



Location:	Council Chamber, Tom Davies Square
Commencement:	6:00 PM
Adjournment:	9:00 PM

Minutes

**For the 4th Policy Committee Meeting held
Wednesday, April 20, 2011**

Chair

COUNCILLOR CLAUDE BERTHIAUME, IN THE CHAIR

Present

Councillors Cimino; Barbeau; Dutrisac; Dupuis; Rivest; Kilgour; Belli; Craig; Caldarelli; Kett; Landry-Altmann; Mayor Matichuk

City Officials

Doug Nadorozny, Chief Administrative Officer; Greg Clausen, General Manager of Infrastructure Services; Kim Rossi, Acting General Manager of Community Development; Roger Sauvé, Acting General Manager of Growth & Development; Tim Beadman, Chief of Emergency Services; Marc Leduc, Fire Chief; Bruno Mangiardi, Acting Executive Director, Administrative Services; Lorella Hayes, Chief Financial Officer/Treasurer; Robert Falcioni, Director of Roads & Transportation; Stephen Monet, Manager of Environmental Planning Initiatives; Mark Simeoni, Manager of Community & Strategic Planning; Darlene Barker, Manager of By-law Enforcement Services; Ed Stankiewicz, Manager of Financial Planning & Policy; Tony Derro, Manager of Taxation; Rick Moffat, Assessment Base Consultant; Christine Hogarth, Chief of Staff, Mayor's Office; Angie Haché City Clerk; Christopher St-Onge, Audio/Video Operator; Franca Bortolussi, Deputy City Clerk

News Media

EastLink News; Le Voyageur; Northern Life; Sudbury Star

Declarations of Pecuniary Interest and the General Nature Thereof

None declared.

MATTERS ARISING FROM THE "CLOSED MEETING"

Councillor Berthiaume, as Chair of the Closed Meeting, reported that there was to be a Closed Meeting of the Policy Council. Due to the length of the Audit Committee meeting, the Closed Meeting will be rescheduled.

Community Delegations

- 1 . Rod LaRocque, President & Chief Executive Officer, The Human League Association, made an electronic presentation entitled 'The Human League Association – Working for the Children'. Paul Brokenshire, General Manager and Dana Marshall, Executive Director, were present to answer questions from Committee Members.

Rod LaRocque outlined The Human League Association's mission, objectives and history. He advised of their two programs: the Breakfast Club for Kids & Nutrition Program and the P.L.A.Y. (Positive Leisure Activities for Youth) Program. He provided statistics, facts and locations of the Breakfast Club

Program and explained its importance. He also provided facts and achievements of the P.L.A.Y. Program and explained how it works.

- 2 . Information packages from the Métis Nation of Ontario were distributed to Committee Members at the meeting.

Roger Giroux, President, Sudbury Métis Council, introduced the Members of the Council as well as, from Ottawa, the Community Council Representative from Métis Nation of Ontario. He outlined their five programs (Long Term Care; Aboriginal Healing and Wellness; Aboriginal Healthy Babies and Healthy Children; Regional Education and Training; and Lands and Resources) and the persons responsible for each program. He advised of the new mandate set out by the Supreme Court of Canada in 2004 and the new Framework Agreement with the Ontario Government in 2008. He advised that the Métis are one of three distinct Aboriginal People and provide some history and population statistics of the Métis Nation. He concluded by stating that the Sudbury Métis Nation is looking forward to building a positive relationship and partnership with the City of Greater Sudbury.

Each Member of the Policy Committee was presented with a sash which is a symbol of the Métis Heritage and is worn at meeting, formal occasions and 'fun' days

- 3 . Literature entitled 'Why Sudbury Needs a By-law to Restrict Law Fertilizers Containing Phosphorus' was distributed to Committee Members at the meeting.

Lilly Noble, Co-chair, Greater Sudbury Watershed Alliance (GSWA), made an electronic presentation regarding the use of fertilizers with phosphorus. She stated that the GSWA is a grassroots partnership of lake, river and creek stewardship committees and other concerned citizens and listed their members. She indicated that GSWA is requesting a municipal by-law restricting the use of lawn fertilizers that contain phosphorus. She listed the lakes in which blue-green algae blooms have been detected and advised of the effect of such blooms including health effects on people and animals, cost to the City and clogging of drinking water treatment plants. She stated that phosphorus is the limiting nutrient for algae growth and advised of other effects of phosphorus. She advised of the cost of removing phosphorus from wastewater treatment plants. She stated that the government banned phosphorus from laundry detergent in the 1970s and from dishwasher detergent in 2010. She indicated that another source of phosphorus is runoff from lawns and listed areas in Canada and the States having by-laws banning the use of lawn fertilizers with phosphorus. She stated that, along with education, a by-law is required to effectively restrict the use of fertilizers with phosphorus. She listed businesses in the City that are not opposed to a by-law and people endorsing the by-law. She advised that the Source Protection Committee is working on protecting municipal drinking water and the City can help protect all the lakes with a by-law. She stated that the Ontario and Federal governments are not currently working on any legislation to restrict law fertilizers with phosphorus so it is up to Council.

Councillor Cimino requested a full staff report including an education campaign as well as the viability of a by-law and compliance. The Chief Administrative Officer advised that a report will be prepared.

Rules of Procedure

The Committee, by a two-thirds majority, agreed to dispense with the Rules of Procedure, to alter the order of the Agenda and deal with Item 6 - All Terrain Vehicles.

Presentations

- 6 . Report dated April 7, 2011 was received from the General Manager of Growth and Development regarding All Terrain Vehicles.

Mark Simeoni, Manager of Community & Strategic Planning, made an electronic presentation entitled 'Proposed All Terrain Vehicles (ATV) Policy/By-law. Dave Bolton, Chair, and Jean Roy, Vice-Chair of the All Terrain Vehicle Advisory Panel were present to answer questions from Committee Members.

The Manager of Community & Strategic Planning stated that an ATV by-law was one of the 35 recommendations of the Constellation Report of January 2007 and an Advisory Panel was created in October 2007. He listed the members of the Panel and advised of the seven public consultation meetings in fall of 2008, four public open houses and the use of social media. He outlined what was learned and what the City can do to regulate ATVs. He explained the type of vehicle allowed. He outlined the three options being two map options and status quo. He indicated that 86% of the citizens who attend the public open houses favoured Option 1. He advised that Options 1 and 2 recommend the following:

- 2-year trial basis;
- Limit use between 7:00 a.m. and 11:00 p.m. daily;
- Not allowed during winter months;
- Reduced speed on local roads.

Change of Chair

At 8:01 p.m., Councillor Claude Berthiaume vacated the chair.

COUNCILLOR JACQUES BARBEAU, IN THE CHAIR

Change of Chair

At 8:06 p.m., Councillor Jacques Barbeau vacated the chair.

COUNCILLOR CLAUDE BERTHIAUME, IN THE CHAIR

The following recommendation was presented:

Dutrisac-Cimino: WHEREAS City Council received the Constellation Report;

AND WHEREAS one of the recommendations called for the development of a comprehensive by-law to govern the use of All Terrain Vehicles (ATV's) within the City of Greater Sudbury;

AND WHEREAS Council appointed an All Terrain Vehicle Advisory Panel whose mandate was to identify a road network to allow all terrain vehicles on;

THEREFORE BE IT RESOLVED that Option 1 identified in the attached staff report be approved.

Amendment

The following amendment to the motion was presented:

2011-13 Landry-Altmann-Belli: THAT the All Terrain Vehicle (ATV) group return to the Policy Committee to provide an update on their progress in six months and that an ATV Association be established at the end of one year.

DEFEATED

Friendly Amendment

With the consent of the Mover, the following friendly amendment was included at the end of the motion:

AND THAT Councillors Barbeau, Kilgour and Dupuis provide an update on the progress in one year and attempt to establish an ATV Association.

Main Motion (as amended)

The main motion was presented as amended:

2011-14 Dutrisac-Cimino: WHEREAS City Council received the Constellation Report;

AND WHEREAS one of the recommendations called for the development of a comprehensive by-law to govern the use of All Terrain Vehicles (ATV's) within the City of Greater Sudbury;

AND WHEREAS Council appointed an All Terrain Vehicle Advisory Panel whose mandate was to identify a road network to allow all terrain vehicles on;

THEREFORE BE IT RESOLVED that Option 1 identified in the attached staff report be approved;

AND THAT Councillors Barbeau, Kilgour and Dupuis provide an update on the progress in one year and attempt to establish an ATV Association.

CARRIED

Rules of Procedure

The Committee, by a two-thirds majority, agreed to dispense with the Rules of Procedure, to alter the order of the Agenda and deal with Item 5 – 2011 Property Tax Policy.

Proceed Past 9:00 p.m.

2011-15 Cimino-Barbeau: THAT we proceed past the hour of 9:00 p.m. **CARRIED**

5 . Report dated April 15, 2011 from the Chief Financial Officer/ Treasurer regarding 2011 Property Tax Policy was distributed under separate cover.

Ed Stankiewicz, Manager of Financial Planning & Policy, made an electronic presentation entitled 'Property Tax Policy for 2011'. The purpose was to present the final stage of the 2011 budget process and to receive Council's approval of the policy in order that the tax billing process can proceed. He indicated that direction is being sought on two issues and explained, in detail, Decision One regarding the setting of tax ratios and Decision Two regarding the determination of the level of tax protection for the business classes (capping and clawback). He explained tax ratios and the two decisions in detail. He also explained charts reflecting properties affected by implementing all tax tools to fast track capping, tax impact for residential properties with and without area rating, frequency distribution for residential taxation, total tax impact for industrial properties with area rating, total property taxes, assessment and taxation and municipal tax rates.

He summarized by stating that the recommendations presented are consistent with what has been presented and previous Council policy, provides for the least tax increase allowed for residential class and provides for more business properties paying their true current value assessment taxes.

The following recommendation was presented:

2011-16 Cimino-Dutrisac: 1) WHEREAS as a result of the property reassessment in 2009 which phases in assessment increases over four years, there continues to be inter-class shifting of tax burdens;

AND WHEREAS the Ministry of Finance allows municipalities to set new tax ratios to mitigate the impact of tax shifts relative to the reassessment;

THEREFORE BE IT RESOLVED THAT The City Of Greater Sudbury approve new revenue neutral tax ratios as calculated in the Online Property Tax Analysis System (OPTA) for the Multi-Residential, Commercial, Industrial and Pipeline property classes as follows:

Multi-Residential - 2.266653;
Commercial - 2.130216;
Industrial - 3.025526;
Large Industrial - 3.429270;
Pipeline - 1.895743;

AND THAT the necessary bylaw be passed.

2) WHEREAS the City of Greater Sudbury continues the practice of having as many properties as possible pay their fair share of property taxes based on the Current Value Assessment (CVA);

AND WHEREAS the Province of Ontario has provided tax tools to achieve this outcome;

THEREFORE BE IT RESOLVED THAT THE CITY OF GREATER SUDBURY use these tools to the maximum, resulting in more properties paying true CVA taxes, and the tools are as follows:

- a) Implement a 10% tax increase cap rather than the mandatory 5% minimum cap,
- b) Implement a minimum annual increase of 5% of CVA level taxes for capped properties,
- c) Move capped and clawed back properties within \$250 of CVA taxes directly to CVA taxes;
- d) eliminate properties that were at Current Value Assessment in 2010 from the capping exercise;
- e) eliminate properties that crossed between capping and clawback in 2011 from the capping exercise;

AND THAT the necessary bylaw be passed.

3) WHEREAS the Province of Ontario under Bill 140 has a maximum tax increase policy (capping) for business properties (Multi-Residential, Commercial and Industrial);

AND WHEREAS the City of Greater Sudbury, through past practice, has funded this cap on taxes by clawing back from properties realizing reduced taxation;

THEREFORE BE IT RESOLVED THAT the following clawback percentages, as calculated by the Online Property Taxation Analysis (OPTA) System, be adopted by the City of Greater Sudbury:

Multi-Residential - 38.9733%;
Commercial - 23.2790%;

Industrial – 13.7855%;

AND THAT the necessary bylaw be passed.

CARRIED

- 4 . Ed Stankiewicz, Manager of Financial Planning & Policy, and Tony Derro, Manager of Taxation, made an electronic presentation regarding Area Rating and Taxation.

Manager of Financial Planning & Policy stated that area rating was introduced by the City of Greater Sudbury at the time of amalgamation. Section 15 of the City of Greater Sudbury Act 1999 sets out rules relating to area rating of five specific services (water, sewage, street lighting, fire and transportation) and only area rating of fire and transportation services were implemented to recognize differing service levels. He explained in detail the fire protection and prevention service levels and public transportation service levels and their respective rates. He concluded by explaining the impact of eliminating area rating.

The Manager of Taxation advised of the interim and proposed final tax installment due dates. He stated that there are 60,000 tax accounts and explained the various methods of payment available to taxpayers. He advised of the services supplied by the Municipal Property Assessment Corporation. He advised that municipal and provincial by-laws and statutes provide authority for property tax adjustments and relief. He explained the Elderly Property Tax Assistance Credit and other property tax relief programs. He also explained the Property Tax Deferral Program for Low Income Seniors and Low Income Disabled and the Senior & Disabled Property Tax Relief Program. He outlined tax adjustments involving tax cancellations, reductions and refunds, the Registered Charity Property Tax Rebate Program and the Commercial/Industrial Vacancy Rebate Program. He advised of the request for reconsideration process and the Assessment Review Board.

Managers' Reports

- 7 . Report dated April 14, 2011 from the Chief Financial Officer/ Treasurer regarding Request from the City of Kingston to Support Efforts in Seeking an Increase in 'Heads and Beds' Payments.

The following recommendation was presented:

Caldarelli-Dupuis: WHEREAS Ontario municipalities with post secondary institutions and hospitals receive transfer payments from the Provincial Government in lieu of property taxes;

AND WHEREAS the payments are transferred to the municipalities based on the number of heads (students) in post secondary institutions and the number of beds in their local hospitals, (also known as the "heads and beds" payment in lieu of taxes);

AND WHEREAS the current amount of \$75.00 per head/bed has not been increased since 1987 when it was adjusted from \$50.00;

AND WHEREAS it is our position that the current "heads and beds" rate does not reflect a fair compensation for providing the local resources necessary to support these Provincial services;
AND WHEREAS this rate, if indexed to inflation, would be approximately \$135.00 per head/bed;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury request that the Provincial Government of Ontario increase the "heads and beds" levy to at least the current rate of inflation and build in an automatic annual adjustment for inflation for future years;

AND FURTHER THAT a copy of this resolution be forwarded to the Honorable Dwight Duncan, Minister of Finance, the Honorable Rick Bartolucci, Minister of Municipal Affairs and Housing and the City of Kingston.

Friendly Amendment

With the consent of the Mover, the following friendly amendment was included at the end of the motion:

And to the Association of Municipalities of Ontario (AMO) and the Federation of Northern Ontario Municipalities (FONOM).

Main Motion (as amended)

The main motion was presented as amended:

2011-17 Caldarelli-Dupuis: WHEREAS Ontario municipalities with post secondary institutions and hospitals receive transfer payments from the Provincial Government in lieu of property taxes;

AND WHEREAS the payments are transferred to the municipalities based on the number of heads (students) in post secondary institutions and the number of beds in their local hospitals, (also known as the "heads and beds" payment in lieu of taxes);

AND WHEREAS the current amount of \$75.00 per head/bed has not been increased since 1987 when it was adjusted from \$50.00;

AND WHEREAS it is our position that the current "heads and beds" rate does not reflect a fair compensation for providing the local resources necessary to support these Provincial services;
AND WHEREAS this rate, if indexed to inflation, would be approximately \$135.00 per head/bed;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury request that the Provincial Government of Ontario increase the "heads and beds" levy to at least the current rate of inflation and build in an automatic annual adjustment for inflation for future years;

AND FURTHER THAT a copy of this resolution be forwarded to the Honorable Dwight Duncan, Minister of Finance, the Honorable Rick Bartolucci, Minister of Municipal Affairs and Housing and the City of Kingston and to the Association of Municipalities of Ontario (AMO) and the Federation of Northern Ontario Municipalities (FONOM).

CARRIED

Addendum

Adjournment

2011-18 Rivest-Dupuis: THAT this meeting does now adjourn. Time: 8:35 p.m.

CARRIED

Councillor Claude Berthiaume, Chair

Angie Haché, City Clerk