

Vision: *The City of Greater Sudbury is a growing, world-class community bringing talent, technology and a great northern lifestyle together.*

Vision: *La Ville du Grand Sudbury est une communauté croissante de calibre international qui rassemble les talents, les technologies et le style de vie exceptionnel du Nord.*

Agenda

Ordre du jour

Councillor / Conseiller
Doug Craig

Chair / Président(e)

Councillor / Conseiller
Jacques Barbeau

Vice-Chair / Vice-président(e)



For the	Pour la réunion du
Policy Committee	Comité des politiques
meeting to be held	qui aura lieu

Wednesday, September 16 th , 2009	mercredi 16 ^e septembre 2009
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at 6:00 pm à 18h 00

Council Chamber, Tom Davies Square	dans la Salle du Conseil, Place Tom Davies
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POLICY COMMITTEE AGENDA

For the 48th Policy Committee Meeting
to be held on **Wednesday, September 16, 2009**
Council Chamber, Tom Davies Square at 6:00 pm

COUNCILLOR DOUG CRAIG, CHAIR

Jacques Barbeau, Vice-Chair

(PLEASE ENSURE CELL PHONES AND PAGERS ARE TURNED OFF)

The Council Chamber of Tom Davies Square is wheelchair accessible. Please speak to the City Clerk prior to the meeting if you require a hearing amplification device. Persons requiring assistance are requested to contact the City Clerks Office at least 24 hours in advance of the meeting if special arrangements are required. Please call (705) 674-4455, extension 2471. Telecommunications Device for the Deaf (TTY) (705) 688-3919. Copies of Agendas can be viewed at www.greatersudbury.ca/agendas/.

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

OPENING REMARKS - COUNCILLOR RUSS THOMPSON, WARD 7

COMMUNITY DELEGATIONS

1. E-mail dated September 2, 2009 from Tammy Richer, Northern Joint Council/Retail, Wholesale Department Store Union regarding "Home for a Hero" Campaign **10 - 11**
(VERBAL PRESENTATION) (FOR INFORMATION ONLY)
 - Gerry Lougheed, Jr.

(The "Home for a Hero" Campaign was set up to raise money to build a suitable home for Cpl. Bill Kerr who was critically injured while on foot patrol in Afghanistan. There will be a fundraiser on October 4, 2009 entitled "Hike for a Hero" which will be held on the new four-lane extension south of Sudbury prior to it being opened to vehicular traffic.)
2. Update on the Northern Ontario Railroad Museum & Heritage Centre
(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)
 - Stu Thomas, President, Board of Directors, Northern Ontario Railway Museum and Heritage Centre
3. Capreol Community Action Network (CAN)
(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)
 - Dave Kilgour, Chair, Capreol CAN

(The Capreol CAN will provide an update of their activities this past year, along with an update of future initiatives and priorities.)
4. Garson Falconbridge Community Action Network (CAN)
(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)
 - Jean-Guy Charette, Secretary, Garson Falconbridge CAN

(The Garson Falconbridge CAN will provide an update of their activities this past year, along with an update of future initiatives and priorities.)

PRESENTATIONS

5. 2009 Ward 7 Capital Improvement Projects
(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)
 - Robert M. Falcioni, P. Eng., Director of Roads & Transportation
 - Nick Benkovich, Director of Water/Wastewater Services

(Electronic presentation outlining 2009 Ward 7 Capital Improvement Projects and those that are proposed for 2010.)
6. Report dated August 4, 2009 from the Auditor General regarding Audit Charter. **12 - 25**
(ELECTRONIC PRESENTATION) (RECOMMENDATION PREPARED)

- Brian Bigger, Auditor General

(The Auditor General is seeking approval from the Policy Committee of the Audit Charter and Auditor General By-law. The By-law will be presented to City Council at the September 23, 2009 meeting.)

CORRESPONDENCE FOR INFORMATION

REFERRED & DEFERRED MATTERS

MANAGERS' REPORTS

7. Report dated September 8, 2009 from the Acting General Manager of Growth & Development/Planning Director regarding Proposed By-law for Out-of-Town Purchasers of Gold.

26 - 30

(RECOMMENDATION PREPARED)

(Resolution #2009-352 was passed by Council of the City of Greater Sudbury on August 12, 2009. The Resolution was to have staff prepare a draft by-law for discussion purposes for the September Policy Committee meeting to implement a licencing fee for out-of-town purchasers of gold. Staff have prepared a draft by-law for the Committee's review.)

MOTIONS

ADDENDUM

CITIZEN PETITIONS

COMMUNITY INPUT FOR WARD 7

CLOSING REMARKS - COUNCILLOR RUSS THOMPSON, WARD 7

ANNOUNCEMENTS

NOTICES OF MOTION

ADJOURNMENT(9:00 P.M.) (RECOMMENDATION PREPARED)

{TWO-THIRDS MAJORITY REQUIRED TO PROCEED PAST 9:00 P.M.}

Councillor Doug Craig
Chair

Franca Bortolussi
Council Secretary

COMITÉ DES POLITIQUES ORDRE DU JOUR

Pour la 48^e réunion du Comité des politiques
qui aura lieu le **16 septembre 2009**
dans la **Salle du Conseil, Place Tom Davies**, à 18h 00

CONSEILLER DOUG CRAIG, PRÉSIDENT(E)

Jacques Barbeau, Vice-président(e)

VEUILLEZ ÉTEINDRE LES TÉLÉPHONES CELLULAIRES ET LES TÉLÉAVERTISSEURS)
La salle du Conseil de la Place Tom Davies est accessible en fauteuil roulant. Si vous désirez obtenir un appareil auditif, veuillez communiquer avec la greffière municipale, avant la réunion. Les personnes qui prévoient avoir besoin d'aide doivent s'adresser au bureau du greffier municipal au moins 24 heures avant la réunion aux fins de dispositions spéciales. Veuillez composer le 705-674-4455, poste 2471; appareils de télécommunications pour les malentendants (ATS) 705-688-3919. Vous pouvez consulter l'ordre du jour à l'adresse www.greatersudbury.ca/agendas/.

DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES

ALLOCUTION D'OUVERTURE - LE CONSEILLER RUSS THOMPSON, QUARTIER 7

DÉLÉGATIONS DE LA COMMUNAUTÉ

10 - 11

1. Courriel daté du 2 septembre 2009 de Tammy Richer, conseil mixte du Nord/Le Syndicat des détaillants, grossistes et magasins à rayons au sujet de la campagne « Home for a Hero » (une maison pour un héros)
(PRÉSENTATION ORAL) (A TITRE D'INFORMATION)

- Gerry Lougheed Jr.

(La campagne « Home for a Hero » (une maison pour un héros) a été créée pour recueillir des fonds afin de bâtir une maison convenable au caporal Bill Kerr qui a subi de graves blessures lorsqu'il patrouillait à pied en Afghanistan. Il y aura une collecte de fonds le 4 octobre 2009 intitulée « Hike for a Hero » (une randonnée pédestre pour un héros) qui aura lieu dans le nouveau prolongement des quatre voies au sud de Sudbury avant son ouverture à la circulation de véhicules.)

2. Compte rendu sur le Northern Ontario Railroad Museum and Heritage Centre
(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)

- Stu Thomas, président du conseil d'administration du Northern Ontario Railway Museum and Heritage Centre (musée ferroviaire et centre patrimonial du Nord ontarien)

3. Réseau d'action communautaire de Capreol (RAC)
(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)

- Dave Kilgour, président du RAC de Capreol

(Le RAC de Capreol donnera un compte rendu de ses activités au cours de l'année passée, de même qu'un aperçu des initiatives à venir et des priorités du RAC.)

4. Réseau d'action communautaire de Garson Falconbridge (RAC)
(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)

- Jean-Guy Charette, secrétaire du RAC Garson Falconbridge

(Le RAC de Garson Falconbridge donnera un compte rendu de ses activités au cours de l'année passée, de même qu'un aperçu des initiatives à venir et des priorités du RAC.)

PRÉSENTATIONS ET EXPOSÉS

5. Projets d'amélioration des immobilisations de 2009 dans le quartier 7
(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)

- Robert M. Falcioni, ing., directeur des Routes et des Transports
- Nick Benkovich, directeur des Services des eaux et des eaux usées

(Présentation électronique donnant les grandes lignes des projets d'amélioration des immobilisations de 2009 dans le quartier 7 et de ceux qui sont proposés pour 2010.)

6. Rapport vérificateur général , daté du 04 août 2009 portant sur Charte de la vérification.

12 - 25

(PRÉSENTATION ÉLECTRONIQUE) (RECOMMANDATION PRÉPARÉE)

- Brian Bigger, vérificateur général

(Le vérificateur général demande l'approbation du Comité des politiques quant à la Charte de la vérification et au règlement sur Bureau du vérificateur général. Le règlement sera présenté au Conseil municipal lors de sa réunion du 23 septembre 2009.)

CORRESPONDANCE À TITRE DE RENSEIGNEMENTS SEULEMENT

QUESTION RENVOYÉES ET REPORTÉES

RAPPORTS DES GESTIONNAIRES

7. Rapport du directeur général intérimaire de la croissance et du développement / directeur de la planification, daté du 08 septembre 2009 portant sur Règlement proposé pour les acheteuses et acheteurs d'or de l'extérieur de la ville .

26 - 30

(RECOMMANDATION PRÉPARÉE)

(Le Conseil de la Ville du Grand Sudbury a adopté la résolution 2009-352 le 12 août 2009. Cette résolution voulait que le personnel rédige un projet de règlement aux fins de discussion pour la réunion de septembre du Comité des politiques afin de mettre en œuvre des droits de permis pour les acheteuses et acheteurs d'or de l'extérieur de la ville. Le personnel a rédigé un projet de règlement aux fins d'examen par le Comité.)

MOTIONS

ADDENDA

PÉTITIONS DE CITOYENS

COMMENTAIRES ET SUGGESTION COMMUNAUTAIRES POUR LE QUARTIER 7

ALLOCUTION DE FERMETURE DU CONSEILLER RUSS THOMPSON, QUARTIER 7

ANNONCES

AVIS DE MOTION

LEVÉE DE LA SÉANCE À 21 H (RECOMMANDATION PRÉPARÉE)

(UNE MAJORITÉ DES DEUX TIERS EST REQUISE POUR POURSUIVRE LA RÉUNION APRÈS 21 H.)

Le Conseiller Doug Craig,
Président

Franca Bortolussi,
Secrétaire du conseil



Request for Recommendation

E-mail dated September 2, 2009 from Tammy Richer, Northern Joint Council/Retail, Wholesale Department Store Union regarding "Home for a Hero" Campaign

Presented To:	Policy Committee
Presented:	Wednesday, Sep 16, 2009
Report Date	Tuesday, Sep 08, 2009
Type:	Community Delegations

Recommendation

For Information Only

<div>Signed By</div> <div>No signatures or approvals were recorded for this report.</div>

Tammy Richer

From: Tammy Richer
Sent: September 2, 2009 11:14 AM
To: 'angie.hache@greatersudbury.ca'
Cc: 'lougheeds@on.aibn.com'; Derik McArthur
Subject: City Council

Follow Up Flag: Follow up

Flag Status: Red

Tracking:	Recipient	Delivery	Read
	'angie.hache@greatersudbury.ca'		
	'lougheeds@on.aibn.com'		
	Derik McArthur	Delivered: 02/09/2009 11:14 AM	Read: 02/09/2009 11:15 AM

Good Morning Ms. Hache.

I am writing on behalf of Gerry Lougheed, Jr. to request permission to address City Council. Mr. Lougheed, or his designate, would like to speak at the next City Council Meeting on Wednesday, September 9, regarding the "Home For a Hero" campaign which was set up to raise money to build a suitable home for Cpl. Bill Kerr who was critically injured while on foot patrol in Afghanistan. There will be a fundraiser on October 4 entitled "Hike For a Hero" which will be held on the new four-lane extension south of Sudbury prior to it be opened for vehicle traffic. Please advise. Thank you.

Tammy Richer
 Northern Joint Council/RWDSU
 230 Regent Street
 Sudbury, ON P3C 4C5
 Phone: (705) 674-0768 ext. 207
 Fax: (705) 674-6815
 Toll Free: 1-800-465-1722
 E-Mail: tammy@rwdsu.ca



Request for Recommendation

Audit Charter

Presented To:	Policy Committee
Presented:	Wednesday, Sep 16, 2009
Report Date	Tuesday, Aug 04, 2009
Type:	Presentations

Recommendation

That the Charter of the Office of the Auditor General as outlined in the report dated August 4, 2009 be approved; and

That the 2010 annual budget for the Auditor General's Office be set at 0.065% of the 2009 annual operating budget;

That the Auditor General By-law be placed on the September 23, 2009 Council agenda for adoption.

Signed By

Report Prepared By
Brian Bigger
Auditor General
Digitally Signed Sep 10, 09

Recommended by the Department
Brian Bigger
Auditor General
Digitally Signed Sep 10, 09

Finance Implications

In order to ensure that the Office has the minimum amount of funds required to fulfill it's role, it has been customary for other Municipal Auditor General By-laws to set minimum funding amounts. Council previously approved a 2009 operating budget of \$321,300 for the Office of the Auditor General (OAG). This amount currently represents .063% of Consolidated CGS Operating Expenditures, and is lower than all other known budget amounts where reporting is direct to Council. In consideration of the unique funding challenges faced by CGS and the possible impact that significant shifts in funding may have on CGS operating budgets, the Auditor General recommends OAG funding be set at .065% of 2009 CGS operating expenditures budget, (\$331,000) for 2010 budget and increased by inflation thereafter.

Purpose:

The purpose of this report is to provide the Policy Committee with details of:

- the Charter of the Office of the Auditor General
- the draft Auditor General By-law

Background:

The mission of the Office of the Auditor General is to provide an independent, objective assurance activity designed to add value and protect and enhance the economic, social and environmental well-being of present and future generations of Sudburians. It will assist the City of Greater Sudbury in accomplishing its objectives by bringing a systematic, disciplined approach to monitor, evaluate and report on the quality of stewardship achieved through effective risk management, control, reporting and governance processes, and the achievement of value for money through effective and efficient operations, the safeguarding of assets, and compliance with laws, regulations, contracts and policies.

Office Of The Auditor General Charter

The Office of the Auditor General is a core function that assists Council in holding itself and its administrators accountable for the quality of stewardship over public funds and for the achievement of value for money in operations.

A critical component in establishing a sustainable audit function is the communication of purpose, authority and responsibility in a written charter. A charter facilitates:

- formal communication of roles and responsibilities between Finance Committee, administrators and the Auditor General.
- periodic assessment of the adequacy of the activities of the Office of the Auditor General
- evaluation of the function by the Finance Committee.

This practice is endorsed by the Institute of Internal Auditors in Standard 1000 of its Professional Practices Framework.

Key elements of the Charter of the Office of the Auditor General include:

Element	Description
Scope of work	Coverage of internal audit activities
Independence	Rendering impartial and unbiased judgments essential to the proper conduct of audits Achieved through the function's position and reporting accountability within the organization
Accountability	Parameters for reporting audit results and status of work Coordination of role with other control and monitoring functions
Responsibility	Details of activities and deliverables for a sustainable audit function
Authority	Details of permitted and prohibited activities

Attached is the full version of the Charter of the Office of the Auditor General

Key points of clarification in reference to the charter and draft by-law

The Auditor General is seeking the Policy Committee's recommendation to approve the scope and authority of the Auditor General's Office contained in the attached Audit Charter, and Auditor General By-Law. The By-Law to enact the Audit Charter will be presented to Council on September 23, 2009. Key points identified by the Auditor General for Council's consideration are:

- Appointment or dismissal (2/3 majority vote of Council)
- Scope of audit activities (includes all programs, activities of CGS departments, commissions, agencies, boards, municipally controlled corporations, grant recipients and the offices of the Mayor and Members of Council.)
- Special request audits (2/3 majority vote of Council with incremental funding)
- Annual audit plan dates (once per year before Dec 31st)
- Annual audit activity report (once per year before June 30th, commencing June 2010 recommended)
- Annual budget as a % of CGS Consolidated operating expenditures (annual budget to be set at an amount equal to or greater than 0.065% of the 2009 annual operating budget)

Attached is the full version of the draft by-law to appoint the Auditor General and establish the the position and duties of the Auditor General.

OFFICE OF THE AUDITOR GENERAL – CHARTER

Sept. 16, 2009

The Office Of The Auditor General is a core function that assists Council. A critical component in establishing a sustainable audit function is the communication of purpose, authority and responsibility in a written charter. The charter facilitates:

- formal communication of roles and responsibilities between Finance Committee, Administrators and the Auditor General.
- periodic assessment of the adequacy of the activities of the Office Of The Auditor General
- evaluation of the function by the Finance Committee, and Council

1. PURPOSE

The Auditor General assists Council in holding itself and its administrators accountable for the quality of stewardship over public funds and for the achievement of value for money in operations.

The Auditor General's Office is an independent, objective assurance activity designed to add value and protect and enhance the economic, social and environmental well-being of present and future generations of Sudburians. The audit process assists the city in accomplishing its objectives by bringing a systematic, disciplined approach to monitor, evaluate and report on the quality of stewardship achieved through effective risk management, control, reporting and governance processes, and the achievement of value for money through effective and efficient operations, the safeguarding of assets, and compliance with laws, regulations, contracts and policies.

2. SCOPE OF WORK

The Auditor General is responsible for evaluating all programs and activities of all City departments, commissions, agencies, boards, municipally-controlled corporations, grant recipients and the offices of the Mayor and members of Council. Boards and municipally-controlled corporations included in scope are defined as those where the City holds more than 50 % of the shares or appoints more than 50 % of the members of the Board. Consistent with the Auditor General's role in assisting council over their entire scope, the Police Services Board, Library Board and Board of Health are included with the authorized scope of audit activities.

At the request of Council, the Auditor General may conduct compliance, performance, or financial audits of autonomous organizations that have an agreement with the City that contains provisions for audit by the City.

OFFICE OF THE AUDITOR GENERAL – CHARTER

Sept. 16, 2009

3. INDEPENDENCE

The Auditor General reports to Council through Finance Committee and is independent of the City administration. The Auditor General must be independent from management at all times in order to be effective in executing his/her work freely and objectively.

The Auditor General shall:

- a. report directly to the Finance Committee of Council, and
- b. have no direct responsibility or authority over any operating activities and shall not relieve others of their responsibilities

The appointment of a person to the position of Auditor General may be made, suspended, or revoked only by a 2/3 majority vote of Council;

The Auditor General's audit plan is approved by Council and no deletions or amendments to the plan shall be made except by the Auditor General, other than Council may add to the audit plan by a 2/3 majority vote of Council with the approval of additional budget funding.

4. ACCOUNTABILITY

As the Auditor General is accountable for developing and delivering a program of audit work aimed at assisting Council in holding itself and its administrators accountable for the quality of stewardship over public funds and for the achievement of value for money in operations.

Duties include:

- a. To conduct, or cause to be conducted, audits on behalf of Council in the areas of financial control audits (excluding attestation on financial statements, which is the purview of the appointed External Auditors), compliance audits, and performance audits focused on effectiveness and efficiency of processes, programs and departments and designed to add value and protect and enhance the economic, social and environmental well-being of present and future generations;
- b. To report his/her findings, conclusions, recommendations to the audited parties, local management, and Finance Committee;
- c. To follow up annually on significant audit findings and recommendations to determine whether timely and appropriate corrective actions have been taken by management

OFFICE OF THE AUDITOR GENERAL – CHARTER

Sept. 16, 2009

- d. To examine problems and carry out special assignments identified and recommended by the Auditor General, and further approved by a 2/3 majority resolution of Finance Committee;
- e. To submit annually to Finance Committee an updated audit plan including recommended changes to the multi-year plan;
- f. To report on the status and results of audit activities Finance Committee annually.
- g. To coordinate his/her role with other control and monitoring functions.

5. RESPONSIBILITY

Section 223.20 of the Ontario Municipal Act states that the “municipality, its local boards and the municipally-controlled corporations and grant recipients shall give the Auditor General such information regarding their powers, duties, activities, organization, financial transactions and methods of business as the Auditor General believes to be necessary to perform his/her duties”.

Auditor General’s Responsibilities

The Auditor General is responsible to:

- a. Report his/her findings, conclusions, recommendations to the audited parties, management, and Finance Committee of Council, and
- b. Coordinate audit activities with other monitoring and control functions, and
- c. Follow up annually on significant audit findings and recommendations to determine whether timely and appropriate corrective actions have been taken by management.

Management’s Responsibilities

Management have the responsibility to:

- a. Maintain adequate risk management processes and systems of controls
- b. Inform the Auditor General of significant developments, events, and changes in strategies and operating plans for the City of Greater Sudbury to ensure the Auditor General has sufficient information to deliver on his/her mandate in an effective and efficient manner.
- c. Ensure that the auditors can obtain the necessary assistance of personnel in units where audits are performed.

OFFICE OF THE AUDITOR GENERAL – CHARTER

Sept. 16, 2009

- d. Provide the Auditor General and his/her staff unrestricted access to all activities, records, reports, systems, property, meetings and personnel necessary to conduct audits.
- e. Promptly respond in writing, within a time specified, to audit recommendations explaining what actions are planned, or have been taken to deal with topics identified in audit reports.

6. AUTHORITY

Section 223.19 of the Ontario Municipal Act authorizes municipalities to appoint an Auditor General.

Without limiting Part V.1, Accountability and Transparency, Sections 223.19 through 223.24 of the Ontario Municipal Act, the mandate for the Auditor General's Office is approved by Council through Finance Committee.

The Auditor General has the authority to:

- a. Have unrestricted access to all activities, records, reports, systems, property, meetings and personnel necessary to conduct audits
- b. Have full and free access to the Mayor and Council
- c. Set frequencies, select subjects, determine scopes of work, and apply the techniques required to accomplish audit objectives
- d. Obtain the necessary assistance of personnel in units where audits are performed. Staff of those organizations within the Auditor General's scope have a duty to co-operate with the Auditor General and to not obstruct audit activities.

The Auditor General does NOT:

- a. Perform any operational duties for the City or its affiliates
- b. Initiate or approve accounting transactions external to the Office Of The Auditor General
- c. Direct the activities of any City employee not employed by the office of the Auditor General, except to the extent that they have been assigned to an audit team, or to otherwise assist the Auditor.
- e. Devise, develop or install systems or procedures, prepare records, make management decisions, or undertake any activity which would relieve other staff of any responsibility assigned to them and which could be reasonably construed to compromise the independence of the Office Of The Auditor General.

OFFICE OF THE AUDITOR GENERAL – CHARTER

Sept. 16, 2009

7. QUALITY ASSURANCE AND IMPROVEMENT PROGRAM

The Auditor General shall develop and maintain a quality assurance and improvement program in accordance with professional standards. The program will include internal measurements using key performance indicators reported annually and an external assessment at least every 5 years.

8. STANDARDS OF AUDIT PRACTICE

The Auditor General and staff working under his/her direction will comply with the Standards for the Professional Practice of Internal Auditing of The Institute of Internal Auditors (IIA).

Brian L. Bigger

Auditor General

Doug Craig

Priorities Committee Chair

As considered by Priorities Committee

On _____

Date

BY-LAW 2009-###

**A BY-LAW OF THE CITY OF GREATER SUDBURY
TO APPOINT BRIAN BIGGER AUDITOR GENERAL AND
TO ESTABLISH THE POSITION AND DUTIES OF THE AUDITOR GENERAL
OF THE CITY OF GREATER SUDBURY**

WHEREAS the Council of the City of Greater Sudbury wishes to establish the position of Auditor General and to define certain duties and responsibilities of the Auditor General;

AND WHEREAS the Council of the City of Greater Sudbury wishes to continue to demonstrate a high level of public accountability and continue to provide assurances to the public regarding the quality of stewardship over public funds and for the achievement of value for money in municipal operations;

AND WHEREAS under the *Municipal Act, 2001*, S.O. 2001, c.25, the Auditor General is responsible for assisting Council in “holding itself and its administrator accountable for the quality of stewardship over public funds and for achievement of value-for-money in municipal operations”;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

DEFINITION

1. In this by-law, “Auditor General” means the Municipal Auditor General of the City of Greater Sudbury.

ESTABLISHMENT OF THE POSITION OF AUDITOR GENERAL

2. The position of Auditor General is hereby established with the duties and functions as set out in this By-law or any other By-law or provincial statute that makes reference to the Auditor General.

APPOINTMENT OF AUDITOR GENERAL

3. City Council hereby appoints Brian L. Bigger to the position of Auditor General for a three and one half year period commencing June 8th, 2009, with the option of renewal for an additional three year period.
4. The appointment of a person to the position of Auditor General may be made, suspended or revoked only by a two-thirds majority vote of Council.
5. The Auditor General must be designated in Ontario as a chartered accountant, a certified general accountant or certified management accountant.

ACCOUNTABILITY

6. The office of the Auditor General shall be independent of the City administration.
7. The Auditor General shall report to the Finance Committee and Council.

RESPONSIBILITIES

8. (1) The Auditor General shall have full carriage and control of and be fully responsible for the conduct of the Auditor General's office.

(2) The Auditor General is empowered to conduct, or cause to be conducted, audit projects identified by the Auditor General in the areas of compliance, financial (excluding attest), program or value-for-money, information technology, environment, and sustainability; and other audits as appropriate; for all programs, activities and functions of all City departments, agencies, boards and commissions and corporations and the offices of the Mayor and members of Council.

(3) To undertake investigations including suspected fraudulent activities, misappropriation or other similar irregularities.

- (4) To examine specific problems and carry out special assignments identified by the Auditor General, or requested and approved by 2/3 majority resolution of Council.
- (5) At the request of Council or a board of directors, the Auditor General may conduct financial (excluding attest), compliance and performance audits of autonomous organizations that have an agreement with the City that contains provisions for an audit by the City.
- (6) At the request of Council or a board of directors, the Auditor General may also conduct financial (excluding attest), compliance and performance audits of boards, commissions or corporations where the City holds more than 50% of the shares or appoints more than 50% of the members of the board.
- (7) Audits shall be conducted at such time and to the extent that the Auditor General considers appropriate.
- (8) The Auditor General shall not call into question or review the merits of the policies and objectives of Council.

ACCESS TO INFORMATION

9. (1) The Office of The Auditor General will provide an independent, objective assurance activity designed to add value and protect and enhance the economic, social and environmental well-being of present and future generations of Sudburians. It will assist the city in accomplishing its objectives by bringing a systematic, disciplined approach to monitor, evaluate and report on the quality of stewardship achieved through effective risk management, control, reporting and governance processes, and the achievement of value for money through effective and efficient operations, the safeguarding of assets, and compliance with laws, regulations, contracts and policies. In support of this role, the Office

of the Auditor General shall have unrestricted access to all personnel, records, reports, property, functions, activities, policies, procedures, processes and systems necessary to the fulfillment of the Auditor General's responsibilities.

(2) The office of the Auditor General shall have full and free access to the Mayor and members of Council.

(3) Personnel in units being audited shall assist and cooperate with the Office of the Auditor General.

ANNUAL AUDIT PLAN

10. (1) The Auditor General shall submit an annual audit plan for the next following year to Council for information by December 31st of each year.

(2) The Auditor General may, at his or her discretion, prepare a longer term audit plan for submission to Council

(3) No deletions or amendments to the annual audit plan shall be made except by the Auditor General.

(4) Despite subsection (3) the Auditor General may, if requested by Council or a Board of Directors audit and report on additional matters.

REPORTING

11. (1) On or before June 30th of each year, the Auditor General shall submit an annual report that summarizes the audits completed in the previous calendar year to Council for information.

(2) The requirement in subsection (1) for the Auditor General to submit an annual report to Council shall commence on or before June 30, 2010.

(3) The Auditor General may, at his discretion, report on a more frequent basis to Council.

OFFICE OF THE AUDITOR GENERAL

- 12.** (1) The Auditor General is authorized to establish the Office of the Auditor General including a managerial hierarchy and administrative policies and procedures
- (2) The Auditor General is authorized to appoint, promote, demote, suspend and dismiss, subject to any personnel policies adopted by Council, all employees of the Office of the Auditor General.
- (3) The Auditor General is authorized to review the performance of personnel within the Office of the Auditor General subject to any personnel policies applicable to employees of the City.
- (4) The Auditor General is authorized to retain the services of any individual or corporation for purposes related to the operation of the Office of the Auditor General and execute all agreements and contracts required for the provision of such services subject to the provisions of the City's Purchasing By-law.

ANNUAL BUDGET

- 13.** (1) The annual budget of the Office of the Auditor General shall be equal to or greater than 0.065% of the 2009 annual operating budget of the City.
- (2) Requests by Council or a board of directors pursuant to subsection 8(5) shall be subject to the provision of appropriate funding.

IMMUNITY

- 14.** (1) No proceeding for damages or otherwise shall be commenced against the Auditor General or an employee or agent of the Auditor General for any act done in good faith in the performance or intended performance of a duty or authority under this by-law or for any alleged neglect or default in the performance in good

faith of the duty or authority.

(2) Notwithstanding any general laws neither the Auditor General nor his or her staff may be compelled, without benefit of a subpoena, to give testimony relating to information obtained in the performance of their duties.

15. The Mayor is hereby authorized to enter into an employment agreement with the Auditor General.
16. This By-law shall come into force and take effect as if passed June 8th, 2009.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL this 23rd day of September, 2009.

Mayor

Clerk

READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL this 23rd day of September, 2009.

Mayor

Clerk

For Information Only

Proposed By-law for Out-of-Town Purchasers of Gold

Presented To:	Policy Committee
Presented:	Wednesday, Sep 16, 2009
Report Date	Tuesday, Sep 08, 2009
Type:	Managers' Reports

Recommendation

THAT Council direct staff to amend the Business License By-law #2004-350, being a By-law to License and Regulate Various Businesses, by including a provision that would implement a license fee for out-of-town purchasers of gold.

Background

The following resolution #2009-352 was passed by Council of the City of Greater Sudbury on August 12, 2009:

THAT staff prepare a draft by-law for discussion purposes for the September Policy Committee meeting to implement a licensing fee for out-of-town purchasers of gold.

Staff have prepared an draft amendment to By-law #2004-350, being a by-law to License and Regulate Various Businesses (copy attached), which if implemented would require out-of-town purchasers of gold to obtain a license and pay a license fee. The amount of the license fee is in line with similiar fees already established within the by-law.

Signed By

Report Prepared By

Bryan Gutjahr
Manager of Compliance and
Enforcement
Digitally Signed Sep 9, 09

Recommended by the Department

Bill Lautenbach
Acting General Manager of Growth and
Development / Planning Director
Digitally Signed Sep 9, 09

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Sep 10, 09

**A BY-LAW OF THE CITY OF GREATER SUDBURY TO AMEND
BY-LAW 2004-350, BEING A BY-LAW TO LICENSE AND REGULATE
VARIOUS BUSINESSES**

WHEREAS the Council of The City of Greater Sudbury deems it desirable to amend By-Law 2004-350, as amended, being a By-Law to Licence and Regulate Various Businesses;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

1. By-law 2004-350 as amended, being a By-law of the City of Greater Sudbury to Licence and Regulate Various Businesses, is hereby further amended by inserting the following Part XIIA, Section 12A - immediately after Part XII, Section 12 and before Part XIII, Section 13:

APART XIIA

ITINERANT GOLD PURCHASERS: NON-MINING BUSINESSES

12A.(1) In this Part

Agold[@] includes jewellery, coins or other items made in whole or in part of gold or a gold alloy, but does not include gold bars, gold ingots, gold dust, gold in an unrefined state, or gold-plated items where the gold content is less than 1 percent of the total weight of the item;

Apurchase[@] includes purchase, exchange and acquire by any means, and Apurchasing[@] and Apurchased[@] has a like meaning; and

Apurchase event[@] means an event held for the purpose or primarily for the purpose of purchasing gold from members of the public at large or from person or persons invited to the purchase event and whether it is intended that one or more than one person attend or participate in the event and whether the event is for a single

occasion or more than one occasion.

(2) No person shall purchase, offer to purchase or advertise to purchase gold by any means, unless such person is the holder of a licence issued under this Bylaw for such purpose.

(3) No person shall hold, sponsor, advertise or promote a gold purchase event unless such person holds a licence issued under this By-law for such purpose and in accordance with the terms of the licence and this By-law.

(4) Despite Subsection 12A(2), no Licence under this Part shall be required by:

- (a) a person purchasing gold from a person engaged in the business of selling gold such as a jeweller or a gold distributor;
- (b) a person acquiring gold pursuant to a licence under By-law 2004-354 as amended, being a Bylaw of the City of Greater Sudbury Respecting the Licensing, Regulating and Inspecting of Retailers of Second Hand Goods, Including Pawnbrokers and Salvage Yards; or
- (c) a person purchasing gold in the course of business in the mining trades, professions or business.

(5) The applicant for a licence pursuant to this Part shall, both before and after a licence is issued, produce such books, records or other documents or information as the Issuer of Licences may consider necessary to corroborate any of the statements contained in the application.

(6) The Issuer of Licences may refuse to issue a licence under this part, or having issued a licence under this part, may revoke same if:

- (a) any of the information set out in the application or statutory declaration of the applicant or owner is false;
- (b) the purchase event is advertised or conducted in any manner other than that described in the application or in any manner calculated to mislead or deceive the public;
- (c) the purchase event is held in a location or conducted in any way in a manner contrary to the provisions of this By-law or contrary to any

condition imposed in the licence;

(d) the applicant refuses to produce any books, documents, records or other information requested by the issuer of Licences in accordance with this By-law; or

(e) the applicant refuses to permit the Issuer of Licenses to inspect any premises or inspect or test any measuring or weighing or other devices used in the purchase of gold.

(6) Where an applicant for a licence under this Part wishes to hold a purchase event at more than one site, a separate licence shall be required for each site.

(7) Every licence issued pursuant to this Part shall expire 30 days after the date of issue.

(8) Applicants for licenses shall ensure all advertising material distributed, displayed or published to promote a purchase event, including any radio or television broadcast, internet promotion, contains a statement that the purchase event is held under the authority of this By-law and shall state the number and expiry date of the licence issued for such purchase event under this By-law.

(9) The licence for the purchase event shall be displayed in a clearly visible location on the premises where the purchase event is held.

(10) No person-holding a purchase event shall fail to produce a licence when asked to do so by a police officer or a By-law Enforcement Officer.”

2. By-law 2004-350 is hereby further amended by adding Schedule AA-1® attached hereto to By-law 2004-350 immediately after Schedule A and before Schedule B.

3. This By-law shall come into force and take effect upon passage.

Read and passed in open Council this day of , 2009

Schedule A
TO BY-LAW 2009-

BEING SCHEDULE “A-1” TO BYLAW 2004-350
FEES PAYABLE

Licence Type	admin fee	zoning check if applicable	fire check if applicable	building inspection if applicable	bylaw enforcement if applicable	total fee	search required
Gold Purchase Event	\$65	\$38.53	\$54.20	n/a	\$183.48 plus Criminal Record Check	\$341 (plus Criminal Record Check)	no