting to begin at 4:00 P.M following the Closed Session)

III AGENDA ADDITIONS

1. Memo from the Municipal Clerk/Manager of Legislative Services, regarding an Ombudsman Report Response on William Street Brewery;
2. Memo from the Deputy Director of Community Services, regarding the Memorial Arena usage;
3. Delegation, Janelle Eisler, Manager of Community Engagement, Cornerstone Family Violence Prevention Centre, regarding Walk a Mile in Her Shoes Event in the Town of Cobourg;

4. Motion from the Secretary of the Accessibility Advisory Committee regarding comments on the Application for a Proposed Amendment to the Town of Cobourg Official Plan and Comprehensive Zoning By-law, and approval of a Draft Plan of Subdivision for the Proposed 334 Unit Residential Development known as 'East Village Phase 5';
5. Motion from the Secretary of the Accessibility Advisory Committee regarding the continuation of extended Accessible Transit Services in the Town of Cobourg;
6. Memo from the Secretary of the Sustainability and Climate Change Advisory Committee, regarding comments on the Application for a Proposed Amendment to the Town of Cobourg Official Plan and Comprehensive Zoning By-law, and approval of a Draft Plan of Subdivision for the Proposed 334 Unit Residential Development known as 'East Village Phase 5'; and
7. Delegation, Jeremy Fowlie, Cobourg Dragon Boat and Canoe Club (CDBCC), regarding relocation of the mast racks in shared CDBCC/CYC Compound.

Action Recommended: THAT the matters be added to the Agenda.

IV DISCLOSURE OF PECUNIARY INTEREST

V PRESENTATIONS

1. Ashley Purdy, Communications Manager and Kara Euale, Manager of Marketing and Events, regarding the newly designed Municipal Corporate Website and Experience Cobourg Website, and the Social Media Strategy.

VI DELEGATIONS

1. Gary McLean, First Choice Taxi, Licensed Taxi Company Owner, requesting the elimination of the Senior Rate from the Town of Cobourg Taxi By-law 014-2014 to become a one rate system. 10 - 13
2. Janelle Eisler, Manager of Community Engagement, Cornerstone Family Violence Prevention Centre, regarding Walk a Mile in Her Shoes Event in the Town of Cobourg. 14 - 24
3. Jeremy Fowlie, Cobourg Dragon Boat and Canoe Club (CDBCC), regarding relocation of the mast racks in shared CDBCC/CYC Compound. History of the Cobourg Dragon Boat and Canoe Club Operations in Cobourg and rational for relocating the Mast Racks. 25 - 53

VII DELEGATION ACTIONS

VIII GENERAL GOVERNMENT SERVICES

Chair, Deputy Mayor Séguin - General Government Services Coordinator

1. Memo from the Chief Administrative Officer, regarding an Amendment to the 2006 Promissory Note LUI - Town of Cobourg (Staff Report to be brought forward August 12, 2019).
2. Memo from the Chief Administrative Officer, regarding the use of the Provincial Audit and Accountability Fund. 54 - 57

Action Recommended: THAT Council receive the Report from the Chief Administrative Officer for information purposes; and

FURTHER THAT Council accept the noted projects in principal, as projects for funding under the Provincial Audit and Accountability Fund; and

FURTHER THAT Council forward the list of projects to be considered at the 2020 Budget deliberations; and

FURTHER THAT Council direct Staff to provide complete business plans at the time of Budget deliberations for project justification.

3. Memo from the Director of Corporate Services/Treasurer, regarding the Audit Committee Report on the review of the draft Audited Financial Statements for the fiscal year ending December 31, 2018. 58 - 94

Action Recommended: THAT Council approve the 2018 Consolidated Financial Statements of the Corporation of the Town of Cobourg; and

FURTHER THAT notice be published in the newspaper and on the municipal website advising that the Consolidated Financial Statements for the Corporation of the Town of Cobourg for the year ended December 31, 2018 have been posted to the municipal website in accordance with Section 295 of the Municipal Act, 2001.

4. Memo from the Director of Corporate Services/Treasurer, regarding Emergency Repairs on Victoria Hall. 95 - 97

Action Recommended: THAT Council transfer funds in the amount of \$30,000 from the 2019 Capital Budget Item - Market Building - Restoration of Exterior Woodwork/Brickwork/Pointing (Page 10) to cover the cost of emergency repairs to stop water infiltration along the south side of Victoria Hall.

5. Memo from the Municipal Clerk/Manager of Legislative Services, regarding an outline of services and fees associated with the Integrity Commissioner Services for Training and Policy Review. 98 -
103

Action Recommended:

THAT Council accept and approve the work plan as outlined within the Staff Report for Integrity Commissioner Services to be delivered to Municipal Council; and

FURTHER THAT Council Pre-Approve \$10,000 in the 2020 Operating Budget to include a Line Item for Integrity Commissioner Services, to cover the costs of the suggested Town of Cobourg Integrity Commissioner policy review and educational training for Council, the Public and Staff.

6. Memo from the Municipal Clerk/Manager of Legislative Services, regarding an Integrity Commissioner Report dated January 22, 2018. 104 -
125

Action Recommended: THAT Council receive the memorandum from Templeman LLP, Town of Cobourg Municipal Solicitors, for information purposes; and

FURTHER THAT Council make the Integrity Commissioner Report dated January 22, 2018 Public, as required by Section 223.6 (3) of the Municipal Act, 2001.

7. Memo from the Municipal Clerk/Manager of Legislative Services, regarding an Ombudsman Report Response on William Street Brewery. 126 -
152

Action Recommended: THAT Council receive the Report from the Municipal Clerk/Manager of Legislative Services for information purposes; and

FURTHER THAT Council abide by the terms of the existing Services Agreement and allow the Board of Directors of Lakefront Utility Services Inc. to be the final decision authority regarding customer disputes; and

FURTHER THAT Council may wish to review and amend the terms of the Services Agreement at any time.

8. Memo from the President and CEO of Lakefront Utility Services Inc. (LUSI), regarding a response to Resolution 132-19 (Referred from the July 2, 2019 Regular Meeting). 153 -
166

Action Recommended: THAT Council receive the Memo from the President and CEO of Lakefront Utility Services Inc. for information purposes.

IX PLANNING AND DEVELOPMENT SERVICES

Chair, Councillor Beatty - Planning and Development Services Coordinator

1. Memo from the Secretary of the Cobourg Heritage Advisory Committee, regarding Heritage Permit HP-2019-040. 167 -
174

Action Recommended: THAT Council endorse the comments of the Cobourg Heritage Advisory Committee and approve Heritage Permit HP-2019-040 to permit a roof replacement from asphalt shingles to a 'charcoal' steel roof at property located at 100 King Street West, Cobourg, subject to the finalization of details by staff.

2. Memo from the Secretary of the Cobourg Heritage Advisory Committee, regarding Heritage Permit HP-2019-035. 175 -
183

Action Recommended: THAT Council endorse the comments of the Cobourg Heritage Advisory Committee and approve Heritage Permit HP-2019-035 to permit the re-construction of the front porch and stairs made from the proposed wood material (pine) at property located at 216 Church Street, Cobourg, subject to the finalization of details by staff.

X PUBLIC WORKS SERVICES

Chair, Councillor Darling - Public Works Services Coordinator

1. Memo from the Director of Public Works, regarding the Asset Management Policy. 184 -
189

Action Recommended: THAT Council receive the memo from the Director of Public Works for information purposes; and

FURTHER THAT Council approve the Town of Cobourg Asset Management Policy as attached to the Report as Appendix "A".

2. Memo from the Director of Public Works, regarding the Street Light Pole Replacement Program Tender Award (CO-19-14 DPW). 190 -
193

Action Recommended: THAT Council award the 2019 Street Light Pole Replacement Contract to Otonabee Electrical Services Inc. in the amount of \$479,138.41 plus HST (Price Option 2); and

FURTHER THAT Council approve a debenture increase in the amount of \$326,738.41 plus HST to account for the additional funding required over the approved capital project budget.

3. Memo from the Director of Public Works, regarding the assumption of Parts 2, 3 and 4 of Plan 39R-13906 as a public highway within the Town of Cobourg. 194 -
196

Action Recommended: THAT Council authorize the preparation of a by-law to be endorsed and be presented to Council for adoption at a Regular Council Meeting to assume Parts 2, 3 and 4 of Plan 39R-13906 as a Public Highway within the Town of Cobourg.

4. Memo from the Secretary of the Transportation Advisory Committee, regarding a request to form a Sub-Committee to review the standards for cycling facilities and infrastructures in the Town of Cobourg. 197

Action Recommended: THAT Council endorse the request of the Transportation Advisory Committee and approve the creation of the Sub-Committee; and

FURTHER THAT the Sub-Committee review standards for cycling facilities and infrastructures in the Town of Cobourg to be incorporated into the 2020 Transportation Master Plan; and

FURTHER THAT the Sub-Committee be made up of three (3) members of the TAC, and four (4) interested citizens of the public; and

FURTHER THAT the members of the Sub-Committee be appointed within thirty (30) days of approval of the Sub-Committee by Council and the Sub-Committee be directed to provide a draft of standards to TAC by March 31, 2020.

XI PARKS AND RECREATION SERVICES

Chair, Councillor Chorley - Parks and Recreation Services Coordinator

1. Memo from the Deputy Director of Community Services, regarding the Memorial Arena usage. (Updated Memo July 18, 2019). 198 -
204

Action Recommended: THAT Council receive the Report from the Deputy Director of Community Services for information purposes; and

FURTHER THAT the Memorial Arena remain closed and that an Ad Hoc Committee be struck to determine the future use of the Memorial Arena.

2. Memo from the Manager of Parks, regarding the Donegan Park Light Replacement. 205 -
207

Action Recommended: THAT Council authorize and approve staff to purchase new LED sports light fixtures at Donegan Park for a total of amount of \$28,000 to be taken from the 2019 Parks Department Capital Budget originally intended for the Donegan Park fence replacement.

XII PROTECTION SERVICES

Chair, Councillor Burchat - Protection Services Coordinator

1. Motion from the Secretary of the Accessibility Advisory Committee, regarding comments on the Application for a Proposed Amendment to the Town of Cobourg Official Plan and Comprehensive Zoning By-law, and approval of a Draft Plan of Subdivision for the proposed 334 Unit Residential Development known as 'East Village Phase 5'. 208

Action Recommended: THAT Council receive the Motion from the Accessibility Advisory Committee for information; and

FURTHER THAT the Committee Motion be forwarded to Planning Staff for consideration and inclusion in the Planning Report for the East Village Phase 5 Development to be brought back to Council for consideration.

2. Motion from the Secretary of the Accessibility Advisory Committee regarding the continuation of extended Accessible Transit Services in the Town of Cobourg. 209

Action Recommended: THAT Council endorse the request of the Accessibility Advisory Committee and refer the matter to Public Works Staff for consideration to be brought forward to the 2020 Budget deliberations.

XIII ARTS, CULTURE AND TOURISM SERVICES

Chair, Councillor Bureau - Arts, Culture and Tourism Services Coordinator

1. Memo from the Secretary of the Sustainability and Climate Change Advisory Committee, regarding Refillable Water Bottle Stations in the Town of Cobourg. 210

Action Recommended: THAT Council endorse the comments of the Sustainability and Climate Change Advisory Committee and develop an implementation plan for the installation of outside water bottle filling stations in the Town of Cobourg; and

FURTHER THAT the implementation plan occur within the current term of Council, beginning in the 2020 Budget.

2. Memo from the Secretary of the Sustainability and Climate Change Advisory Committee, regarding a request to form a Sub-Committee to prepare for the Annual Report and Work Plan. 211

Action Recommended: THAT Council endorse the request of the Sustainability and Climate Change Advisory Committee and approve the creation of the Sub-Committee.

3. Memo from the Secretary of the Sustainability and Climate Change Advisory Committee, regarding comments on the Application for a Proposed Amendment to the Town of Cobourg Official Plan and Comprehensive Zoning By-law, and approval of a Draft Plan of Subdivision for the Proposed 334 Unit Residential Development known as 'East Village Phase 5'. 212 - 214

Action Recommended: THAT Council receive the motion from the Sustainability and Climate Change Advisory Committee for information; and

FURTHER THAT the Committee Motion be forwarded to Planning Staff for consideration and inclusion in the Planning Report for the East Village Phase 5 Development to be brought back to Council for consideration.

XIV UNFINISHED BUSINESS

The items listed in the order of the topics set out in the agenda of prior meetings which have not been disposed of by Council and the date of their first appearance on the agenda shall be noted and repeated on each subsequent agenda until disposed of by Council, unless removed from the agenda by leave of Council. - Council Procedural By-law No. 009-2019.

Unfinished Business Item	Meeting Date	Department/Division	Deadline Date
CAO to develop a Municipal Council a Strategic Plan Action Report that sets out work, costs, timelines and Division/Department resources required for the 2019 – 2022 Council Strategic Plan Implementation.	04-23-19	Chief Administrative Officer	July 22, 2019
Extension of the RFP for the position of the Municipal Ombudsman.	05-21-19	Legislative Services	July 4, 2019
Staff Report in response to correspondence from the Chair of the Town of Cobourg Holdings Inc., regarding an amendment to the 2006 Promissory Note. July 2019	06-03-19	Corporate Services	July 2, 2019
Staff Report regarding a response to aPublic Meeting held on June 24, 2019 regarding a proposed Town of Cobourg Official Plan and Zoning By-law Amendment Application, and Approval of a Draft Subdivision Plan to consider public submissions.	06-24-19	Planning Department	August 12, 2019
Staff Report on the creation of a Civic Awards Advisory Committee	06-03-19	Legislative Services	September 3, 2019
Staff Report regarding Adult Fitness Park in Cobourg	06-12-19	Community Services	September 3, 2019
Staff Report Sustainability and Climate Change Advisory	06-24-19	Chief Administrative Officer	September 3, 2019

Committee, regarding a recommendation to support the Banning/Phasing out of Bottled Water in Municipal Facilities and Municipal Events.			
Terms of Reference regarding a social planning and/or Community Development Advisory Committee, regarding affordable housing.	01-28-19	Legislative Department	September 23, 2019
Report reviewing the Town of Cobourg Public Comment and Complaint Policy.	05-13-19	Legislative Department	September 23, 2019
Update the Capital Sidewalk Extension Program Priority Guidelines to reflect actual walking/driving distances for Northwood Drive.	02-25-19	Public Works	September 30, 2019
Staff Report reviewing the impacts of the Traffic Study for Lower Division Street/Esplanade Area.	04-01-19	Public Works	October 15, 2019
Staff Report regarding the public engagement and recommended repairs/improvements for the East Pier and Victoria Park Campground	07-02-19	Community Services	October 15, 2019
Review of the Taxicab by-law, with the inclusion of ride sharing transportation such as Uber or Lyft, and with input by the public and taxicab owners and operators.	02-19-19	Legislative Department	November 25, 2019
Memo from John Ewart, Town of Cobourg Municipal Ombudsman, regarding a Town of Cobourg Ombudsman Complaint 1-2018.	11-26-18	Legislative Department	
Staff Report reviewing the impacts of the Traffic Study for Condo. Corp. #58- 148 Third Street.	04-01-19	Public Works	
Traditional Land Acknowledgment Statement to be read at Council Meeting	05-13-19	Legislative Department	

XV COMMITTEE OF THE WHOLE OPEN FORUM

XVI ADJOURNMENT

To the attention of Mayor John Henderson & Cobourg Council

As you are aware the Owners of all licensed taxi companies presented a delegation to council after a by-law to eliminate the moratorium on taxi licenses in Cobourg. This process was completed within one week from the time it was brought up in a council meeting until it was adopted. This shows the SWIFTNESS that council can move on things when they want to. Since then we have had no response to OUR concerns with regard to the pricing structure that has not changed since July of 2010, that's 9 years. I am certain that everyone here has had raises in the last 9 years. We asked that town council eliminate the two-tiered fare system that is in place now. That would be a start to bring fares more in line with the industry standard. When the meters were first brought in it was agreed that the time would be OFF during the trip except for waiting time at stops after the first two minutes and that we would implement the time ON after 5 years. (As Per Stan Frost (Councilor) & Lorraine Brace (Clerk). When I was at town hall one day about 3 or 4 years ago I brought this to the attention of Lorraine and requested a meeting of Council & Owners to discuss what was & STILL is needed by the Investors (Owners) of the Cobourg Taxi industry. Lorraine's response to me was that Quote "we don't want to upset our seniors" and despite numerous requests through Angela Stewart (Licensing Officer) since Lorraine's

retirement STILL, NOTHING has been done. My response to that was and still is that I don't want to continue upsetting my finances to the point of bankruptcy. It has been OVER 2 months since our delegation to council and there appears to be NO MOVEMENT on the issue. After asking Brent Larmer current (Clerk) about the timeline on getting things accomplished on the issue he told me that the councilors had until the end of May 2019 but a couple of days later Northumberland News published that Councilors were granted until November 15th 2019 to get public input before making any decisions. This is ANOTHER 1/2 year. This is IN NO WAY ACCEPTABLE.

Let's use some COMMON SENSE. WE DO NOT feel that municipalities should have the right nor the power to Dictate the prices for the taxi industry or force us to give a discount of anywhere from 11% to 30%. Who do you think are the investors here. How would it be if council decided to try regulating prices and demanding senior discounts 365 days a year at gas stations, grocery stores, restaurants or PAWN shops in Cobourg and request public input as to their pricing methods. GOOD LUCK. Town Council CANNOT control INFLATION. It's time to stop thinking about public opinion and VOTES and start thinking about the survival of our local taxi industry. You don't CONTROL any other privately owned

business as to the pricing of their product so it is time to STOP controlling us before you have NO taxis operating in Cobourg.

My perception of what regulating the taxi industry in ANY municipality is to look after VEHICLE SAFETY CHECKS (For the safety of the public). Police (VULNERABLE SECTOR CHECKS) (For the safety of the public). Company owners should all agree on the price structure (WITHOUT INPUT FROM COUNCIL). The clerk's office should still monitor companies for any LEGITIMATE complaints as well as COMPLIMENTS. When this is agreed upon then the town should implement decals to be placed on the passenger side of all licensed taxis showing the base rate (Drop Charge or Pickup Charge) of \$4.75 along with the rate per km \$1.75 Per Km & the breakdown by each 2/10 km \$0.35. The next fare adjustment by year's end should be by turning the TIME ON at \$45.00 per hour then be discussed and adjusted yearly to become effective Jan-31st each calendar year as required by the owners.

I think it is safe to say that council members have no idea what the costs are of running a taxi company. "WE DO" and WE are all too aware that we are NOT creating a profit.

Stan Frost put it best back in 2010 when he said, and I Quote "I don't see how you guys are making any money with

these rates" and yet here we are still struggling along 9 years later at the SAME rates as then.

Effective July 23rd 2019, WE the Taxi Owners will begin operating on a one rate system for everyone on all trips with pickups & drop offs within the town of Cobourg. This will be what is now known as Rate # 1 on the meters which will NOT require any modifications to the meters at this time. We trust that you as Counselors now understand the severity of the situation and will adopt our needs as outlined with NO further delay.

GARY MCLEAW First Choice Taxi [Signature]

[Signature] V. Gill A-1 Taxi V. GILL

Kapaton Cobourg Cab KAPATON

HEREBY AGREE TO CHARGE A 1 RATE
TARIFF AS SOON AS POSSIBLE, IN
ACCORDANCE AND AGREEMENT WITH
THE OTHER TAXI OWNERS &P .



CORNERSTONE
Family Violence Prevention Centre

A PLACE WHERE HOPE GROWS

WALK A MILE IN HER SHOES 2019

Who We Are | What We Do | How You Can Help



Background

– Mission

- Cornerstone Family Violence Prevention Centre is breaking the cycle of family violence by providing immediate shelter, counselling and prevention services throughout Northumberland County.

– Vision

- Together we are a community committed to healthy, respectful relationships free from family violence.

What We Do



- **Residential**
 - Shelter & Crisis Counselling
 - 24 Hour Support Line
 - Transitional and housing support



- **Community**
 - Resource centre
 - Women's Counselling: individual and group
 - Family Court Support
 - HomeShare Program
 - Child & Youth Counselling in schools
 - Child Witness Program
 - Prevention



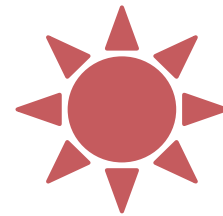
Shelter Impact Report | April 2018 – March 2019



1321 Crisis
Calls Answered



Occupancy
Rate of 117%



6013 Days of
Residential Care
Provided



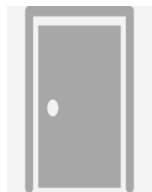
69 Women
Served



133 Women Received
Transitional &
Housing Support



47 Children &
Dependents Served



118 Women & 24 Children
Unable To Be Serviced At
Our Facility Due To Capacity
And Lack Of Funding



18 Individuals & Families
Placed in Housing

Counselling Impact Report | April 2018 – March 2019



72 people received family court support



242 Women Not Needing Shelter Were Given Counselling



7142 km's were driven to reach rural clients



Over 70 text/email conversations giving counselling services



225 hours of Workshops & Groups

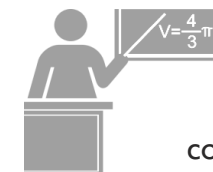


1026 Students Received Violence Prevention Programing

57 Children & Youth Served In The Community

10 Schools participated in our Violence Prevention Programs

47 Classrooms Received Violence Prevention Programming



40 Swayne St., Cobourg, ON
cornerstonenorthumberland.ca

Background

– Est. 2007

- Walk A Mile In Her Shoes started as an initiative in 2001 in the United States as a walk to end gender-based violence.
- Cornerstone introduced the Walk A Mile In Her Shoes as one of our signature fundraising and awareness events in 2007.
- It started out as a small group of local men walking in red high heeled shoes through Northumberland Mall.
- Has grown to be one of our largest fundraiser's raising over \$40,000 in 2018



Then and Now



2007: 12 Good Men

2018: 125 Great Community Members



40 Swayne St., Cobourg, ON
cornerstonenorthumberland.ca

Walk A Mile In Her Shoes



40 Swayne St., Cobourg, ON
cornerstonenorthumberland.ca

Walk A Mile In Her Shoes



Walk A Mile In Her Shoes

- **Bigger and Better!**
- 12th Annual
- Saturday Sept. 28
- Through the Downtown Cobourg Harvest Festival
- We are challenging **YOU!**



Connect With Us

Visit us at: www.cornerstonenorthumberland.ca/WalkAMile

Follow us:

 Cornerstone Family Violence Prevention Centre

 @CornerstoneFVPC

 @cornerstonefvpc

Connect with Janelle:

Janelle Eisler

Manager of Community Engagement

jeisler@cornerstonenorthumberland.ca

905-372-1545 ext 237



40 Swayne St., Cobourg, ON
cornerstonenorthumberland.ca



The Corporation of the Town of Cobourg
Legislative Services Department
55 King Street West
Cobourg, ON K9A 2M2

Delegation Request Form

Please submit the completed Delegation Request Form to the Municipal Clerk in person or by mail to 55 King Street West, Cobourg, ON K9A 2M2, by e-mail to clerk@cobourg.ca, or by fax to (905) 372-7558.

1. GENERAL INFORMATION

Name of Delegate(s):

JEREMY FOWLIE

Group/Organization/Business Delegation Represents (if applicable):

COBOURG DRAGON BOAT AND CANOE CLUB

2. MEETING SELECTION

I wish to appear before:

Committee of the Whole Regular Council Advisory Committee or Local Board

If appearing before an Advisory Committee or Local Board please specify:

Meeting Date Requested:

JULY 22 2019

3. DELEGATION REQUEST

General Nature/Purpose of the Delegation:

(Clearly state the nature of the business to be discussed & provide a general summary of the information to be presented)

RELOCATION OF MAST RACKS IN SHARED COBCC/CYC COMPOUND
HISTORY OF COBCC OPERATIONS IN COBOURG AND RATIONALE
FOR RELOCATING MAST RACKS

Recommendation to Council/Committee/Board:

(Please indicate below what action you would like the Town to take with respect to the above-noted subject matter)

RACKS BE RELOCATED INTO CYC DINGHY COMPOUND
TO ENABLE COBCC TO BETTER UTILIZE PRESENT AREA
IN COMPOUND YEARLY

Have you appeared before the Town of Cobourg's Council or its Committees or Boards in the past to discuss this issue?

Yes No

4. PRESENTATION MATERIAL

Will you have an oral or written presentation? Oral Written

Do you have any equipment needs? Yes No

If selecting yes, please indicate the type of equipment needed for your presentation:

POWER POINT

Note: Delegates are required to provide one (1) copy of all background material/presentations prior to the deadline provided in the Delegation Rules and Guidelines below, or it will not be included in the Agenda.



In 1999 we first approached Town Council about starting a Dragon Boat Club in Cobourg. Town Council has always been supportive of the CDBCC and endorsed us as we offered recreation programs for residents of Cobourg and Northumberland.

Padding club thanks Cobourg for its support



By Cecile Nasmith, Northumberland Today
Thursday, June 28, 2012 2:39:50 EDT PM



Cobourg Dragon Boat and Canoe Club commodore Beth Bellaire and head coach Jeremy Fowlie (in blue shirts) presented a plaque of appreciation for all the town's support to (from left) Councillors Larry Sherwin, John Henderson, Mayor Gil Brocanier, Deputy Mayor Stan Frost and Councillor Donna Todd.

Cobourg Dragon Boat and Canoe Club



PEOPLE

The Town supports and cares for the social and physical well-being of its citizens

Strategic Actions

1. Create a housing strategy that is in alignment with Northumberland County's housing strategy
2. Implement a municipal youth program
3. Encourage healthy lifestyles across all age groups
4. Continue to pursue the Age-Friendly Communities designation

Desired Outcomes

- People are able to find attainable housing in Cobourg
- There is a broad variety of housing types available for ownership and rental
- Residents of all ages are engaged in a wide range of physical activities
- Cobourg residents are healthy and happy
- Cobourg's youth participate in community activities and events
- The Town is enriched by the skills, ideas and perspectives of its youth

Sport Development

GOAL- *Develop a Shared Leadership Model for the Implementation of an Active Recreation and Sport Strategy*

- 7 Objectives
- 29 Actions
 - 3 related to adopting a Sport Leadership and Engagement Strategy
 - 5 related to capacity building and strengthening Cobourg as a CS4L community
 - 4 related to promoting sport for life in recreation and sport programming
 - 4 related to hosting sport events that promote the philosophy of CS4L and LTAD
 - 3 related to continuous learning related to the CS4L model
 - 6 related to advancing Cobourg as a sport/ tourism/ event leader in the region
 - 4 related to advancing sport infrastructure based on the Canadian Sport Framework and alignment with Healthy and active aging



Active for Life

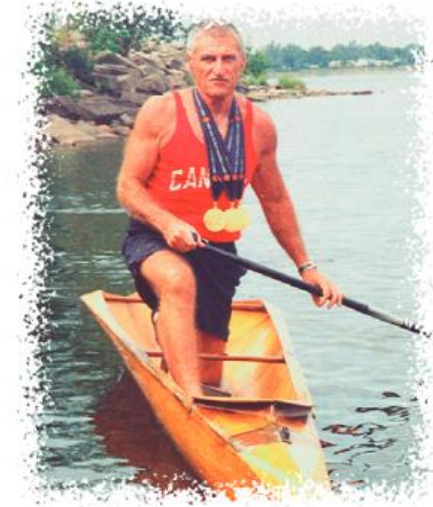
Age: Any age

Objectives:

- continue to be physically active in paddling and/or other sports and activities.
- continue to be involved in the paddling community, as an athlete, coach, official or in other capacities.

Key Outcomes:

- Health, well-being, and fun.



CanoeKayak Canada has a Long-Term Athlete Development Model that follows Canadian Sport for Life's framework. Appropriate phases of development are defined for specific age groups based on science and research. By aligning programming with CS4L's strategy to improve the quality of sport in Canada, CanoeKayak Canada is increasing participation in sport and creating a pathway for athletes to reach their fullest potential.













Cobourg paddlers prevail at provincials

COMMUNITY Aug 26, 2013 Northumberland Today



*Submitted Photo*The bantam mixed C15 team from the Cobourg Dragon Boat and Canoe Club gives it their all at the recent provincial Canoe Kayak Championships in Ottawa.



Cobourg paddlers compete at U16 Ontario Summer Games in Welland

Will Baayen, Gillian Ferguson and Emma Zoldy represented western Ontario at canoe kayak events Aug. 11-14

COMMUNITY Aug 29, 2016 by [Dominik Wisniewski](#) ✓ Northumberland News



ladsnews.com/expand/4ck2ra-1-8ia-CelbunioVY-SA7KEaD27-eeVeeCkUkQkKukAnd2B4OASDUE-Yes-nties/emerging-leader/emerging-leader-2016

Cobourg paddlers competing at national sprint championships in Ottawa

Fifteen members to join more than 1,700 athletes competing on Mooney's Bay during six days of competition

COMMUNITY Aug 25, 2015 by [Dominik Wisniewski](#)  Northumberland News





1/2

COBOURG -- Cobourg Dragon Boat Club member Isaac Clapp, 14, dreams of going to the Olympics for kayaking. July 11, 2012. - Karen Longwell / Northumberland News

Youth in Policing students flock to Cobourg's waterfront

Local YIPI members welcome 40 students from Gananoque, Kingston and Peel on Aug. 16

NEWS Aug 20, 2016 by [Dominik Wisniewski](#) ✓ Northumberland News



The 12th Annual Cameco Challenge Dragon Boat Festival

For Northumberland United Way

Our Team was asked by the Northumberland United Way to take part in this event to provide our services. Again we were privileged to participate and be apart of another exciting event benefiting our community. With over 33 teams taking part, Elizabeth Williams RMT and Dr. Alban Merepeza D.C. had a busy day treating these enthusiastic paddlers. This event is Northumberland United Way's biggest fundraiser and this year raised approximately \$44,000.

Northumberland United Way sets campaign goal at \$831,500

NEWS Sep 25, 2017 by [Sarah Hyatt](#) Brighton Independent













11:19

5%



Satellite



MEASUREMENT OPTIONS



11:20



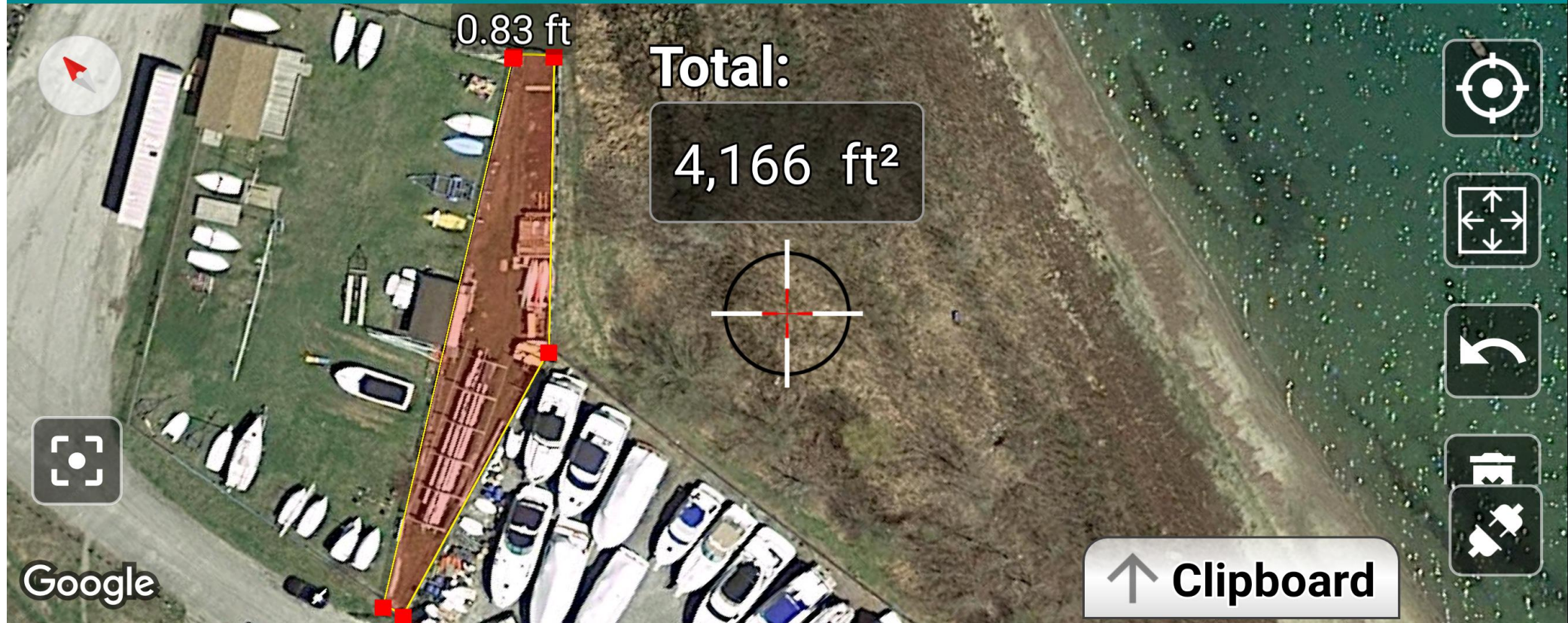
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MEASUREMENT OPTIONS



 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT	
TO:	Mayor and Council	
FROM: TITLE:	Stephen Peacock, P.Eng. CAO	
DATE OF MEETING:	July 22, 2019	
TITLE / SUBJECT:	Use of Provincial Audit and Accountability Fund	
REPORT DATE:	July 10, 2019	File #:

1.0 STRATEGIC PLAN

Pillar: Programs

The Town provides efficient and effective corporate, community and business and recreational services for its residents, businesses and visitors

2.0 PUBLIC ENGAGEMENT

Public engagement will occur through the 2020 Budget deliberation process.

3.0 RECOMMENDATION

It is recommended that Council accept this report for information purposes and further
that Council accept the noted projects in principal as project for funding under the Provincial Audit and Accountability Fund
and further
that Council forward this list of projects to 2020 budget deliberations
and further
that Council direct staff to provide complete business plans at time of budget deliberations for project justification.

4.0 ORIGIN

In early 2019 the Provincial government announced a (1) one time funding for municipalities to build efficiencies. The total funding amount provided was \$619,005.00

5.0 BACKGROUND

Directors reviewed the funding criteria for the above noted funding and on April 16/19 an invitation to all staff was provided to submit projects for review that would build efficiencies within the operation of the Town. Submissions were due by the end of the first week of June. Eight submissions were received and reviewed by Directors. All submissions were seen as falling within the mandate of the program and so were submitted to General Government for further review. On June 14th/19 General Government reviewed the submissions and asked that it proceed for Council consideration.

6.0 ANALYSIS

A brief review of the 8 submissions are as follows:
(see Attachment 'A' summary)

Project #1- High Volume Low Speed Fan installation

This proposal would see HVLS fans installed at the Public Works in Northam Building #7. This installation would realize a 20-30% reduction in Heating/Cooling costs.

Project cost-\$66,380.00

Project #2- Asset Management System for Buildings

Utilizing a new software program, this project would see engineering review and cost estimates for maintenance of all Town owned buildings c/w accessibility audit to AODA 2025 standards.

Total funds in addition to funds already allocated in 2019 budget \$85,700.00

Project #3- Casual staff to carry out HR Projects

Complete corporate wide risk assessments, required training assessments and ergonomic assessments

Project Cost-\$54,235.00

Project #4- Fire service review

Level of service and efficiency review including County wide partners

Project Cost- Cost to be included in Project #8

Project #5-Records Management

Project to include the next phase to realizing full records management system.

Project Cost- phase 2 of 4 \$134,000.00

Project #6 -Coin Counting Machine

Existing machine requires replacement

Project Cost-\$10,000.00

Project #7- Great Plains Tax Module

This module will integrate tax collection with great Plains financial software
Project Cost- \$150,000.00

Project #8-Service delivery review

This project is purposed to define what services and to what level of delivery should the town provide to its citizenry. It will also provide direction on how services should be delivered and by whom.

Project Cost-\$100,000

The total value of the suggested project are \$600,315.00

7.0 FINANCIAL IMPLICATIONS/BUDGET iMPACT

The Provincial Audit and Accountability Fund provided a (1) one time fund of \$619,005.00 for municipalities to find efficiencies in service delivery. Staff have provided a recommended list of project with a total cost of \$600,315.00

8.0 CONCLUSION

Staff from across the municipality have been asked to provide input as to projects that would gain operational efficiencies. This list is provided to Council for their consideration.


12.0 AUTHORIZATION/SIGNATURES

A handwritten signature in blue ink that reads "Steph Pearce". The signature is written in a cursive, flowing style.

Building Efficiencies Fund

Staff suggestions

<u>order received</u>	<u>Project Title</u>	<u>Department/ Division</u>	<u>Description</u>	<u>Cost</u>
1	Big Ass Fans and Energy Savings	Public Works	large high volume, low speed ceiling fans, energy reductions estimated at 20-30%	\$ 66,380.00
2	Asset Management information system(AMIS)	Community and Corporate services	Computer software and engineering review of all town buildings for Asset Management including accessibility audit to meet AODA 2025 standards (\$60,000 previous funded of \$145,700)	\$ 85,700.00
3	Casual staff to carry out HR project	Human Resources	Staff to complete risk assessment, required training assessment and ergonomic assessment	\$ 54,235.00
4	fire service review	Fire Department	fire county wide efficiencies review	tbd
5	records management	legislative services	full records management- (maybe phased ie. 3x \$134,000) total project \$402,580.00	\$ 134,000.00
6	Coin Counting Machine	corporate services	ex. Machine old and too slow,	\$ 10,000.00
7	Great Plains- Tax Module	corporate services	to integrate tax module/Esend/Virtual city hall	\$ 150,000.00
8	Service Delivery Review	Office of CAO	carry out corporate wide service delivery review with any resulting organizational review	\$ 100,000.00
				\$ 600,315.00

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG
	STAFF REPORT
TO:	Mayor and Council Members
FROM: TITLE:	Ian D. Davey, BBA CPA CA Treasurer
DATE OF MEETING:	July 22, 2019
TITLE / SUBJECT:	Report from the Audit Committee
REPORT DATE:	July 11, 2019

1.0 STRATEGIC PLAN
Not applicable

2.0 PUBLIC ENGAGEMENT

Section 295 (1) of the Municipal Act, 2001 requires that:

“Within 60 days after receiving the audited financial statements of the municipality for the previous year, the treasurer of the municipality,

- (a) Shall publish in a newspaper having general circulation in the municipality,
 - (i) A copy of the audited financial statements, the notes to the financial statements, the auditor’s report and the tax rate information for the current and previous year as contained in the financial review, or
 - (ii) A notice that the information described in subclause (i) will be made available at no cost to any taxpayer or resident of the municipality upon request; and
- (b) May provide the information described in subclause (a) (i) or (ii) to such persons and in such other manner as the treasurer considers appropriate.”

3.0 RECOMMENDATION

- (1) That the draft audited financial statements for the year ended December 31, 2018 be presented to the Regular Council meeting of July 22, 2019 and that a motion to approve the 2018 Consolidated Financial Statements of the Corporation of the Town of Cobourg be adopted.

- (2) That a notice be published in the newspaper and on the municipal website advising that the Consolidated Financial Statements for the Corporation of the Town of Cobourg for the year ended December 31, 2018 have been posted to the municipal website in accordance with Section 295 of the Municipal Act, 2001.

4.0 ORIGIN

The Audit Committee of the Town of Cobourg consists of Mayor J. Henderson, Deputy-Mayor S. Seguin and Councillor B. Darling. Staff members include CAO S. Peacock, Treasurer I. Davey and Senior Financial Analyst J. Heslinga.

A meeting of the Audit Committee was held on July 9, 2019 for the purpose of reviewing the draft audited financial statements for the fiscal year ended December 31, 2018 and receiving the Audit Findings Report from the external audit firm.

Councillor B. Darling and CAO S. Peacock were unable to attend this meeting.

L. Huber, CPA CA LPA, a partner with the audit firm of KPMG, was also in attendance to answer any questions from the committee related to the audit.

5.0 BACKGROUND

The Audit Committee meets at least twice per year. The first meeting is to review the audit plan and to discuss with the Auditors and questions or concerns from members of the committee. The second meeting is to review the draft financial statements and the audit findings report. Additional meetings may be called should the need arise.

ANALYSIS

Draft Audited Financial Statements

J. Heslinga presented the draft consolidated financial statements for 2018 and along with L. Huber and I. Davey, answered questions from the committee.

The consolidated entity of the Corporation of the Town of Cobourg includes the results of the 2018 operations of the Town of Cobourg, the Cobourg Public Library, the Cobourg Downtown Business Improvement Area and the Waterworks of the Town of Cobourg. These financial statements also include the assets, liabilities, revenue and expenses of the Northam Industrial Park which is owned by the municipality. The investment in the Town of Cobourg Holdings Inc and its subsidiaries is accounted for on a modified equity basis.

There are two reports at the start of the package. The first being a statement of Management's Responsibility for the Consolidated Financial Statements (pg 1) and the second being the Independent Auditors' Report (pg 2 to 4). This report is addressed to "Members of Council, Inhabitants and Ratepayers of the Corporation of the Town of Cobourg".

The body of the audited financial statements includes:

- 1) Consolidated Statement of Financial Position (pg 5)
 - a snapshot of the assets, liabilities and accumulated surplus as at December 31, 2018.
- 2) Consolidated Statement of Operations and Accumulated Surplus (pg 6)
 - a summary of revenue and expenditures, both operating and capital for the combined consolidated entity for the year ended December 31, 2018 with comparatives to 2018 budget and 2017 actual results.
- 3) Consolidated Statement of Changes in Net Debt (pg 7)
 - a reconciliation of the change in net debt from the beginning of the year to the end of the year. Net debt is defined as the difference between financial assets and liabilities as reported on the Statement of Financial Position. Net debt improved from \$3,308,752 to \$2,424,174 during 2018.
- 4) Consolidated Statement of Cash Flows (pg 8)
 - a reconciliation of the change in cash from the beginning to the end of the reporting year. The report breaks out cash provided by or used by: operations, capital activities, investing activities and financing activities. The cash balance decreased by \$3,800,705, however this was more than offset by a reduction in temporary borrowings of \$5,500,000.
- 5) Notes to the Consolidated Financial Statements (pg 9 to 30)
 - these notes provide the reader with additional information required by them to have a full and complete understanding of the financial position and results of operations of the consolidated entity of the Corporation of the Town of Cobourg for the year ended December 31, 2018.

Audit Findings Report

L. Huber presented the Audit Findings Report to the Audit Committee which builds on the Audit Plan that was presented to the Audit Committee on January 23, 2019.

The report includes a review of audit risks and results, critical accounting estimates, areas of focus, the use of data and analytics as well as significant

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audit, accounting and reporting matters. The auditors were able to conduct their audit in accordance with their audit plan as outlined prior to the commencement of the audit.

The audit firm is independent with respect to the Corporation of the Town of Cobourg as they provide no other significant consulting or other professional services to the municipality.

There was a general review of the concept of materiality and how it relates to the performance of the audit. There were no corrected or uncorrected differences communicated to management during the performance of the audit nor did the auditors identify any control deficiencies considered to be significant deficiencies.

The report included a copy of the draft Management Representation Letter so that the committee would be aware of the representations that management will be making to the Auditors as part of their audit work.

The Independent Auditors' Report will be dated July 22, 2019, being the date that the financial statements receive final approval by Council.

7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT
Not Applicable

8.0 CONCLUSION
That a motion be presented at the July 22, 2019 Regular Council meeting to approve the 2018 Consolidated Financial Statements for The Corporation of the Town of Cobourg.

9.0 POLICIES AFFECTING THE PROPOSAL
Not applicable

10.0 COMMUNICATION RESULTS
Current and prior year audited financial statements are available either on the municipal website or by contacting the Municipal Treasurer.

11.0 ATTACHMENTS

Consolidated Financial Statements for The Corporation of the Town of Cobourg for the year ended December 31, 2018.

12.0 AUTHORIZATION ACKNOWLEDGMENT



Ian D. Davey, BBA CPA CA
Treasurer / Director of Corporate Services

Consolidated Financial Statements

**THE CORPORATION OF THE
TOWN OF COBOURG**

Year ended December 31, 2018

THE CORPORATION OF THE TOWN OF COBOURG

Consolidated Financial Statements

Year ended December 31, 2018

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Consolidated Statement of Operations and Accumulated Surplus	6
Consolidated Statement of Change in Net Debt	7
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Management's Responsibility for the Consolidated Financial Statements

The accompanying consolidated financial statements of The Corporation of the Town of Cobourg (the "Town") are the responsibility of the Town's management and have been prepared in compliance with legislation, and in accordance with Canadian public sector accounting standards. A summary of the significant accounting policies are described in Note 1 to the consolidated financial statements. The preparation of financial statements necessarily involves the use of estimates based on management's judgment, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods.

The Town's management maintains a system of internal controls designed to provide reasonable assurance that assets are safeguarded, transactions are properly authorized and recorded in compliance with legislative and regulatory requirements, and reliable financial information is available on a timely basis for preparation of the consolidated financial statements. These systems are monitored and evaluated by management.

The audit committee meets with management and the external auditors to review the consolidated financial statements and discuss any significant financial reporting or internal control matters prior to their approval of the consolidated financial statements.

The consolidated financial statements have been audited by KPMG LLP, independent external auditors appointed by the Town. The accompanying Independent Auditors' Report outlines their responsibilities, the scope of their examination and their opinion on the Town's consolidated financial statements.

Stephen Peacock
Chief Administrative Officer

Ian Davey
Treasurer

INDEPENDENT AUDITORS' REPORT

To the Members of Council, Inhabitants and Ratepayers of the Corporation of the Town of Cobourg

Opinion

We have audited the consolidated financial statements of the Corporation of the Town of Cobourg (the "Town"), which comprise:

- the consolidated statement of financial position as at December 31, 2018
- the consolidated statement of operations and accumulated surplus for the year then ended
- the consolidated statement of change in net debt for the year then ended
- the consolidated statement of cash flows for the year then ended
- and notes to the consolidated financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the "financial statements").

In our opinion, the accompanying financial statements present fairly, in all material respects, the consolidated financial position of the Town as at December 31, 2018, and its consolidated results of operations, its consolidated change in net debt and its consolidated cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the "***Auditors' Responsibilities for the Audit of the Financial Statements***" section of our auditors' report.

We are independent of the Town in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other ethical responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Town's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Town or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Town's financial reporting process.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.

- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Town's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Town to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.
- Obtain sufficient appropriate audit evidence regarding the financial information of the entities or business activities within the group entity to express an opinion on the financial statements. We are responsible for the direction, supervision and performance of the group audit. We remain solely responsible for our audit opinion.

Chartered Professional Accountants, Licensed Public Accountants
Kingston, Canada
July 22, 2019

THE CORPORATION OF THE TOWN OF COBOURG

Consolidated Statement of Financial Position

December 31, 2018, with comparative information for 2017

	2018	2017
Financial assets:		
Cash	\$ 1,824,854	\$ 5,625,559
Investments (note 2)	3,222,979	3,272,466
Taxes receivable	2,824,960	2,062,893
Receivables - grant	467,504	582,935
Receivables - other	4,303,632	5,522,105
Other financial assets	256,904	196,567
Note receivable (note 4(c))	7,000,000	7,000,000
Investment in Town of Cobourg Holdings Inc. (note 4(a))	12,133,396	11,691,324
	<u>32,034,229</u>	<u>35,953,849</u>
Liabilities:		
Temporary borrowings (note 8(a))	-	5,500,000
Accounts payable and accrued liabilities	11,359,977	10,122,764
Deferred revenue	461,696	171,240
Deferred revenue - obligatory reserve funds (note 6)	11,513,233	10,424,159
Employee future benefit liability (note 7(d))	2,683,365	2,641,860
Mortgage payable (note 8(b))	-	312,387
Promissory note payable (note 4(d))	495,000	540,000
Net long-term liabilities (note 9)	7,945,132	9,550,191
	<u>34,458,403</u>	<u>39,262,601</u>
Total net debt	(2,424,174)	(3,308,752)
Non-financial assets:		
Tangible capital assets (note 13)	192,363,289	187,410,812
Other assets	1,619,625	1,645,696
	<u>193,982,914</u>	<u>189,056,508</u>
Contingent liabilities (note 15)		
Accumulated surplus (note 10)	\$ 191,558,740	\$ 185,747,756

See accompanying notes to consolidated financial statements.

THE CORPORATION OF THE TOWN OF COBOURG

Consolidated Statement of Operations and Accumulated Surplus

Year ended December 31, 2018, with comparative information for 2017

	Budget 2018	Actual 2018	Actual 2017
	(note 14)		
Revenue:			
Taxation:			
Property taxation	\$ 22,935,148	\$ 23,703,850	\$ 22,477,198
Payments in lieu of taxation	60,600	174,160	172,897
User charges	13,412,291	17,819,799	16,506,925
Development charges	1,099,727	840,104	438,500
Contributed tangible capital assets	-	991,962	-
Grants:			
Government of Canada	932,348	868,598	158,401
Province of Ontario	2,233,651	977,365	1,577,327
Other municipalities	678,232	829,237	855,103
Other:			
Rental income	4,600,698	4,690,599	4,484,544
Penalty and interest	401,500	369,660	394,784
Other income	2,249,663	1,864,769	1,633,963
Donations	15,000	71,322	87,317
Interest income - Town of Cobourg			
Holdings Inc. (note 4(c))	507,500	507,500	507,500
Interest and dividend income	251,000	316,886	267,615
Gain (loss) on sale of assets	-	(91,302)	214,379
Net equity increase (decrease) in investment in Town of Cobourg Holdings Inc. (note 4)	-	442,072	(110,420)
Total revenue	49,377,358	54,376,581	49,666,033
Expenses (note 11):			
General government	4,322,645	3,876,024	3,912,980
Protection to persons and property	13,096,679	14,794,423	12,671,109
Transportation services	6,334,177	6,554,366	5,700,930
Environmental services	8,923,835	9,350,435	8,971,796
Industrial property	3,335,874	2,443,805	2,574,064
Social and family services	91,962	38,554	61,155
Recreation and cultural services	10,116,528	10,154,827	9,430,212
Planning and development	1,315,176	1,353,163	1,182,746
Total expenses	47,536,876	48,565,597	44,504,992
Annual surplus	1,840,482	5,810,984	5,161,041
Accumulated surplus, beginning of year		185,747,756	180,586,715
Accumulated surplus, end of year (note 10)		\$ 191,558,740	\$ 185,747,756

See accompanying notes to consolidated financial statements.

THE CORPORATION OF THE TOWN OF COBOURG

Consolidated Statement of Change in Net Debt

Year ended December 31, 2018, with comparative information for 2017

	Budget 2018	Actual 2018	Actual 2017
Annual surplus	\$ 1,840,482	\$ 5,810,984	\$ 5,161,041
Acquisition of tangible capital assets	(12,315,380)	(10,366,955)	(12,974,381)
Decrease (increase) in construction- n-progress	-	(2,251,440)	4,373,202
Amortization of tangible capital assets	7,351,732	7,510,379	7,113,664
Loss (gain) on disposal of tangible capital assets	-	91,302	(214,379)
Proceeds on disposals of tangible capital assets	-	64,237	344,754
Disposal (acquisition) of other assets	-	26,071	(160,075)
	(3,123,166)	884,578	3,643,826
Net debt, beginning of year	(3,308,752)	(3,308,752)	(6,952,578)
Net debt, end of year	\$ (6,431,918)	\$ (2,424,174)	\$ (3,308,752)

See accompanying notes to consolidated financial statements.

THE CORPORATION OF THE TOWN OF COBOURG

Consolidated Statement of Cash Flows

Year ended December 31, 2018, with comparative information for 2017

	2018	2017
Operations:		
Annual surplus	\$ 5,810,984	\$ 5,161,041
Items not involving cash:		
Amortization of tangible capital assets	7,510,379	7,113,664
Increase in employee future benefit liability	41,505	61,689
Changes in non-cash working capital balances:		
Taxes receivable	(762,067)	569,382
Receivables - grant	115,431	(437,491)
Receivables - other	1,218,473	(2,303,129)
Other financial assets	(60,337)	(63,217)
Other assets	26,071	(160,075)
Accounts payable and accrued liabilities	1,237,213	(56,803)
Deferred revenue	290,456	(431,631)
Deferred revenue - obligatory reserve funds	1,089,074	1,120,240
Net change in cash from operations	16,517,182	10,573,670
Capital activities:		
Cash used to acquire capital assets	(10,366,955)	(12,974,381)
Decrease (increase) in construction-in-progress	(2,251,440)	4,373,202
Loss (gain) on disposal of tangible capital assets	91,302	(214,379)
Proceeds on disposal of tangible capital assets	64,237	344,754
Net change in cash from capital activities	(12,462,856)	(8,470,804)
Investing activities:		
Decrease (increase) in investment in Town of Cobourg Holdings Inc.	(442,072)	110,420
Decrease (increase) in investments	49,487	(773,844)
Net change in cash from investing activities	(392,585)	(663,424)
Financing activities:		
Repayment of mortgage payable	(312,387)	(1,229,433)
Proceeds of long-term liabilities	-	4,500,000
Repayment of long-term liabilities	(1,605,059)	(828,332)
Repayment of promissory note	(45,000)	(45,000)
Temporary borrowings	(5,500,000)	(1,500,000)
Net change in cash from financing activities	(7,462,446)	897,235
Increase (decrease) in cash	(3,800,705)	2,336,677
Cash, beginning of year	5,625,559	3,288,882
Cash, end of year	\$ 1,824,854	\$ 5,625,559

See accompanying notes to consolidated financial statements.

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements

Year ended December 31, 2018

1. Significant accounting policies:

The consolidated financial statements of The Corporation of the Town of Cobourg (the "Town") are the representations of management. They have been prepared in accordance with Canadian public sector accounting standards. Significant aspects of the accounting policies adopted by the Town are as follows:

(a) Basis of consolidation:

(i) Consolidated entities:

The consolidated financial statements reflect the assets, liabilities, revenue, expenses and fund balances of the current, capital and reserves of the reporting entity. The reporting entity is comprised of all organizations, committees and local boards which are owned or controlled by the Town.

Interdepartmental and interorganizational transactions and balances between these organizations are eliminated. These consolidated financial statements include:

Downtown Business Improvement Area
Library Board
Waterworks of the Town of Cobourg

These consolidated financial statements also include the assets, liabilities, revenue and expenses of the industrial property, which is 100% owned by the Town.

(ii) Investment in Town of Cobourg Holdings Inc.:

Town of Cobourg Holdings Inc. ("TCHI") and its subsidiaries are accounted for on a modified equity basis, consistent with Canadian public sector accounting standards. Under the modified equity basis of accounting, the business enterprise's accounting principles are not adjusted to conform to those of the Corporation, and inter-organizational transactions and balances are not eliminated. The Town recognizes its equity interest in the annual income or loss of TCHI in its Consolidated Statement of Operations with a corresponding increase or decrease in its investment asset account. Any dividends that the Town may receive from TCHI will be reflected as reductions in the investment asset account.

(iii) Accounting for school board and County transactions:

The taxation, other revenue, expenses, assets and liabilities with respect to the operations of the school boards, and the County of Northumberland are not reflected in the municipal fund balances of these consolidated financial statements. Overlevies (underlevies) are reported on the Consolidated Statement of Financial Position.

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

1. Significant accounting policies (continued):

(b) Basis of accounting:

Revenue and expenses are reported on the accrual basis of accounting. The accrual basis of accounting recognizes revenue as they become earned and measurable. Expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and/or the creation of a legal obligation to pay.

(c) Deferred revenue - obligatory reserve funds:

The Town receives restricted contributions under the authority of federal and provincial legislation and Town by-laws. These funds by their nature are restricted in their use and until applied to applicable costs are recorded as deferred revenue. Amounts applied to qualifying expenses are recorded as revenue in the fiscal period they are expended.

(d) Employee future benefit liability:

The Town accrues its obligations for employee benefit plans which require funding in future periods. The cost of post-retirement and post-employment benefits earned by employees is actuarially determined using the projected benefit method pro-rated on services and management's best estimate of salary escalation, retirement ages of employees and expected health care costs.

Actuarial gains (losses), which can arise from changes in actuarial assumptions used to determine the accrued benefit obligation, are amortized over the average remaining service life of the related employee groups, which is estimated to be 9 years (2017 - 9 years).

(e) Deferred revenue:

The Town receives contributions pursuant to legislation, regulations or agreement that may only be used for certain programs or in the completion of specific work. In addition, certain user charges and fees are collected for which the related services have yet to be performed. These amounts are recognized as revenue in the fiscal year the related expenses are incurred or services performed.

(f) Investments:

Investments are recorded at cost plus accrued interest and amortization of purchase premiums and discounts. If the market value of investments becomes lower than cost and this decline in value is considered to be other than temporary, the investments are written down to market value.

Investment income earned on current available funds and reserve funds (other than obligatory funds) are reported as revenue in the period earned. Investment income earned on obligatory reserve funds is added to the fund balance and forms part of the respective deferred revenue balance.

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

1. Significant accounting policies (continued):

(g) Workplace safety and insurance compensation:

The Town bears the cost of certain insurance and pension benefits awarded under workplace safety and insurance legislation and accrues the actuarially determined cost of these obligations.

Actuarial gains (losses), which can arise from changes in actuarial assumptions used to determine the accrued obligation, are amortized over the mean term of the liabilities which is estimated to be 12 years (2017 - 12 years).

(h) Government transfers:

Government transfers are recognized as revenue in the consolidated financial statements when the transfer is authorized, any eligibility criteria are met and a reasonable estimate of the amount can be made except, when and to the extent that, stipulations by the transferor give rise to an obligation that meets the definition of a liability. Government transfers that meet the definition of a liability are recognized as revenue as the liability is extinguished.

(i) Use of estimates:

The preparation of consolidated financial statements requires management to make estimates and assumptions that affect the reported amounts in the consolidated financial statements and accompanying notes. Due to the inherent uncertainty in making estimates, actual results could differ from those estimates.

(j) Land held for resale:

Land held for resale is recorded at the lower of cost and net realizable value. Cost includes amounts for land acquisition and improvement to prepare the land for sale or servicing.

(k) Property taxation:

The Town recognizes property tax revenue using the approved tax rate and the anticipated assessment. Taxes receivable and tax revenue are recognized when they meet the definition of an asset, the tax is authorized and the taxable event has occurred. The standard requires that property tax revenue be reported net of tax concessions. Tax transfers are reported as an expense and taxes levied on behalf of others in a flow through arrangement are not reported in the consolidated statement of operations.

(l) Non-financial assets:

Non-financial assets are not available to discharge existing liabilities and are held for use in the provision of services. They have useful lives extending beyond the current year and are not intended for sale in the ordinary course of operations.

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

1. Significant accounting policies (continued):

(I) Non-financial assets (continued):

(i) Tangible capital assets:

Tangible capital assets are recorded at cost, which includes amounts that are directly attributable to acquisition, construction, development or betterment of the asset. The cost, less residual value, of the tangible capital assets, excluding land and landfill sites, are amortized on a straight line basis over their estimated useful lives as follows:

Asset		Years
Land improvements	Straight-line	20 to 80
Buildings and building improvements	Straight-line	15 to 95
Roads, sewer, water infrastructure	Straight-line	20 to 80
Machinery and equipment	Straight-line	3 to 30
Vehicles	Straight-line	6 to 20
Books and periodicals	Straight-line	7
Industrial property - land improvements and buildings	Declining balance	5%

Annual amortization is charged for months in use. Assets under construction are not amortized until the asset is available for productive use.

(ii) Contributions of tangible capital assets:

Tangible capital assets received as contributions are recorded at their fair value at the date of receipt and also are recorded as revenue.

(iii) Natural resources:

Natural resources that have not been purchased are not recognized as assets in the consolidated financial statements.

(iv) Works of art and cultural and historic assets:

Works of art and cultural and historic assets are not recorded as assets in these consolidated financial statements.

(v) Inventories of supplies:

Inventories of supplies held for consumption are stated at the lower of cost and replacement cost.

(vi) Interest capitalization:

The Town capitalizes interest costs associated with the acquisition or construction of a tangible capital asset.

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

2. Investments:

Investments, which consist of guaranteed investment certificates, are recorded on the Consolidated Statement of Financial Position at cost plus accrued interest which also approximates market value. These investments are being held in trust from a developer and all investment income earned is payable to the developer.

3. Operations of school boards and the County of Northumberland:

Requisitions were made by the school boards and the County of Northumberland requiring the Town to collect property taxes and payments in lieu of property taxes on their behalf. The amounts collected and remitted are summarized below:

	School Boards		County of Northumberland	
	2018	2017	2018	2017
Amounts requisitioned and collected	\$ 8,408,453	\$ 8,481,178	\$ 13,164,063	\$ 12,866,925

4. Investment in Town of Cobourg Holdings Inc.:

In compliance with provincial legislation enacted to restructure the electricity industry in Ontario, Council approved the incorporation of the electricity distribution business of the former Public Utilities Commission - Electric Department of Cobourg (the "Commission") in April 2000. Through its 99.9% interest in Town of Cobourg Holdings Inc. ("TCHI"), the Town retains its interest in the electricity business conducted by TCHI.

As part of electricity restructuring, incorporated distribution utilities have been allowed to take on commercial debt structures and have the ability to earn a regulated commercial rate of return. Effective May 1, 2000, the electricity distribution business formerly conducted by the Commission was transferred to TCHI. The Corporation's consolidated financial statements as a result of this transaction are comprised of the following:

	2018	2017
9,999,999 common shares of TCHI	\$ 7,002,145	\$ 7,002,145
Retained earnings, beginning of year	4,689,182	4,799,599
Restatement of retained earnings, beginning of year	-	(357,887)
Revised retained earnings, beginning of year	4,689,182	4,441,712
Pro-rata share of net income during the year	592,069	469,701
Dividend	(150,000)	(200,000)
Accumulated other comprehensive income change	-	(22,234)
Total investment in Town of Cobourg Holdings Inc.	\$ 12,133,396	\$ 11,691,324

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

4. Investment in Town of Cobourg Holdings Inc. (continued):

The following tables provide condensed supplementary financial information with respect to the Town's investment in TCHI as at December 31, 2018 and December 31, 2017 and its results of operations for both years:

(a) Financial position:

	2018	2017
Current assets	\$ 8,353,964	\$ 8,888,656
Capital assets	21,479,839	21,220,128
Other assets	2,087,268	1,827,886
Total assets	31,921,071	31,936,670
Current liabilities	3,286,576	5,806,309
Long-term liabilities	14,499,125	13,200,282
Regulatory deferral account credit balances	2,001,974	1,238,755
Total liabilities	19,787,675	20,245,346
Net assets	\$ 12,133,396	\$ 11,691,324

(b) Results of operations:

	2018	2017
Revenue	\$ 31,808,036	\$ 34,561,023
Expenses	31,215,967	34,091,322
Net earnings for the period	\$ 592,069	\$ 469,701

- (c) The note receivable bears interest at 7.25% per annum. The Town does not intend to demand repayment from LUI, a wholly-owned subsidiary of TCHI, prior to January 1, 2018. Interest earned on this note amounted to \$507,500 (2017 - \$507,500). Fair value of the note receivable is indeterminable as it is a non-arm's length loan.
- (d) The promissory note payable to LUI bears interest at 5.4% and is due in annual repayments of \$45,000 plus interest with the total balance due on January 1, 2029. Interest paid in 2018 was \$29,160 (2017 - \$31,590).

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

5. Industrial property:

Non-financial assets of the Industrial property represent the unamortized cost of the land, land improvements and buildings purchased by the Town and rented out.

	Cost	Accumulated amortization	2018	2017
Land	\$ 3,125,000	\$ —	\$ 3,125,000	\$ 3,125,000
Land improvements	967,348	355,326	612,022	633,972
Buildings	23,674,322	10,063,634	13,610,688	14,052,823
	<u>\$ 27,766,670</u>	<u>\$ 10,418,960</u>	<u>\$ 17,347,710</u>	<u>\$ 17,811,795</u>

Cost and accumulated amortization at December 31, 2017 amounted to \$27,491,908 and \$9,680,113, respectively.

(a) Financial position:

Included in the Consolidated Statement of Financial Position are the following assets and liabilities pertaining to the industrial property operations:

	2018	2017
Cash	\$ 2,299,707	\$ 504,171
Accounts receivable	251,083	233,041
Prepaid expenses	11,896	11,915
Industrial property	17,347,710	17,811,796
Total assets	19,910,396	18,560,923
Accounts payable and accrued liabilities	302,317	266,403
Deferred revenue	134,734	131,720
Mortgage payable	—	312,387
Total liabilities	437,051	710,510
Net equity in industrial property	\$ 19,473,345	\$ 17,850,413

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

5. Industrial property:

(b) Results of operations and change in net equity:

The following table provides condensed financial information for the industrial property operations:

	2018	2017
Gross rental income	\$ 3,463,270	\$ 3,219,294
Operating expenses	(1,493,908)	(1,532,142)
Operating expenses recovery	1,090,567	1,173,805
Administrative expenses	(210,357)	(263,468)
Interest on long-term debt	(694)	(20,767)
Amortization	(738,846)	(757,687)
Net earnings for the year	\$ 2,110,032	\$ 1,819,035
Equity, beginning of the year	\$ 16,850,413	\$ 15,272,378
Net income for the period	2,110,032	1,819,035
Transfer to reserves	(487,100)	(241,000)
Capital reserve	1,000,000	1,000,000
Equity, end of year	\$ 19,473,345	\$ 17,850,413

The industrial property is managed by an independent management company under a year-to-year contract. Rental income is recognized on a straight-line basis over the term of the tenants' respective lease agreements.

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

6. Deferred revenue - obligatory reserve funds:

A requirement of the Canadian public sector accounting standards is that obligatory reserve funds be reported as deferred revenue. This requirement is in place as provincial and municipal legislation restricts how these funds may be used. The balances in the obligatory reserve funds of the Town are summarized below:

	2018	2017
Balance, beginning of year	\$ 10,424,159	\$ 9,303,919
Recreational land	80,006	118,869
Federal grant - gasoline tax	589,848	573,004
Provincial grant - gasoline tax transit	203,002	197,354
Development contributions	1,157,453	825,137
Building code	362,005	77,351
Ontario Community Infrastructure Fund	411,148	35,376
Investment income	201,618	106,133
Utilization - capital	(1,107,570)	(275,184)
Utilization - operating	(808,436)	(537,800)
Balance, end of year	\$ 11,513,233	\$ 10,424,159
Analyzed as follows:		
Sub-divider contributions	\$ 308,903	\$ 287,123
Recreational land	(12,203)	73,336
Ontario Community Infrastructure Fund	243,997	35,376
Development charges	8,174,630	7,621,948
Building code	942,063	580,058
Gasoline tax:		
Provincial	73,000	57,695
Federal	1,782,843	1,768,623
	\$ 11,513,233	\$ 10,424,159

7. Employee future benefit liability:

(a) Extended health care and dental benefits:

(i) The Corporation of the Town of Cobourg:

The Town provides extended health care and dental benefits to its employees. An independent actuarial study of the post-retirement and post-employment benefits was undertaken in January 2017.

At December 31, 2018, the Town's accrued benefit liability relating to post-retirement and post-employment benefit plans is \$2,277,617 (2017 - \$2,235,846).

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

7. Employee future benefit liability (continued):

(a) Extended health care and dental benefits (continued):

(i) The Corporation of the Town of Cobourg (continued):

The significant actuarial assumptions adopted in estimating the Town's accrued benefit obligation are as follows:

Discount rate	4.00% per annum
Inflation rate	1.75% per annum
Salary escalation	2.75% per annum
Dental benefits escalation	3.75% per annum
Health benefits escalation	4.42% in 2018 reducing by 0.33% per year to 3.75% in 2020

Information with respect to the Town's post-retirement and post-employment obligations is as follows:

	2018	2017
Accrued benefit liability, January 1	\$ 2,235,846	\$ 2,206,388
Service cost	83,808	79,004
Benefits paid for the period	(160,519)	(167,479)
Interest cost	96,847	96,298
Amortization of actuarial loss	21,635	21,635
Accrued benefit liability, December 31	\$ 2,277,617	\$ 2,235,846

The accrued benefit liabilities at December 31, includes the following components:

	2018	2017
Accrued benefit obligation	\$ 2,479,656	\$ 2,459,520
Unamortized actuarial loss	(202,039)	(223,674)
Accrued benefit liability, end of year	\$ 2,277,617	\$ 2,235,846

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

7. Employee future benefit liability (continued):

(a) Extended health care and dental benefits (continued):

(ii) Waterworks of the Town of Cobourg:

The Waterworks of the Town of Cobourg (the "Waterworks") provides extended health, dental and life insurance benefits for retired employees. An independent actuarial valuation was undertaken as at December 31, 2017.

At December 31, 2018, the accrued benefit liability relating to post-retirement benefit plans is \$329,413 (2017 - \$326,884).

The significant actuarial assumptions adopted in estimating the Waterworks' accrued benefit obligation are as follows:

Discount rate	3.5% per annum
Inflation rate	2.0% per annum
Salary escalation	3.0% per annum
Dental benefits escalation	4.5% per annum
Health benefits escalation	6.2% in 2018 decreasing by 0.25% per annum until 2025

Information with respect to the Waterworks' post-retirement and post-employment obligations is as follows:

	2018		2017	
Accrued benefit liability, January 1	\$	326,884	\$	278,954
Actuarial adjustments to opening liability		-		45,036
Revised accrued benefit liability, January 1		326,884		323,990
Service cost		14,377		7,751
Past service cost		-		36,643
Benefits paid for the period		(22,656)		(49,851)
Actuarial gain		(496)		(3,194)
Interest cost		11,304		11,545
Accrued benefit liability, December 31	\$	329,413	\$	326,884

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

7. Employee future benefit liability (continued):

(b) Workplace safety and insurance:

In common with other Schedule 2 employers, the Town funded its obligations to the Workplace Safety and Insurance Board on a "pay-as-you-go" basis for employees under Schedule 2. An independent actuarial study of the work place Safety and Insurance Board liabilities was completed July 2017.

Effective March 31, 2010, the Town is included in Workplace Safety and Insurance Board Schedule 1 and therefore has no additional liability for Workplace Safety and Insurance Board claims on or after that date.

At December 31, 2018, the Town's accrued benefit liability relating to future payments on Workplace Safety and Insurance Board claims is \$76,335 (2017 - \$79,130).

Information with respect to the Town's Workplace Safety and Insurance Board future payments is as follows:

	2018	2017
Accrued benefit liability, beginning of year	\$ 79,130	\$ 94,829
Benefits paid for the period	(5,391)	(5,834)
Survivor award	-	542
Interest cost	2,991	3,091
Amortization of actuarial gain	(395)	(13,498)
Accrued benefit liability, end of year	\$ 76,335	\$ 79,130

The accrued benefit liability at December 31, 2017, includes the following components:

	2018	2017
Accrued benefit obligation	\$ 75,058	\$ 77,458
Unamortized actuarial gain	1,277	1,672
Accrued benefit liability	\$ 76,335	\$ 79,130

(c) Liability for vacation credits:

Compensated vacation expense is accrued for employees as entitlement to these payments is earned in accordance with the Town's benefit plans for vacation time. Vacation credits earned as at December 31, 2018 amount to \$1,136,777 (2017 - \$1,041,357) and are included in accounts payable and accrued liabilities on the consolidated statement of financial position.

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

7. Employee future benefit liability (continued):

(d) Employee future benefit liability:

	2018	2017
Employee future benefit liability is comprised of:		
Health and dental benefits - Town	\$ 2,277,617	\$ 2,235,846
Workplace safety and insurance	76,335	79,130
	2,353,952	2,314,976
Health, dental and life insurance benefits - Waterworks	329,413	326,884
	\$ 2,683,365	\$ 2,641,860

8. Temporary borrowings and mortgage payable:

(a) Temporary borrowings:

The Town had construction loans through its bank to bridge finance certain costs of construction. The loans were fully paid in March 2018, with interest payable at the bank's prime rate minus 0.75% per annum.

(b) Mortgage payable:

	2018	2017
Royal Bank of Canada: 2.33%, due on March 5, 2018, blended monthly payments of principal and interest in the amount of \$104,352, secured by industrial property	\$ -	\$ 312,387

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

9. Net long-term liabilities:

- (a) The balance of the net long-term liabilities reported on the Consolidated Statement of Financial Position is made up of the following:

	2018	2017
Total long-term liabilities incurred by the Town and outstanding at the end of the year	\$ 7,945,132	\$ 9,550,191

- (b) Of the net long-term liabilities reported in note 9(a) of this note, principal payments are payable from general municipal revenues as follows:

2019	\$ 1,459,989
2020	1,320,785
2021	1,266,654
2022	1,300,747
2023	366,758
Thereafter	2,230,199
	\$ 7,945,132

- (c) Approval of the Ontario Municipal Board or by-law as required has been obtained for the long-term liabilities in note 9(a) issued in the name of the Town.
- (d) Total interest on long-term liabilities that are reported on the Consolidated Statement of Operations amount to \$287,577 (2017 - \$218,335). The long-term liabilities bear interest at rates ranging from 2.22% to 4.57% with term renewals to take place in 2019 through 2033.

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

10. Accumulated surplus:

Accumulated surplus consists of individual fund surplus and reserves and reserve funds as follows:

	2018	2017
Surplus (deficit):		
Operations	\$ (3,700,657)	\$ (6,132,219)
Unfinanced capital	(14,090,342)	(13,169,012)
Invested in tangible capital assets	192,363,289	187,410,810
Long-term debt	(7,945,132)	(9,550,191)
Mortgage	-	(312,387)
Unfunded:		
Employee benefits	(2,683,365)	(2,641,860)
Promissory note payable to Town of Cobourg Holdings Inc.	(495,000)	(540,000)
Waterworks	436,525	1,436,737
Downtown Business Improvement Area	102,429	94,934
Town of Cobourg Public Library Board	(16,686)	49,147
Note receivable from Town of Cobourg Holdings Inc.	7,000,000	7,000,000
Investment in Town of Cobourg Holdings Inc.	12,133,396	11,691,324
Total surplus	183,104,457	175,337,283
Reserves:		
Contingencies	73,613	53,613
Parking	579,329	547,787
Current:		
Health services	4,207	4,207
Library	195,239	187,844
Capital:		
General government	1,287,726	2,077,317
Protection services	1,242,424	2,626,628
Transportation services	119,173	684,391
Environmental services	4,030,410	3,236,159
Recreation and cultural services	678,356	651,009
Planning and development	243,806	341,518
Total reserves	8,454,283	10,410,473
Total accumulated surplus	\$ 191,558,740	\$ 185,747,756

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

11. Classification of expenses by object:

The Consolidated Statement of Operations presents the expenses by function, whereas the following classifies those same expenses by object:

	2018	2017
Salary, wages and employee benefits	\$ 22,528,041	\$ 20,844,105
Operating materials and supplies	7,980,436	7,025,561
Contracted services	9,098,335	8,264,853
Rents and financial expenses	529,103	432,145
External transfers to other	631,727	606,329
Interest on long-term debt	287,576	218,335
Amortization of tangible capital assets	7,510,379	7,113,664
	\$ 48,565,597	\$ 44,504,992

12. Pension agreements:

The Town makes contributions to the Ontario Municipal Employees Retirement Fund (OMERS), which is a multi-employer plan, on behalf of its staff. As a result, the Town does not recognize any share of the OMERS pension surplus or deficit. The last available report for the OMERS plan was December 31, 2018. At that time, the plan reported at \$4.191 billion actuarial deficit (2017 - \$5.4 billion actuarial deficit). The plan is a defined benefit plan which specifies the amount of the retirement benefit to be received by the employees based on the length of service and rates of pay.

For the year ended December 31, 2018, the amount contributed for and included as current service pension cost expenses on the Consolidated Statement of Operations and Accumulated Surplus is \$1,595,574 (2017 - \$1,585,553).

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

13. Tangible capital assets:

Cost	Balance at December 31, 2017	Additions	Disposals/ transfers/ write-offs	Balance at December 31, 2018
Land	\$ 15,326,678	\$ 21,204	\$ –	\$ 15,347,882
Land improvements	10,553,893	585,937	–	11,139,830
Buildings and building improvements	73,035,345	4,131,513	701	77,166,157
Machinery and equipment	16,464,644	1,360,305	203,807	17,621,142
Vehicles	11,538,374	1,186,619	886,415	11,838,578
Roads infrastructure	34,740,656	1,756,509	3,592	36,493,573
Sewer infrastructure	84,294,512	1,085,020	36	85,379,496
Water infrastructure	37,355,361	178,288	–	37,533,649
Books and periodicals	847,416	61,560	145,850	763,126
Construction-in-progress	8,891,708	9,661,934	7,410,494	11,143,148
	\$ 293,048,587	\$ 20,028,889	\$ 8,650,895	\$ 304,426,581

Accumulated amortization	Balance at December 31, 2017	Amortization expense	Disposals/ transfers/ write-offs	Balance at December 31, 2018
Land improvements	\$ 3,972,430	\$ 314,467	\$ –	\$ 4,286,897
Buildings and building improvements	21,652,436	1,997,355	701	23,649,090
Machinery and equipment	8,727,147	910,899	50,950	9,587,096
Vehicles	5,540,604	927,551	883,733	5,584,422
Roads infrastructure	14,954,113	833,406	3,592	15,783,927
Sewer infrastructure	33,694,919	1,590,839	36	35,285,722
Water infrastructure	16,561,548	840,445	–	17,401,993
Books and periodicals	534,578	95,417	145,850	484,145
	\$ 105,637,775	\$ 7,510,379	\$ 1,084,862	\$ 112,063,292

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

13. Tangible capital assets (continued):

	Net book value December 31, 2017	Net book value December 31, 2018
Land	\$ 15,326,678	\$ 15,347,882
Land improvements	6,581,463	6,852,933
Buildings and building improvements	51,382,909	53,517,067
Machinery and equipment	7,737,497	8,034,046
Vehicles	5,997,770	6,254,156
Roads infrastructure	19,786,543	20,709,646
Sewer infrastructure	50,599,593	50,093,774
Water infrastructure	20,793,813	20,131,656
Books and periodicals	312,838	278,981
Construction-in-progress	8,891,708	11,143,148
	\$ 187,410,812	\$ 192,363,289

(a) Construction-in-progress:

Construction-in-progress having a value of \$11,143,148 (2017 - \$8,891,708) has not been amortized. Amortization of this asset will commence when the asset is put into service.

(b) Tangible capital assets disclosed at nominal value:

Where an estimate of fair value could not be made, the tangible asset was recognized at a nominal value. Land is the only category where nominal values were assigned.

(c) Write-down of tangible capital assets

The write-down of tangible capital assets during the year \$Nil (2017 - \$Nil).

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

14. Budget figures:

The budget figures reported on the Consolidated Statement of Operations are based on the 2018 municipal and other local board operating and capital budgets as approved by Council on January 29, 2018.

Approved budget figures also include council approved budget estimates for Public Sector Accounting Board (PSAB) reporting requirements. The budgets established for capital investment in tangible capital assets are on a project-oriented basis, the costs of which may be carried out over one or more years and therefore may not be comparable with current year's actual amounts. The chart below reconciles the approved Town operating budgets and PSAB budget estimates to the total consolidated budget figures as reported on the Consolidated Statement of Operations and Accumulated Surplus.

	Budget 2018
Total revenue as reported on the consolidated statement of operations:	
Operating budget	\$ 31,316,350
Capital budget	3,817,660
Water budget	4,681,065
Wastewater budget	5,091,860
Northam Industrial Park budget	4,470,423
	<u>49,377,358</u>
Total expenses as reported on the consolidated statement of operations:	
Operating budget	36,706,375
Water budget	3,726,116
Wastewater budget	3,518,511
Northam Industrial Park budget	3,585,874
	<u>47,536,876</u>
Annual operating surplus	1,840,482
Budget not reported on consolidated financial statements:	
Operating net transfer (to)/from reserves	1,733,679
Capital income and amortization transfers	1,638,110
Principal debt repayments	(1,799,424)
Operating transfer to reserves - water	(954,949)
Operating transfer to reserves - wastewater	(1,573,349)
Operating transfer to reserves - Northam Industrial Park	(884,549)
Total budgeted surplus not reported on consolidated financial statements	<u>\$ (1,840,482)</u>

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

15. Contingent liabilities:

- (a) The nature of municipal activities is such that there may be litigation pending or in prospect at any time. With respect to claims at December 31, 2018, management believes that the Town has valid defenses and appropriate and adequate insurance coverages in place. In the event any claims are successful, the amount of any potential liability is not determinable, therefore no amount has been accrued in the consolidated financial statements.
- (b) In 2014, the Town assumed ownership of property that was identified as being contaminated. In accordance with the site management plan established by the Town, regular monitoring and sampling of ground water is performed. To date, this monitoring has indicated that certain levels of contaminants have decreased. Until the Town is required to complete a zoning amendment that would identify the need for another Phase II environmental assessment, the estimates for remediation, if any, remains uncertain and unmeasurable.

16. Segmented information:

The Town is a municipal government institution that provides a range of services to its citizens, including police, fire, transportation, recreational, and environmental. For management reporting purposes the Town's operations and activities are organized and reported by department. Funds were created for the purpose of recording specific activities to attain certain objectives in accordance with special regulations, restrictions or limitations.

Municipal services are provided by departments and their activities are reported in these funds. Certain departments that have been separately disclosed in the segmented information, along with the services they provide, are as follows:

- (a) General Government Administration: Includes administration, corporate services and governance of the Town. Administration as a segment includes human resource management, support to Council for policy development, by-law development in compliance with the Municipal Act, tax billing and collection responsibilities, financial management reporting, monitoring and overall budget status as well as frontline reception and customer service.
- (b) Protection Services: Includes policing, fire protection, conservation authority, protective inspection and control and emergency measures. The mandate of the police services is to ensure the safety of the lives and property of citizens; preserve peace and good order; prevent crimes from occurring; detect offenders; and enforce the law. Fire protection includes inspection, extinguishing and suppression services; emergency medical first response; and prevention education and training programs. Inspection and control includes building inspection, by-law enforcement and dog control services.
- (c) Transportation Services: This department provides the winter and summer maintenance, the repair and the construction of the municipal roads system including bridges and culverts.

THE CORPORATION OF THE TOWN OF COBOURG

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2018

16. Segmented information (continued):

- (d) Environmental Services: Includes the management and maintenance of the wastewater plant and sanitary sewer distribution services.
- (e) Water Services: Includes the management and maintenance of water treatment and distribution.
- (f) Industrial property: Includes the management and maintenance of the Industrial Park.
- (g) Health and Social Services: Provides resources to assist with community physician recruitment and retention and assistance with one specific housing project.
- (h) Parks, Recreation and Culture: Provides services that contribute to neighbourhood development and sustainability through the provision of recreation and leisure programs and facilities including community halls, libraries, parks, recreation fields, arena and marina.
- (i) Planning and Development: Manages development for business interests, environmental concerns, heritage matters, local neighbourhoods and community development. It facilitates economic development by providing services for the approval of all land development plans, the application and enforcement of the zoning by-law and official plan, and the provision of geomatics services.

For each segment separately reported, the segment revenue and expenses represent both amounts that are directly attributable to the segment and amounts that are allocated on a reasonable basis. Therefore, certain allocation methodologies are employed in the preparation of segmented financial information. These municipal services are funded primarily by property tax revenue.

The accounting policies used in these segments are consistent with those followed in the preparation of the consolidated financial statements as disclosed in note 1.

17. Adoption of new accounting policies:

The Town adopted the following accounting standards effective January 1, 2018: PS2200 Related party disclosures, PS3420 Inter-entity transactions, PS3210 Assets, PS3320 Contingent assets and PS3380 Contractual rights. The adoption of these standards did not result in an accounting policy change for the Town, and did not result in any adjustments to the consolidated financial statements as at January 1, 2018.

18. Comparative information:

Certain comparative information has been reclassified to conform with the financial statement presentation adopted in the current year.

THE CORPORATION OF THE TOWN OF COBOURG

Consolidated Schedule of Segment Information, continued

Year ended December 31, 2018

	General Government Administration	Protection Services	Transportation Services	Environmental Services	Industrial Property	Health and Social Services	Parks Recreation and Culture	Planning and Development	Total
Revenue:									
Taxation									
Tax revenue distributed	\$ 2,379,069	\$ 10,272,697	\$ 4,132,159	\$ (61,297)	\$ -	\$ 38,554	\$ 6,298,908	\$ 643,760	\$ 23,703,850
PIL revenue distributed	8,777	16,418	45,739	53,847	-	-	49,193	186	174,160
User fees and service charges	272,428	3,375,690	509,676	10,565,813	-	-	3,015,059	81,133	17,819,799
Development charges	-	-	274,868	-	-	-	565,236	-	840,104
Contributed tangible capital assets	-	-	991,962	-	-	-	-	-	991,962
Grants:									
Government of Canada	-	-	610,889	101,362	-	-	156,247	-	868,598
Province of Ontario	79,500	261,138	442,784	63,966	-	-	113,257	16,720	977,365
Other municipalities	-	487,992	-	-	-	-	337,885	3,360	829,237
Other:									
Rental income	6,609	-	4,425	36,612	4,553,837	-	66,720	22,396	4,690,599
Penalty and interest	18,829	34,848	97,082	114,293	-	-	104,413	395	369,660
Other income	(6,641)	734,154	140,581	273,995	-	-	134,564	588,116	1,864,769
Donations	15,000	600	-	-	-	-	55,722	-	71,322
Interest income - Town of Cobourg Holdings Inc.	507,500	-	-	-	-	-	-	-	507,500
Interest and dividend income	290,076	-	-	24,937	-	-	1,873	-	316,886
Gain (loss) on sale of assets	-	(132,857)	18,000	-	-	-	23,555	-	(91,302)
Net equity increase in investment in Town of Cobourg Holdings Inc.	442,072	-	-	-	-	-	-	-	442,072
	4,013,019	15,050,680	7,268,265	11,173,528	4,553,837	38,554	10,922,632	1,356,066	54,376,581
Expenses:									
Salaries, wages and employee benefits	2,230,838	11,175,769	2,128,172	1,452,720	-	-	4,755,655	784,887	22,528,041
Long-term debt charges (interest)	-	-	91,421	46,019	-	-	150,136	-	287,576
Materials	547,331	1,963,020	1,125,958	1,536,243	-	-	2,544,874	263,010	7,980,436
Contracted services	467,156	920,054	1,687,362	3,296,271	1,704,959	-	897,556	124,977	9,098,335
Rents and financial expenses	349,999	-	58,687	98,089	-	-	22,328	-	529,103
External transfers	-	210,513	-	-	-	38,554	211,060	171,600	631,727
Amortization	280,700	525,067	1,462,766	2,921,093	738,846	-	1,573,218	8,689	7,510,379
	3,876,024	14,794,423	6,554,366	9,350,435	2,443,805	38,554	10,154,827	1,353,163	48,565,597
Excess of revenue over expenses	\$ 136,995	\$ 256,257	\$ 713,899	\$ 1,823,093	\$ 2,110,032	\$ -	\$ 767,805	\$ 2,903	\$ 5,810,984

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG
	STAFF REPORT
TO:	Mayor and Council Members
FROM: TITLE:	Ian D. Davey, BBA CPA CA Director of Corporate Services / Treasurer
DATE OF MEETING:	July 22, 2019
TITLE / SUBJECT:	Emergency Repairs – Victoria Hall
REPORT DATE:	July 2, 2019

1.0 STRATEGIC PLAN

Not applicable

2.0 PUBLIC ENGAGEMENT

Not applicable

3.0 RECOMMENDATION

That funds in the amount of \$30,000 be transferred from the 2019 Capital Budget item – Market Building – Restoration of Exterior Woodwork / Brickwork / Pointing (Page 10) to cover the cost of emergency repairs to stop water infiltration along the south side of Victoria Hall.

4.0 ORIGIN

Subsequent to the completion of the 2019 Municipal Operating and Capital budgets an issue developed with water entering the basement mechanical room of Victoria Hall. Upon further investigation it was determined that the cause of the problem was the failure of the deck along the south side of the building.

5.0 BACKGROUND

The mechanical room located in the south basement of Victoria Hall extends beyond the exterior wall of the building. This area is covered by a patio which also acts as the roof structure for the basement mechanical room. As the snow and ice melted and the spring rains started, it became apparent that water was infiltrating into the mechanical room as a result of the failure of the roof structure. This had the potential to result in damage to the building as well as equipment located in this area. As a result of the nature of the remedial repairs required, staff consulted with Ontario Roof Consultants to develop a work plan such that repairs could be completed as soon as weather permitted. The work included the removal of the patio slabs, the removal and replacement of the roof membrane, the replacement of flashing and then placing the patio stones back in place ensuring a proper grading to allow water to run away from the building.

6.0 ANALYSIS

The work was awarded to Long Star Roofing, a company that has done many projects for the municipality in the past, based on the recommendation of our consultant. They had both the expertise to do this work and the ability to respond on a timely basis given the urgency of the repair work required. Ontario Roof Consultants provided supervision of the contractors work. The work was completed during the first two weeks of May and approved by our consultant.

There were no funds in the 2019 budget for this work, however we asked our consultant to look at the Market Building (2019 Capital Budget allocation of \$35,000) and advise if any of this work could reasonably be delayed until 2020. It was determined that it would cost approximately \$2,000 for repairs to eaves trough and downspouts to limit any further damage to this building. In addition, a separate quote of approximately \$2,500 was obtained for mortar repairs to the Market Building. Therefore of the \$35,000 2019 budget for this building, \$5,000 could be used to cover the cost of the most urgent items needing repair and the remaining \$30,000 could be transferred to the emergency repair of Victoria Hall.

7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

The cost to complete this work was \$28,492.80, including non-recoverable HST plus supervision in the amount of \$1,424.64, including non-recoverable HST for a total cost of \$29,917.44.

8.0 CONCLUSION

It is the staff recommendation that the 2019 budget for work on the Market Building be reduced to \$5,000 and the remaining \$30,000 be used to cover the cost of the emergency repairs to Victoria Hall to prevent any further water damage to the basement mechanical room and equipment.

9.0 POLICIES AFFECTING THE PROPOSAL

Not applicable.

10.0 COMMUNICATION RESULTS

That a public notice be issued advising of the re-allocation of funds in the 2019 approved capital budget.


11.0 ATTACHMENTS

None.

12.0 AUTHORIZATION ACKNOWLEDGMENT



Ian D. Davey, BBA CPA CA
Treasurer / Director of Corporate Services

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT	
TO:	Mayor, Deputy Mayor and Members of Council	
FROM: TITLE:	Brent Larmer, Municipal Clerk/Manager of Legislative Services	
DATE OF MEETING:	July 22, 2019	
TITLE / SUBJECT:	Integrity Commissioner Services for Municipal Council	
REPORT DATE:	July, 11, 2019	File #:

1.0 CORPORATE STRATEGIC PLAN OBJECTIVE

Not Applicable

2.0 RECOMMENDATION

THAT Council accept and approve the work plan as outlined within the Staff Report for Integrity Commissioner Services to be delivered to Municipal Council; and

FURTHER THAT Council Pre-Approve \$10,000 in the 2020 Operating Budget to include a Line Item for Integrity Commissioner Services, to cover the costs of the suggested Town of Cobourg Integrity Commissioner policy review and educational training for Council, the Public and Staff.

3.0 PUBLIC ENGAGEMENT

Not Applicable

4.0 ORIGIN AND LEGISLATION

Pursuant to Section 223.3 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of Conduct for Members of council and the Code of Conduct for members of Local Boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of Members of Council and of Local Boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to Members of Council and of Local Boards.
4. Requests from Members of Council and of Local Boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from Members of Council and of Local Boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from Members of Council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conducts for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

5.0 BACKGROUND

On July 2, 2019 Council passed By-law No.044-2019 to appoint Aird and Berlis LLP to provide Integrity Commissioner Services and Closed Meeting Investigation Services for the Town of Cobourg. As part of the Motion at the June 24th 2019 Committee of the Whole Meeting, Council provided direction to the Municipal Clerk to provide a report back to Council on services to be provided by the Integrity Commissioner to Cobourg Council Members.

The Motion was as follows:

FURTHER THAT Council direct the Municipal Clerk to bring a report back to Council to provide a cost estimate for the services of the Integrity Commissioner to perform a review of the Council Code of Conduct Policy and to provide training to Council and Staff.

6.0 ANALYSIS

The Municipal Clerk contacted Aird and Berlis LLP and asked for comment on the existing Town of Cobourg Policies, procedures, rules and Code of Conduct and inquired about conducting training and an introduction to the firm with attendance by the lead investigator John Mascarin.

Council Code of Conduct:

The recommendation from Aird and Berlis LLP is to provide Municipal Council with an entirely new modern form of a Council Code of Conduct, Complaint Protocol and Complaint/Request Form. The current Code of Conduct was approved by resolution and will need to be approved through by-law to become compliant with the provisions of the *Municipal Act, 2001*. In addition the Code of Conduct would need to incorporate wording that encompasses Local Boards within the provisions of the Code and become complaint with the requirements of O. REG. 55/18.

Aird and Berlis LLP have prepared a number of codes of conduct and complaint protocols across Ontario for many municipalities and have developed “best practices” forms for both. Aird and Berlis LLP is recommending that they review our current version and present a brand new draft of a Council Code of Conduct in collaboration with the Municipal Clerk to be presented to Council in the immediate future.

Education and Training:

As part of the services of the Municipal Integrity Commissioner there is a component that is mandated by the Municipal Act, 2001 that relates to training:

Pursuant to Section 223.3 (1)

7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conducts for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

With respect to the education and training session, Aird and Berlis LLP will provide training to Municipal Council and the Public in an open meeting session of Municipal Council. The recommendation by the Municipal Clerk and Aird and Berlis LLP is to have the lead investor John Mascarin complete the training for two reasons:

- I. The training puts John as the Lead Investigator in front of Council and serves as an introduction to Council Members; and
- II. Council can be assured they are receiving the full picture and that questions are properly responded to as John has years of experience and

is an expert when it comes to presenting and training of various roles and responsibilities of the Integrity Commissioner position.

This initial meeting and training will set the groundwork for the Municipal Council and Integrity Commissioner relationship for the next number of years. The Municipal Clerk and Aird and Berlis LLP recommending that the education and training component occurs in the summer.

Also, since the appointment is for Integrity Commissioner as well as Closed Meeting Investigations, John Mascarin will incorporate in the training the following topics:

- Code of Conduct and the Role of the Integrity Commissioner
- Municipal Conflict of Interest Act
- The Opening Meeting Rule and Exceptions

7.0 FINANCIAL IMPLICATIONS/STAFFING/BUDGET IMPACT

As stated in the previous report to Council regarding the appointed of Aird and Berlis LLP, Aird and Berlis submitted an hourly rate of \$406.50 based on an estimated allocation of work to be distributed between five (5) individual lawyers within the Firm, John Mascarin will be the point of contact and the lead investigator as the Integrity Commissioner pursuant to the Act. The submission regarding pricing was submitted based on an estimated allocation of work. Actual work done by each individual lawyer will be billed which ranges from \$335/hr to \$750/hr. The proponent notes that the work will be distributed and assigned and done by the lowest net-cost resource.

Aird and Berlis LLP provided an initial estimate on the request for the introductory Integrity Commissioner Services.

Council Code of Conduct initial drafting would take an estimate of 3-4 hours for approximately \$1,400-\$1,700 with input provided by the Lead Investigator John Mascarin Aird and Berlis LLP could not say with any certainty how much it would cost to finalize the documents as that would depend entirely upon the nature and the number of the questions and/or concerns raised by staff or by council.

Closed Meeting Investigation Policy and we would need to be revised with the current Council version which could be estimated at approximately \$1,000-\$1,100.

The Training and education estimate of costs would be approximately \$4,200 (2 hours training + 3 hours travel + ½ hour preparation).

All of the above noted fee estimates do not include any disbursements or HST.

As noted to Council in the 2019 Budget, funds were not allocated for the services of Integrity Commissioner. With the anticipated costs associated with the services of the Integrity Commissioner to review of the Council Code of Conduct Policy to meet legislative requirements, including incorporating provisions related to Local Board and Committee Members and the training/education session for Council to review obligations under the Code and the role of the Integrity Commissioner in the municipality Council will need to provide a budget amount to cover the cost of the above noted Services.

Staff is recommending that Council pre-approve a 2020 Budget line item amount of \$10,000 to in order to cover the amount of services to be provided to Cobourg Municipal Council.

8.0 CONCLUSION

THAT Council accept and approve the work plan as outlined within the Staff Report by the Integrity Commissioner Services; and

FURTHER THAT Council Pre-Approve \$10,000 in the 2020 Operating Budget to include a Line Item for Integrity Commissioner Services, to cover the costs of the suggested Town of Cobourg Integrity Commissioner policy review and educational training for Council and Staff.

9.0 POLICIES AFFECTING THE PROPOSAL

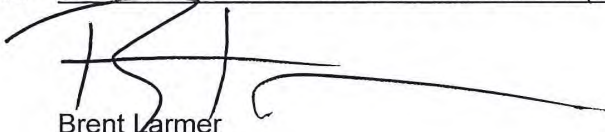
Council Code of Conduct Policy
Closed Meeting Investigation Policy
Staff and Council Relations Policy

10.0 COMMUNICATION RESULTS

All results and final policies and forms will be attached to the Town of Cobourg Municipal Website.

11.0 ATTACHMENTS (IF APPLICABLE)

12.0 AUTHORIZATION ACKNOWLEDGMENT (SENIOR MANAGEMENT/CAO)

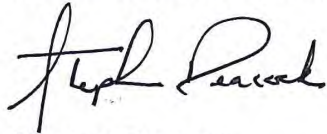


Brent Larmer
Municipal Clerk
Manager of Legislative Services


Approved by:

A handwritten signature in blue ink, appearing to read 'Ian Davey', with a long horizontal flourish extending to the right.

Ian Davey
Treasurer/Director of Corporate Services

A handwritten signature in black ink, appearing to read 'Stephen Peacock', with a stylized, cursive script.

Stephen Peacock,
Chief Administrative Officer

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG
	STAFF REPORT
TO:	Mayor and Council Members
FROM: TITLE:	Brent Larmer Municipal Clerk/Manager of Legislative Services
DATE OF MEETING:	July 22, 2019
TITLE / SUBJECT:	Release of Integrity Commissioner Report - January 2018
REPORT DATE:	July 11, 2019

1.0 STRATEGIC PLAN
Not Applicable

2.0 PUBLIC ENGAGEMENT
Not Applicable

3.0 RECOMMENDATION
THAT Council receive the memorandum from Templeman LLP, Town of Cobourg Municipal Solicitors for information purposes;

FURTHER THAT Council make the Integrity Commissioner Report dated January 22, 2018 Public as required by Section 223.6 (3) of the Municipal Act.

4.0 ORIGIN AND LEGISLATION
In January 2018 Municipal Council received an Integrity Commissioner Report regarding an investigation of the Conduct of the Mayor at the time G. Brocainer. Pursuant to the Municipal Act, 2001, Section 223.6 (2) and 223.6 (3) states that all reports from the Integrity Commissioner shall be made available to the Public.

The following are the provisions of Section 223.6 (2) (3) of the Municipal Act, 2001:

Report about Conduct

(2) If the Commissioner reports to the municipality or to a local board his or her opinion about whether a member of council or of the local board has contravened the applicable code of conduct, the Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report. 2006, c. 32, Sched. A, s. 98.

Publication of Reports

(3) The municipality and each local board shall ensure that reports received from the Commissioner by the municipality or by the board, as the case may be, are made available to the public. 2006, c. 32, Sched. A, s. 98.

5.0 BACKGROUND

At the time the January 2018 Integrity Commissioner Report was provided to Council, the Integrity Commissioner indicated to the Municipal Clerk that there was 'no further need to make public the findings in the matter'. Following this direction, the report was not made available to the public.

It has been recently brought to the attention of the Municipal Clerk, that the 2018 Integrity Report in question was released by a member who was subject to the investigation at the time.

6.0 ANALYSIS

Attached to this Report as Appendix "A", is correspondence received from Templeman LLP providing comment that the Integrity Commissioner Report should have been made public once it was received in January of 2018 and made part of public record, pursuant to Section 223.6 (3) of the Municipal Act, 2001. The Integrity Commissioner Report issued in January 2018 is attached to this Report as Appendix "B", for public review as required by the Municipal Act.

7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

Not Applicable

8.0 CONCLUSION

THAT Council receive the memorandum from Templeman LLP, Town of Cobourg Municipal Solicitors for information purposes;

FURTHER THAT Council make the Integrity Commissioner Report dated January 22, 2018 Public as required by Section 223.6 (3) of the Municipal Act.

9.0 POLICIES AFFECTING THE PROPOSAL

Not Applicable

10.0 COMMUNICATION RESULTS

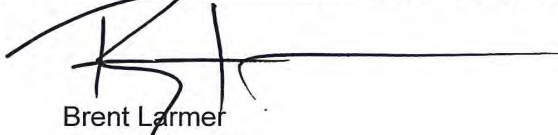
Not Applicable

11.0 ATTACHMENTS

Appendix "A" – Correspondence from Templeman LLP, regarding the Integrity Commissioner Report

Appendix "B" – January 2018 Integrity Commissioner Report

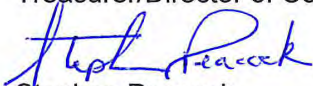
12.0 AUTHORIZATION ACKNOWLEDGMENT (SENIOR MANAGEMENT/CAO)



Brent Larmer
Municipal Clerk
Manager of Legislative Services



Ian Davey
Treasurer/Director of Corporate Services



Stephen Peacock,
Chief Administrative Officer

APPENDIX A

TEMPLEMAN

SUZANNE E. HUNT, B.A., M.P.A., J.D.
T: 613.966-2620 E: shunt@tmlegal.ca

Please Reply to the Belleville Office

July 11, 2019

Mr. Brent Larmer
Municipal Clerk
Manager of Legislative Services
Town of Cobourg
55 King Street West,
Cobourg ON K9A 2M2

Via email: blarmer@cobourg.ca

Dear Mr. Larmer

Re: Cobourg General (Release of Integrity Commissioner Report)
Our file #: 02641

As we understand it, in 2017, an investigation was conducted by the Town's Integrity Commissioner ("IC"), John Ewart, regarding certain activities related to then-Mayor Gil Brocanier. The IC did not find any wrongdoing and, as a result, made no recommendations in his report. The report was received by Council in a closed session in early 2018 but was not released to the public. Mr. Brocanier has now released the report to a member of the media and the Town is concerned that he may have breached closed meeting rules regarding the release of documents. You have asked for a legal opinion in this regard.

The *Municipal Act, 2001* states in section 223.6(2) that if an IC reports to the municipality his opinion about whether a member of council has contravened the applicable code of conduct, the IC may disclose in the report such matters as in his opinion are necessary for the purposes of the report. Section 223.6(3) states that where a report is created by an IC, the municipality must ensure that it is made available to the public. Though an IC has discretion regarding the content of the report and how much identifying information to include, a municipality has no discretion not to release the report once it is received by Council.

We understand that, at the time the report was received by Council, a decision was made not to release it to the public. We understand that this resulted from an opinion letter written by Mr. Ewart to Council, dated January 22, 2018.

Templeman
BELLEVILLE | KINGSTON | BROCKVILLE

tmlegal.ca

205 Dundas St. E., Suite 200, Box 234, Belleville, ON K8N 5A2
Tel (613) 966-2620 Fax (613) 966-2866
366 King St. E., Suite 401, Kingston, ON K7K 6Y3
Tel (613) 542-1889 Fax (613) 542-8202
9 Broad St., Suite 207, Brockville, ON K6V 6Z4
Tel (613) 498-4832 Fax (613) 498-6290

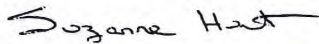
We have spoken to Mr. Ewart who advises that he agrees that his report should have been released to the public as soon as it was received by Council. He indicated that he was unaware of why Council would have believed otherwise and we simply advised that our understanding was that it related to advice he had given to Council.

We understand that the report is now in the public domain but do think it would be prudent for the Town to release it as well. If asked, the Town could simply say that it was not released when it was received due to a misunderstanding, or due to legal advice received. Thankfully, there does not appear to be anything in the report that would suggest that it was not released due to any attempt by the Town to cover up any misconduct.

We trust that the above answers your questions. Please do not hesitate to contact me if there is anything further you require or wish to discuss the matter.

Yours very truly,

TEMPLEMAN LLP

A handwritten signature in cursive script that reads "Suzanne Hunt".

SUZANNE E. HUNT

SEH/ha

APPENDIX "B"



EWART

O'DWYER

Barristers and Solicitors

January 22, 2018

Town of Cobourg Municipal Offices
Victoria Hall
55 King Street West
Cobourg, ON K9A 2M2

Attention: Brent Larmer

Dear Mr. Larmer:

**Re: Municipal Code of Conduct Complaint Request
Our File Number: 1657-009**

This letter will serve to confirm our telephone conversation of January 19, 2018, with respect to the above noted matter.

As discussed, having received my report with respect to the above matter, the Municipal Council is at liberty to consider the report in accordance with Section 13 of the Town of Cobourg Code of Conduct.

Section 13.1 of the Code of Conduct provides inter alia that Council shall consider the report of the integrity commissioner within 14 days of it being received by the municipal clerk and shall take the action it considers appropriate with regard to the recommendations of the integrity commissioner.

In the case at hand, as there are no recommendations made with respect to the complaints alleged, there is no further action required by Municipal Council with respect to this matter and Council may consider this matter as at an end.

Given my finding that there was no breach of the Code of Conduct by the Mayor as alleged by the complainant, there would in the writer's opinion be no further need to make public the findings in this matter. This position would be in keeping with the spirit and intent of the Code of Conduct and as specifically provided for in Section 16 of the code itself.

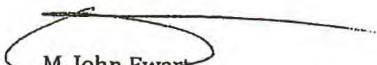
311 George Street North, Suite 103, Peterborough, ON K9J 3H3 Tel: (705) 874-0404 ~ Fax: (705) 874-1165 www.ewartodwyer.com
*M. John Ewart Certified by the Law Society as a Specialist in Municipal Law - Local Government/Land Use Planning and Development

-2-

Trusting the above is of assistance to you in this regard. Should you have any questions or concerns with respect to the above, please do not hesitate to contact the writer.

Very truly yours,

EWART O'DWYER


M. John Ewart
/sfortin



EWART

O'DWYER

Barristers and Solicitors

January 15, 2018

Town of Cobourg Municipal Offices
Victoria Hall
55 King Street West
Cobourg, ON K9A 2M2
Attention: Brent Larmer, Clerk

Simon Chorley and Emily Chorley
393 College Street
Cobourg, ON, K9A 3V5

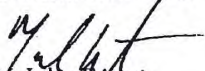
Dear Mr. and Ms. Chorley and Mr. Larmer:

**Re: Complaint of Emily Chorley and Simon Chorley – Mayor Gil Brocanier – Alleged breach of Code of Conduct – Sections 1.2 Respectful Conduct, 1.4 Preferential Treatment, 1.5 Respect for Role of Administration, 2(b) Council Relationships
Our File Number: 1657-009**

Enclosed please find our report with respect to the above noted matter, which is provided to you in our capacity as Municipal Integrity Commissioner.

Very truly yours,

EWART O'DWYER


M. John Ewart
/sfortin
Encl.



EWART

O'DWYER

Barristers and Solicitors

THE CORPORATION OF THE TOWN OF COBOURG

TO: Brent Larmer, Clerk

AND TO: Emily Chorley and Simon Chorley

DATE: January 15, 2018

SUBJECT: Complaint of Emily Chorley and Simon Chorley – Mayor Gil Brocanier – Alleged breach of Code of Conduct – Sections 1.2 Respectful Conduct, 1.4 Preferential Treatment, 1.5 Respect for Role of Administration, 2(b) Council Relationships

PURPOSE:

This is a report to the Municipal Council for the Town of Cobourg on the Municipal Integrity Commissioner's findings with respect to the complaints received by Emily Chorley and Simon Chorley, being residents of the Town of Cobourg, pertaining to the conduct of Mayor Gil Brocanier, pertaining to the rezoning of property municipally known as 394 College Street, Town of Cobourg.

PROCESS:

In preparation of this report, I have interviewed both the complainants, Emily Chorley and Simon Chorley.

I have interviewed members of Municipal senior staff and the Mayor of Cobourg, Gil Brocanier.

In addition, I have reviewed video recordings of municipal council proceedings at which the subject matter of the rezoning of 394 College Street from a residential R3 Zone designation to an R4 Zone designation was considered.

I have also had the opportunity to view a recording of local cable television program known as "Municipal Matters" dated October 4, 2017, at which time Mayor Brocanier was the guest on that program.

I have received full cooperation from the complainants, Mayor Brocanier, and Municipal staff in the conduct of my investigation.

BACKGROUND:

I was appointed by the Municipal Council for the Town of Cobourg to serve as integrity commissioner related to the complaint of Emily Chorley and Simon Chorley dated October 13, 2017.

The complaint focuses primarily on the conduct of Mayor Brocanier with respect to an application for rezoning by-law amendment with respect to property situated at 394 College Street, Town of Cobourg. The purpose of the rezoning was to allow for the creation of a 5 unit structure.

Specifically, the complaints against Mayor Brocanier arise from the statutory public meeting pursuant to the *Planning Act* of August 21, 2017, at which time the application for rezoning by-law amendment was initially considered, there were two subsequent meetings of Council, being September 11th and 18th at which time the rezoning of the subject property from the R3 Zone designation to the R4 Zone designation was unanimously approved by Council.

LEGISLATIVE PROVISIONS:

A Municipal Integrity Commissioner is appointed by council under Section 223.3(1) of the *Municipal Act*, 2001 as amended, with the following responsibilities:

Without limiting Sections 9, 10, or 11, those Sections authorize the municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to: a) the application of the code of conduct for members of council and the code of conduct for members of local boards, or either of them; b) the application of any procedures, rules and policies of the municipality and local boards governing the ethical behavior of members of council and of local boards or either of them, or; c) both of clauses a) and b).

MUNICIPAL INTEGRITY COMMISSIONER INVESTIGATION PROTOCOL:

The Town of Cobourg adopted an integrity commissioner investigation protocol on August 8, 2016. The municipal integrity commissioner investigation protocol outlines the protocol to be adopted by the integrity commissioner for the Town of Cobourg dealing with complaints within the Town of Cobourg jurisdiction.

The policy statement of the code reads in part as follows:

Pursuant to Section 223.3(1) of the *Municipal Act*, 2001, the Town of Cobourg shall appoint an integrity commissioner who reports to council and who is responsible for performing the following duties in an independent and consistent manner, which include complaint investigation, complaint adjudication and annual reporting.

Individuals who identify or witness behaviour and activity by members of council who appear to be in contravention of the code of conduct may address their concerns through the formal complaint process.

I receive my jurisdiction to investigate the issues in this report by virtue of Section 223.3(1) of the *Municipal Act*, 2001.

THE ROLE OF THE INTEGRITY COMMISSIONER IN ASSESSING A COMPLAINT:

The role of the integrity commissioner is to determine whether or not there is sufficient information or evidence to support and substantiate the allegations made in the complaint. That determination is made on an evidentiary standard of the “balance of probabilities”, that is whether it is more likely than not that the complaint in each scenario is contrary to the provisions of the code of conduct, the *Municipal Act*, 2001, and/or other applicable legislation. In order to ensure fair and credible process, the municipal integrity commissioner must also:

1. Act as an impartial, unbiased third party;
2. Maintain the integrity and confidentiality of the process, to the extent possible;
3. Interview the complainant, the respondents, and the primary witnesses;
4. Collect and review the evidence;
5. Assess the issue of credibility;
6. Determine whether further witnesses should be interviewed;
7. Determine whether additional evidence or interviews are required;
8. Transmit the final report to the complainant and to the municipality setting out the findings and conclusions with respect to the allegations.

NATURE OF THE COMPLAINT:

The complaint received in this matter from Emily Chorley and Simon Chorley was with respect to the conduct of the Mayor of Cobourg, Gil Brocanier with respect to alleged contravention of

the code of conduct for council members/administration dated January 23, 2015. The alleged contravention of the code of conduct with respect to zoning by-law amendment with respect to the property municipally known as 394 College Street, Town of Cobourg, which is owned by a relative (niece) of Mayor Brocanier.

As required, the complaint received from Mr. and Ms. Chorley dated October 13, 2017, was filed with the Town of Cobourg by way of sworn Affidavit and raises several allegations/issues which can be identified as follows:

1. Concern with respect to Mayor Brocanier having made “two angry outbursts” in response to concerns expressed by Cobourg residents about the fact that the rezoning application with respect to 394 College Street was submitted by his niece at the August 21, 2017, planning meeting. The “second outburst” took place during regular meeting of Council on August 21, 2017, in response to a request by the complainant, Emily Chorley, that Mayor Brocanier recuse himself from any participation in the deliberation or vote pertaining to the rezoning of 394 College Street.
2. Concern by the complainants that Mayor Brocanier undertook a drive-by of the complainant’s residence on August 19, 2017. It is alleged that this incident took place around 4:40 p.m. as an intimidation attempt as Mayor Broncanier was clearly visible in the vehicle which was parked immediately outside of 394 College Street across from the complainant’s residence.
3. Concern that the scheduling of regular meetings of Council of August 21, 2017, regarding the rezoning application for 394 College Street was done in an attempt to provide preferential treatment to an identifiable person, in this case, the owner of 394 College Street.
4. Concern that the complainant was unable to speak as a delegation at the regular meeting of Council of August 21, 2017, having had the opportunity to express such concerns at the statutory meeting held pursuant to the provisions of the *Planning Act*.
5. Concern that residents opposed to the rezoning application for 394 College Street were consistently scheduled in the agenda to present objections ahead of any delegations in support of the rezoning application for 394 College Street.
6. Concern that Mayor Brocanier “repeatedly and consistently” directed the deliberations at Council and the input of the planning department towards approving the rezoning application for 394 College Street on the basis that failure to do so would result in a costly Ontario Municipal Board hearing of which the municipality would likely not be successful.

7. Concern that Mayor Brocanier attempted to influence the outcome of Council's decision with respect to the rezoning of 394 College Street by directing planning staff to stress the intensification and increased density aspects of the Cobourg Official Plan and Growth Plan for the Greater Golden Horseshoe.
8. Concern that Mayor Brocanier used his position to impose undue pressure to influence and manipulate municipal employees, fellow councillors, and members of the public in "a disrespectful manner with vexatious comments and conduct".

MUNICIPAL CONFLICT OF INTEREST ACT, R.S.O. 1990:

It is important to stress at the outset that the focus of this inquiry is with respect to a breach of the code of conduct for council members/administration for the Town of Cobourg and not any alleged contravention of the *Municipal Conflict of Interest Act*, R.S.O. 1990, as amended. It is important to identify the focus of the inquiry and the jurisdiction under which it was conducted. In doing so, I have carried out my investigation independently in accordance with the *Municipal Act*, 2001, and the provisions of Section 223.3(1).

Based on my understanding of the factual background of this matter and the nature of the complaint, the provisions of the *Municipal Conflict of Interest Act* has no application to the inquiry carried out by myself.

INVESTIGATION:

CONCERN 1:

Concern with respect to Mayor Brocanier having made "two angry outbursts" in response to concerns expressed by Cobourg residents about the fact that the rezoning application with respect to 394 College Street was submitted by his niece, Christine McDonald at the August 21, 2017, planning meeting. The "second outburst" took place during regular meeting of Council on August 21, 2017, in response to a request by the complainant, Emily Chorley, that Mayor Brocanier recuse himself from any participation in the deliberation or vote pertaining to the rezoning of 394 College Street.

It was a concern of the complainants that Mayor Brocanier made "two angry outbursts" in response to concerns expressed by Cobourg residents about the fact that the rezoning application with respect to 394 College Street was submitted by a relative of the Mayor.

In addressing council, it was the suggestion of the complainant that while there was no breach of the provisions of the *Municipal Conflict of Interest Act*, that Mayor Brocanier recuse himself from consideration of the rezoning application.

I have reviewed the video provided in this matter on more than several occasions, and in doing so particular concern was focused on the response of Mayor Brocanier to the suggestion that he should recuse himself from consideration of the rezoning application.

Having reviewed the proceedings of council on August 21, 2017, and the reaction of Mayor Brocanier, I cannot find that the statement of the Mayor, namely, "I would just like to say, Ms. Chorley, that I have been in municipal politics for 20 years and I have never had my integrity attacked, and I will not have it attacked tonight. I know far more about the *Municipal Act* and *Conflict of Interest Act* that you ever will", is a breach of the Township of Cobourg Code of Conduct for municipal members.

When reviewing the stated purpose of the code of conduct, Section 1.2 specifically provides that "every member of municipal council is expected to conduct himself or herself at all times and in such a way as to reflect the decorum and dignity of the office that he or she holds".

No member of municipal council shall embarrass, chastise, intimate or threaten his or her colleagues, members of the public, employees or volunteers of the municipality, either publically or privately or by other means.

It was against the backdrop of this Section 1.2 that a review of the August 21, 2017, council meeting was conducted and the opinion that has been arrived at.

As stated above, I do not find that the "exchanges" of which the complainants take issue with can be classified as an angry exchange nor was the response provided by the Mayor in defence to the suggestion that he was indirectly in breach of the *Conflict of Interest Act* as an outburst. As noted, the *Municipal Conflict of Interest Act* has no application with respect to the inquiry herein. However, in response to the suggestion that the Mayor was "in a conflict of interest" resulted in the statement being provided by Mayor Brocanier served to recognize the Mayor's knowledge of the Act.

While Section 1.2 does require that every member of council is expected to conduct himself in a manner as to reflect the decorum and dignity of the office, I believe there is a reciprocal expectation upon members of the public when addressing the members of council. In the case at hand, any decision to participate in the deliberation and consideration of matters before council which may involve a "conflict of interest" is personal to the members of council and with it comes the possible consequences if such participation is in fact a breach of statute or in this case, code of conduct. However, for the reasons set out above, I do not find that the Mayor in response to the suggestion that he recuse himself to be a breach of the code of conduct and in particular, Section 1.2 therein.

CONCERN 2:

Concern by the complainants that Mayor Brocanier undertook a drive-by of the complainant's residence on August 19, 2017. It is alleged that this incident took place around 4:40 p.m. and that Mayor Brocanier was clearly visible in the vehicle which was parked immediately outside of 394 College Street across from the complainant's residence.

It was a concern of the complainants that Mayor Brocanier undertook a drive-by of the complainant's residence on August 19, 2017, at approximately 4:40 p.m.

In addressing this particular concern, it is the allegation of the complainant that Mayor Brocanier undertook a drive-by of the complainant's property at approximately 4:40 p.m. on August 19, 2017, in what is classified as an attempt to intimidate the complainant. In speaking with Mayor Brocanier, he advised that as a result of a visiting family member, a tour of the Town of Cobourg was undertaken with Mayor Brocanier and his wife and the visiting family member. In doing so, Mayor Brocanier attended at the property at 394 College Street, which as identified above is owned by a family member.

In speaking with Mayor Brocanier, he advised that at the approximate time of the visit, being 4:40 p.m., he had no idea or expectation that the complainant would be outside of her residence. In any event, it was not the purpose of the visit to engage with the complainant and there was, in fact, no contact or exchange between Mayor Brocanier and the complainant on the afternoon of August 19, 2017.

In reviewing this matter with Mayor Brocanier, he strongly denies the allegations and advised that his attendance at 394 College Street was approximately 4-5 minutes in duration, during which time he never exited the vehicle in which he was seated in the front passenger seat.

Mayor Brocanier further advised that at no time while present at 394 College Street did he engage in any discussion with respect to the rezoning of the subject property.

In considering this concern, it is difficult to understand how the attendance of Mayor Brocanier at a family member's residence at a time unknown to the complainant could be viewed as what is classified as a form of "intimidation".

When questioned as to this incident during a telephone call in show entitled "Municipal Matters" on local cable television by one of the complainants, Mayor Brocanier was forthright in acknowledging his attendance at 394 College Street on August 19, 2017, and for those reasons set out above.

The fact that Mayor Brocanier's attendance at the subject property on August 19, 2017, being two days before the August 21, 2017, statutory public meeting is, in the writer's opinion, unrelated and is not a breach of the Town of Cobourg Code of Conduct for members of municipal council.

The fact that Mayor Brocanier had attended at the subject property for what was approximately 4-5 minutes at which time no contact was made with the complainants, nor was there any understanding that the complainant would in fact be present at the side of her residence at the exact moment of the visit is in no way conclusive of any ill motive on behalf of Mayor Brocanier and constitutes speculation on behalf of the complainant.

Furthermore, to attribute the attendance of Mayor Brocanier at the subject property on August 19, 2017, as a breach of the code of conduct is simply untenable based on the evidence provided by the parties in this matter.

CONCERN 3:

Concern that the scheduling of regular meetings of Council of August 21, 2017, concerning the rezoning application for 394 College Street was done in an attempt to provide preferential treatment to an identifiable person, in this case, the owner of 394 College Street.

It was a concern of the complainants that the rezoning application for 394 College Street was done in an attempt to provide preferential treatment to an identifiable individual, in this case, the niece of the Mayor of the Town of Cobourg.

As set out earlier in my report, the fact that the owner of 394 College Street was a family member of the Mayor of Cobourg did not put this matter within the realm of the *Municipal Conflict of Interest Act* due to the degree of familial relationship.

Furthermore, the approval or denial of the planning relief with respect to zoning by-law amendments is the responsibility of municipal council as a whole pursuant to the provisions of Section 34 of the *Planning Act*.

Based on the evidence received and upon speaking with both the complainants and municipal staff, there is no evidence on which it could be found that any type of preferential treatment was afforded to the owner of 394 College Street with respect to the proposed zoning by-law amendment.

As the decision of council to approve the zoning by-law amendment was not the subject of council consideration on August 21, 2017, but rather a subsequent council meeting, there can be no finding that the events of August 21, 2017, as alleged by the complainant were a factor in council's consideration of this particular matter.

It is important to note that the planning report prepared with respect to the zoning by-law amendment for 394 College Street was prepared in advance of the August 21, 2017, meeting and was favourable in nature. The decision to either accept or deny the recommendations of a municipal planner in support of the reference to a zoning by-law amendment is the complete purview and discretion of a municipal council. In the case at hand, it is the writer's understanding that the approval of the zoning by-law amendment with respect to 394 College Street was unanimous in nature when considered at a subsequent council meeting and that no appeal to the decision of council was commenced either by the complainants, or by anyone.

CONCERN 4:

Concern that the complainant was unable to speak as a delegation at the regular meeting of Council of August 21, 2017, having had the opportunity to express such concerns at the statutory meeting held pursuant to the provisions of the Planning Act.

It was a concern of the complainants that they were denied the opportunity to make delegation in opposition to the proposed zoning by-law application with respect to 394 College Street.

In speaking with both the complainants and municipal staff, it is the writer's understanding that opportunity was provided to the complainants to make full representation during the statutory public meeting which occurred on August 21, 2017.

However, when requested to make a delegation with respect to certain representations during the regular meeting of Council scheduled for the same day, August 21, 2017, this request was denied by the clerk for the municipality on the basis that such delegation in opposition had been received during the statutory public meeting as provided for by the *Planning Act*.

Since the by-law with respect to the rezoning of 394 College Street was not scheduled to be heard during the regular meeting of Council of August 21, 2017, I do not see how the failure of allowing the complainants to make similar representations during the regular meeting of Council is in any way a breach of the municipality's code of conduct. Since the code of conduct is designed to regulate the conduct of members of council and municipal staff, the failure to be provided the opportunity to present a similar delegation to Council on the very same day that the planning matters had been addressed during the statutory public meeting could constitute a breach of the code of conduct.

It is well established that a municipality has the right to regulate and govern its conduct of council meetings and to receive or deny delegations. The refusal to allow the complainants to make a similar representation during the regular meeting of council when such an opportunity was afforded during the statutory public meeting for the rezoning of 394 College Street, cannot in the writer's opinion constitute a breach of the code of conduct.

CONCERN 5:

Concern that residents opposed to the rezoning application for 394 College Street were consistently scheduled in the agenda to present objections first ahead of any delegations in support of the rezoning application.

It was a concern of the complainants that they, together with other residents opposed to the rezoning application, were consistently scheduled in the agenda at the statutory public meetings to present objections ahead of the proponent. In speaking with municipal staff with respect to this concern, I am advised that this is the normal protocol for the municipality when dealing with matters pursuant to the provisions of the *Planning Act*. It is the protocol that a proposed planning matter would be introduced by municipal staff, following which any individual or party in opposition to the proposed planning relief would be given the opportunity to speak in opposition. Following any submissions in opposition to the proposed planning issue, the proponent would then be given the opportunity to reply and to provide clarification with respect to the proposed application.

Accordingly, I fail to find that the scheduling of delegations with respect to planning matters is a contravention of the code of conduct and is consistent with the Town of Cobourg's protocol when dealing with planning matters pursuant to the *Planning Act*, R.S.O., 1990, c. P13.

If it was the case that any party in opposition to the proposed planning application was denied the opportunity to present comments either in support or opposition at a statutory public meeting, this would be a serious contravention of not only the *Planning Act*, but the Municipality's code of conduct. However, as stated above, this is not the case at hand.

CONCERN 6:

Concern that Mayor Brocanier "repeatedly and consistently" directed the deliberations at Council and the input of the planning department towards approving the rezoning application for 394 College Street on the basis that failure to do so would result in a costly Ontario Municipal Board hearing of which the municipality would likely not be successful.

It is a concern of the complainant that the Mayor of the Town of Cobourg attempted to direct deliberations at Council and the input of the planning department towards the approval of the zoning by-law amendment for the subject property being 394 College Street.

As set out above, the approval of zoning by-law amendments pursuant to the provisions of the *Planning Act* is the responsibility of municipal council having passed a by-law either in favour or in opposition of any such planning relief.

In the case at hand, Mayor Brocanier, being only but one member of council was, as with any member of council, entitled to express concerns with respect to the merits of the zoning by-law amendment which was duly before council, having been the subject of the statutory public meeting and subsequent deliberations.

As a member of council, the Mayor, as with any other member of council, is entitled to express concerns as to not only the merits of such approval based on planning reports received, but the implications following any denial of same.

The fact that a member of council expressed concerns as to the likelihood of success in the event of an appeal of the matter to the Ontario Municipal Board and the costs associated therewith is, in the writer's opinion, not a breach of code of conduct, but an opinion which any member of council is entitled to adopt and put forward either in support or denial of a zoning by-law amendment.

As set out earlier in this report, the fact that the approval of the zoning by-law amendment for the property at 394 College Street was unanimous is, in the writer's opinion, indicative as to the merits of the planning application.

Furthermore, in speaking with municipal staff, I am not aware of any other member of council having expressed concerns with respect to the actions of the Mayor in putting forward an opinion with respect to either the merits or the associated cost of an appeal to the Ontario Municipal Board arising from the deliberation of the municipal council with respect to this matter.

CONCERN 7:

Concern that Mayor Brocanier attempted to influence the outcome of Council's decision with respect to the rezoning of 394 College Street by directing planning staff to stress the intensification and increased density aspects of the Cobourg Official Plan and Growth Plan for the Greater Golden Horseshoe.

It is the concern of the complainants that the Mayor for the Town of Cobourg attempted to influence the outcome of council's decision with respect to the rezoning of 394 College Street by directing planning staff to stress the intensification and increased density aspects of the Cobourg Official Plan and Growth Plan for the Greater Golden Horseshoe.

As already stated, it is the responsibility of municipal council to make a decision with respect to matters coming before it pursuant to the provisions of Section 34 of the *Planning Act*. In doing so, any member of council is entitled to inquire of and take into consideration the planning issues such as intensification as well as relevant provincial planning documentation such as the Growth Plan for the Greater Golden Horseshoe.

In speaking with municipal staff, there is no evidence that members of municipal staff, including that of the municipal planner, were directly influenced by such concerns raised by Mayor Brocanier either during the August 21, 2017, statutory public meeting or subsequent council meetings at which the subject of 394 College Street was the subject of deliberation and consideration.

As stated above, the report in favour of the granting of approval of the zoning by-law amendment had been prepared by the municipal planner in advance of August 21, 2017, and circulated to members of council as well as being made available to the general public.

In doing so, the municipal planner did address the issue of intensification as well as the Growth Plan as he would have been required to do in preparing the necessary planning report for consideration by municipal council.

Accordingly, based on the evidence received both from the complainants and municipal staff, it is the writer's finding that there is no evidence to support the allegation that the Mayor of the Town of Cobourg attempted to influence the decision of council with respect to the rezoning of 394 College Street, by reference to valid planning issues such as intensification and application of relevant provincial planning documents such as the Growth Plan.

CONCERN 8:

Concern that Mayor Brocanier used his position to impose undue pressure to influence and manipulate municipal employees, fellow councillors, and members of the public in "a disrespectful manner with vexatious comments and conduct".

It is a concern of the complainants that the Mayor of Cobourg used his position to impose undue pressure to influence and manipulate municipal employees, fellow council, and members in public in a disrespectful manner and with vexatious comments and conduct.

In speaking with municipal staff, it was the evidence received that no municipal staff member or member of council share the concerns raised by the complainants with respect to this matter. As stated repeatedly, the decision to allow for the rezoning of the subject property is a decision of municipal council requiring a majority vote at a duly constituted regular meeting of council at which the subject was to be considered.

The report prepared by the municipal planner was in support of the planning relief being sought and was set forth in a report made available to both members of council, municipal staff, and members of the public. Accordingly, there is no evidence which, on a balance of probabilities, could lead to the conclusion that the decision of council, by a unanimous vote, was in any way influenced by the Mayor through a disrespectful manner of with vexatious comments contrary to the code of conduct.

For the purposes of this report it is therefore not possible, in the writer's opinion, to find that the Mayor of Cobourg when dealing with the issue of 394 College Street, behaved in any manner which could be viewed as a breach of the Town of Cobourg's code of conduct.

In speaking with the complainants, and in particular Ms. Chorley, the writer did form the opinion that she was most concerned with respect to this matter and the complaint put forward was in good faith and without any malice. However, the role of the writer with respect to this particular complaint is limited to the jurisdiction bestowed pursuant to Section 223.3(1) of the *Municipal Act*, and not that of any other legislation. As such, based on my investigation and on the preponderance of evidence, it is not possible to find that a breach of the code of conduct had occurred by the Mayor of Cobourg with respect to the rezoning application with respect to 394 College Street. While there were other remedies available to the complainants to pursue this matter through other forums, I am not aware as to whether such remedies were pursued. In any event, it is of no concern to myself in the conduct of my inquiry and in the findings ultimately reached during this inquiry.

SUMMARY:

In addressing this entire situation and the various concerns raised by the complainants, I am acutely aware of the concerns of the parties, both with respect to the commencement of the complaint as well as those who are required to address such allegations. To this end, I did receive the full cooperation of both the complainant and the respondents and municipal staff in arriving at the conclusions I have reached.

Considering the conduct and question herein and the requirements of the code of conduct, a review of the evidence leads to the conclusion that there was no contravention of the code of conduct for the Town of Cobourg by Mayor Brocanier, specifically Sections 1.2, 1.4, 1.5, and 2(b). I have limited authority under the *Municipal Act*, 2001 to address any other issues other than those directly raised by the complainants and their request for an investigation. Based on the evidence received, the conduct of Mayor Brocanier does not disclose conduct which is incompatible or inconsistent with the ethical discharge of his official duties as provided for by the code of conduct and in accordance with the provisions of the *Municipal Act*, 2001.

The office of Mayor is a position of honour and privilege. The respondent was obliged to comport himself in such a way that brings respect and honour to the office. In the case at hand, the respondent's conduct, in the writer's opinion, has met that obligation with respect to the allegations raised by the complainants.


Accordingly, based on the evidence received from the parties, an independent review of the materials provided by the respondent, and all other information received during the course of the investigation, I am of the conclusion that the respondent has not contravened the code of conduct for the Town of Cobourg with respect to the allegations put forward by the complainants.

I tender this report of my complaint investigation to the council of the Town of Cobourg and the complainant. As a result of my findings, there is no need to investigate this issue further thereby bringing this inquiry to a close.

ALL OF WHICH IS RESPECTFULLY SUBMITTED BY M. JOHN EWART ON JANUARY 15, 2018



M. JOHN EWART, B.A., M.A. L.L.B., C.S.

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT Committee of the Whole	
TO:	Mayor and Council Members	
FROM: TITLE:	Brent Larmer Municipal Clerk/Manager of Legislative Services	
DATE OF MEETING:	July 22, 2019	
TITLE / SUBJECT:	Ombudsman Report Response- William Street Brewery	
REPORT DATE:	July 11, 2019	File #:

1.0 STRATEGIC PLAN
Not Applicable

2.0 PUBLIC ENGAGEMENT
Not Applicable.

3.0 RECOMMENDATION
THAT Council receive the report from the Municipal Clerk/Manager of Legislative Services for information purposes; and

FURTHER THAT Council abide by the terms of the existing Services Agreement and allow the Board of Directors of Lakefront Utility Services Inc. to be the final decision authority regarding customer disputes; and

FURTHER THAT Council may wish to review and amend the terms of the Services Agreement at any time.

4.0 ORIGIN AND LEGISLATION
At the April 23, 2019 Committee of the Whole Meeting, Council received a Municipal Ombudsman Report regarding 'Complaint of William Street Beer Company Lakefront Utility Services Inc. Overcharge of Water Bills'

As a result, Council provided and approved the following Motion:

WHEREAS at the Committee of the Whole Meeting on April 23, 2019, Council considered a Report from the Municipal Ombudsman regarding Complaint 03-2018 — William Street Beer Company;

NOW THEREFORE BE IT RESOLVED that Council direct staff to obtain a legal opinion and deliver a report to Council by June 10, 2019 that:

Outlines the roles and responsibilities of Waterworks, LUSI and the Corporation of the Town of Cobourg;

Determines whether Council has the legal authority to direct LUSI to reimburse the William Street Beer Company of alleged excessive water charges;

Outlines any alternative courses of action to resolve the claim of alleged excessive water charges from the William Street Beer Company;

Determines whether LUSI has formal criteria/authority to identify/rectify claims of excessive water charges; and

Makes policy and procedural recommendations to clarify the appeal process for complainants of excessive water charges; and

FURTHER THAT Council direct the Chief Administrative Officer to provide a Staff Report based on the legal opinion report to determine possible opportunities for resolving the complaint from William Street Beer Company.

As part of the Council Motion, approved at the Regular Council meeting, Council requested a legal opinion with respect to a dispute involving high water charges for the William Street Beer Company ("WSBC") in the Town of Cobourg. This report provides Council with a summary of the legal opinion and opportunities Council has for resolving the complaint from William Street Beer Company.

5.0 BACKGROUND

Town of Cobourg Holdings Inc. ("Holdco") is a holding company which wholly owns Lakefront Utilities Inc. ("LUI") and Lakefront Utility Services Inc. ("LUSI"). Holdco was incorporated under the Business Corporation Act (Ontario) on April 12, 2000 and through its affiliates, is engaged in the distribution of electricity and associated business activities. The Town is the majority shareholder in Holdco with the Township of Cramahe (Colborne) owning one share. LUI is the regulated utility through which electricity is distributed to the Town and the Village of Colborne. LUSI operates the water systems for the Town, the Township of Cramahe (Colborne) and the Hamlet of Grafton.

On November 6, 2000, the Town of Cobourg through by-law entered into a Services Agreement with Lakefront Utility Services Inc. (LUSI) to provide Water Treatment, Water Distribution, and administration and operations, as a result of the 1890 Public

Utilities Commission of Cobourg's dissolution, who originally provided on behalf of the Town water services to the Public in the Town of Cobourg.

To understand the operating relationship between the Town and LUSI we must review the Services Agreement presently in place. The term of the Agreement as noted in Article 4 Section 4.1, commenced on December 1, 2000 and is renewed for successive three (3) year terms unless terminated under section 6.1 of the agreement which explains and outlines the details of the termination process.

Pursuant to the Services Agreement, LUSI's role and responsibility is to independently operate, maintain and administer the Town's water treatment facility and distribution system. The Town's role and responsibility is limited to providing 'high-level monitoring and direction on major capital expenditures and making forward planning decisions based on reports prepared for it by LUSI.

On May 17, 2019, Derek Paul, submitted to Council a copy of the CS-10 Escalation and Complaint Policy, which LUSI states in Section 1.0 of the policy, that the document has been put into place to provide a fair complaints procedure which is clear and easy to use for customers to make a complaint. The policy provides for an escalation process for all complaints received at LUSI. The policy received final approval by the LUSI Board on June 25, 2019.

6.0 ANALYSIS

As part of the Council Resolution 132-19, Council asked for a report to provide Council with opportunities for resolving the complaint from William Street Beer Company in their dispute with the water billing charges for the William Street Beer Company location.

As provided in the legal opinion by the Town's Solicitor, Municipal Council, as described in the Services Agreement with LUSI does not appear to have the legal authority to direct LUSI to reimburse WSBC. Section 2.3 of the Services Agreement indirectly provides that the Town cannot direct or control LUSI regarding disputes with ratepayers because this is not a matter specifically stated in the Agreement to be within the Town's purview. Furthermore, the Unanimous Shareholders Agreement provides that LUSI's board of directors is required to operate independently of the Town's control.

Pursuant to Section 10.2 of the Customer Complaint and Escalation Policy, under Stage Four: Final Escalation, LUSI explains the final process in a complaint that proceeds through the escalation process illustrating that the final authority for disputes is the Board of Directors, who makes a decision drawn from all supporting documentation from both the customer and LUSI Management.

Below is a table that has been included within the Customer Complaints and Escalation Policy outlining the final decision making authority over water disputes in the LUSI serviced Municipalities.

Service	Service Status	Final Escalation
Town of Cobourg	Electric	Lakefront Utilities Inc. Board of Directors
	Water	Lakefront Utility Services Inc. Board of Directors
	Sewer	Town of Cobourg Council
Township of Cramahe	Electric	Lakefront Utilities Inc. Board of Directors
	Water	Township of Cramahe Council
	Sewer	Township of Cramahe Council
Township of Alnwick/Haldimand	Water	Township of Alnwick/Haldimand Council

** page 4 of LUSI Customer Complaints and Escalation Policy

As indicated within the Final Escalation Table Lakefront Utilities Services Inc's (LUSI) Board of Directors has the final decision regarding disputes with customers. This can be interpreted through Section 2.3 of the Services Agreement which indirectly provides that the Town cannot direct or control LUSI regarding disputes with customers due to the fact that there is no provision in the services agreement that specifically states that the Town can overturn a LUSI Board of Directors decision.

In addition, as noted under the same section discussing Stage Four – Final Escalation, paragraph two (2) under the Escalation Final-Decision Authority Table, the Policy notes that:

"With respect to Town of Cobourg water services, Lakefront Utility Services Inc. Board of Directors acts as the managing authority under contract. The Town of Cobourg Council therefore have the authority to overrule a Lakefront Utility Services Inc. Board of Directors' decision."

This section provides a contradiction to the Stage Four –Final Escalation Authority. This section taken from the approved Policy could be describing the fact that the Corporation of the Town of Cobourg is the majority shareholder in Holdco which is a holding company who wholly owns LUSI, which is contracted by the Town of Cobourg as a business unit to provide Water Services for customers in the Town of Cobourg, thus Municipal Council controlling the services that Holdco provides.

As noted in the above analysis Municipal Council does have the ability to make the final decision regarding billing disputes, which LUSI has actually indicated within their Policy.

That being said, the current Services Agreement states that LUSI is to act independently to operate, maintain and administer the Town's water treatment facility and distribution system. It would seem that by delegating this authority to the LUSI Board, the intention of the current Services Agreement was to keep customer related disputes from becoming political and thus avoid any appearance of either preferential or biased treatment with respect to the final resolution of these matters. Should Council wish to become the final escalation authority, then Council should change the current structure of the Services Agreement to allow for this.

It is important to note that if a customer feels that they have been overcharged, or are seeking compensation for a specific matter, they have the ability to proceed through a court of competent jurisdiction to receive restitution which is decided through a formal court process and by a neutral third-party being a judge who can weigh the evidence through a judicial lens and render a final decision.

7.0 FINANCIAL IMPLICATIONS/STAFFING/BUDGET IMPACT
Not applicable.

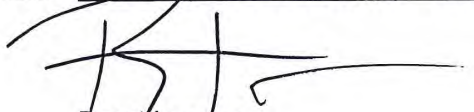
8.0 CONCLUSION
THAT Council should abide by the terms of the existing Services Agreement and allow the Board of Directors of Lakefront Utility Services Inc. to be the final decision authority regarding customer disputes.

9.0 POLICIES AFFECTING THE PROPOSAL
Not Applicable

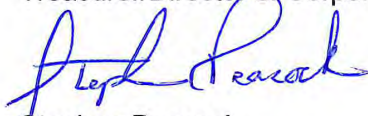
10.0 COMMUNICATION RESULTS

11.0 ATTACHMENTS (IF APPLICABLE)
Appendix "A" By-law No.107-00 – Water Treatment, Water Distribution, and Operations Agreement.

12.0 AUTHORIZATION ACKNOWLEDGMENT (SENIOR MANAGEMENT/CAO)


Brent Larmer
Municipal Clerk
Manager of Legislative Services

Ian Davey
Treasurer/Director of Corporate Services



Stephen Peacock,
Chief Administrative Officer

THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 107-00

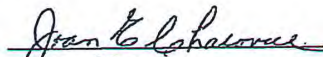
A BY-LAW TO AUTHORIZE EXECUTION OF AN AGREEMENT WITH LAKESHORE UTILITIES SERVICES INC.

WHEREAS the Municipal Council of the Corporation of the Town of Cobourg considers it advisable to enter into an agreement with Lakefront Utility Services Inc;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1. THAT the Mayor and Municipal Clerk are hereby authorized and instructed to execute on behalf of the Corporation an agreement with Lakefront Utility Services Inc. regarding the management and operation of the water treatment and distribution system owned by the Corporation of the Town of Cobourg.

READ a first, second and third time and finally passed in Open Council this 6th day of November, 2000.


Mayor


Municipal Clerk

CPUC. by

THE CORPORATION OF THE TOWN OF COBOURG

and

LAKEFRONT UTILITY SERVICES INC.

SERVICES AGREEMENT

**REGARDING WATER TREATMENT, WATER
DISTRIBUTION, ADMINISTRATION AND
OPERATIONS**

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SERVICES AGREEMENT

THIS AGREEMENT made as of the 1st day of November, 2000.

B E T W E E N:

LAKEFRONT UTILITY SERVICES INC.

(referred to in this Agreement as "LUSI")

- and -

THE CORPORATION OF THE TOWN OF COBOURG

(referred to in this Agreement as the "Town")

BACKGROUND TO THIS AGREEMENT

- (a) Since 1890 The Public Utilities Commission of Cobourg has, on behalf of the Town, provided water services to the public in the Town of Cobourg.
- (b) With the pending dissolution of the Public Utilities Commission of Cobourg, the Town will assume all rights and obligations for managing and operating the water distribution system;
- (c) The Town and LUSI desire to enter into this Agreement for the purpose of further clarifying and delineating their respective rights and obligations with respect to the management and operation of the water treatment and distribution systems.

NOW THEREFORE in consideration of the mutual covenants contained in this Agreement and other good and valuable consideration the sufficiency of which is hereby irrevocably acknowledged, the Town and LUSI agree as follows:

ARTICLE 1 - INDEX TO DEFINITIONS

Section 1.1 - Definitions

In this Agreement, the following terms are defined below or in the section in which they first appear:

"Agreement" means this Agreement together with Schedules A and B attached hereto and all

amendments made hereto by written agreement between LUSI and the Town.

“Approved Capital Expenditures” is defined in Section 4.4(b) of this Agreement.

“Authorizations” means water by-laws, licences, certificates of approval, permits, consents and other authorizations required under any law, regulation, by-law or government policy in order to operate the Facility from time to time.

“Authorized Representatives” is defined in Section 2.4 of this Agreement.

“Business Day” means a day other than a Saturday, Sunday or statutory holiday in Ontario.

“Capital Expenditures” is defined in Section 4.4(a) of this Agreement.

“Claims” means any action, cause of action, loss, lien, damage (including but not limited to damage for economic loss) suit, judgment, order, award, claim, fine, penalty and demand of any kind and nature whatsoever and shall include the cost and expense of defending or settling any such claim.

“Facility” is described in Schedule A to this Agreement.

“Initial Term” is defined in Section 4.1 of this Agreement.

“Services” is described in Schedule B to this Agreement.

ARTICLE 2 - RESPONSIBILITIES OF LUSI

Section 2.1 - Retention of LUSI

The Town retains LUSI to provide management, operation, administration and maintenance services (as further described in Schedule B to this Agreement) for the Facility.

Section 2.2 - Performance of Services

- (a) Subject to Paragraph 2.2(b) below, LUSI shall manage and operate the Facility in compliance with all applicable laws, regulations and authorizations. LUSI may temporarily cease to provide or reduce the level of provision of Services hereunder in the event of an emergency or breakdown at the Facility or any other reason beyond the reasonable control of LUSI; provided however, that LUSI shall, when practicable, endeavour to give the Town reasonable advance notice of each such occurrence.
- (b) LUSI shall not be responsible for any situations where there has been a failure to comply with applicable laws, regulations and/or authorizations where the non-compliance

situation resulted from the Town not carrying out the Capital Expenditures recommended by LUSI under Section 4.4 below.

(c) **Section 2.3 - LUSI as Independent Contractor**

In performing the Services, LUSI shall be acting as an independent contractor and only to the extent and for the specific purposes expressly set forth herein. Neither LUSI nor its employees, agents or subcontractors shall be subject to the direction and control of the Town except as expressly provided in this Agreement.

Section 2.4 - Authorized Representatives

Each of LUSI and the Town shall be entitled to designate in writing to the other one or more individuals who shall be authorized to represent it in connection with the day-to-day administration of the provisions of this Agreement (the "Authorized Representatives"). Each of the parties shall be entitled to rely on the acts and approvals given by the other party's Authorized Representative until such time as it receives a written notification of change of the other party's Authorized Representative.

Section 2.5 - Reporting

Within thirty days of the completion of each quarter or such other period as the Town and LUSI may agree upon, LUSI shall provide the Town's Authorized Representative with a report describing the Facility's performance for that period as described in Schedule B to this Agreement.

Notwithstanding the aforementioned, LUSI will advise the Town as soon as possible of any significant mechanical or system failure in the Facility or any part thereof.

Section 2.6 - Indemnification of the Town

- (a) Subject to Paragraph 2.6(b) below, LUSI shall exonerate, indemnify and hold harmless the Town, its directors, officers, employees and agents from and against any and all Claims which may be suffered by, accrue against or be charged to or recoverable from the Town where any such Claim is the direct result of LUSI's breach of an obligation under this Agreement.
- (b) LUSI shall not be liable to exonerate, indemnify and hold harmless the Town in respect of any Claim where such claim arises directly from:
 - (i) the Town's non-acceptance of any recommendations made by LUSI in respect of the treatment and distribution of water the consequences and importance of which were explained in writing by LUSI to the Town;

- (ii) any negligence or willful misconduct on the part of the Town; or
 - (iii) any acts of third parties, strikes, lockouts or other industrial disturbances, war, sabotage, blockades, insurrections, civil disturbances, explosions, fires, hurricanes, floods, tornadoes and other such weather disturbances or any other circumstances or events beyond the control of LUSI.
- (c) The Town shall be deemed to hold the provisions of this Section 2.6 that are for the benefit of the Town's directors, officers, employees and agents, in trust for such directors, officers, employees and agents as third party beneficiaries under this Agreement.

Section 2.7 - Insurance

LUSI shall arrange for insurance coverage of the Facility as described in Section 6 of Schedule B to this Agreement. If there is a significant change in the insurance coverage described in Schedule B, the Town will be notified by LUSI prior to such changes.

Section 2.8 - Consultants and Sub-Contractors

LUSI shall be entitled, subject to obtaining the prior approval of the Town, to retain consultants and/or sub-contractors.

ARTICLE 3 - RESPONSIBILITIES OF THE TOWN

Section 3.1 - Representations and Warranties of the Town

The Town represents and warrants to LUSI that to the best of the Town's knowledge and belief, after making due inquiry, the following are true and correct:

- (a) The Town has the full power and authority to enter into and perform its obligations under this Agreement.
- (b) The Town has passed all necessary by-laws to enable it to enter into and perform its obligations under this Agreement.
- (c) The Town will provide LUSI with a true copy of each by-law referred to in Paragraph 3.1(b) above.

Section 3.2 - Exoneration and Indemnification of LUSI

- (a) Subject to Paragraph 3.2(b) below, the Town shall exonerate, indemnify and hold

harmless LUSI, its directors, officers, employees and agents from and against any and all Claims which may be suffered by, accrue against or be charged to or recoverable from LUSI where any such claim is the direct result of:

- (i) the Town's breach of an obligation under this Agreement;
 - (ii) any negligence or willful misconduct on the part of the Town; or
 - (iii) the Town's non-acceptance of any recommendation made by LUSI in respect of the provision of Services, the consequences and importance of which were explained in writing by LUSI to the Town.
- (b) The Town shall not be liable in respect of any Claim:
- (iii) to the extent that such Claim is covered by a policy of insurance put in place by LUSI; or
 - (iv) where the claim arose as a result of LUSI's breach of an obligation under this Agreement.
- (c) LUSI shall be deemed to hold the provisions of this Section 3.2 that are for the benefit of LUSI's directors, officers, employees and agents, in trust for such directors, officers, employees and agents as third party beneficiaries under this Agreement.

ARTICLE 4 - TERM AND USER PAY RATE STRUCTURE

Section 4.1 - Initial Term of Agreement

This Agreement shall start on December 1, 2000, and shall continue in effect for an initial term of three years (the "Initial Term") and then shall be renewed for successive three year terms unless terminated under Section 6.1 of this Agreement.

Section 4.2 - Non-Profit User Pay Rate Structure

LUSI shall manage and operate the Facility for the Town on a non-profit user pay rate structure.

Section 4.3 - Items included in the Non-Profit User Pay Rate Structure

The consumer rate structure shall include all charges associated with the provision of the Services, including the following:

- (a) any Approved Capital Expenditures as set forth in Paragraph 4.4;
- (b) any charges resulting from the supply of new or increased services required by changes to

- (c) the law, government policy or the Facility's certificates of approval;
- (d) the payment of municipal taxes or municipal grants in lieu of taxes, if applicable; and
- (e) any charges resulting from adverse tax changes in respect of the Services or the Facility, excluding income taxes payable by LUSI.

Section 4.4 - Capital Expenditures

- (a) "Capital Expenditures" means the charges for all capital items in relation to the Facility, including administration and operations, including new or replacement equipment, any overhaul or rebuild of equipment, any non-routine repair; any alterations and any associated installations, commissioning and preselection charges.
- (b) No later than October 1st of each year this Agreement is in force, LUSI will provide the Town with a proposed rate structure, including an estimate of the Capital Expenditures required for the operation of the Facility for the following year, plus a five year forecast. The Town approval of any estimate authorizes LUSI to incur the Capital Expenditures included in the estimate (the "Approved Capital Expenditures").
- (c) LUSI will recover the cost of the Approved Capital Expenditures from the user-pay rate structure.

ARTICLE 5 - DISPUTE RESOLUTIONS

Section 5.1 - Arbitration

- (a) If a dispute arises between the Town and LUSI which cannot be resolved within a reasonable time, the issue shall be determined by a sole arbitrator appointed by mutual agreement between the Town and LUSI. In the event that the Town and LUSI are unable to agree on one individual to act as a sole arbitrator, the issue shall be determined by a panel of three arbitrators: one arbitrator shall be appointed by the Town and a second arbitrator shall be appointed by LUSI. These two arbitrators shall appoint a third, who shall chair the arbitration. The determination of the sole arbitrator or the arbitration panel, as applicable, shall be final and binding upon LUSI and the Town and there shall be no appeal from the determination.
- (b) The arbitration shall be governed by the provisions of the Arbitrations Act, R.S.O. 1990, c.A.24, as amended from time to time.

ARTICLE 6 - TERMINATION

Section 6.1 - Termination of Agreement

- (a) At least twelve calendar months before the expiry of the Initial Term, either party shall notify the other in writing whether it wishes to renew or terminate this Agreement at the end of the Initial Term.
- (b) During the Initial Term, this Agreement cannot be terminated by either the Town or LUSI unless:
 - (i) there has been a material breach of the Agreement; and
 - (ii) the party complaining of the breach has given written notice of the breach to the other party; and
 - (iii) the other party does not correct the breach within thirty days of receiving the notice; and
 - (iv) after the thirty days referred to in Paragraph (iii) above has expired, the party complaining of the breach gives the other party six months written notice of termination.

If either party disputes the existence of a breach or that the breach is material, the dispute shall be referred to arbitration under Section 5.1 of this Agreement.

- (c) After the Initial Term, either the Town or LUSI may terminate this Agreement only as follows:
 - (i) for any reason, upon twelve months prior written notice; or
 - (ii) if there has been a material breach of the Agreement, in accordance with the procedures described in Paragraph 6.1(b) above.

Section 6.2 - Final Settlement

If LUSI ceases to operate and maintain the Facility there shall be a final settlement of all accounts with respect to any expenses incurred by LUSI and amounts owing by or to the Town under this Agreement, no later than ninety days after LUSI ceases to provide the Services.

ARTICLE 7 - DIRECTIONS

Section 7.1 - Service Expansion

Any extension or expansion of the Facility or any part thereof, shall be in accordance with the development policies of the Town's Official Plan, or if beyond the Town's boundaries, with the prior approval of the Town and, if required, the Ministry of Municipal Affairs & Housing/Ministry of Environment.

Section 7.2 - Service Level

The level of water treatment and distribution services shall be determined by the Town and shall be in accordance with the Certificate of Approval issued by the Province.

Section 7.3 - Capital Planning

The Town and LUSI shall prepare a joint capital priorities for the Town and LUSI for the ensuing five year period to be updated annually no later than September 1st in each year. The joint capital plan shall be prepared and reviewed by representatives from the Town's Engineering Services, the Town's Planning Services and LUSI's water service

ARTICLE 8 - GENERAL

Section 8.1 - Agreement to Govern

If there is any inconsistency between this Agreement and any Schedule to this Agreement, this Agreement shall govern.

Section 8.2 - Headings

The division of this Agreement into Articles, Sections and Parts and the insertion of headings are for convenience of reference only and will not affect the construction or interpretation of this Agreement. The terms "hereof", "hereunder" and similar expressions refer to this Agreement and not to any particular Article, Section, Part or other portion hereof and include any agreement supplement hereto. Unless something in the subject matter or context is inconsistent therewith, references herein to Articles, Sections and Parts are to Articles, Sections and Parts of this Agreement.

Section 8.3 - Transfer of Assets or Property

The Town and LUSI hereby acknowledge that any assets or property connected with the treatment and distribution of water shall be transferred from the Cobourg Public Utilities Commission to the Town and that the Town convey, lease or otherwise make all assets (save and

except for assets consisting of real property) available for the use by LUSI in such manner and form as may be agreed upon by the Town and LUSI.

Section 8.4 - Entire Agreement

This Agreement constitutes the entire agreement between the Town and LUSI with respect to the subject matter hereof and cancels and supersedes any prior understandings and agreements between the Town and LUSI with respect thereto. There are no representations, warranties, terms, conditions, undertakings or collateral agreements, express, implied or statutory, between the parties other than as expressly set forth in this Agreement.

Section 8.5 - Amendments and Waivers

No amendment to this Agreement will be valid or binding unless it is in writing and duly executed by both of the parties hereto. No waiver of any breach of any provision of this Agreement will be effective or binding unless it is in writing and signed by the party purporting to give such waiver and, unless otherwise provided, will be limited to the specific breach waived.

Section 8.6 - Further Assurances

Each of the Town and LUSI will from time to time execute and deliver all such further documents and instruments and do all acts and things as the other party may reasonably require to effectively carry out the provisions of this Agreement.

Section 8.7 - Governing Law

This Agreement is governed by and will be construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.

Section 8.8 - Successors and Assigns

This Agreement shall enure to the benefit of and be binding upon, the parties hereto and their successors and assigns.

Section 8.9 - Survival

All representations, warranties, covenants and indemnities given by each of the parties shall survive indefinitely the termination of this Agreement.

Section 8.10 - Severability

If any provision hereof or the application thereof to any person or circumstance shall be invalid, illegal or unenforceable, the remaining provisions or the application of each provision to persons

or circumstances other than those as to which it is invalid, illegal, or unenforceable, shall continue to be valid and enforceable.

Section 8.11 - Notices

(a) Any notice, or other communication required or permitted to be given hereunder by either party to this Agreement shall be in writing and shall be delivered in person, transmitted by fax or similar means of recorded electronic communication or sent by registered mail, addressed as follows:

(i) if to the Town

Town of Cobourg
55 King Street West
Cobourg, Ontario
K9A 2M2

Telephone: (905) 372-4301
Fax: (905) 372-7421
Attn: Chief Administrative Officer

(ii) if to LUSI

Lakefront Utility Services Inc.
207 Division Street
Cobourg, Ontario
K9A 4L3

Telephone: (905) 372-2193
Fax: (905) 372-2581
Attn: General Manager

(b) Any such notice or other communication shall be deemed to have been given and received on the day on which it was delivered or transmitted (or, if such day is not a business day, on the next following business day), or, if mailed, on the third business day following the date of mailing; provided however, that if at the time of mailing or within three business days thereafter there is or occurs a labour dispute or other event which might reasonably be expected to disrupt the delivery of documents by mail, any notice or other communication hereunder shall be delivered or transmitted by means of recorded electronic communication as aforesaid.

Section 8.12 - Schedules

The following Schedules which are attached hereto together with all provisions contained therein are hereby made a part of this Agreement as fully and to all intents and purposes as though recited in full herein:

- Schedule "A" - The Water Treatment Facility and Distribution System
- Schedule "B" - The Services

IN WITNESS WHEREOF the parties have duly executed this Agreement.

SIGNED, SEALED AND DELIVERED
in the presence of:

) **THE CORPORATION OF THE TOWN**
) **OF COBOURG**

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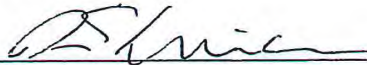
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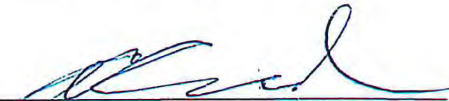


) Joan Chalovich, Mayor



) Richard G. Stinson, Director of Legislative Services

) **LAKEFRONT UTILITY SERVICES INC.**



) Per: ANGUS READ, Chairman



) Per: BRUCE R. CRAIG

) We have the authority to bind the Corporation.

SCHEDULE "A"

The Water Treatment Facility and Distribution System

Description of the Facility

For the purposes of this Agreement, the Facility is comprised of the following:

1. Water Treatment Plant is located at 6 Darcy Street and includes the Raw Water intake located in Lake Ontario.
2. Distribution System consists of all municipally owned water mains, water services (to the customer property line), hydrants, valves and appurtenances and in addition includes the Booster Pumping Station located at Ewart Street and the two water towers located on Ontario Street and Strathy Road.

For the purposes of this Agreement, Administration consists of accounting, rate billing and rate collection.

SCHEDULE "B"

The Services

For the purposes of this Agreement, the following services shall constitute the services to be provided by LUSI and are collectively referred to herein as "the Services" (Note: the following list is as complete as possible but is not intended to be exhaustive):

1. Operating Duties

LUSI will perform regularly scheduled inspections and carry out associated operational duties of the Facility, including all related equipment, buildings and property to ensure that the Facility is operating effectively. Specifically, LUSI will:

- inspect process control equipment to ensure proper operation of chlorinators, coagulation, flocculation systems, clarifiers, pumps, filters, chemical feeders;
- check low lift pumping station to ensure that everything is in order (also taking routine readings);
- operate pump controls and valve controls for pumping of all process streams;
- check filters and backwashing filters as required on a routine basis;
- check chlorine residual and insure the addition of chlorine gas for disinfection purposes;
- hose down weirs, walls and channels in flocculation and sedimentation tanks for clarifier;
- respond and record queries and complaints from the Public with respect to the water produced;
- record data as required by the Certificate of Approval; and
- report as required by the Certificate of Approval.

2. Day-to-Day Maintenance

LUSI will provide routine maintenance of the Facility in accordance with industry standards and equipment manufacturer's instructions. Specifically, LUSI will:

- carry out a routine lubrication program including greasing and oiling as specified in the lubrication schedule;
- perform routine maintenance duties to equipment by following the preventative maintenance procedures; by checking machinery and electrical equipment when required;
- ensure the security of the Facility by locking doors;
- inspect and maintain the distribution system with respect to watermain breaks, leaks, regular hydrant flushing, hydrant maintenance, valve maintenance and meter maintenance;
- testing as required by the Certificate of Approval;

- maintenance of the Booster Pumping Station;
- inspection and maintenance of the water towers; and
- provide locates to customers, agencies, etc. as may be required from time to time.

3. Capital Improvements

LUSI will record information on the frequency of equipment breakdown and repair costs to determine replacement needs. Parts of the Facility requiring upgrading or improvement will be identified and brought to the attention of the Town in accordance with Paragraph 4.4 of this Agreement.

4. Optimization and Compliance of Operation

LUSI will regularly analyze, investigate and implement measures to improve the effectiveness and efficiency of the Facility.

LUSI is responsible for ensuring an efficient operation of the process and keeping records on a daily basis by:

- recording and analyzing water flow and chemicals consumed, chlorine residuals and turbidity values;
- checking chemical feed pumps and performing routine calculations and evaluations and determining operational adjustment requirements;
- calculating, recording and analyzing daily and monthly water flows, pump running hours, the amount of chlorine and alum used;
- routinely conducting the following water tests: chlorine residual, water temperature, colour, pH turbidity; recording the results and making operational adjustments such as optimizing chemical dosages;
- completing the daily operating forms for statistics for computer input and output forms and correcting the results of the output forms to ensure a proper monitoring of plant flows and process;
- collecting samples for heavy metals, trace organics, conducting routine analysis for bacti and other elements and ensuring that they are shipped to the proper labs for analysis; and
- ensuring that the daily operations comply with and fulfill the requirements of the Certificate of approval and other legal documents.

5. Reporting

LUSI reporting shall include a quarterly Facility Performance Report to include information on flows, raw and treated water quality, capital costs and a record of complaints received and the followup action for the Facility.

In addition, LUSI shall provide an annual report summarizing and/or listing all reports required by the Certificate of Approval for the Facility for the calendar year.

6. Insurance

LUSI will arrange for the following insurance coverage in respect of the Facility:

- "All Risks" Property Insurance, including earthquakes and flood, subject to policy exclusions, on buildings and equipment situated within 1,000 feet of the premises, including pumping stations but excluding underground sewer pipe system. Limits: replacement value (as determined yearly by LUSI) with \$500,000.00 sublimit on Extra Expense coverage and six week sublimit on Interruption by Civil Authority.
- Boiler and Pressure Vessel Insurance, subject to policy exclusions. Limit: \$14,215,500.00 per loss.
- Comprehensive General Liability Insurance covering third party liability for property damage and/or bodily injury caused by negligence arising out of LUSI operations. Limit: \$20,000,000.00 per occurrence.
- Automobile Insurance to cover; automobile liability accident benefits to a maximum \$15,000,000.00 collision.

A summary of the insurance coverage that LUSI will arrange for in respect of the Facility is described below:

Property Insurance

- Perils:** "All Risks" including earthquake and flood. Subject to policy exclusions
- Limits:**
- \$14,215,500.00 combined limit any one loss, casualty, or disaster
 - \$14,215,500.00 annual aggregate of flood claims
 - \$14,215,500.00 annual aggregate of earthquake claims
 - Replacement Value (Subject to Annual Reports)
 - \$500,000.00 for extra expenses above and beyond regular costs associated with running of the operation
 - Extra expenses associated with shutting down the business for up to six weeks on interruption by Civil Authority
- Deductibles:** All Perils - \$1,000.00 except earthquake and flood
Earthquake - 3% property value - \$100,000.00 minimum
Flood - \$50,000.00
- Property Insured:** All reported properties including buildings and equipment situated within

1,000 feet of the premises. Includes pumping stations, excludes underground sewer and water system.

Boiler and Machinery Insurance

Coverage: Insures against loss or damage arising from an accident to scheduled object in use or connected ready for use.

Objects: Boilers, Pressure Vessels (Excess of 15PSI) Piping.

Accident: Sudden and accidental breakdown of an object which causes it physical damage, requiring its repair or replacement.
Subject to policy exclusions.

Limit: \$14,215,500.00 per loss.

Deductible: \$1,000.00

Automobile Insurance

Coverage: Automobile Liability

Limit: \$15,000,000.00
Accident Benefits per Ontario Statutes.

Coverage: Collision **Deductible:** \$250.00

Coverage: Comprehensive **Deductible:** NIL

Comprehensive General Liability Insurance

Coverage: Third party liability including legal fees, for property damage and/or bodily injury as caused by negligence arising out of all operations of the insured.

Limit: \$20,000,000.00 per occurrence.

Deductible: NIL

7. Regulatory Matters

LUSI will handle day-to-day regulatory requirements and contacts with regulatory authorities in respect of operating issues concerning the Facility. LUSI will review any inspection reports prepared by regulatory authorities that are provided to LUSI. Subject to any approvals of the

Town required by this Agreement, will either correct deficiencies identified in such inspection reports or negotiate changes to the reports with the regulatory authorities.

8. Staffing

- LUSI will staff the Facility with certified operators and other trained staff as required by regulation.
- All LUSI staff at the Facility will be trained for the normal process operation and maintenance of the Facility and will receive training on how to deal with emergency situations.
- LUSI staff will be available to provide 24 hour coverage at the Facility.
- LUSI agrees to provide the opportunity for a Town staff designate to become familiar and experienced with the Facility's operations on a scheduled basis, and on the terms and conditions that are acceptable to LUSI.

9. Emergency Situations

LUSI shall ensure that the Facility has a contingency plan in place to deal with non-routine operational situations and emergency situations such as spills, by-passes, overflows, hydro interruptions and equipment failure.



May 3, 2019

Regarding: Town of Cobourg Resolution 132-19

Dear Mr. Peacock,

Please find attached accompanying response to The Corporation of the Town of Cobourg resolution #132-19 dated April 29, 2019 regarding Complaint 03-2018 – William Street Beer Company.

Should Council have questions regarding this matter please contact me at dpaul@lusi.on.ca

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be "D. Paul", written in a cursive style.

Dereck C. Paul
President and CEO
Lakefront Utility Services Inc.

1. Determines whether LUSI has formal criteria/authority to identify/rectify claims of excessive water charges

Lakefront Response

The operations and administration of the water works distribution system is under the jurisdiction of Lakefront Utility Services Inc. (LUSI), acting as the agent by contract for the Town of Cobourg, including the administration of account, servicing, and meter reading¹. Therefore, it is LUSI's understanding that the authority to identify/rectify claims of excessive water charges is within the scope of LUSI's contract with the Town of Cobourg.

Identification of Excessive Water Charges

Although the RF meter replacement program is still not complete in Cobourg's service territory, LUSI, as a courtesy, initiated a process for identifying customers with a water leak, in July 2018. The continuous leak information reported in the data logger is flagged and a customer receives an automated phone call. The automated call informs them that they have a potential water leak. The customer accounts identified typically reveal an obvious or hidden leak that is affecting the water consumption billed. The process is further detailed on Lakefront's website:

<https://www.lakefrontutilities.on.ca/conservation/water-conservation/>

Further, Lakefront prepares a water usage anomaly report prior to customer's bills being released. The anomaly report identifies customers with a high-water usage so that customer service staff can determine if the water meter needs to be read again to verify the accuracy and can inform the customer of the high water usage prior to the customer receiving the bill.

Rectify Claims of Excessive Water Charges

LUSI has always focused on delivering value to their customers, ensuring they receive high quality of service. In recent years, with the advancement of technology and enhanced means of communication, customers expect more timely information and want to be more active participants in the services provided to them. LUSI is meeting this expectation of enhanced customer engagement through different means and forums in an effort to identify and understand what is important to our customers and to include them in our decision-making processes.

Customers may submit their inquiries about water bills to LUSI by telephone, in person, by email, or in writing. Customers receive the same assistance and information regardless of their mode of contact. Inquiries are dealt with on a case-to-case basis and subject to an escalation protocol, as follows:

1. Customer Service Representative;
2. Regulatory Compliance and Billing Supervisor;
3. Manager of Regulatory Compliance and Finance;
4. President/Chief Executive Officer

¹ By-Law Number 04-2011, section 3.1 and section 3.2.

Regardless of the outcome of the complaint, all escalated issues are discussed with LUSI's Board of Directors. LUSI currently maintains an open front office desk support, allowing the customers and staff to interact on a direct basis pertaining to usage anomalies, etc . Social interaction is still one of the best ways to be in close contact with the customer, including LUSI's senior population. With a front desk, information is exchanged regularly with every customer's interaction. Data gathered through these interactions can then be used to improve business outcomes. In this sense, front office staff become pivotal to the business and bridge the gap between the customer and LUSI staff.

- 2. Makes policy and procedural recommendations to clarify the appeal process for complainants of excessive water charges**

Lakefront Response

As discussed above, customers may submit their inquiries about water bills to LUSI by telephone, in person, by email, or in writing. Customers receive the same assistance and information regardless of their mode of contact. Inquiries are dealt with on a case-to-case basis and subject to an escalation protocol.

Further, LUSI regularly seeks customer feedback to help shape the direction and development of community investment and outreach as well as preferred methods of communication. It is important to connect with customers to ensure that their expectations are being met and to receive suggestions on how LUSI can improve their overall customer experience.



Jun 27, 2019

Regarding: Updated Version of CS-10 Escalation and Complaint Policy - Town of Cobourg Resolution 132-19

Dear Mr. Peacock,

Please find attached accompanying updated CS-10 Escalation and Complaint Policy. The document originally sent to you on May 17th 2019 was reviewed by the LUSI Board of Directors and Cobourg Water Committee on June 25th 2019 and a few house keeping edits were made. I therefore would like to ensure you have the most recent copy (attached). We await your comments and response to post on our website.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be 'Dereck C. Paul', written in a cursive style.

Dereck C. Paul
President and CEO
Lakefront Utility Services Inc.



**Lakefront
Utility
Services
Inc.**

CUSTOMER SERVICE

PRACTICE: CS - 10
APPROVED: Jun 25, 2019
EFFECTIVE: May 3, 2019
SUPERSEDES: N/A

Customer Complaints and Escalation Policy

10.1 Intent

The intent of this policy is to provide a fair complaints procedure which is clear and easy to use for customers to make a complaint. This policy aims to give the overview and escalation process for all complaints received at Lakefront Utility Services Inc. Further, the Policy addresses the following:

1. Publicize the existence of Lakefront's complaints procedures so that customers know how to contact LUSI to make a complaint;
2. Ensure everyone at LUSI knows what to do if a complaint is received and guarantee that complaints are properly investigated;
3. Ensure all complaints are investigated fairly, efficiently and complainants receive a timely and appropriate response;
4. Complainants receive assistance to enable them to understand the procedure in relation to complaints or advice on where they may obtain assistance;
5. Make sure that complaints are resolved and that relationships are repaired;
6. Complainants are told the outcome of the investigation of their complaint, and;
7. Gather information which assists Lakefront to improve operations.

Issues escalated according to this Policy will be treated as sensitive and will be discussed on a need-to-know basis with staff. At no time must professional disagreement detract from ensuring that health and safety policies are followed. The organization's health and safety standards must remain paramount throughout.

This Policy identifies a non-exhaustive list of potential areas of disagreement, guidance on preventing disputes, and procedures to be followed when disputes cannot be resolved through discussion and negotiation between professionals at front line level.

The Customer and Complaints and Escalation Policy covers the Cobourg electric, water, and sewer services, Colborne electric, water, and sewer services, and Grafton water services. The escalation process at Stage 4 varies for Cobourg sewer services, Colborne water and sewer services, and Grafton water services.



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CUSTOMER SERVICE

PRACTICE: CS - 10
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SUPERSEDES: N/A

Customer Complaints and Escalation Policy

10.2 Guidelines

Staff may exercise their rights to directly contact any regulatory authority, government agency or entity, to report possible violations of law or make other disclosure under applicable whistleblower laws. Nothing in this policy is intended or should not be construed to restrict, discourage or interfere with communications or actions protected or required by provincial or federal laws or regulations. Staff do not need prior authorization to make any such reports or disclosures and will not be retaliated against for making such reports or disclosures.

Stage One: Preventing Disputes and Informal Dispute Procedure

Customers may submit their inquiries to LUSI by telephone, in person, by email, or in writing. Customers receive the same assistance and information regardless of their mode of contact. Lakefront follows Distribution System Code, Section 7.8, whereby all qualified enquires are provided with a written response within 10 business days.

The Customer Service Representative (CSR) that receives a telephone/written, etc. complaint should:

- Record the facts of the complaint in the customer's account in Northstar;
- Inform the customer that LUSI has a complaints procedure;
- Inform the customer of the next steps and the expected time frame;
- Where appropriate, request the complainant send a written account by email so that the complaint is recorded, in the complainant's own words.

With respect to most day-to-day issues, the CSR will be able to resolve the disagreement through discussion and negotiation. The professionals involved should attempt to resolve differences through discussion, however, if they are unable to do so their disagreement must be reported by the customer to Stage Two.

Stage Two: Formal Dispute Procedure

If the complainant feels that the problem has not been satisfactorily resolved at Stage One, they can request that the complaint is reviewed by the Regulatory Compliance and Billing Supervisor and Manager of Regulatory Compliance and Finance. The request for Stage Two level review will be acknowledged within 48 hours of receipt. The acknowledgment will confirm who will deal with the case and when the complainant can expect a reply.

Stage two complaints will receive a definitive reply within 10 business days. If this is not possible, a progress report will be sent with an indication of when a full reply will be given.



**Lakefront
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PRACTICE: CS - 10
APPROVED: Jun 25, 2019
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SUPERSEDES: N/A

Customer Complaints and Escalation Policy

Stage Three: Where Disagreements Remain

If, despite following the Stage Two process, the disagreement remains, the matter will be referred to the President/CEO. The President/CEO will consider the matter with the equivalent level of management within the organization who is involved with the dispute.

The purpose of escalating the dispute to this level is to reach a position where differing professional opinions have been considered and efforts made to explore whether the dispute has arisen through lack of clarity or understanding in the professional dialogue. Ultimately a decision will need to be reached where parties agree to a way forward where both interests take precedence over a professional stalemate.

An assessment about the degree of urgency will be determined by the President/CEO and an appropriate timeframe of no longer than 30 days is to be applied.

Stage Four: Final Escalation

Upon an issue being reported, the Board of Directors will perform a brief assessment to determine the appropriate channel and resources for further evaluation, and mediation. Once that determination has been made, the Board of Directors will coordinate remediation of the issue with all relevant information, the appropriate parties, and, an appropriate timeframe lasting no longer than 30 days to be applied.

The Customer and Complaints and Escalation Policy covers the Cobourg electric, water, and sewer services, Colborne electric, water, and sewer services, and Grafton water services. The escalation process at Stage Four varies for Cobourg sewer services, Colborne water and sewer services, and Grafton water services, as follows:



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CUSTOMER SERVICE

PRACTICE: CS - 10
APPROVED: Jun 25, 2019
EFFECTIVE: May 3, 2019
SUPERSEDES: N/A

Customer Complaints and Escalation Policy

Service	Service Status	Final Escalation
Town of Cobourg	Electric	Lakefront Utilities Inc. Board of Directors
	Water	Lakefront Utility Services Inc. Board of Directors
	Sewer	Town of Cobourg Council
Township of Cramahe	Electric	Lakefront Utilities Inc. Board of Directors
	Water	Township of Cramahe Council
	Sewer	Township of Cramahe Council
Township of Alnwick/Haldimand	Water	Township of Alnwick/Haldimand Council

The President/CEO will report the disagreement to the appropriate Board of Directors, whether its an electric or water issue, and any decision drawn from the information and other supporting information will be the final stage involving Lakefront Utility Services Inc. Details of the findings should be clearly explained in writing to the complainant.

With respect to Town of Cobourg water services, Lakefront Utility Services Inc. Board of Directors acts as the managing authority under contract. The Town of Cobourg Council therefore have the authority to overrule a Lakefront Utility Services Inc. Board of Directors' decision.

The final decision as determined by the applicable council will be reported to Lakefront Utility Services Inc. in writing.

10.3 Continuous Improvement

The Customer Complaints and Escalation Policy is designed to identify the problems and resolve issues quickly and fairly. LUSI monitors and reviews the effectiveness of its complaints handling process to ensure the process continuously improves and learnings from complaints handling are carried through into the organization. Continuous improvement also allows LUSI to deliver consistent, high-quality, and accountable response to complaints across the organization.

Complaints that are escalated to Stage Three are summarized and are reviewed quarterly to identify any trends which may indicate a need to take further action.



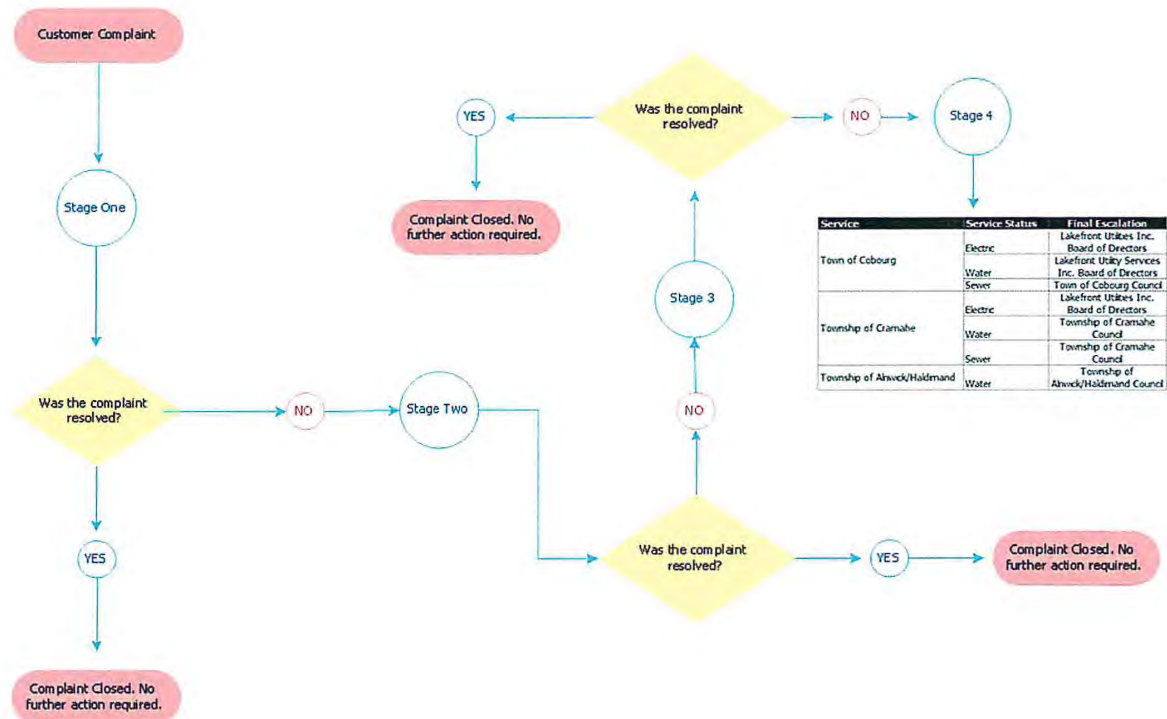
**Lakefront
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CUSTOMER SERVICE


PRACTICE: CS - 10
APPROVED: Jun 25, 2019
EFFECTIVE: May 3, 2019
SUPERSEDES: N/A

Customer Complaints and Escalation Policy

10.4 Process Flowchart



PREVIOUS WITH EDITS

 Lakefront Utility Services Inc.	CUSTOMER SERVICE	PRACTICE: CS - 10 APPROVED: May 3, 2019 EFFECTIVE: May 3, 2019 SUPERSEDES: N/A
Customer Complaints and Escalation Policy		

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**Lakefront
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CUSTOMER SERVICE

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Customer Complaints and Escalation Policy

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Stage Two: Formal Dispute Procedure

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Customer Complaints and Escalation Policy

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Customer Complaints and Escalation Policy

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The final decision as determined by the applicable council will be reported to Lakefront Utility Services Inc. in writing.

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The Customer Complaints and Escalation Policy is designed to identify the problems and resolve issues quickly and fairly. LUSI monitors and reviews the effectiveness of its complaints handling process to ensure the process continuously improves and learnings from complaints handling are carried through into the organization. Continuous improvement also allows LUSI to deliver consistent, high-quality, and accountable response to complaints across the organization.

Complaints that are escalated to Stage Three are summarized and are reviewed quarterly to identify any trends which may indicate a need to take further action.

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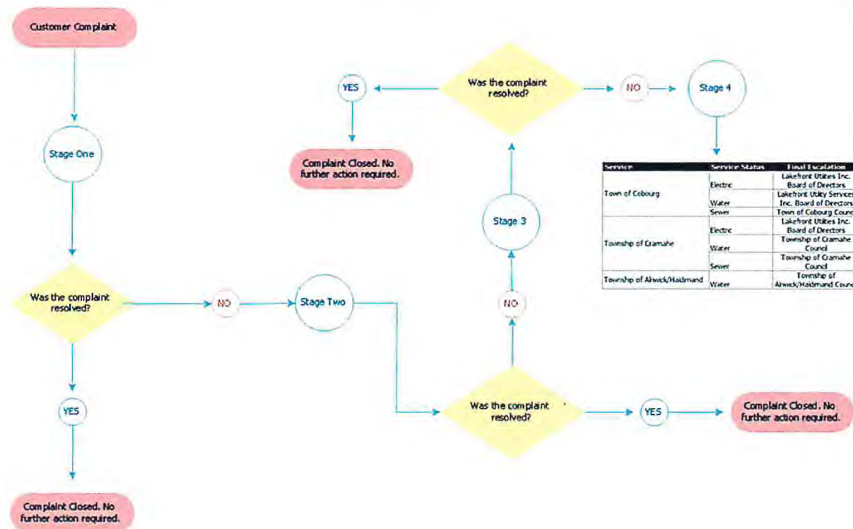
Lakefront Utility Services Inc.

CUSTOMER SERVICE

PRACTICE: CS - 10
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 EFFECTIVE: May 3, 2019
 SUPERSEDES: N/A


Customer Complaints and Escalation Policy

10.4 Process Flowchart



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	PLANNING & DEVELOPMENT DEPARTMENT <i>MEMORANDUM</i>
	COBOURG HERITAGE ADVISORY COMMITTEE
TO:	Brent Larmer- Municipal Clerk /Manager of Legislative Services
FROM:	Adriane Miller, Secretary
DATE:	July 11, 2019
SUBJECT:	HP-2019-040 100 King Street West


The following motion was adopted at the July 10, 2019 meeting of the Cobourg Heritage Advisory Committee (CHC):

Moved by member N.Beatty

WHEREAS, Planning and Heritage staff have reviewed the application for a proposed roof replacement at 100 King Street West and has determined that the proposal would constitute a compatible alteration to the non-heritage structure and would conform to the provisions of the Commercial Core Heritage Conservation District;

IT IS RECOMMENDED THAT Heritage Permit Application #HP-2019-040 to permit a roof replacement from asphalt shingles to a 'charcoal' steel roof as submitted by Sean Moffatt on behalf of Mary Giacalone be approved, subject to the finalization of details by staff.

CARRIED

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT	
TO:	Cobourg Heritage Advisory Committee	
FROM: TITLE:	Dave Johnson Planner I - Heritage	
DATE OF MEETING:	July 10, 2018	
TITLE / SUBJECT:	Staff Report: 100 King St. W – Roof Replacement -M. Giacalone (Agent: S. Moffatt)	
REPORT DATE:	July 5, 2019	File #: HP-2019-040

1.0 STRATEGIC PLAN

Places: The Town protects, preserves and promotes its natural assets, heritage, arts, culture and tourism.

2.0 PUBLIC ENGAGEMENT

The Cobourg Heritage Advisory Committee (CHC) operates in accordance with the Advisory Committee and Local Board Policy and Procedures for municipal boards and committees in the Town of Cobourg.

In general, the CHC is comprised of seven (7) members: one (1) member of Council and six (6) citizen members which reflect the diverse interests of the community.

The agenda for a CHC meeting is prepared and distributed to all committee members and is posted on the Municipal Website at least forty-eight (48) hours in advance of the scheduled meeting date, in an electronic format where possible.

Existing heritage legislation does not prescribe public notification or meetings for approval of alterations to designated properties, however the Cobourg Heritage Master Plan and implementing Heritage Conservation District Plans and associated regulations/guidelines underwent extensive public consultation and engagement prior to their approval. Review and approval of Heritage Permits by the Town are undertaken within the context of these documents.

The CHC also receives public delegations and communications/correspondence from citizens in accordance with the Advisory Committee and Local Board Policy and Procedures for municipal boards and committees in the Town of Cobourg.

3.0 RECOMMENDATION

WHEREAS, Planning and Heritage staff has reviewed the application for a proposed roof replacement at 100 King Street West and has determined that the proposal would constitute a compatible alteration to the non-heritage structure and would conform to the provisions of the Commercial Core Heritage Conservation District;

IT IS RECOMMENDED THAT Heritage Permit Application #HP-2019-040 to permit a roof replacement from asphalt shingles to a 'charcoal' steel roof as submitted by Sean Moffatt on behalf of Mary Giacalone be approved, subject to the finalization of details by staff.

4.0 ORIGIN

An application for a Heritage Permit was received on June 17th, 2019 from Sean Moffatt Moffatt Roofing Ltd. on behalf of Mary Giacalone to undertake a roof replacement at 100 King Street West (Pizza Pizza).

The subject property is located in both the Commercial Core Heritage Conservation District and the George Street Heritage Conservation District designated under Part V of the *Ontario Heritage Act*, and by By-law #27-90 as amended by By-law #118-91 and by By-law #042-2016 and by By-law #045-2016.

In accordance with the *Ontario Heritage Act*, the 90-day deadline for Council to deal with the application is September 15, 2019.

Proposed Scope of Work

The applicant is proposing to replace the existing asphalt shingle roof with a new charcoal "ribbed" steel roof and 26 gauge snow stop.



Figure 1: Example of a “Ribbed” steel roof in charcoal.



Figure 2: Existing Condition of current asphalt roof looking north



Figure 3: Existing condition of current asphalt roof looking east.



Figure 4: Existing condition of current asphalt looking east.



Figure 5: Existing condition of current asphalt roof looking north east.

5.0 BACKGROUND

The subject property is located at 100 King Street West on the north side of King Street. Victoria Hall is located to the south and to the east and is dual designated by both the George Street HCD and the Commercial Core HCD.

Geographic Context

Below: The subject property is shown outlined in red. The Commercial Core Heritage Conservation District is indicated in blue and the George Street HCD in indicated in yellow. The properties shaded in pink are listed on the Municipal Heritage Register but are not formally designated. Properties shaded in orange are located in the nearby West Residential HCD.



Historical and Architecture Context

Staff would normally give a historical and architectural context here, however, none is available as this is a modern building within the existing Heritage District.

6.0 ANALYSIS

The Town of Cobourg's Heritage Master Plan was adopted by Council to direct conservation and management of the Town's heritage resources. As part of this project, the existing Heritage Conservation District guidelines for all of the Town's Heritage Conservation Districts designated under Part V of the *Ontario Heritage Act* were reviewed, and Heritage Conservation District Plans were prepared. The Commercial Core Heritage Conservation District Plan was

adopted by By-law 043-2016 on May 24th, 2016. The George Street Heritage Conservation District was adopted by By-law 045-2016 on May 24th, 2016.

The Plans contains policies and guidelines for conservation and the management of growth and change in the George Street HCD and the Commercial Core HCD. Policies are requirements that must be followed when undertaking alterations to buildings or changes to properties. Guidelines are best-practice suggestions to be considered when undertaking alterations to buildings or changes to properties.

The following section of this report provides excerpts from the Commercial Core Heritage Conservation District Plan that are relevant to the evaluation of the proposed scope of work. The Commercial Core HCD is the most relevant Plan considering the structure fronts onto King St. West.

4.3 Roofs

Policies

- a) *Original rooflines of buildings shall be maintained. Dormers and changes to rooflines may be permitted on a case by case basis where the proposed alteration is compatible with the character of the building.*
- b) *Decorative roof features and original/historic roofing materials, such as slate, wood shingles, and copper on sloped roofs, shall be retained and conserved. Replacement materials, if required, shall complement the original and/or historic materials.*
- c) *Ensure that vents, skylights and other new roof elements are placed out of view from the street and public rights-of-way.*
- d) *Roof drainage shall be maintained and directed away from building foundations.*

Discussion

Prior to Council's adoption of the Commercial Core Heritage Conservation District (HCD) Plan in 2016, Heritage Permit applications were primarily evaluated against the Town of Cobourg's Heritage Conservation District Guidelines and Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada. The Commercial Core HCD Plan provides the same level of heritage conservation using best practices as expressed in the Standards and Guidelines for the Conservation of Historic Places in Canada, while continuing with a similar management of future change and potential new development within the Commercial Core HCD as the previous HCD guidelines. The Commercial Core HCD Plan is also consistent with the 2005 changes to the

Ontario Heritage Act, the 2014 Provincial Policy Statement and the Ontario Heritage Toolkit.

Pre-consultation was conducted by Planning and Heritage Staff with the applicant in June 2019. During the meeting it was noted the condition of the existing roof, and that the elements are having an impact on the existing asphalt roof where the wind causes the shingles to blow off.

The property owners of 100 King Street West propose to replace their ageing asphalt roof with a steel roof in charcoal. The owners are proposing steel in order to add a protective element to the roof, while also being more resilient to environmental elements. Furthermore, other similar examples of this alteration have been undertaken at nearby properties within the District.

The proposed alteration has been evaluated against the *Commercial Core HCD Plan*, specifically the policy relating to roofs (4.3), and it has been determined that the new roof is an acceptable/sympathetic alteration. The roofline is not proposed to be changed as a result of this alteration.

7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

There are no foreseen financial implications on the Municipality as a result of this Heritage Permit application.


8.0 CONCLUSION

The proposed alteration/improvements through the replacement of asphalt shingles to a “Ribbed” charcoal metal roof meet the policies as set out in the *Commercial Core District Plan* (section 4.3) of the *Heritage Master Plan* for Cobourg, subject to the finalization of details by Planning and Heritage staff. Planning and heritage Staff feel this will not negatively impact the heritage character of this or adjacent buildings.

10.0 AUTHORIZATION/SIGNATURES

Rob Franklin MCIP, RPP



	PLANNING & DEVELOPMENT DEPARTMENT <i>MEMORANDUM</i>
	COBOURG HERITAGE ADVISORY COMMITTEE
TO:	Brent Larmer- Municipal Clerk /Manager of Legislative Services
FROM:	Adriane Miller, Secretary
DATE:	July 11, 2019
SUBJECT:	HP-2019-035 216 Church Street


The following motion was adopted at the July 10, 2019 meeting of the Cobourg Heritage Advisory Committee (CHC):

Moved by member L. Turner

WHEREAS, Planning and Heritage staff have reviewed an application for a front porch and stairs re-construction at 216 Church Street, and has determined that the proposal would constitute a compatible alteration/addition and would conform to the provisions of the East Heritage Conservation District (HCD);

IT IS RECOMMENDED THAT Heritage Permit #HP-2019-035 for the re-construction of the front porch and stairs, made from the proposed wood material (pine), at 216 Church Street as submitted by Keith Colterman on behalf of Ivan Gissing, be approved subject to the finalization of details by staff.

CARRIED

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT	
TO:	Cobourg Heritage Advisory Committee	
FROM: TITLE:	Dave Johnson Planner I - Heritage	
DATE OF MEETING:	July 10, 2019	
TITLE / SUBJECT:	Staff Report: 216 Church Street – Front Porch Re- construction – Gissing (Agent: K. Colterman)	
REPORT DATE:	July 5, 2019	File #: HP-2019-035

1.0 STRATEGIC PLAN

Places: The Town protects, preserves and promotes its natural assets, heritage, arts, culture and tourism.

2.0 PUBLIC ENGAGEMENT

The Cobourg Heritage Advisory Committee (CHC) operates in accordance with the Advisory Committee and Local Board Policy and Procedures for municipal boards and committees in the Town of Cobourg.

In general, the CHC is comprised of seven (7) members: one (1) member of Council and six (6) citizen members which reflect the diverse interests of the community.

The agenda for a CHC meeting is prepared and distributed to all committee members and is posted on the Municipal Website at least forty-eight (48) hours in advance of the scheduled meeting date, in an electronic format where possible.

Existing heritage legislation does not prescribe public notification or meetings for approval of alterations to designated properties, however the Cobourg Heritage Master Plan and implementing Heritage Conservation District Plans and associated regulations/guidelines underwent extensive public consultation and engagement prior to their approval. Review and approval of Heritage Permits by the Town are undertaken within the context of these documents.

The CHC also receives public delegations and communications/correspondence from citizens in accordance with the Advisory Committee and Local Board Policy and Procedures for municipal boards and committees in the Town of Cobourg.

3.0 RECOMMENDATION

WHEREAS, Planning and Heritage staff has reviewed an application for a front porch re-construction at 216 George Street and has determined that the proposal would constitute a compatible alteration/addition and would conform to the provisions of the East Heritage Conservation District (HCD);

IT IS RECOMMENDED THAT Heritage Permit #HP-2019-035 for the re-construction of the front porch at 216 Church Street as submitted by Keith Colterman on behalf of Ivan Gissing be approved subject to the finalization of details by staff.

4.0 ORIGIN

An application for a Heritage Permit was received on June 6, 2019 from Keith Colterman on behalf of Ivan Gissing to reconstruct an existing porch on the front (west facing) elevation of the subject structure.

The subject property is located in the East Heritage Conservation District designated under Part V of the *Ontario Heritage Act*, and by By-law #27-90 as amended by By-law #118-91 and by By-law #043-2016.

In accordance with the *Ontario Heritage Act*, the 90-day deadline for Council to deal with the application is September 4, 2019

Proposed Scope of Work

The applicant is proposing to replicate an existing porch on the front of the subject structure in the same scale, character, architectural style and material as is currently existing:

- Re-construct an existing porch
- Porch/verandah is proposed to be wood (pine)
- To be painted in Chrysler Hall White (M20 of the Heritage Colour Palette);
- Wood work (ginger breading and decorative brackets) to be all hand carved by a heritage carpenter who studied heritage restoration;
- Roof to be black steel;
- All materials and features to match as best as possible through physical evidence.



Figure 1: Existing porch at 216 Church St.

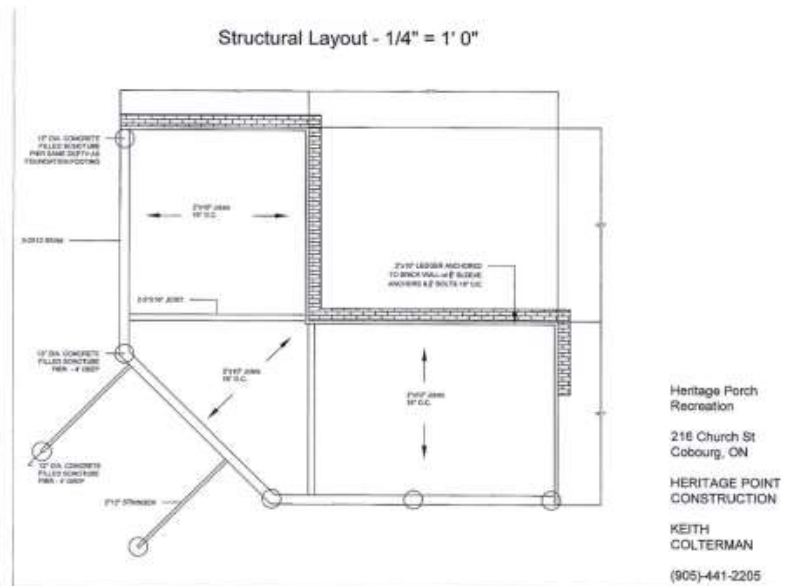


Figure 2: Structural plan for the porch re-creation

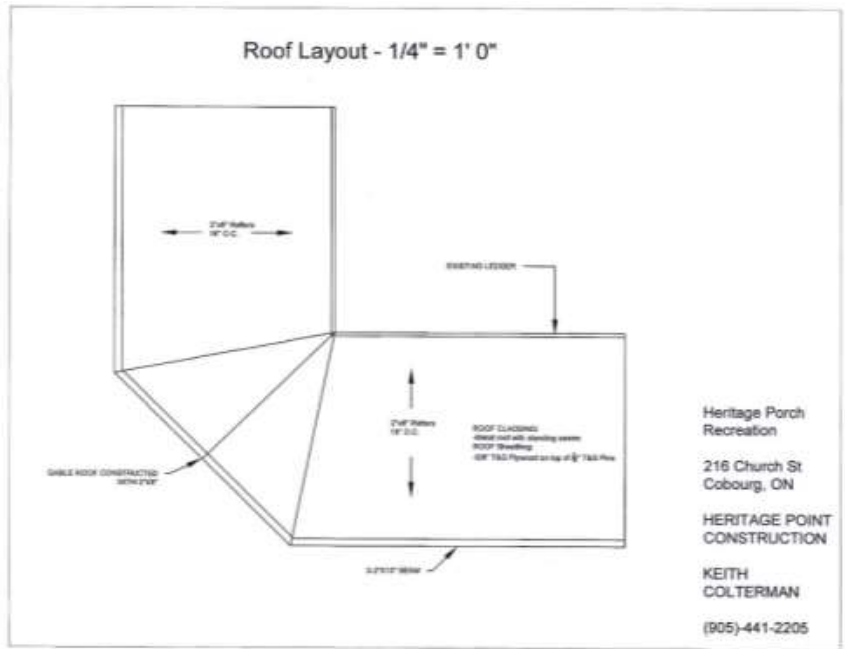


Figure 3: Roof layout for the porch re-creation
 Elevation - Scale $\frac{1}{4}" = 1'$

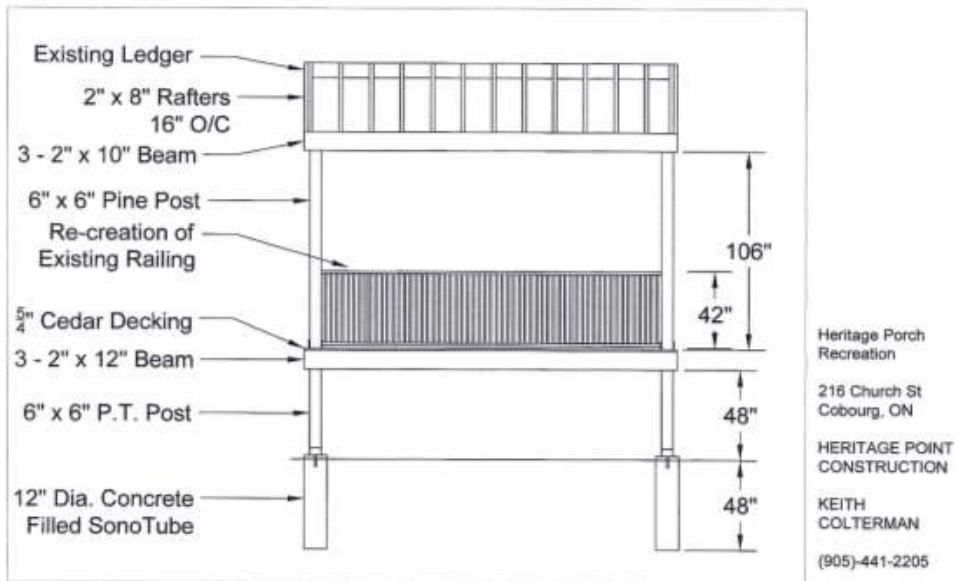


Figure 4: elevation drawing for porch re-creation

5.0 BACKGROUND

The subject property is located at 216 Church St on the east side of Victoria Park between King Street East to the north and Queen Street.

Below: The subject property is shown outlined in red. The East Heritage Conservation District is indicated in green, nearby properties designated under Part IV of the Ontario Heritage Act are shown shaded in purple. The properties shaded in pink are listed on the Municipal Heritage Register but are not formally designated. Properties shaded in blue are located in the nearby Commercial Core HCD.



Historical and Architectural Context

According to our property file prepared by Robert Mikel, 216 Church Street was built in 1898 by Harry Wicksteed. The house is in the Queen Anne style and is 3 storeys in height. The structure is brick on the first storey and clapboard above. The windows are double hung sash with segmental surrounds. The structure has a one storey bay on the front façade and a hip roof with a gable. The main roof is a hip roof with a gable at the front with decorative shingling beneath the upper gable and features a window architrave (style of moulding) with a slight gable. The main door features a rectangle transom light with panel mouldings on the front door. A verandah is situated on the west and south facing sides featuring a shed roof with gable over the step and has treillage work with decorative brackets. The south elevation features a dormer with shed roof and a gable with shingles. The foundation is a cut limestone. The north elevation features a two-storey projection with gable above and decorative shingling and an internal red chimney.

Additional information is available Robert Mikel's 2017 "Cobourg: The Spirit of Place."

6.0 ANALYSIS

The Town of Cobourg's Heritage Master Plan was adopted by Council to direct conservation and management of the Town's heritage resources. As part of this project, the existing Heritage Conservation District guidelines for all of the Town's Heritage Conservation Districts designated under Part V of the *Ontario Heritage Act* were reviewed, and Heritage Conservation District Plans were prepared. The East Heritage Conservation District Plan was adopted by By-law 043-2016 on May 24th, 2016.

The Plan contains policies and guidelines for conservation and the management of growth and change in the East HCD. Policies are requirements that must be followed when undertaking alterations to buildings or changes to properties. Guidelines are best-practice suggestions to be considered when undertaking alterations to buildings or changes to properties.

The following section of this report provides excerpts from the East Heritage Conservation District Plan that are relevant to the evaluation of the proposed scope of work.

4.4 Entrances Policies

c) The design and construction of a new entrance / porch is required to be compatible with the character of the building. Restoration of a missing porch must be based upon historical, pictorial and physical documentation.

Guidelines

g) Wood is encouraged to be used in the construction of new entrances and porches. Other materials, such as synthetic wood products are discouraged on façades facing the street, and will be considered on a case by case basis through the heritage permit process.

Discussion

Prior to Council's adoption of the East Heritage Conservation District (HCD) Plan in 2016, Heritage Permit applications were primarily evaluated against the Town of Cobourg's Heritage Conservation District Guidelines and Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*. The East HCD Plan provides the same level of heritage conservation using best practices as expressed in the *Standards and Guidelines for the Conservation of Historic Places in Canada*, while continuing with a similar management of future change and potential new development within the East

HCD as the previous HCD guidelines. The East HCD Plan is also consistent with the 2005 changes to the *Ontario Heritage Act*, the 2014 Provincial Policy Statement and the Ontario Heritage Toolkit.

Pre-consultation and a site visit was conducted by Planning and Heritage Staff with the applicant at the end of May 2019. During the meeting it was noted that the verandah/porch structure is in an advanced state of deterioration, with decaying woodworking and support pilings causing the porch to sag. The property owner has retained a skilled carpenter, Keith Colterman, who studied heritage carpentry at Algonquin College in Perth. Mr. Colterman has demonstrated his local proficiency in heritage carpentry, particularly historic porch construction, as evidenced by the recent porch replication on a neighbouring property at 202 Church Street.

Due to the fact that there is surviving physical evidence of the subject structure, and given the property owner has retained a qualified heritage contractor, Planning and Heritage staff is confident that the replication of the porch at 216 Church Street meets the policies set out in the East HCD Plan. Specifically, the design, materials and construction of the porch will be matched as closely as possible to the original through supporting physical evidence.

The re-creation will not detract from the architectural style of the dwelling given that the porch already exists, and that the materials and style for the new porch will be as closely matched as possible to the original through surviving physical evidence. The primary difference is that the railing height will be increased to comply with the Ontario Building Code. Therefore, it is recommended that the application, as submitted, be approved.

7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

N/A

8.0 CONCLUSION

The proposal to replicate the existing porch at 216 Church Street located in the East HCD satisfies the policies set out in the HCD Plan. The re-creation is being overseen and constructed by a qualified contractor who studied heritage carpentry and has demonstrated his technical expertise on a neighbouring heritage property. Therefore, Planning and Heritage Staff is confident the proposal will not negatively impact the heritage character and attributes of the subject property. Furthermore, given the fact there is an abundance of surviving physical evidence, Planning and Heritage Staff is satisfied that the replication will enhance the heritage character and landscape of the subject property.

10.0 AUTHORIZATION/SIGNATURES

Approved By:
Glenn McGlashon



Glenn J. McGlashon, MCIP, RPP
Director of Planning & Development


Department:
Planning



Rob Franklin
Manager of Planning Services

Planning



 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT	
TO:	Mayor and Council	
FROM: TITLE:	Laurie Wills Director of Public Works	
DATE OF MEETING:	July 22, 2019	
TITLE / SUBJECT:	Asset Management Policy	
REPORT DATE:	July 9, 2019	File #:

1.0 STRATEGIC PLAN

Programs Pillar:

Item #3: Implement a comprehensive management plan for all Town assets

2.0 PUBLIC ENGAGEMENT

NA

3.0 RECOMMENDATION

THAT Council adopt the proposed Asset Management Policy, attached.

4.0 ORIGIN

Ontario Regulation 588/17: Asset Management Planning for Municipal Infrastructure (O. Reg. 588/17)

5.0 BACKGROUND

The Province of Ontario has mandated municipal asset management plans for all Ontario municipalities by 2024 under O. Reg. 588/17: Asset Management Planning for Municipal Infrastructure. The first of four steps was for municipalities to develop an Asset Management Policy by July 1, 2019.

6.0 ANALYSIS

The Policy outlines the following:

- The purpose of asset management (AM);
- Key statements to effectively develop and implement a Town wide asset

- management plan;
- Roles and responsibilities for Council and Staff related to asset management; and,
- Guiding principles to achieve the objectives of the asset management plan in accordance with the *Infrastructure for Jobs and Prosperity Act, 2015*.

7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT
NA

8.0 CONCLUSION
THAT Council adopt the proposed Asset Management Policy, attached.

11.0 ATTACHMENTS
TOC Asset Management Policy

12.0 AUTHORIZATION/SIGNATURES

Approved By: Stephen Peacock, Chief Administrative Officer
Department: CAO

APPENDIX "A"

TOWN OF COBOURG ASSET MANAGEMENT POLICY

Purpose

The Corporation of the Town of Cobourg is committed to providing quality and accessible services that supports a vibrant inclusive community in a fiscally sustainable manner. The purpose of this policy is to establish consistent standards and guidelines for the management of the Town's assets by applying sound technical, social, and economic principles that consider present and future needs of users and the service expected from the assets.

Asset management is an integrated approach, involving all Town departments to delivering value to the community through the effective management of existing and new infrastructure assets. The intent is to maximize benefits, reduce risk and provide satisfactory levels of service to the community in a sustainable manner. Good asset management practices are fundamental to achieving sustainable and resilient communities. The policy outlines the fundamental asset management principles to be implemented across the Town of Cobourg.

To guide the organization, the following policy statements have been developed.

Policy Statements

- a) The Town will develop an asset management plan (AMP) that aligns with the Town's Tangible Capital Asset Policy.
- b) The Town shall maintain and manage infrastructure assets at defined levels to support public safety, community well-being, and community goals.
- c) The Town shall adopt a sustainable approach to asset management, ensuring that the asset base is not increased without considering the impact on the ability of the Town to fund future maintenance and rehabilitation/replacement.
- d) The Town shall establish infrastructure replacement strategies through the use of full life cycle costing principles.
- e) The Town shall establish and monitor standards and service levels to ensure that they meet/support community and Council goals and objectives.
- f) The Town shall budget for the appropriate level of maintenance of assets to deliver appropriate service levels and extend the useful life of assets.
- g) The Town will plan for and provide stable long term funding to replace and/or renew and /or decommission infrastructure assets.
- h) The Town will prioritize and direct resources and expenditures in order to deliver levels of service and other community benefits at an acceptable level of risk.
- i) The Town will coordinate planning for interrelated municipal infrastructure assets with separate ownership by pursuing collaborative opportunities with neighbouring municipalities wherever viable and beneficial.
- j) The Town will provide opportunities for residents to offer input into asset management planning wherever and whenever possible.
- k) The Town will comply with all relevant legislative, regulatory and statutory requirements.

Scope

This Policy applies to all tangible assets owned and/or managed by the Town. The table below provides examples of assets owned by the Municipality and the department that oversees each service.

Service	Asset Type	Responsible Department
Storm Water	Sewers, Stormwater Management Facilities	Public Works
Sanitary Collection	Sewers	Environmental Services
Wastewater Treatment	Water Pollution Control Plants	Environmental Services
Drinking Water Distribution	Watermains	Lakefront Utilities Services Inc.
Drinking Water Treatment	Water Treatment Plant	Lakefront Utilities Services Inc.
Transportation	Roads, Bridges, Sidewalks, Traffic Signals, Street Lighting	Public Works
Parks	Sport fields, Playgrounds, Trails, Outdoor ice rink	Parks and Recreation
Facilities	Municipal offices, Fire Hall, Marina, Arenas, Community Centre	Various
Fleet and Equipment	Fire Trucks, Police Vehicles, Snow Plows, Ice Resurfacer	Various
Information Technology Systems	Hardware, Software, Communication Equipment	IT / GIS

Roles and Responsibilities:

The policy requires the commitment of key stakeholders within the Town's organization to ensure that the policy contains a clear plan that can be implemented, reviewed and updated.

The following details the responsibilities of the key stakeholders within the Town:

- i. **Council**
 - a. Exercise stewardship of assets, adopt policy and financial plans.
 - b. Maintain adequate organizational capacity to support the core practices of the asset management program.
 - c. Monitor and adjust levels of service.
 - d. On-going review of policies at required intervals.

- ii. **CAO**
 - a. Provide leadership to set the direction and priorities for development of the asset management plan across the municipality.
 - b. Ensure that adequate resources are available to implement and maintain core asset management practices.

- c. Maintain compliance with the asset management policy and provincial asset management regulations.

iii. Executive Lead (Treasurer)

- a. Oversee the on-going maintenance of the asset management plan every 5 years.
- b. Develop and maintain budgets for the appropriate level of maintenance, rehabilitation, extension and decommission of assets.
- c. Annual financial reporting.

iv. Senior Management

- a. Develop policy and asset management program.
- b. Oversee asset management planning and implementation activities that fall within their service area.
- c. Establish and monitor levels of service.
- d. Provide departmental staff coordination.
- e. Track and report on asset management program progress and results.

v. Departmental Staff

- a. Implement and maintain levels of service.
- b. Utilize technology tools developed as part of the asset management program.
- c. Conduct condition assessments in accordance with the asset management plan.
- d. Monitor and update infrastructure lifecycle and costing.
- e. Maintain asset inventories.

Guiding Principles

In order to achieve the asset management objectives, the following principles will be applied whenever possible to all aspects of the asset management program in accordance with the *Infrastructure for Jobs and Prosperity Act, 2015*:

Forward looking: The Town shall take a long-term view while considering demographic and economic trends in the area.

Budgeting and planning: The Town shall take into account any applicable budgets or fiscal plans, including those adopted through Ontario legislation.

Prioritizing: The Town shall clearly identify infrastructure priorities which will drive investment decisions.

Economic development: The Town shall promote economic competitiveness, productivity, job creation, and training opportunities.

Transparency: The Town shall be evidence-based and transparent basing infrastructure decisions on information that is, or is made, publicly available. Implications on infrastructure should be factored into investment decisions and shared with the public.

Consistency: The Town shall ensure the continued provision of core public services.

Environmentally conscious: The Town shall minimize the impact of infrastructure on the environment by respecting and helping maintain ecological and biological diversity, and infrastructure should be designed to be resilient to the effects of climate change.

Health and safety: The Town shall ensure that the health and safety of workers involved in the construction and maintenance of infrastructure assets is protected.

Community focused: The Town shall promote community benefits, being the supplementary social and economic benefits arising from an infrastructure project that are intended to improve the well-being of a community affected by the project, such as local job creation and training opportunities, improvement of public spaces within the community, and promoting accessibility for persons with disabilities.

Innovation: The Town shall create opportunities to make use of innovative technologies, services and practices, particularly where doing so would utilize technology, techniques, and practices developed in Ontario.

Integration: The Town shall be mindful and consider the principles and content of non-binding provincial or municipal plans and strategies established under an Act or otherwise, in planning and making decisions surrounding the infrastructure that supports them, to the extent that they are relevant.

Definitions

Asset management plan is a document that states the process of making the best possible long term decisions regarding the building, operating, maintaining, renewing, replacing and disposing of infrastructure assets. The objective is to maximize benefits, manage risk, and provide satisfactory levels of service to the public in a financially sustainable manner.

Capital asset is anything that has potential or actual value to an organization.


Capitalization threshold is the value of a municipal infrastructure asset at or above which a municipality will capitalize the value of the asset (approved in the capital budget), and below which it will expense the value of the asset (approved in the operating budget).

Life cycle is the time interval that starts with the identification of the need for an asset and ends with the disposal of the asset.

Life cycle costs are all the costs which are incurred during the lifecycle of a capital asset, from the time it is purchased or constructed, to the time it is taken out of service for disposal. This may include but is not limited to capital costs, operating costs, maintenance costs, renewal costs, replacement costs, etc.

Levels of Service is a system to define (qualify) and measure (quantify) a Municipality's commitment to deliver service at a specified level of quality and reliability.

Sustainable in the context of asset management is about meeting the needs of the future by balancing social, economic, cultural and environmental outcomes or needs when making decisions today.

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT	
TO:	Mayor and Council	
FROM: TITLE:	Laurie Wills Director of Public Works	
DATE OF MEETING:	July 22, 2019	
TITLE / SUBJECT:	Award of the Street Light Pole Replacement Program	
REPORT DATE:	July 9, 2019	File #:

1.0 STRATEGIC PLAN
NA

2.0 PUBLIC ENGAGEMENT
NA

3.0 RECOMMENDATION
 THAT Council award the 2019 Street Light Pole Replacement Contract to Otonabee Electrical Services Inc. in the amount of \$479,138.41 plus HST (Price Option 2),

AND THAT, Council approve a debenture increase in the amount of \$326,738.41 plus HST to account for the additional funding required over the approved capital project budget.

4.0 ORIGIN
Public Works 2019 Street Light Pole Replacement Capital Project.

5.0 BACKGROUND
 The Town has been working with Lakefront Utilities Inc. (LUI) to replace failing street light poles over the past few years where the Town provides the vacuum truck and operators to prepare new holes for the light poles and LUI conducts the installation. Due to scheduling conflicts between PW and LUI staff as both services have changing priorities on a daily basis, the challenge of coordinating schedules has not been allowing for enough replacements to be completed

annually to keep up with the failure rate of the street light poles. If not addressed, street light poles will fall over and could cause property damage or injuries.

The new street light pole replacement program was developed specifically to address a certain type and age of street light pole that has become problematic. The lifespan of the poles is 15-30 and these particular poles are approaching 30 years old. There are approximately 120 that are in need of replacement in the near future. Public Works and LUI do not have the resources to complete all of the replacements in a short time frame which is why the replacements have been tendered to ensure that they get completed before further failures occur.

6.0 ANALYSIS

Contract CO-19-14 DPW was tendered on April 24, 2019 and closed on May 14, 2019. Four (4) bids were received and reviewed by staff for completeness and accuracy.

The tender requested two (2) pricing options for the replacement of approximately 120 poles and fixtures:

Option 1: Replace 40 poles annually for 3 years

Option 2: Replace 120 poles in 2019

Although there was knowingly not enough budget in 2019 for all 120 poles to be replaced and since the capital project was being debentured, staff wanted to provide Council with an option to save money over the 3 years by instead completing all the work at once. The savings would be realized from reduced rates on labour (no inflation rate per year), reduced cost of materials due to a larger bulk order, one time equipment mobilization to the site, and one time delivery of materials, not to mention the convenience for residents to have all of this work completed at one time instead of a few areas per year.

7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

The four (4) bids received were as follows:

Bidder	Option 1 (Excl. Taxes)	Option 2 (Excl. Taxes)	Savings
Otonabee Electrical Services Ltd.	\$511,277.00	\$479,138.41	\$32,138.59
Langley Utilities Contracting Ltd.	\$989,314.00	\$932,364.00	\$56,950.00
Dundas Power	\$595,000.00	\$562,500.00	\$32,500.00

Line Ltd. Black & McDonald Limited	\$717,422.49	\$695,975.46	\$21,447.03
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The lowest bid received was from Otonabee Electrical Services Inc. a reputable local company that has conducted a significant amount of street light work in Cobourg and who would therefore be familiar with the existing street light fixtures and infrastructure that is required to be replaced.

A further breakdown of the three (3) year increments from the lowest bidder is as follows:

Bidder	2019 (Excl. Taxes)	2020 (Excl. Taxes)	2021 (Excl. Taxes)
Otonabee Electrical Services Ltd.	\$167,019.60	\$170,082.10	\$174,175.30

The total approved 2019 capital budget for the street light replacement program is \$355,000 of which it is estimated that \$71,600 in labour will be required for regular streetlight maintenance related mostly to outages being replaced with new LED fixtures (Contract CO-19-13). The material costs for regular outages is estimated to be \$131,000 therefore leaving \$152,400 for pole replacements in 2019. As such, the total is \$14,619.60 over budget; however, it is important to note that all maintenance budgets are only an estimate of expenses that may be incurred. The budgeted outage rate was based on 200 cobra head lights and 50 decorative lights which is conservative when historically the Town has replaced approximately 150 lights per year total. The additional contingency was added to account for the much higher price tag associated with decorative fixtures over cobra head fixtures and also in case there is an opportunity to replace extra lights to complete a street ie. if all but a few lights have been changed out on one street, it would be recommended to replace the remaining lights for a consistent appearance and brightness.

Although the lowest estimate received is above the approved 2019 maintenance budget, Staff are confident that the contingencies built into the budget will allow for all of the proposed replacements to be conducted within the 2019 budget if Council were to choose Price Option 1.

Should Council choose to proceed with Price Option 2, an additional debenture of \$326,738.41 plus HST will be required. The savings to the Town to complete all works in 2019 is \$32,138.59 and the cost to debenture the additional \$326,738.41 is also approximately \$30,000. Naturally, since both options will cost the Town the same total amount, Staff are recommending that the work be completed all at once in 2019.

8.0 CONCLUSION

THAT Council award the 2019 Street Light Pole Replacement Contract to Otonabee Electrical Services Inc. in the amount of \$479,138.41 plus HST (Price Option 2),

AND THAT, Council approve a debenture increase in the amount of \$326,738.41 plus HST to account for the additional funding required over the approved capital project budget.

9.0 POLICIES AFFECTING THE PROPOSAL

Purchasing Policy

10.0 COMMUNICATION RESULTS

NA


12.0 AUTHORIZATION/SIGNATURES

Approved By:

Stephen Peacock, Chief Administrative Officer

Department:

CAO

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT	
TO:	Mayor and Council	
FROM: TITLE:	Laurie Wills Director of Public Works	
DATE OF MEETING:	July 22, 2019	
TITLE / SUBJECT:	Dedicate Lands as a Public Highway	
REPORT DATE:	July 9, 2019	File #:

2.0 PUBLIC ENGAGEMENT
NA

3.0 RECOMMENDATION
 THAT Council authorize the preparation of a by-law to be endorsed and be presented to Council for adoption at a Regular Council Meeting to assume Parts 2, 3 and 4 of Plan 39R-13906 as a Public Highway within the Town of Cobourg.

4.0 ORIGIN
 Kerr Street (Division Street to D'Arcy Street) capital project.

5.0 BACKGROUND
 The construction of Kerr Street between Division Street and D'Arcy Street is an approved capital project that is expected to go to construction in 2020 pending the status of the Midtown Ponding Area capital project. The existing road allowance narrows as it approaches D'Arcy Street and therefore required a property acquisition to line up with the road allowance on the east side of D'Arcy Street at McArthur Street

6.0 ANALYSIS
 The property acquisition has been completed and the acquired lands must now be dedicated as a public highway in order to be utilized as a municipal road allowance.


7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT
NA

8.0 CONCLUSION
THAT Council authorize the preparation of a by-law to be endorsed and be presented to Council for adoption at a Regular Council Meeting to assume Parts 2, 3 and 4 of Plan 39R-13906 as a Public Highway within the Town of Cobourg.

9.0 POLICIES AFFECTING THE PROPOSAL
By-law 015-2019

12.0 AUTHORIZATION/SIGNATURES

Approved By: Stephen Peacock, Chief Administrative Officer
Department: CAO

	THE CORPORATION OF THE TOWN OF COBOURG REPORT
	TRANSPORTATION ADVISORY COMMITTEE MOTION
TO:	Mayor and Members of Council
FROM:	Bobby-Jo Preston Transportation Advisory Committee Secretary
DATE OF MEETING:	June 27, 2019
REPORT TITLE/SUBJECT:	Formation of Sub-Committee

At a regular meeting of the Transportation Advisory Committee held on Thursday June 27, 2019 the Committee discussed the need for standards for cycling facilities and infrastructure in the Town of Cobourg. After discussion the following motion was put forward:

Moved by Bruce Bellaire "Whereas it is time-consuming for Public Works staff to identify active transportation solutions for every road construction project individually, and whereas it is confusing for both motorists and cyclist when different approaches are used in similar traffic designs. Therefore, it is moved by The Transportation Advisory Committee (TAC) that council approve the creation of the TAC sub-committee to review standards to be incorporated into the 2020 Transportation Master Plan, and furthermore that the sub-committee be made up of three (3) members of the TAC, and four (4) interested citizens, and furthermore that the members of the sub-committee be appointed within Thirty (30) days of approval of the sub-committee by Council and the sub-committee be directed to provide a draft of standards to TAC by March 31, 2020."

CARRIED



Bobby-Jo Preston, Secretary
Transportation Advisory Committee

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT	
TO:	Mayor and Council Members	
FROM: TITLE:	Teresa Behan Deputy Director Community Services Division	
DATE OF MEETING:	July 22, 2019	
TITLE / SUBJECT:	Memorial Utilization and Future Use	
REPORT DATE:	June 10, 2019	File #:

1.0 STRATEGIC PLAN

This report addresses one (1) Council Strategic Plan Objective: Review and improve the financial performance of Town operated facilities.

Town of Cobourg Municipal Council's Strategic Planning Mission Statement:
The Town of Cobourg is committed to open and accountable governance and the provision of quality, accessible programs and services in a sustainable manner.

2.0 PUBLIC ENGAGEMENT

Informal meetings have taken place with several users, however a public information session will be scheduled following council's endorsement of this report.

Staff meetings have taken place with neighbouring Arena Managers to review the ice availability at their Centres.

- Baltimore Arena has indicated it has ice hours available, including time on Friday evenings, Saturday and Sunday afternoons and some weeknights.

- Port Hope arena has advised that it may be able to accommodate additional ice rental hours.
- Grafton Arena has stated that it can accommodate additional ice rental hours

Once this report is adopted by Council staff will work with all users to ensure a smooth transition during the operating year of 2019 / 2020. All regular users were to have submitted their ice time allocation requests for the fall/winter season on July 15. Staff will meet with the users to review their applications.

Staff will work with the users and encourage the users to rent the CCC earlier than the current 8:00 am on weekends.

3.0 RECOMMENDATION

It is recommended:

THAT Council receive this report; and

Further that the Memorial Arena remain closed and that an Ad Hoc Committee be struck to determine the future use of the Memorial Arena.

4.0 ORIGIN

During the budget process, Mayor John Henderson requested the Community Services Division present a report detailing the ice usage of the Memorial Arena detailing both prime ice time (Monday to Friday after 4pm and all day Saturday and Sunday) and non-prime ice time (Monday to Friday before 4pm).

The Community Services Division is also currently conducting a Cultural Master Plan. As part of this review it is important that an ad hoc committee be struck to conduct a thorough and proper review of potential future uses of this long-standing building. An additional memo will be forthcoming with details about this proposed ad hoc committee.

5.0 BACKGROUND

The Cobourg Memorial Arena was built approximately in 1949 with a portion rebuilt in 1952 being destroyed by fire. Additions to the main building took place in 1992 and 1997. This arena would not be considered accessible by current AODA standards.

The site has an approximate footprint area of 31,214 square feet and a total building area of 35,728 square feet. There is grade-level parking for approximately 100 cars adjacent to the building. The property is currently zoned Institutional.

Interim Facility Utilization Reports were previously presented to Council and are attached :

- Appendix A : Dated May 21, 2013 Memo by Bill Watson,
- Appendix B : October 24, 2016, memo by Dean Hustwick

A Condition Assessment of the Memorial Arena was completed by Pinchin Ltd, in February 2018 as part of the Town of Cobourg's asset management plan. This report included specialist reviews of the mechanical, electrical, fire and life safety systems, AODA and code compliance (copy attached).

6.0 ANALYSIS

The Memorial Arena is in operation for ice bookings from Labour Day weekend until March 5 for approximately 26 weeks. The ice part of the arena is operated by compressors, headers and a refrigeration system that is maintained by Cimco (leaders in this field).

At the memorial arena and the CCC, prime time ice usage is Monday to Friday from 4:00 pm. to 11:00 pm and all day Saturday and Sunday.

As detailed in the chart below, prime time usage has been in decline on all three ice surfaces. It is anticipated that the two pads at the CCC will be able to absorb a portion of the users from the Memorial Arena. Some users will have to go to neighboring arenas. Through discussions with neighboring arenas, they will be able to absorb some of the users.

Total Ice Usage – Prime Time

	2014	2015	2016	2017	2018
Bowl, CCC	79.93%	73.58%	79.24%	78.89%	72.62 %
Pond, CCC	81.86%	67.51%	78.69%	71.35%	66.35%
Memorial	63.11%	72.28%	67.63%	68.64%	63.66%

Prime Time is all day Saturday and all day Sunday and also 4:00 pm till close Monday to Friday.

Ice usage during the day at the CCC consists of staff programs, Public Skating, Shiny and school rentals. Ice rentals at the Memorial Arena start at 4:00 pm during the week.

Total Ice Usage – Non Prime Time

	2014	2015	2016	2017	2018
Bowl, CCC	n/a **	26.09%	26.56%	33.57%	30.43%
Pond, CCC	n/a **	50.56%	51.98%	53.03%	50.38%
Memorial	n/a **	1.94%	2.68%	5.33%	4.86%

** Stats are not available.

Non-prime time is during the day from 8:00 am until 4:00 pm Monday to Friday. During the day at the Memorial, there are no programs offered. Staff will also review the non-prime time hours at the CCC and offer more programs to ensure these usage numbers improve.

Priority was given to the main users of the arenas when working out the new ice schedule. The major users of the CCC and the Memorial Arena are detailed below:

User	Total number Weekly hours at all facilities currently	Total number of hours being accommodated at CCC	Hours not being accommodated at CCC
NMHA	79.5	77.5	2.0
WNGH	38	23.5	14.5
Quinte Red devils	6	0	6
Cobourg Cougars	10.5	10.5	0
Over 50 league	2	2	2
Over 35 league	4	4	0

Staff have had numerous discussions with neighbouring arenas to check for availability. Baltimore arena is able to take the hours for the WNGH league that the

CCC cannot accommodate. Grafton arena is also able to accommodate additional hours.

In the current ice schedule at the CCC, there are hours from 6:30 am to 8:00 am on both Saturday and Sunday that no one has requested. Staff are able to accommodate almost all of the requests filed by the deadline for ice time at the CCC.

7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

In 2018, the approved budget to operate the Memorial Arena was \$174,286.00 with the actual cost being \$ 187,408.66 as per the below chart.

Description	2018 budget	Actual	Variance
Total revenue	(\$148,057.00)	(\$ 140,693.55)	(\$ 7,363.45)
Total expenditures	\$ 322,343.00	\$ 328,102.21	(\$5,759.21)
Net cost to Town	\$ 174,286.00	\$ 187,408.66	(\$13,122.66)

As detailed in the Pinchin report the Memorial Arena requires numerous repairs to the infrastructure including enhancements to accessibility. To bring the building up to AODA standards would cost \$574,174 minimum. Municipal buildings by law must be AODA compliant by 2025.

Based on the Pinchin Report (Appendix II, Table 1 - 25 year repair/replacement forecast table),

ELEMENT	Year 1 – 5	Year 6-10	Year 11-15	Year 16-20	Year 21-25
Building envelope	\$41,165.00	\$20,367.00	\$75,967.00	\$132,498.00	\$119,687.00
Structure	\$34,196.00	\$75,625.00	\$41,685.00	\$42,198.00	\$50,814.00
Building interior	\$22,579.00	\$113,618.00	\$105,509.00	\$59,951.00	\$376,173.00
Exterior site elements	\$96,731.00	\$17,826.00	\$58,679.00	\$17,460.00	\$251,958.00
Mechanical	\$797,129.00	\$79,715.00	\$120,068.00	\$13,459.00	\$864,141.00
Plumbing	\$27,702.00	\$42,345.00	\$13,405.00	\$30,823.00	\$24,106.00
Fire and life safety	\$36,827.00	\$23,902.00	0	0	\$170,855.00
Electrical Systems	\$52,020.00	0	0	\$94,516.00	\$114,448.00
Site services – Mains	\$31,212.00	0	0	0	\$42,218.00
Accessibility and Code Compliance	\$574,715.00	0	\$5,707.00	\$2,019.00	\$93,055.00
Contingencies	\$22,722.00	\$25,473.00	\$53,911.00	\$144,212.00	\$76,694.00
TOTAL	\$1,736,998.	\$398,871.00	\$474,931.00	\$537,136.00	\$2,184,149.0

The floor surface for the Memorial arena is constructed with a 5" or 6" concrete pad that is reinforced with rebar. There is concern about the concrete floor and the condition of the headers.

The brine (cooling solution) is supplied to the floor via 6" to 10" headers. The headers are constructed of PVC or steel. The headers feed an in-floor-cooling grid consisting of 1" polyethylene or steel pipe spaced on 3" to 4" centers. The cooling floor brine is usually a calcium chloride solution mixed to a freeze point of -5 to -10 deg. F.

If the headers were to fail, this could result in an environmental contamination of the site which would be costly to clean up. Replacement of the headers is anticipated to cost several hundred thousand dollars.

Additionally at the Memorial Arena, staff have noted on the monthly health and safety reports the presence of mould. Mould was first detected in the southern wall adjacent to the ice surface. In this area the mould was removed by a removal company.

Further inspections took place and it was determined that mould was present on top of the wooden rafters and on all of the banners.

The cost to remove this mould was quoted at \$ 48,000.00

If Council accepts this memo and the Memorial Arena remains closed it would require a decommissioning.

To decommission the arena, which would include the removal and proper disposal of the ammonia in the system and its associated equipment and piping, staff believe this cost to be up to \$ 50,000. The building would still require fire protection and insurance.

For a Municipal Building to be closed, it would still require insurance and fire protection. Staff estimate this annual cost to be \$ 25,000.00.

Therefore the savings each year that the Memorial building is not open would be at least \$150,000.00. Staff recommend that this amount be placed in a holding account each year for future repurposing of the building.

As per the Pinchin report of February 2018, the repairs to the roof systems, structural components, mechanical systems, plumbing systems, electric systems,

fire and lifesaving systems, AODA requirements and code compliance is estimated to cost of \$ 5,332,085.00 including tax over the next 25 years if the Memorial Arena was to stay an arena.

8.0 CONCLUSION


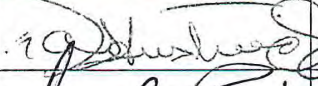

Given the cost of future capital costs, the challenges of bringing the facility into AODA Compliance and the required maintenance of the refrigeration system, staff recommend the closure of the Memorial Arena and subsequent decommissioning of this facility.


9.0 POLICIES AFFECTING THE PROPOSAL

N/A

10.0 COMMUNICATION RESULTS

Meetings with the users of the Memorial Arena will be arranged to convey this message after Council direction. Staff will endeavour to accommodate as many users as possible at the CCC.

Title:	Signing Official:	Signature:	Date:
Deputy Director	T. Behan		July 18/19
Director of Community Services	D. Hustwick		JULY 18/19
Chief Administrative Officer	S. Peacock		July 18/19

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT	
TO:	Mayor and Council	
FROM: TITLE:	Jason Johns Manager of Parks	
DATE OF MEETING:	July 24, 2019	
TITLE / SUBJECT:	Donegan Park Light Replacement	
REPORT DATE:	June 24, 2019	File #:

1.0 STRATEGIC PLAN
N/A

2.0 PUBLIC ENGAGEMENT
On June 10, 2019, letters were hand delivered to the properties on Lakeview Court that back on to Donegan Park (265, 271, 277, 283, 289, 295, 303 and 309). The letter to each property owner explained that funds had been allocated in the Town's 2019 Budget to replace the wooden fence on the north property line that separates Donegan Park from properties on Lakeview Court, however, the Town has since confirmed that the fence is not owned by the municipality but rather by the private property owners. Therefore, the Parks Department will not be replacing the fence.

3.0 RECOMMENDATION
WHEREAS the Town of Cobourg has confirmed that the fence on the north side of Donegan Park is not owned by the municipality and therefore not responsible for its replacement; and

WHEREAS sports field lights at Donegan Park are in need of urgent replacement;

NOW THEREFORE BE IT RESOLVED THAT Council authorize staff to purchase new LED sports light fixtures at Donegan Park for a total of approximately \$28,000 to be taken from the Parks Department 2019 Capital Budget originally intended for the Donegan Park fence replacement.

4.0 ORIGIN

The Donegan Park C Diamond is Cobourg's only full-size hardball diamond. During the 2019 spring inspection of sports field lighting, staff discovered that five of the lights on C Diamond were damaged during the winter.

5.0 BACKGROUND

The sports field lights used at Donegan Park C Diamond have been discontinued and replacement parts are no longer available. Damaged or missing sports field lights can create a poor lighting condition on the playing field, which can be a safety concern for users.

6.0 ANALYSIS

Donegan Park C Diamond has a total of eight light poles with a total of 56 fixtures. Three options were considered for repair and replacement of the damaged lights:

- Option 1 - replace all seven fixtures on one pole and retain the existing parts for future repairs;
- Option 2 - replace all 14 fixtures on two poles and retain the parts for future repairs; and
- Option 3 - replace all 56 fixtures on all eight poles.

Costs for the three options are set out below:

Option 1	Replace 7 fixtures (1 infield pole)	\$27,500 plus HST
Option 2	Replace 14 fixtures (2 infield poles)	\$55,000 plus HST
Option 3	Replace all 56 fixtures	\$220,000 plus HST

Based on the fence budget of \$32,800, Option 1 is being recommended. It is expected that the retained parts could sustain additional future repairs for up to five years.

7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

The 2019 Parks Department Capital Budget includes \$32,800 for the replacement of the wooden fence on the north side of Donegan Park. Since it has been determined that the municipality is not responsible for replacing this fence, these funds can fully offset the costs of replacing seven light fixtures at Donegan Park as outlined in Option 1 above (\$27,500 plus HST).

8.0 CONCLUSION

It is recommended that Council approve Option 1 for the replacement and repair of the sports field lighting at Donegan Park's C Diamond in the amount of \$27,984, including non-refundable HST.


9.0 POLICIES AFFECTING THE PROPOSAL

Purchasing policy

10.0 COMMUNICATION RESULTS

Letters were hand delivered on June 10, 2019 to all of the Lakeview Court properties that back on to the north side of Donegan Park. The Parks Department, has received two phone calls from property owners on Lakeview Court requesting additional information, no complaints or objections have been received.

12.0 AUTHORIZATION/SIGNATURES

	THE CORPORATION OF THE TOWN OF COBOURG REPORT	
	ACCESSIBILITY ADVISORY COMMITTEE MOTION	
TO:	Mayor and Council Members	
FROM:	Desta McAdam, Secretary Accessibility Advisory Committee	
DATE OF MEETING:	July 17, 2019.	
REPORT TITLE/SUBJECT:	Accessibility Advisory Committee Motion RE: East Village Phase 5	

At a regular meeting of the Accessibility Advisory Committee held on July 17, 2019, the Committee reviewed and discussed plans and information relating to the Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment Applications for East Village Phase 5 (JMCD Holdings Inc./RFA Planning Consultant).

Following the discussion, the following motion was put forth:

Moved by E. Morrill "THAT the Accessibility Committee endorses the Applications for Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment for East Village, Phase 5.

However, the Accessibility Committee will request to review the Detailed Plans for Subdivision Clearance as they become available, and as part of the existing Committee mandate, the Accessibility Advisory Committee will continue to review any Site Plan Applications relating to the Subdivision Lands, including those for the ten-plex blocks and the future high density residential block (Block 61). These plans will be reviewed for accessibility, and further comments from the Committee may arise.

Furthermore, the applicant should consider economic accessibility by making Block 61 rental housing, and investigate other opportunities for rental housing in the Subdivision."

CARRIED


	THE CORPORATION OF THE TOWN OF COBOURG REPORT	
	ACCESSIBILITY ADVISORY COMMITTEE MOTION	
TO:	Mayor and Council Members	
FROM:	Desta McAdam, Secretary Accessibility Advisory Committee	
DATE OF MEETING:	July 17, 2019.	
REPORT TITLE/SUBJECT:	Accessibility Advisory Committee Motion RE: Accessible Transit Extended Hours	

At a regular meeting of the Accessibility Advisory Committee held on July 17, 2019, the Committee reviewed and discussed issues surrounding the absence of an accessible taxi service, and the importance of ensuring accessible transportation options are available in the Municipality beyond regular transit operating hours.

Following the discussion, the following motion was put forth:

Moved by E. Morrill "THAT the Accessibility Committee endorses the continuation of extended accessible transit services to 11:00 p.m. beyond December 2019."

CARRIED

	THE CORPORATION OF THE TOWN OF COBOURG
	SUSTAINABILITY & CLIMATE CHANGE ADVISORY COMMITTEE
TO:	Brent Larmer, Municipal Clerk/Manager of Legislative Services
FROM:	Robyn Bonneau, Secretary
MEETING DATE:	July 3, 2019
SUBJECT:	(Revised) Water Bottle Filling Stations Motion


As directed by the Municipal Council at its June 24, 2019 Committee of the Whole Meeting, the Sustainability & Climate Change Advisory Committee (SCCAC) revised its Motion from its June 5, 2019 Meeting regarding its recommendation on water bottle filling stations in the Town of Cobourg and readopted the following Motion:

Moved by Member Marsh:

THAT Council develop an implementation plan for the installation of outside water bottle filling stations in the Town of Cobourg to allow for a fast and convenient way for citizens and tourist to obtain drinking water; and

FURTHER THAT the implementation plan occur within the current term of Council, beginning in the 2020 Budget.

CARRIED

	THE CORPORATION OF THE TOWN OF COBOURG
	SUSTAINABILITY & CLIMATE CHANGE ADVISORY COMMITTEE
TO:	Brent Larmer, Municipal Clerk/Manager of Legislative Services
FROM:	Robyn Bonneau, Secretary
MEETING DATE:	July 3, 2019
SUBJECT:	Motion to approve a Sub-Committee tasked with preparing the SCCAC's Annual Report and Work Plan

The following Motion was adopted at the July 3, 2019 Sustainability & Climate Change Advisory Committee (SCCAC) Meeting:


Moved by Member Bureau:

THAT Council endorse the request of the Sustainability and Climate Change Advisory Committee (SCCAC) to form a Sub-Committee tasked with preparing the SCCAC's Annual Report and Work Plan to be given to Council for consideration by the end of September 2019; and

FURTHER THAT the Sub-Committee be composed of the following three (3) SCCAC Members: Gigi Ludorf-Weaver, Antony Pitts and Minnie de Jong, who shall act as the designated leader for overseeing the Sub-Committee; and

FURTHER THAT the Sub-Committee report directly to the SCCAC.

CARRIED

	THE CORPORATION OF THE TOWN OF COBOURG
	SUSTAINABILITY & CLIMATE CHANGE ADVISORY COMMITTEE
TO:	Brent Larmer, Municipal Clerk/Manager of Legislative Services
FROM:	Robyn Bonneau, Secretary
MEETING DATE:	July 17, 2019
SUBJECT:	Motion regarding the Application for a Proposed Amendment to the Town of Cobourg Official Plan and Comprehensive Zoning By-law, and approval of a Draft Plan of Subdivision for the Proposed 334 Unit Residential Development known as 'East Village Phase 5'

The following Motion was adopted at the July 17, 2019 Special Meeting of the Sustainability & Climate Change Advisory Committee (SCCAC) Meeting:

Moved by Member Gundrun-Ludorf:

WHEREAS the world is in a state of climate crisis, with, according to the International Panel on Climate Change (IPCC), 10 years to stop the increase in global warming from exceeding 1.5 degrees C. As the IPCC reports, exceeding an increase of 1.5 degrees C would have dire consequences for human survival – heat, drought, storms, flooding, forest fires, etc; and

WHEREAS buildings and buildings construction sectors combined are responsible for 36% of global final energy consumption and nearly 40% of total direct and indirect CO2 emissions; and that energy demand from buildings and buildings construction continues to rise, driven by improved access to energy in developing countries, greater ownership and use of energy-consuming devices, and rapid growth in global buildings floor area, at nearly 3% per year; and

WHEREAS the UN Special Rapporteur states that courts are beginning to play a role, enforcing human rights obligations in relation to the climate crisis, and that there have been climate lawsuits based on human rights in at least ten countries, including Canada; and

WHEREAS it is more economical to incorporate sustainable features at the sub-division development stage than install through retrofit later; and that energy use reduction should also save the home dweller on operating costs; and

WHEREAS the partners for Climate Protection Program of Federation of Canadian Municipalities (FCM) of which the Town of Cobourg is a signatory requires that member municipalities set a target of a 30 per cent reduction in greenhouse gas emissions below 2005 levels by 2030, the following measures will assist the Town in achieving this target:

NOW THEREFORE BE IT RESOLVED THAT the Sustainability and Climate Change Advisory Committee recommends to the Cobourg Municipal Council that Cobourg Council ask staff to seek the following improvements in the proposed sub-division plan/design toward a more sustainable development:

- residences be constructed to the Passive House Standard and be Certified;
- all buildings be made 'photovoltaic solar ready' now for solar installation in the future. The solar readiness should enable the maximum amount of roof area to be covered by solar to the upper limit of the building being 'net zero energy' i.e. maximize the use of solar. This will minimize solar installation costs and maximize solar system performance in the future. Although the appropriate solar energy consultant should be retained to ensure this is done properly, this would require among other things that:
 - the site layout and building design reflects the appropriate location, orientation, and minimization of shading to maximize the production of solar photovoltaic energy;
 - each building has the structural capacity to support solar either flush mounted on sloped roofs, or ballasted on flat roofs; with appropriate roof types for the different roof designs e.g. standing seam metal roofs for sloped roofs;
 - there is the capacity in the electrical service/switchgear to accept solar
- wherever possible build 'green streets' - a stormwater management approach that incorporates vegetation (perennials, shrubs, trees), into depressed areas between sidewalk and streets, and uses engineered systems (e.g., permeable pavements), to slow, filter, and cleanse stormwater runoff from impervious surfaces (e.g., streets, sidewalks) using the tools and guidelines developed by the Credit Valley Conservation Authority;
- maximize the number of new trees on the site while minimizing shading of future solar. This could be trees in the storm water pond area, and in the park. This would help to mitigate effects of climate warming by providing shade and by soaking up CO2 already in the air;
- design the park including the location of trees to enable a community garden to be built for the use of the residents in East Village 5 to facilitate greater reliance on local food rather than food requiring energy to produce and transport;

AND FURTHER THAT the Sustainability and Climate Change Advisory Committee (SCCAC) recommend that Council direct Staff to recommend the tasks in this Motion not only to the East Village Phase 5 Development, but for all Developers in Cobourg; and

FURTHER THAT Staff use their best efforts to request developers to consider the above recommendations by this committee in every development until the Town of Cobourg Sustainability Master Plan and Climate Action Plan is developed.

CARRIED