

City Council Meeting

**Date:** Monday, December 12, 2022

**Time:** 4:00 o'clock p.m.

**Location:** Council Chambers, 1<sup>st</sup> Floor, Windsor City Hall

All members will have the option of participating in person in Council Chambers or electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended, which allows for electronic meetings. The minutes will reflect this accordingly. Any delegations have the option to participate in person or electronically.

**MEMBERS:**

Mayor Drew Dilkens

Ward 1 – Councillor Fred Francis

Ward 2 – Councillor Fabio Costante

Ward 3 – Councillor Renaldo Agostino

Ward 4 – Councillor Mark McKenzie

Ward 5 – Councillor Ed Sleiman

Ward 6 – Councillor Jo-Anne Gignac

Ward 7 – Councillor Angelo Marignani

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

## ORDER OF BUSINESS

**Item #      Item Description**  
1.            **ORDER OF BUSINESS**

2.            **CALL TO ORDER** - Playing of the National Anthem

### **READING OF LAND ACKNOWLEDGEMENT**

We [I] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomie. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

3.            **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

4.            **ADOPTION OF THE MINUTES**

5.            **NOTICE OF PROCLAMATIONS**

6.            **COMMITTEE OF THE WHOLE**

7.            **COMMUNICATIONS INFORMATION PACKAGE** (This includes both Correspondence and Communication Reports)

7.2.        Capital Power request for Municipal Support Resolution - Ward 5 **(CM 12/2022)**

7.3.        Windsor Canada Utilities Ltd. 3rd Quarter 2022 Financial Statements - City Wide **(C 199/2022)**

7.4.        International Comparators Project - Oxford University Blavatnik School of Government Research - City Wide **(CM 13/2022)**

7.5.        Conflict of Interest Guidelines-Windsor/Essex POA Court Program-City Wide **(C 212/2022)**

8. **CONSENT AGENDA**

- 8.1. Class Environmental Assessment for the Prince Road Storm Sewer Outlet - Filing the Notice of Study Completion - Ward 2 **(C 192/2022)**
- 8.2. Approval of Annual Temporary Borrowing By-Law for 2023 **(C 201/2022)**
- 8.3. Capital Variance Report - September 30, 2022 - City Wide **(C 197/2022)**
- 8.4. Asset Management Policy Update - City Wide **(C 195/2022)**
- 8.5. Traffic Modifications - Traffic By-law 9148 –One Way Street- St. Rose Avenue from Wyandotte St. E to Riverside Dr. E North-bound Ward 6 **(C 208/2022)**
- 8.6. 2023 Interim Tax Bills - City Wide **(C 194/2022)**

9. **REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS**

10. **PRESENTATIONS AND DELEGATIONS**

- 10.1. Sparky the Firedog and Sean Costello, Windsor Fire & Rescue Services - Sparky's 2022 Toy Drive
- 10.2. Recognition of Local Partner Sponsors  
(a) Jason Moore, Senior Manager of Communication & Customer Service to introduce the sponsor representatives. Mayor Dilkens to present the Sponsor Recognition plaques

11. **REGULAR BUSINESS ITEMS (Non-Consent Items)**

- 11.1. 2023 Agency Grant Payments - City Wide **(C 200/2022)**
- 11.2. 2023 Budget Process Update - City Wide **(C 206/2022)**
- 11.3. Appointment of Hearing Officers Pursuant to By-law 80-2013 - City Wide **(C 202/2022)**
- 11.4. Applications for Tax Reductions under S. 357/358 and Write-off of Taxes under S. 354 of the Ontario Municipal Act 2001 **(C 210/2022)**
- 11.5. CQ 15-2022 - Rosalie Trombley Celebration of Life Achievements - City Wide **(C 209/2022)**
- 11.6. Temporary Exhibition Look Again! Outside! Extension and Expansion - City Wide **(C 207/2022)**

12. **CONSIDERATION OF COMMITTEE REPORTS**

(i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council (if scheduled)

13. **BY-LAWS** (First and Second Reading)

14. **MOVE BACK INTO FORMAL SESSION**

15. **NOTICES OF MOTION**

16. **THIRD AND FINAL READING OF THE BY-LAWS**

17. **PETITIONS**

18. **QUESTION PERIOD**

19. **STATEMENTS BY MEMBERS**

20. **UPCOMING MEETINGS**

ENWIN Utilities Ltd. Executive Committee  
Friday, December 9, 2022  
8:00 a.m.

Windsor Bicycling Committee  
Tuesday, December 13, 2022  
4:30 p.m. via Zoom

21. **ADJOURNMENT**



**Subject: Capital Power request for Municipal Support Resolution - Ward 5**

**Reference:**

Date to Council: December 12, 2022  
Author: Karina Richters  
Supervisor, Environmental Sustainability and Climate Change  
519-255-6100 ext 6127  
krichters@citywindsor.ca

Michelle Moxley-Peltier  
Community Energy Plan Administrator  
519-255-6100 ext 6109  
mmoxleypeltier@citywindsor.ca

Asset Planning  
Report Date: November 24, 2022  
Clerk's File #: MD/14028

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the report from the Supervisor, Environmental Sustainability and Climate Change providing an update on the Municipal Support Resolution request from Capital Power **BE RECEIVED FOR INFORMATION.**

**Executive Summary:**

N/A

**Background:**

On September 26, 2022, Administration brought forward the Power Advisory Energy Report – Options for the City of Windsor (C 161/2022) which outlined the current state of electrical supply in the region and the proactive steps the City of Windsor can take to support a secure energy supply that supports future economic growth.

In response to Council's support as a willing host for future projects to enhance the local energy supply, Administration has received significant interest from energy developers participating in the Independent Electricity System Operator's (IESO) E-LT1 RFP procurement process, in particular, inquiring about Municipal Support Resolutions for project proposals located in the City of Windsor. The majority of these requests have

been for battery storage systems. To streamline the process for battery storage system proponents, Administration prepared the report titled, Municipal Support Resolutions – Independent Electricity System Operator (IESO) Proponents (C 177/2022), which was endorsed by Council on November 28, 2022. However, Administration has also been engaged with other proponents for new generation projects.

### **Discussion:**

On November 8<sup>th</sup>, 2022, the City of Windsor received a pre-consultation package from Capital Power outlining their proposal to install either a battery storage system or the expansion of an additional natural gas turbine on their existing site. Capital Power expects to proceed with only one of these projects. The project selected to move forward will be in part based on the results of their IESO deliverability report, which was not received by Capital Power until November 30<sup>th</sup>.

The purpose of this communication item is to advise City Council that a full report on the Capital Power proposal will be prepared for the January 16<sup>th</sup>, 2023 agenda in the event that Capital Power determines that their proposed project to the IESO is for the natural gas turbine expansion. This will allow Capital Power enough time to conduct the required community engagement.

If Capital Power chooses to proceed with the battery storage system, they will follow the process recommended by City Council at the November 28<sup>th</sup> meeting.

### **Risk Analysis:**

Timing risk: The proponent's proposal to IESO is due January 24, 2023. The only remaining City Council meeting is January 16<sup>th</sup>, so there will be no opportunity for a deferral on this matter. Therefore, this Communication report was drafted to inform City Council of this project and provide the opportunity to raise any issues that may need to be addressed prior to January 16<sup>th</sup> to be brought forward to Administration.

Energy Risks: As noted in the Power Advisory Report (C161/2022), there is a significant risk that the ability of Windsor and region to secure additional investment opportunities will be hindered without confidence that the electricity supply is robust and sustainable. IESO has recommended to the Minister of Energy that, Ontario make a significant investment in battery storage, non-greenhouse gas emitting generation, while balancing with natural gas expansions in the near-term to ensure reliability.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

Recommendations on the future role of natural gas will be included in the IESO's Pathways to Decarbonisation report to be released later in 2022.

#### **Climate Change Adaptation:**

N/A

**Financial Matters:**

There are no financial costs associated with the issuance of the municipal support confirmation letters.

**Consultations:**

Economic Development – Milan Vujanovic, Sandra Bradt

Capital Power

**Conclusion:**

Proponents applying for IESO contracts have been qualified by the IESO and require a municipal support resolution be included in their proposal submissions (E-LT1 due January 24<sup>th</sup>, 2023) to earn rated criteria points.

**Approvals:**

Name	Title
Natasha Gabbana	Senior Manager Asset Planning
Joe Mancina	Commissioner of Corporate Services and Chief Financial Officer
Jelena Payne	Commissioner of Economic Development and Innovation
Onorio Colucci	Acting Chief Administrative Officer

**Notifications:**

Name	Address	Email
Wilhelm Danek, Sr. Business Development Manager – Capital Power Corporation		wdanek@capitalpower.com

**Appendices:**

1. Capital Power – East Windsor Cogeneration Pre-Consultation letter

Milan Vujanovic  
350 City Hall Square W  
Windsor, ON N9A 6S1

RE: East Windsor Cogeneration Enhancement Review

Dear Mr. Vujanovic,

Thank you for taking the time to meet with Capital Power on September 21, 2022, to discuss the proposed East Windsor Cogeneration (“EWC”) Battery Energy Storage System (“BESS”) and natural gas enhancements, together the “Projects”. Your guidance on the process has been very helpful. As we discussed, Capital Power plans to submit the proposed Projects into the upcoming request for proposals from the Ontario Independent Electric System Operator (“IESO”). To that end, I will send a note to the Township Clerk requesting attendance at the December 12<sup>th</sup> Council meeting to present and seek support from the City of Windsor Council. The support from Council is required prior to submission of the proposal to the IESO. As a follow up to our meeting I have used the pre-consultation package format to provide additional information on the Projects.

### **East Windsor Cogeneration and the proposed Projects**

The EWC is a 92 MW, natural gas fired electricity generation facility located on 224 Cadillac St, Windsor. It entered service in 2009 and was acquired by Capital Power in 2017. EWC consists of two GE turbine generators and was originally designed to provide steam to the nearby Ford engine plant. Since the closure of the Ford plant, EWC has become an important backup generator, with its main purpose to respond to issues on the power system. For example, EWC is called into service to meet peak load if there are disturbances on the system, and to supplement supply when the wind is not blowing, and the sun is not shining. Therefore, EWC is critical to facilitating the move towards renewable energy and a data driven economy which requires reliable and secure supply of electricity.

Capital Power is proposing to install either a 40 MW BESS or an additional approximate 40 MW natural gas turbine. During this procurement cycle, only one of these projects will be built.

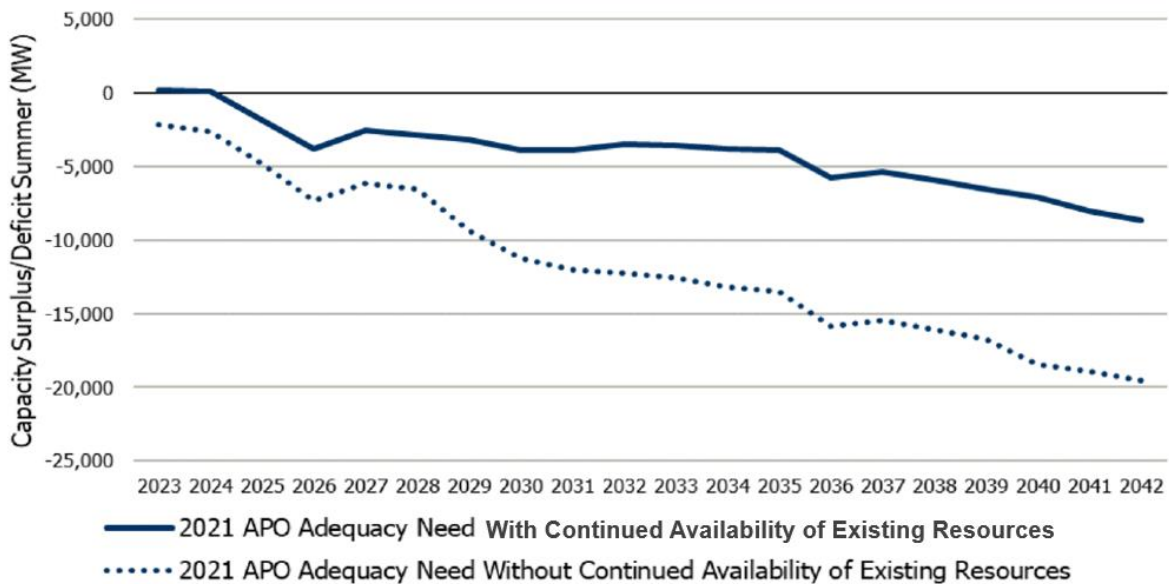
The BESS will store energy for hours and days to meet demand spikes when renewable energy is not sufficient to meet load. The BESS will be charged during times when there is a surplus electricity available on the system which will generally occur during the low load hours and will discharge energy during the time of system need, which is generally during the peak demand or when there is a disruption in supply in the system. With the combination of the existing facility and the proposed BESS, the EWC facilities will help meet increasing local and provincial demand by

providing critical backup generation support to the Ontario grid that not only enables a reliable supply of electricity but also provides flexibility in support of intermittent renewable sources of generation.

The IESO has indicated that natural gas generation remains an integral part of the generation mix and continues to be required to ensure grid reliability. Gas plants are often located near large population centres to support local power needs, avoiding the need for potentially expensive or disruptive transmission projects. Like a BESS, a natural gas facility helps to facilitate renewable energy growth by providing a backstop to intermittent generation from wind and solar. The proposed additional turbine at EWC will provide these characteristics, while also providing local energy support to new manufacturing facilities. The cost effective and reliable energy supply provided by a new natural gas turbine will help attract new, large scale business ventures that bring significant employment and economic opportunities to the Windsor region.

### Helping meet Growing Electricity Needs - Locally and Regionally

In December 2021, the IESO released its Annual Planning Outlook (“APO”) which identified significant need for capacity at the bulk system and regional levels. At the system level the IESO is projecting an increasing capacity deficit starting in 2025. The primary causes for the estimated shortfall are 1) an increase in load growth; 2) lack of investment in new supply; and 3) retirement and refurbishment of Ontario’s nuclear fleet. The need is the greatest in the GTA area, and the West of London, including Windsor. The deficit, with the assumption that existing generators remain in operation and are available, reaches 5,000 MW by around 2035 and almost 10,000 MW around 2042. This is shown in below.



The solid blue line represents forecasted summer generation deficits assuming all the current generation remains available through time, and the dotted line represents the forecasted generation deficits without the existing generators operating after their

current contract terms. As shown, without existing generation the deficits reach about 10,000 MW by 2030 and 20,000 MW around 2042.

To meet this, need the IESO has identified 4,000 MW of new and incremental generation on the system is required by 2030. The BESS will help meet this local and regional need by providing up to 40 MW of incremental, emissions-free capacity. The BESS will be charged during the off-peak hours and discharged to provide energy during peak demand hours.

## Community Benefits

The construction of the BESS is estimated to provide over 100 full time positions during the construction phase, and up to 2 full time equivalents on an annual basis. Local spin-off effects are expected to be 2x - 3x of the direct cost.

The construction of the additional gas turbine is estimated to provide over 150 full time positions during the construction phase, and up to 2 full time equivalents on an annual basis. Local spin-off effects are expected to be 2x - 3x of the direct cost.

## Next Steps

Ontario's Independent Electricity System Operator (IESO) has commenced the process to competitively procure capacity to address Ontario's emerging electricity needs. Capital Power has qualified as a bidder under this process.

Capital Power is committed to receiving input and feedback on this project, and we plan to initiate community engagement activities with a community open house in mid-December 2022. We will inform residents living near the facility of the event by way of mail and the larger community through notices in local media. We will work closely with and keep the Township informed through this process.

If we are success with our proposal in the IESO competitive process, then we will formally submit applications for provincial and local government approvals.

We look forward to continuing to work with the City of Windsor on advancing this project to meet growing local and provincial need for electricity and supporting economic growth in the region. Should you have any questions on the information above or in the attached, please do not hesitate to reach out to me directly at 403-836-7205 or [wdanek@capitalpower.com](mailto:wdanek@capitalpower.com).

Wilhelm Danek



**Subject: Windsor Canada Utilities Ltd. 3rd Quarter 2022 Financial Statements - City Wide**

**Reference:**

Date to Council: December 12, 2022  
Author: Janice Guthrie  
Deputy Treasurer - Taxation, Revenue & Financial Projects  
519-255-6100 Ext. 6271  
jguthrie@citywindsor.ca  
Taxation & Financial Projects  
Report Date: November 18, 2022  
Clerk's File #: MU2022

To: Mayor and Members of City Council

**Recommendation:**

THAT City Council **RECEIVE** for information, the Windsor Canada Utilities Lt. 3<sup>rd</sup> Quarter 2022 Financial Statements.

**Executive Summary:**

N/A

**Background:**

The Shareholder direction for Windsor Canada Utilities Ltd. (WCU) requires that Quarterly Financial Statements be provided to the shareholder.

**Discussion:**

In compliance with this requirement, WCU has provided consolidated financial statements as at September 30, 2022 with comparatives as at September 30, 2021.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

See attached Appendix A, which includes the following as at September 30, 2022:

- Covering letter from WCU's Vice President and Chief Financial Officer and the President and Chief Executive Officer
- Consolidated Balance Sheet
- Consolidated Income Statement
- Consolidated Statement of Cash Flows

**Consultations:**

N/A

**Conclusion:**

Information is submitted to City Council in compliance with the requirements of the Shareholder Directions for WCU.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Janice Guthrie	Deputy Treasurer – Taxation, Treasury & Financial Projects
Joe Mancina	Commissioner, Corporate Services & CFO/City Treasurer
Onorio Colucci	Chief Administrative Officer (A)

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Geoff Boose	4545 Rhodes Drive, Windsor, ON N9A 5T7	<a href="mailto:gboose@enwin.com">gboose@enwin.com</a>

**Appendices:**

- 1 Appendix A - WCU 2022 Q3 Financial Statements





**To:** Mayor and Members of City Council .....

2022 11 18  
.....

**From:** Matt Carlini .....

**Re:** Windsor Canada Utilities Ltd. September 2022 Quarterly Financial Statements

### **BACKGROUND AND BASIS OF REPORTING**

Enclosed are the financial reports for Windsor Canada Utilities Ltd. (“WCU”) as at September 30, 2022.

WCU’s financial statements are presented in accordance with International Financial Reporting Standards (“IFRS”) which is a requirement, as WCU is a publicly accountable entity. WCU is not eligible to use Public Sector Accounting Standards, which is what the Corporation of the City of Windsor uses for external reporting. Within the Windsor Canada Utilities Ltd., consolidated operations include the operations of the local distribution company (ENWIN Utilities Ltd.) and ENWIN Energy Ltd. The Ontario Energy Board (“OEB”) regulates ENWIN Utilities Ltd. (“EWU”), and the regulator requires certain regulatory balances to be recognized and tracked for rate-setting purposes. These rate-setting accounts are considered for regulatory purposes as either regulatory assets or liabilities; however, those accounts are not recognized under IFRS.

In January 2021, the International Accounting Standards Board (“IASB”) published the Exposure Draft *Regulatory Assets and Regulatory Liabilities*, which sets out proposals that aim to give users of financial statements better information about the financial performance of companies that are subject to rate regulation. The Exposure Draft is still in the consultation and review stages. It is anticipated that EWU will have the ability to recognize regulated assets and liabilities within the IFRS financial statements once this standard is published. The final standard is expected to be issued in 2023 with an effective date several years later, however, early adoption may be an option for EWU. Until such time when this new standard

is adopted, EWU will maintain two sets of records to report regulated activities and to fulfil external financial reporting requirements.

## **DISCUSSION**

The objective of this report is to provide quarterly consolidated financial performance updates to the Mayor and members of City Council. Further financial analysis and explanations can be found under the 'Financial Matters' section.

## **RISK ANALYSIS**

The results reported to the City Council are for internal reporting purposes and are intended to provide an update of the company's financial performance relative to budget and prior year. The figures are not audited and do not contain all the note disclosure that would be present in a full audited financial statement.

## **FINANCIAL MATTERS**

### **Financial Highlights**

Overall, the performance of the group was better than budget in the first nine months of the year and is projected to outperform the original budget when regulatory adjustments are excluded (MIFRS net income). Net Income on an IFRS basis however is highly sensitive to changes in electricity pricing as well as other regulatory rate adjustments and those are currently reducing reported earnings. The difference between MIFRS and IFRS is effectively timing differences between what the utility pays and earns compared to what ratepayers are charged. The end result is these **regulatory adjustments are primarily timing differences** and other than specific rate riders, are settled in future period. **To effectively review the performance of the utility, the MIFRS basis should be used and those results are favourable.**

As of the quarter-ended September 30, 2022, WCU is reporting Total Revenue of \$39.2 million, Operating Income of \$17.3 million, and Net Income of negative \$1.7 million under IFRS. The 2022 forecast shows revenue favourability largely driven by favourability within EWU, however that is offset with higher than anticipated regulatory adjustments which, at this time, is expected to create a negative net income results. These regulatory adjustments are often impacted by market conditions, but management will continue to monitor financial performance and liquidity throughout the year.

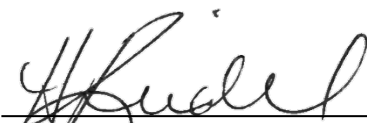
### **Liquidity and Financial Strength**

As at September 30, 2022, WCU is in a positive cash flow position despite having to settle some regulatory balances. Cash is expected to slowly decrease throughout 2022 – 2024 because over \$5 million per year is anticipated to be settled through rate riders, however WCU continues to experience a strong balance sheet and consistent credit profile.



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Matt Carlini  
Vice President, Corporate Services and CFO



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Helga Reidel  
President and CEO

encls      Appendix A – WCU Q3 2022 Consolidated Financial Review Statements

# Appendix A

## Windsor Canada Utilities Ltd.

Board Financial Review Statements

September 30, 2022

Unaudited

	<b>Page Reference</b>
Consolidated Balance Sheet.....	i
Consolidated Income Statement.....	ii
Consolidated Statement of Cash Flows.....	iii

## Windsor Canada Utilities Ltd.

Consolidated Balance Sheet  
(In thousands of Canadian dollars)

September 30, 2022, with comparative information for 2021

	September 2022	September 2021	December 2021
<b>Assets</b>			
<b>Current assets:</b>			
Cash and cash equivalents	\$ 15,519	\$ 39,441	\$ 34,986
Investment	15,640	5,054	15,503
Accounts receivable	49,619	45,617	43,196
Due from related parties	4,013	1,910	2,270
Inventory	5,960	4,801	4,854
Other assets	1,019	951	1,283
	<b>91,770</b>	<b>97,774</b>	<b>102,092</b>
<b>Non-current assets:</b>			
Property, plant and equipment	250,054	244,011	246,016
Intangible assets	917	1,280	1,253
Investment, sinking fund	12,760	12,118	12,968
Investment in joint venture	161	92	184
Work in progress	588	236	203
Due from related parties - debentures and post-retirement	52,000	52,411	52,000
Deferred income taxes	8,274	9,197	8,274
	<b>324,754</b>	<b>319,345</b>	<b>320,898</b>
<b>Total assets</b>	<b>\$ 416,524</b>	<b>\$ 417,119</b>	<b>\$ 422,990</b>
<b>Liabilities</b>			
<b>Current liabilities:</b>			
Accounts payable and accruals	\$ 23,443	\$ 24,000	\$ 29,339
Payments in lieu of income taxes payable	3,015	800	1,183
Due to related parties	7,519	7,056	7,145
Current portion of customer deposits	1,204	1,013	1,008
Deferred revenue	5,282	7,646	5,203
	<b>40,463</b>	<b>40,515</b>	<b>43,878</b>
<b>Non-current liabilities:</b>			
Customer deposits	5,514	3,738	4,417
Deferred revenue - customer contributions	18,738	18,501	19,126
Long-term debt	102,523	102,508	102,511
Employee future benefits	67,029	70,391	66,127
	<b>193,804</b>	<b>195,138</b>	<b>192,181</b>
<b>Total liabilities</b>	<b>234,267</b>	<b>235,653</b>	<b>236,059</b>
<b>Equity</b>			
Common shares	81,842	81,842	81,842
Contributed surplus	516	516	516
Retained earnings	99,773	98,092	104,447
Accumulated other comprehensive income (loss)	126	1,016	126
	<b>182,257</b>	<b>181,466</b>	<b>186,931</b>
<b>Total liabilities and equity</b>	<b>\$ 416,524</b>	<b>\$ 417,119</b>	<b>\$ 422,990</b>

## Windsor Canada Utilities Ltd.

Consolidated Statement of Income  
(In thousands of Canadian dollars)

September 30, 2022, with comparative information for 2021

	YTD - September 30, 2022			YTD - September 30, 2021		2022 Annual	2022
	Actuals	Budget	Variance	Actuals	Variance	Budget	Forecast
<b>Distribution revenue:</b>							
Residential	\$ 20,139	\$ 19,762	\$ 377	\$ 19,429	\$ 710	\$ 26,349	\$ 26,837
General service - small	13,682	13,424	258	13,066	616	17,670	18,005
General service - large	2,998	2,619	379	2,898	100	3,472	3,868
Street lighting	1,229	1,208	21	1,189	40	1,611	1,639
	<b>38,048</b>	<b>37,013</b>	<b>1,035</b>	<b>36,582</b>	<b>1,466</b>	<b>49,102</b>	<b>50,349</b>
<b>Net service revenue</b>							
Services provided to WUC	14,169	14,369	(200)	13,819	350	19,159	19,241
Services provided to related parties	-	-	-	-	-	-	-
Services provided to City	1,808	1,984	(176)	1,748	60	2,645	2,507
	15,977	16,353	(376)	15,567	410	21,804	21,748
Cost of services - MSA	(15,091)	(15,419)	328	(14,595)	(496)	(20,558)	(20,437)
Cost of services - depreciation - MSA	(535)	(539)	4	(626)	91	(721)	(802)
	<b>351</b>	<b>395</b>	<b>(44)</b>	<b>346</b>	<b>5</b>	<b>525</b>	<b>509</b>
Other income	839	744	95	882	(43)	1,054	992
<b>Total revenue</b>	<b>39,238</b>	<b>38,152</b>	<b>1,086</b>	<b>37,810</b>	<b>1,428</b>	<b>50,681</b>	<b>51,850</b>
<b>Operating expenses:</b>							
Distribution operation and maintenance	9,277	9,253	(24)	8,766	(511)	12,047	11,973
Billing and collection	2,512	2,305	(207)	2,184	(328)	3,101	3,323
Community relations	172	204	32	138	(34)	248	217
Administration and general	2,158	2,578	420	2,105	(53)	3,419	3,423
Property and tools and maintenance	1,349	1,459	110	1,289	(60)	1,948	1,880
Salaries and benefits	4,639	5,167	528	4,690	51	6,433	5,997
Regulatory	347	337	(10)	313	(34)	449	457
Employee future benefits	1,477	1,498	21	1,471	(6)	1,998	1,985
	<b>21,931</b>	<b>22,801</b>	<b>870</b>	<b>20,956</b>	<b>(975)</b>	<b>29,643</b>	<b>29,255</b>
<b>Operating income / EBITDA</b>	<b>17,307</b>	<b>15,351</b>	<b>1,956</b>	<b>16,854</b>	<b>453</b>	<b>21,038</b>	<b>22,595</b>
<b>Other income/expenses:</b>							
Share of joint venture's net loss (gain)	24	4	(20)	43	19	5	11
Depreciation and amortization	4,901	5,012	111	5,128	227	6,725	7,155
Net finance expense	1,951	1,214	(737)	880	(1,071)	1,617	2,299
Loss (gain) on sale of PP&E	(47)	-	47	(89)	(42)	-	(47)
	<b>6,829</b>	<b>6,230</b>	<b>(599)</b>	<b>5,962</b>	<b>(867)</b>	<b>8,347</b>	<b>9,418</b>
<b>Income before tax</b>	<b>10,478</b>	<b>9,121</b>	<b>1,357</b>	<b>10,892</b>	<b>(414)</b>	<b>12,691</b>	<b>13,177</b>
Provision for PILs of corporate taxes	2,775	2,637	(138)	3,075	300	3,658	3,522
	<b>2,775</b>	<b>2,637</b>	<b>(138)</b>	<b>3,075</b>	<b>300</b>	<b>3,658</b>	<b>3,522</b>
<b>Net income - MIFRS</b>	<b>7,703</b>	<b>6,484</b>	<b>1,219</b>	<b>7,817</b>	<b>(114)</b>	<b>9,033</b>	<b>9,655</b>
Regulatory adjustment (IFRS)	(9,376)	(4,100)	(5,276)	(5,943)	(3,433)	(5,467)	(10,482)
<b>Net (loss) income - IFRS</b>	<b>(1,673)</b>	<b>2,384</b>	<b>(4,057)</b>	<b>1,874</b>	<b>(3,547)</b>	<b>3,566</b>	<b>(827)</b>

## Windsor Canada Utilities Ltd.

Consolidated Statement of Cash Flows  
(In thousands of Canadian dollars)

September 30, 2022, with comparative information for 2021

	September 2022	September 2021	December 2021	Forecast 2022
<b>Cash flows from operating activities:</b>				
Total IFRS net income for the year	\$ (1,673)	\$ 1,874	\$ 8,338	\$ (827)
Adjustments for:				
Depreciation and amortization	8,495	8,782	11,760	12,058
Amortization of deferred revenue customer contribution	(393)	(383)	(514)	(530)
Remeasurement of employee future benefits	-	-	(4,584)	-
Loss (gain) on investment	671	(512)	(784)	574
Loss (gain) on sale of property, plant and equipment	(92)	(83)	370	(47)
Amortization of debt issuance costs	11	11	14	14
Share in joint venture's net loss	24	43	51	11
Net finance expense	1,903	1,292	1,003	2,299
Income tax expense	2,775	933	1,638	3,522
	11,721	11,957	17,292	17,074
Changes in:				
Accounts receivable	(6,424)	7,694	10,118	9,883
Due from related parties	(1,743)	256	(372)	(2,922)
Inventory	(1,106)	(627)	(680)	49
Other assets	264	1,122	793	(482)
Investment in joint venture	-	-	(100)	-
Work in progress	(384)	18	50	(384)
Deferred income taxes	-	(79)	844	-
Accounts payable and accruals	(5,896)	(10,582)	(5,245)	(9,077)
PIL of income taxes	(803)	1,105	915	3,546
Due to related parties	374	58	4	1,256
Deferred revenue	79	(196)	(2,639)	(2,057)
Customer deposits	1,293	(192)	483	128
Employee future benefits	903	1,003	1,323	1,406
	(13,443)	(420)	5,494	1,346
Interest paid	(3,252)	(3,218)	(4,277)	(4,494)
Interest received	1,348	1,926	3,273	2,195
Income taxes paid	(141)	(1,665)	(1,798)	(3,335)
	<b>(3,767)</b>	<b>8,580</b>	<b>19,984</b>	<b>12,786</b>
<b>Cash flows from investing activities:</b>				
Acquisition of PP&E and intangible assets	(12,745)	(9,039)	(14,889)	(19,189)
Acquisition of investments	(600)	(600)	(11,627)	(1,200)
Deferred revenue - customer contributions	5	156	1,016	1,194
Proceeds from investments	-	3,177	3,177	-
Proceeds on sale of PP&E	640	329	665	594
	<b>(12,700)</b>	<b>(5,977)</b>	<b>(21,658)</b>	<b>(18,601)</b>
<b>Cash flows from financing activities:</b>				
Decrease (Increase) in shareholder note Payable	-	-	-	(123)
Increase (decrease) in shareholder note receivable	-	-	-	123
Decrease in due from related parties	-	-	822	411
Dividends paid	(3,000)	(3,000)	(4,000)	(4,000)
	<b>(3,000)</b>	<b>(3,000)</b>	<b>(3,178)</b>	<b>(3,589)</b>
<b>Net increase (decrease) in cash and cash equivalents</b>	<b>(19,467)</b>	<b>(397)</b>	<b>(4,852)</b>	<b>(9,404)</b>
Cash and cash equivalents, beginning of period	34,986	39,838	39,838	34,986
<b>Cash and cash equivalents, end of period</b>	<b>\$ 15,519</b>	<b>\$ 39,441</b>	<b>\$ 34,986</b>	<b>\$ 25,582</b>

**Subject: International Comparators Project - Oxford University  
Blavatnik School of Government Research - City Wide**

**Reference:**

Date to Council: December 12, 2022  
Author: Milan Vujanovic  
Senior Economic Development Officer  
519-255-6100 ext. 6608  
mvujanovic@citywindsor.ca  
Economic Development & Innovation  
Report Date: November 28, 2022  
Clerk's File #: ME2022

**To:** Mayor and Members of City Council

**Recommendation:**

That City Council **RECEIVE** this report for information.

**Executive Summary:**

N/A

**Background:**

Earlier this year, the United Kingdom's Oxford University Blavatnik School of Government reached out regarding research they were compiling of cities that have engaged in successful strategies to regenerate their economies in the face of challenges, titled "International Comparators Project".

These early discussions included representatives from Economic Development and Planning and were primarily focused on the Economic Revitalization Community Improvement Plan (CIP) and how it has been successfully applied to encourage economic development in Windsor and spur growth and diversification of the local economy.

Oxford University held meetings with a number of cities globally, including municipalities in Australia, Germany, and the United States. The preliminary scope of the interviews can be seen in Appendix A.

As the research phase of the project has now concluded, representatives from Oxford University have reached out to indicate that they are now entering the report writing



phase and will potentially include feedback from the interviews held with city staff earlier this year.

### **Discussion:**

A representative from Oxford University reached out to the Economic Development department earlier this year to discuss the “*International Comparators Project*” they were working on.

The project summary is provided here below, along with additional details regarding how the information provided by administration would be used:

*The project aims to identify lessons-learnt from cities and regions around the world, which after a period of socioeconomic decline have managed to rebound.”*

*The research aims to establish practical steps through which disadvantaged regions can be empowered to grow, with the immediate target of addressing the profound regional inequality in the UK. Research reports and academic papers may be produced from this research and some material will be publicly available. More information on the overarching project and affiliated people can be found here (<https://www.bsg.ox.ac.uk/research/research-programmes/home-win-and-place-based-renewal>)*

*Windsor, Canada is one of our case studies and we are particularly interested in learning more about how Windsor used the relationship with the other government levels and instruments such as the CIP to build resilience.*

*Given your involvement in, and knowledge of, the city’s development strategy, we were wondering if you would be available to speak to us about your experience. We are particularly interested in understanding the use of CIP and municipal powers to stimulate investment.*

*We would like to include a list of interviewees in the final report, hence it would not be possible to guarantee your anonymity. However, we will circulate any section of the report where you are cited to you prior to publication for you to correct any factual inaccuracies or withdraw from the research in case you are no longer comfortable with it within 5 working days of us passing the information to you. You can also choose whether you allow direct quotations or not during the interview and afterward in review.*

*There will be no payment for taking part in this study. The data you contribute will be stored for at least 3 years after the date of the publication.*

As the final report may include quoted comments from Administration, it is important to highlight that Oxford University will share these in advance of publication, providing us an opportunity to modify the comments or withdraw from being cited completely.

Furthermore, the “*International Comparators Project*” has received Research Ethics Approval from the University of Oxford as shown in Appendix B.

### **Risk Analysis:**

There is always risk when participating in third-party work, as we do not know how administration’s comments will be represented in the final copy or covered by external parties. However, this risk is mitigated by being able to review our comments in advance of publication. Additionally, as the interviews were a fact-finding exercise for the researchers, any quoted comments from administration would be based on publically available information.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

The recommendations related to this Council Report do not facilitate Climate Change Mitigation in a material way.

#### **Climate Change Adaptation:**

The recommendations related to this Council Report do not facilitate Climate Change Adaptation in a material way.

### **Financial Matters:**

There are no direct costs associated with participating in the project.

### **Consultations:**

Planning Department – Neil Robertson  
Planning Department – Greg Atkinson

### **Conclusion:**

The above information is being provided to Council for them to be aware of our participation in the International Comparators Project, and that certain members of administration may be quoted in the final report that is published.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Milan Vujanovic	Senior Economic Development Officer
Jelena Payne	Commissioner of Economic Development & Innovation
Onorio Colucci	Acting Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

Appendix A – Preliminary Interview Scope

Appendix B – Research Ethics Approval

## International comparators

### Preliminary Scope/Questions

#### Project background

Since 1980, globally exceptional regional imbalances have opened up between one successful region, South-East England, and almost every other part of the UK. Throughout this period, the UK government has adopted ‘regional polices’ which have failed to address the problems. Evidently, a more effective approach is needed.

The aim of the international comparator project is to inform UK ‘Levelling Up’ debates with insights from a range of countries and city-regions and to inform other countries from the UK governance innovations. We will particularly focus on the role that the interplay between land markets, planning, finance and governance can play in helping cities to turn around and identify lessons-learned from international turn-around cities in order to provide actionable guidance for local authorities in the UK and elsewhere.

We are looking at up to 9 international case studies from around the world. Our focus is on international examples and we employ a multi-methodology research approach examining existing policy reports, academic papers and other readily available information as well as complementary interviews.

#### Scope of the interviews

We employ semi-structured interview technique with expert interviewees. Areas to be covered in the interviews will depend on the specific policy, initiatives and/ or programme the interviewee has been involved in or has specific knowledge of.

General topics to be covered will include:

- How did a particular initiative/ policy contribute to local economic development? What were the outcomes?
- How was a particular initiative/ policy organized? How did different institutions collaborate for the design and implementation of a particular initiative/ policy?
- What are the coordination mechanism between the different parties involved?
- Where did the funding come from for a particular initiative/ policy?
- What are things that work well in the context of a particular initiative/ policy? What is challenging?

Particular initiatives and policies of interest are, among others, in the fields of

- Regional or local economic development strategies
- Business promotion, including cluster policies
- Urban regeneration programmes
- Facilitating access to finance for local firms
- Innovation policies
- Skills training

Professor Paul Collier  
Ian Taylor  
Blavatnik School of Government  
University of Oxford

16 May 2022

Dear Paul,

## Research Ethics Approval

**Reference number:** SSH/BSG\_C1A-22-04

**Project title:** International Comparators Project

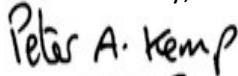
The above application has been considered by the Blavatnik School of Government Research Ethics Committee (DREC) in accordance with the procedures laid down by the University for Ethical Approval of all research involving human participants.

I am pleased to inform you that, on the basis of the information provided to the DREC, the proposed research has been judged as meeting appropriate ethical standards, and accordingly approval has been granted.

Should there be any subsequent changes to the project that raise ethical issues not covered in the original application you should submit details to the DREC for consideration.

Please note that this approval is **valid until 01 January 2023**, as requested in your CUREC application. Should you need an extension, please request this from the DREC before your validity period ends.

Yours sincerely,



Professor Peter A Kemp  
DREC Chair

cc: Miriam Mendes

**Subject: Conflict of Interest Guidelines-Windsor/Essex POA Court Program-City Wide**

**Reference:**

Date to Council: December 12, 2022

Author: Benjamin Nielsen

Lead Prosecutor

519-255-6555 ext.2306

bnielson@citywindsor.ca

Provincial Offences

Report Date: November 28, 2022

Clerk's File #: GP2022

To: Mayor and Members of City Council

**Recommendation:**

THAT the POA Conflict of Interest Guidelines attached as appendix A **BE PRESENTED** to Council.

**Executive Summary:**

N/A

**Background:**

In 2001, The Corporation of the City of Windsor finalized an agreement/Memorandum of Understanding with the Ministry of the Attorney General that transferred court administration and prosecutions of matters commenced under Part 1 and 2 of the *Provincial Offences Act* from the Ministry of the Attorney General to The Corporation of the City of Windsor.

*Memorandum of Understanding dated December 20, 2000/January 23, 2001*

As part of this Memorandum, the City of Windsor was required to prepare conflict of interest guidelines to be used by elected officials and employees.

*Memorandum of Understanding dated December 20, 2000/January 23, 2001*  
section 5.3.12

On January 15, 2001, Council adopted the *Conflict of Interest Guidelines Pursuant to the Provincial Offences Act ("POA") Transfer*. Section 5.1 of the Guidelines indicates

that “all elected representatives of the City shall be provided with a copy of the Guidelines following each municipal election.”

*CR37/2001 dated January 15, 2001 Conflict of Interest Guidelines Pursuant to the Provincial Offences Act (“POA”) Transfer section 5.1*

These Conflict of Interest Guidelines are also referenced in the Intermunicipal Courts Services Agreement (“IMCSA”) entered into with 10 partnering municipalities.

### **Discussion:**

As required under section 5.1, the Conflict of Interest Guidelines are attached hereto and marked as Appendix A.

*CR37/2001 dated January 15, 2001 Conflict of Interest Guidelines Pursuant to the Provincial Offences Act (“POA”) Transfer*

Presentation of these Guidelines at the start of each term of Council is required by the IMCSA.

According to section 2.1.7 of the Memorandum of Understanding, the purpose of these Guidelines is to ensure “the entire justice process, from the laying of charges through to final disposition of appeals, shall continue to operate independently and free from political intervention.”

*Memorandum of Understanding dated December 20, 2000/January 23, 2001 section 2.1.7*

According to Schedule 1 – section 2.2.1 of the Memorandum of Understanding, prosecutorial discretion is not to be “influenced by any person or body including members of council.”

*Memorandum of Understanding dated December 20, 2000/January 23, 2001 Schedule 1 – Section 2.2.1*

### **Risk Analysis:**

Failure to follow these Conflict of Interest Guidelines could result in interference with the exercise of prosecutorial discretion and/or bring the administration of justice into disrepute. For example, at the federal level, political interference by Prime Minister Justin Trudeau in the SNC-Lavalin Affair made headlines across Canada and the Prime Minister was found to have contravened the *Conflict of Interest Act*. Adherence to these Conflict of Interest Guidelines will prevent the risk of such outcomes, whether real or perceived, at the City of Windsor.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

N/A

**Consultations:**

N/A

**Conclusion:**

Compliance with the Conflict of Interest Guidelines will ensure prosecutorial discretion is not interfered with and that the administration of justice is not brought into disrepute at the City of Windsor.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Kristina Savi-Mascaro	Deputy City Solicitor – Purchasing, Risk Management and POA (A)
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Sandra Zwiers	County of Essex 360 Fairview Av. W. Essex, Ontario N8M 1Y6	szwiers@countyofessex.ca

**Appendices:**

- 1 Appendix A-CR37/2001 of January 15, 2001



## APPENDIX “A”

### CR37/2001 of January 15, 2001:

THAT COUNCIL ADOPT the Conflict of Interest Guidelines set forth in the Appendix attached hereto affecting elected representatives, officials & staff of the City as well as others retained to perform functions under the Transfer Agreement, in relation to POA matters dealt with by the Provincial Offences Division of the Department of Legal & Human Resources:

### CONFLICT OF INTEREST GUIDELINES PURSUANT TO THE *PROVINCIAL OFFENCES ACT* (“POA”) TRANSFER

WHEREAS the administration of the POA Court by municipal partners pursuant to a transfer agreement with the Attorney General must be conducted in accordance with fundamental principles of justice, which include judicial and prosecutorial independence, fairness, impartiality, competence and integrity;

AND WHEREAS it is deemed expedient to establish guidelines in relation to such matters; AND WHEREAS these Guidelines shall apply to all elected representatives for the City as the province’s municipal partner in relation to the transfer of POA matters for the Area, as well as all officials and staff of the City & to other persons retained by the City who perform functions pursuant to the Transfer Agreement;

THEREFORE, the City hereby implements and adheres to these Guidelines & other requirements as set out below on behalf of the elected representatives, officials and staff of the City as well as to other persons retained, for all matters relating to the transfer of POA Court matters in the Area:

#### 0.0 Interpretation

#### 0.1 In these Guidelines:

- 0.1.1 **Area** means the Windsor/Essex Court Service Area, which includes the geographic areas encompassed by the City, the constituent municipalities of The Corporation of the County of Essex, & Pelee Island/Township.
- 0.1.2 **City** means The Corporation of the City of Windsor.
- 0.1.3 **Guidelines** mean these Conflict of Interest Guidelines, as may be amended or replaced from time to time.
- 0.1.4 **LSA** means the agreement entered into between the City & Her Majesty the Queen in Right of Ontario as represented by the Attorney General, dealing with specific matters pertaining to the transfer of POA matters to the City for the Area.
- 0.1.5 **MOU** means the agreement entered into between the City & Her Majesty the Queen in Right of Ontario as represented by the Attorney General, dealing with general matters pertaining to the transfer of POA matters to the City for the Area.
- 0.1.6 **Prosecutor** means a prosecutor employed or retained by the City for the purpose of prosecuting POA matters pursuant to the Transfer Agreement.
- 0.1.7 **Transfer Agreement** means the MOU, the LSA, their respective schedules and any amendments.

0.2 In these Guidelines, where a person is required or directed to report or disclose any matter or thing to the City, such report shall be made to his or her direct supervisor or overseer, as the case may be, or such supervisor's or overseer's superior where circumstances so warrant.

## 1.0 Principles of Conflict of Interest Guidelines

1.1 These Guidelines shall apply to all elected representatives, officials and staff of the City, & to others retained in relation to POA matters. Where any higher or greater obligation is contained in the Transfer Agreement, such higher or greater obligation shall prevail.

1.2 No person shall attempt to influence or interfere, financially, politically or otherwise, with employees or other persons performing duties under the Transfer Agreement.

1.3 All persons involved with the administration, support and prosecution functions of the Provincial Offences Court shall endeavour to carry out such duties in a manner which upholds the integrity of the administration of justice.

## 2.0 Oath of Office

2.1 All staff members or other persons performing functions under the Transfer Agreement, except Prosecutors, shall swear or affirm to the oath as set out in Appendix A of these Guidelines.

2.2 All Prosecutors engaging in prosecutions under the Transfer Agreement shall swear or affirm to the oath as set out in Appendix B of these Guidelines.

## 3.0 Obligation to Report

3.1 An employee or other person performing duties under the Transfer Agreement shall report any attempt at improper influence or interference, financial, political or otherwise, to the City and to the local Crown Attorney. No action shall be taken against the employee or other person for making any such report in good faith.

3.2 An employee or other person performing duties under the Transfer Agreement contacted by an elected representative or other official with respect to the administration of justice or matters before the court shall immediately disclose such contact to the City in order to maintain the integrity of the justice system.

3.3 Where an employee or other person performing duties under the Transfer Agreement has been charged with an offence created under a federal statute or regulation or a provincial statute or regulation, and where continuing to perform his or her duties may erode public confidence in the administration of justice, the charge shall be disclosed to the City by the employee or other person. Upon notification, the City shall determine if any actual or perceived conflict of interest exists, and if so, shall take appropriate action to address the conflict.

3.4 A Prosecutor shall disclose any actual or reasonably perceived conflict as soon as possible to the City.

3.5 Where a Prosecutor is charged with an offence under the *Criminal Code* of Canada or any other federal statute or regulation that is dealt with under *the Criminal Code* of Canada, such charge shall be disclosed to the City forthwith. Where a Prosecutor is charged with an offence under any other federal statute or regulation thereunder or a provincial statute or regulation thereunder and where continuing to perform his or her duties may erode public confidence in the administration of justice, the charge shall be disclosed to the City by the Prosecutor. The City shall determine if any actual or perceived conflict exists and, if so, the City shall take appropriate action to address the conflict.

#### 4.0 Prosecution Guidelines

4.1 Prosecutors acting under the terms of the Transfer Agreement, in addition to the above, shall adhere to the following conflict of interest guidelines & other requirements:

4.1.1 A person employed as a Prosecutor shall not also be employed as an enforcement officer.

4.1.2 A Prosecutor shall be supervised by or report to the Commissioner of Legal and Human Resources or another lawyer designated for such purpose.

4.1.3 A Prosecutor shall not hold or have held a municipal political office within the preceding 12 months.

4.1.4 A Prosecutor shall not be placed or place himself or herself in a position where the integrity of the administration of justice could be compromised.

4.1.5 A Prosecutor shall not, personally or through any partner in the practice of law, act or be directly or indirectly involved as counsel or solicitor for any person in respect of any offence charged against the person under the laws in force in Ontario, unless it relates to his/her own case, except where the LSA provides otherwise.

#### 5.0 Implementation

5.1 All elected representatives of the City shall be provided with a copy of the Guidelines following each municipal election.

5.2 The Guidelines shall form part of the Human Resources orientation for all current and new municipal officials and staff.

#### 6.0 Breach

6.1 Although these are guidelines, it should be noted that a breach may result in charges under the Criminal Code of Canada, Provincial statute, and/or disciplinary action.

6.2. As a result of a breach by an elected representative or official or staff member, the City may be in breach of the MOU.

## **Appendix “A”—Form of Oath/Affirmation for Persons**

### **Other than Municipal Prosecutors**

I swear (or affirm) that I will faithfully discharge my duties, and will observe and comply with the laws of Canada and Ontario, and, except as I may be legally authorized or required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my employment, so help me God (omit last four words in an affirmation).

## **Appendix “B”—Form of Oath/Affirmation for Municipal Prosecutors**

I swear (or affirm) that I will truly and faithfully, according to the best of my skill and ability, execute the duties, powers and trusts of a prosecutor, as an officer of the Court, without favour or affection to any party, so help me God (omit last four words in an affirmation).

I also swear (or affirm) that I will faithfully discharge my duties as a prosecutor, and will comply with the laws of Canada and Ontario, and except as I may be legally authorized or required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a prosecutor, so help me God (omit last four words in an affirmation).

**Subject: Class Environmental Assessment for the Prince Road Storm Sewer Outlet - Filing the Notice of Study Completion - Ward 2**

**Reference:**

Date to Council: December 12, 2022

Author: Ian Wilson

Engineer II

519-255-6100 ext. 6369

[iwilson@citywindsor.ca](mailto:iwilson@citywindsor.ca)

Design - Engineering

Report Date: November 9, 2022

Clerk's File #: SW2022

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT Council **ENDORSE** the preferred recommended design for the Prince Road Storm Sewer Outlet, as summarized in this report and in Appendices A and B; and,
- II. THAT Administration **BE DIRECTED** to finalize the Environmental Study Report for the Prince Road Storm Sewer Outlet Municipal Class Environmental Assessment and issue the Notice of Study Completion to commence the review period immediately following finalizing the Environmental Assessment in accordance with the Municipal Class Environmental Assessment Planning Process.

**Executive Summary: NA**

**Background:**

The Prince Road Storm Sewer Outlet is the 9th phase of a multi-year project aimed at relieving street and basement flooding in the service area and was proposed to be completed in two stages, with the first stage completed in 2012. The Prince Road sewer system was recommended in a report dated February 1978 by James F. MacLaren Limited, Consulting Engineers and updated with the *Prince Road Sewer Study* in October 2001 by Stantec Consulting Ltd. (Stantec). The recommended works included separating the combined sewer system within the service area and construction of a new trunk storm sewer outlet to the Detroit River.

Construction for the sewer separation and storm trunk commenced in 1980, with subsequent phases constructed intermittently over the last 40 plus years. In December 2012, the first half of the storm sewer outlet (Phase 9A) was completed.

In November 2020, the Sewer and Coastal Flood Protection Master Plan (SMP) was completed to understand the causes of flooding, evaluate short-term and long-term solutions, complete high-level design and cost estimates for proposed improvements within the City. The SMP identified construction of the Prince Road Storm Sewer Outlet as an immediate priority project, however, the creation of this new storm sewer outlet with pumping station was classified as a Schedule C project under the Class EA process. The SMP completed requirements for Phases 1 & 2 of the Class EA process for the projects identified within the Master Plan. Schedule C projects, identified under the SMP, require additional public notice and further study to complete the requirements of the Class EA Phases 3 & 4.

In 2021, Stantec Consulting Ltd. (Stantec) was retained to undertake works to support the Schedule 'C' Municipal Class EA study for the proposed storm sewer outlet at McKee Creek. This work included completing the associated consultation and Environmental Study Report (ESR). The final step, Phase 5, will be the implementation including construction of the proposed storm sewer outlet.

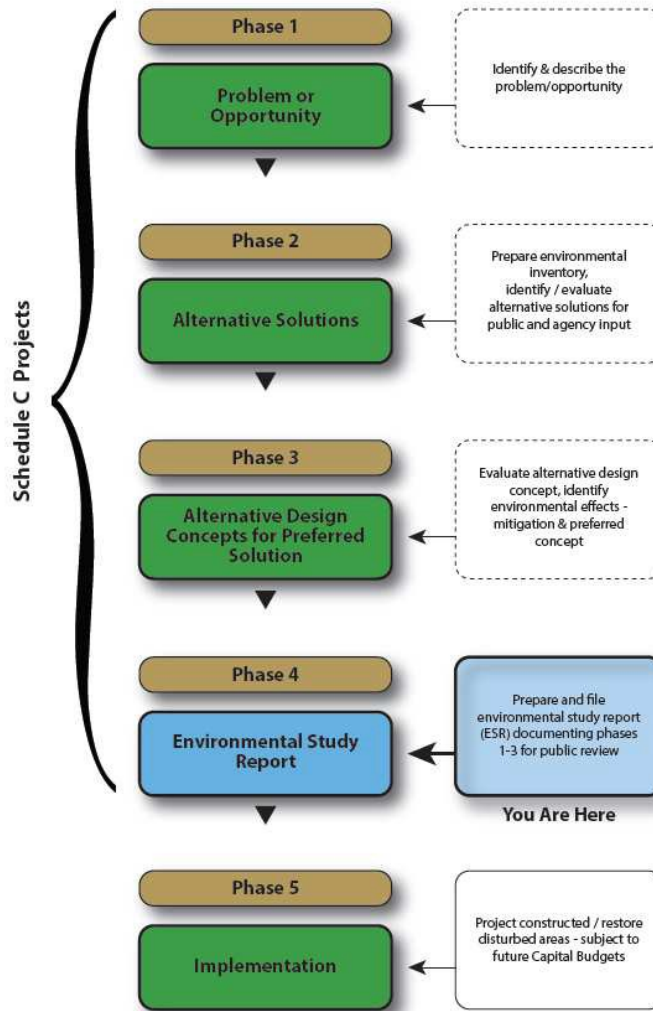
## **Discussion:**

### **Project Consultant and Environmental Assessment Project**

The Class Environmental Assessment for the Prince Road Trunk Storm Sewer was carried out in accordance with the Schedule 'C' requirements (Phases 3 & 4) as outlined under the Municipal Class Environmental Assessment. The Class EA study considered the potential social, technical, environmental and economic impacts of solutions to provide a stormwater outlet for the separated drainage within the service area. Under the Schedule 'C' process for Municipal Class EAs, there are five (5) phases to be completed as noted in **Figure 1** below. Phases 1 through 2 were completed as part of the Sewer and Coastal Flood Protection Master Plan (SMP) and presented to the public via two public Information Centres, a series of pop-up events, project newsletters, project website, and other tactics as summarized in the SMP Appendix B.

As part of Phase 4 of the process the Study Team has completed a draft Environmental Study Report, which documents the planning, decision making and consultation process completed to date.

**Figure 1: Schedule 'C' Process for Class EAs**



Public consultation is an important part of the EA process. Project related information and updates have been maintained on the Project Website ([www.WindsorEAs.ca](http://www.WindsorEAs.ca)) throughout the study under the heading, “*Prince Road Storm Sewer Outlet Environmental Assessment*”. Beyond the public consultation completed as part of the SMP, the project team for this Class EA study developed a proactive approach to continued stakeholder communications based on:

- Informing, consulting and collaborating with the local landowners, key agencies and the public;
- Identifying and understanding stakeholders’ critical issues; and,
- Providing updated information on project progress and impacts.

A project contact list was created, which includes agencies, emergency services, potentially interested Indigenous communities, members of the public, utility services, as well as the property owners within the project study area. The list was regularly

updated to include those who expressed interest in the study. Addresses for properties within the study area were compiled and used for the mail-out of the initial Notice of Study Commencement. In addition to the mailed out notices and project updates, the same information was included on the project website and advertised in the Windsor Star.

Individual meetings were held to discuss specific project details with stakeholders, including directly impacted properties owners, 3800 Russell, Essex Terminal Railway Company (ETR), K-Scrap Resources Ltd., and Hydro One. These stakeholder meetings highlighted the purpose of the project, the proposed storm sewer outlet, and the potential site locations/layouts of the infrastructure and potential impacts to the stakeholder.

Potentially interested Indigenous communities consulted as part of this study include:

- Aamjiwnaang First Nation
- Bkejwanong (Walpole Island)
- Caldwell First Nation
- Delaware Nation
- Métis Nation of Ontario (MNO)
- Chippewas of the Thames First Nation
- Oneida Nation of the Thames First
- Chippewas of Kettle and Stoney Point First Nation
- Munsee-Delaware Nation

Further details of the project consultation are documented in the project's ESR.

## **Solution Alternatives**

The original intent of this Class EA study was to refine the potential outlet layout and location details for the trunk storm sewer outlet. The project also fulfills the regulatory requirements of a new sewer outlet for a Class EA Schedule C Project. At the start of the EA study the majority of the trunk storm sewer had been constructed, only the most downstream 150 m of the system is required to complete the trunk.

The SMP considered two options of either servicing the trunk with the completion of the outlet to the Detroit River or maintaining the status quo with a combined sewer system for the service area. The option of completing the separation, including the construction of the outlet, was found to be preferred and was recommended.

As part of the Prince Road Trunk Storm Sewer Outlet Class EA, the option of outletting to an alternate location beside McKee Creek was eliminated early based on the location of the current trunk storm sewer infrastructure terminating on Chappell Avenue, approximately halfway between Russell Street and Sandwich Street (approximately 150 m from McKee Creek). Other outlet locations required at a minimum six times the length of linear works. Four alternative McKee Creek outlet layouts were considered in the EA study. All options include extending the existing 2400 mm diameter storm sewer westerly with a new 2700 mm diameter storm sewer along Chappell to a new outlet chamber and pumping station. Proposed works also include a low-flow water quality treatment unit, box culvert sewers which are downstream of the outlet chamber, and a



dispersion channel to the McKee Creek. Primarily, the options compared various alignments and layouts of the above noted features.

The key differences between the options are summarized below:

- Design Concept Option 1 – Outlet Close to Hydro One Easement
  - In this option, the outlet chamber and pumping station is located as close to the Hydro One easement as possible to still maintain access to Hydro One along their easement.
- Design Concept Option 2 – Outlet Chamber Close to Private Rail
  - In this option, the outlet chamber and pumping station is located just west of and as close as possible to the private rail line.
- Design Concept Option 3 – Outlet Chamber Close to Existing Office Building
  - In this option, the outlet chamber and pumping station is located northwest of the existing hydro tower close to the existing building.
  - This option was identified by the property owner of 3800 Russell to have significant impacts to existing operations.
- Design Concept Option 4 – Outlet Chamber Close to Chappell
  - With this option, the outlet chamber would have to be larger than Options 1 or 2 to accommodate a third box sewer outlet to the McKee Creek.

### **Recommended Solution – Outlet Chamber Close to Private Rail**

Based on the detailed evaluation of Alternative Design Concepts and comments received from key stakeholders, Alternative Design Option 4 (Outlet Chamber Close to Chappell Ave.) was initially considered as the favoured site layout for the construction of the Prince Road Storm Sewer outlet. However, once construction cost estimates were established, it was determined that the cost difference between Options 1, 2 and 4 could not justify Option 4 as the preferred option. As a result, Option 2 was selected as the preferred solution.

The preferred (recommended) solution's layout features the outlet chamber and pumping station, in general being located as close to the private rail as possible. The preferred solution includes extending the existing 2400 mm diameter concrete storm sewer westerly with a new 2700 mm diameter concrete storm sewer along Chappell Ave, across ETR and along 3800 Russell to a new outlet chamber and pumping station. From the outlet structure, a twinned gravity sewer (2 – 1800 mm x 1200 mm concrete box sewers) will outlet to a dispersion channel and ultimately to the McKee Creek then the Detroit River.

The sewer system will be dewatered with the pumping station discharging flows through a water quality unit and ultimately to the dispersion channel.

The proposed pumping station is anticipated to be constructed using a cofferdam for support and is located between the ETR rail and a (privately owned) rail spur line. Two box sewers are proposed to be constructed by open cut and will outlet to a dispersion channel and ultimately to the existing McKee Creek.

It is anticipated the pumping station would require a simple fee property acquisition on the 3800 Russell property with the remainder of the proposed infrastructure subject to an easement for City access and usage. For the proposed storm sewer crossing the ETR property it is anticipated an easement would be required. Land acquisition for this project is planned following this EA study.

Construction of the new Prince Road Storm Sewer Outlet and associated roadworks is planned for summer 2024, pending funding, approvals, as well as coordination with other projects.

## **Next Steps**

Pending Council endorsement of the draft Environmental Study Report as a planning document, the Notice of Study Completion will be published in the Windsor Star and on the Project Website ([www.WindsorEAs.ca](http://www.WindsorEAs.ca)). The Notice will be provided to those whom have requested to be included on the project contact list for the Class EA Study, and to Agencies and Stakeholders. The Environmental Study Report will be available for review on the Project Website ([www.WindsorEAs.ca](http://www.WindsorEAs.ca)) during the 30-calendar day public review period.

The filing of the Environmental Study Report represents the conclusion of Phase 1 through Phase 4 of the Class EA planning process as outlined in the MCEA document. Provided that no requests to the Minister of the Environment, Conservation and Parks under Section 16 of the *Environmental Assessment Act* requiring a higher level of study (i.e., requiring an individual/comprehensive EA approval before being able to proceed) are received, the project may proceed with the final phase implementation.

This final phase of the project would include detailed design of the outlet, property acquisition, tendering, and construction.

## **Risk Analysis:**

There are no significant or critical risks in accepting this Environmental Study Report.

The recommendation will require, pursuant to the Environmental Assessment Act, a mandatory minimum of 30-day review period. This provides an opportunity for the public to request a Part II Order regarding the proposed undertaking under Section 16 of the Environmental Assessment Act. Upon filing such an objection, the Minister of the Environment undertakes a review and renders a decision, which may approve, deny, or approve with conditions. The Part II Order Request can only be submitted on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests on other grounds will not be considered by the Ministry of the Environment, Conservation and Parks. However, since construction is not imminent and the minimum 60-day period is mandated by legislation, it is recommended that this risk be tolerated.

## **Climate Change Risks**

### **Climate Change Mitigation:**

Future pumping stations designs will be completed following the latest standards including considerations for energy efficiency.

### **Climate Change Adaptation:**

This project is following the recommendations from the SMP, which included considerations for extreme precipitation and high surface water levels when developing flooding solutions.

Extreme Precipitation Events: Sewer and overland drainage modelling was completed for various intensity storms, including the Urban Stress Test (Climate Change Storm). The recommended solutions include consideration for maintaining emergency access and access to vulnerable areas under the Climate Change Storm.

High Surface Water levels: Solutions in the SMP, including the Prince Road Storm Sewer Outlet were developed with water levels in the Detroit River reaching an estimated 1:100 year water surface elevation.

### **Financial Matters:**

The Project budget ECP-022-07 (7086002 – Prince/Totten Outlet) has sufficient funds for the cost of the Class Environmental Assessment work. No financial commitments are included as part of this report.

### **Consultations:**

Linda Mancina, Financial Planning Administrator

Poorvangi Raval, Manager Perf Msrmt & Bus Case Dev

Michael Dennis, Financial Manager, Asset Planning

Jeff Hagan, Transportation Planning Senior Engineer

Tom Graziano, Drainage Superintendent

Andrew Lewis, Coordinator, Right-of-Way & Field Services

Ed Valdez, Manager of Process Engineering & Maintenance

Frank Scarfone, Manager Real Estate Services

## Conclusion:

Several criteria and factors were utilized in the assessment of the design alternatives, including natural environment, socio-economic environment, cultural environment, transportation, costs and technical considerations.

Upon receiving Council endorsement of the draft Environmental Study Report as a planning document, Administration recommends that the Notice of Study Completion be published in the Windsor Star and on the Project Website ([www.WindsorEAs.ca](http://www.WindsorEAs.ca)) and provided by direct mail-out to those whom have requested to be included on the project contact list for the Class EA report, and to Agencies and Stakeholders. The Study Report will then be available on-line on the Project Website.

## Approvals:

Name	Title
Fahd Mikhael	Manager of Design
France Isabelle-Tunks	Executive Director of Engineering / Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Commissioner, Corporate Services CFO/City Treasurer
Onorio Colucci	Chief Administrative Officer

## Notifications:

Name	Address	Email
Fabio Costante, Ward 2 Councillor	c/o 350 City Hall Square West, Suite 220 Windsor, ON N9A 6S1	<a href="mailto:fcostante@citywindsor.ca">fcostante@citywindsor.ca</a>

## Appendices:

- 1 Appendix A - Summary Material
- 2 Appendix B - Comparison Matrix

Council Report: C 192/2022

Subject: Class Environmental Assessment for  
the Prince Road Storm Sewer Outlet - Filing the  
Notice of Study Completion - Ward 2

Appendix A – Summary Material





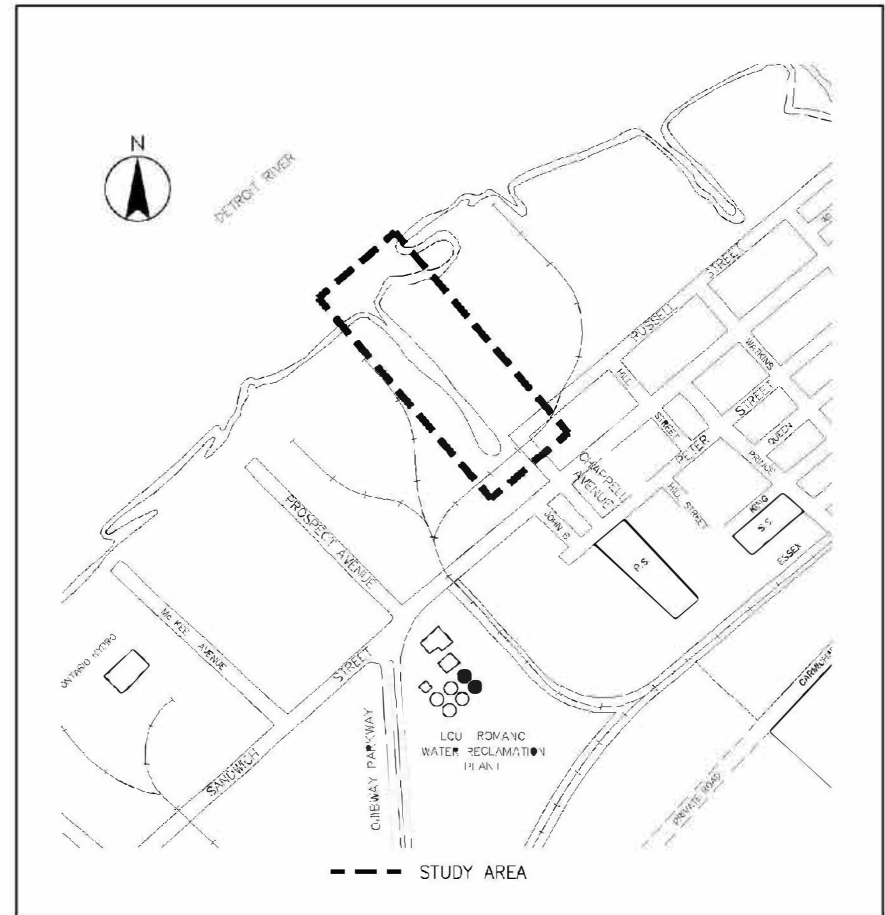
City of Windsor  
Prince Road Storm Sewer Outlet  
Schedule 'C' Municipal Class  
Environmental Assessment

Summary Material  
Project Update



# Study Area

The study area is defined to the west by the Detroit River, to the east by the west limit of the existing storm sewer along Chappell Avenue, and to the north and south on either side of McKee Creek by lands owned by Russell Street Property Holdings Inc.



# Existing Drainage Systems

The City of Windsor has three types of existing drainage systems:

## Sanitary sewer systems

- Conveys domestic sewage via local service connections from residential, commercial, industrial, institutional and other land uses to a wastewater treatment plant where it is filtered, treated and discharged.
- The City of Windsor has two major sanitary outlets including Lou Romano Water Reclamation Plant, and Little River Pollution Control Plant.

## Storm sewer systems

- Collect and convey rainwater to open watercourses such as the Detroit River. Rainwater enters the storm system at various sources, including catchbasins and private storm connections.

## Combined sewer systems

- Convey stormwater runoff, sanitary sewage, and industrial wastewater in a single pipe. Under dry-weather conditions, all flows are conveyed to the downstream treatment plant. Under wet weather conditions, stormwater runoff sometimes exceeds the combined sewer's capacity, resulting in overflow to the Detroit River or other waterways.





# Problems & Opportunities

The following problems have been identified within the existing drainage system:

**Capacity** – Exceedances of flow capacity in storm, sanitary and combined sewers due to the excess rainwater entering the municipal drainage system.

**Public Health** – Issues of nuisance, potential health risks, and environmental degradation from flooding conditions.

**Overland Flow** – Issues of surface water directed towards habitable structures.

**Transportation Access** – Issues of limiting access due to coastal flooding and stormwater ponding impacting roads.

**Future Development Capacity** – Limited sewer capacity reducing opportunities for new development.

The following opportunity was identified to address key issues:

**Make improvements to reduce the flooding risks in the existing drainage systems and improve conveyance of flows during severe rain events.**



## Background Studies

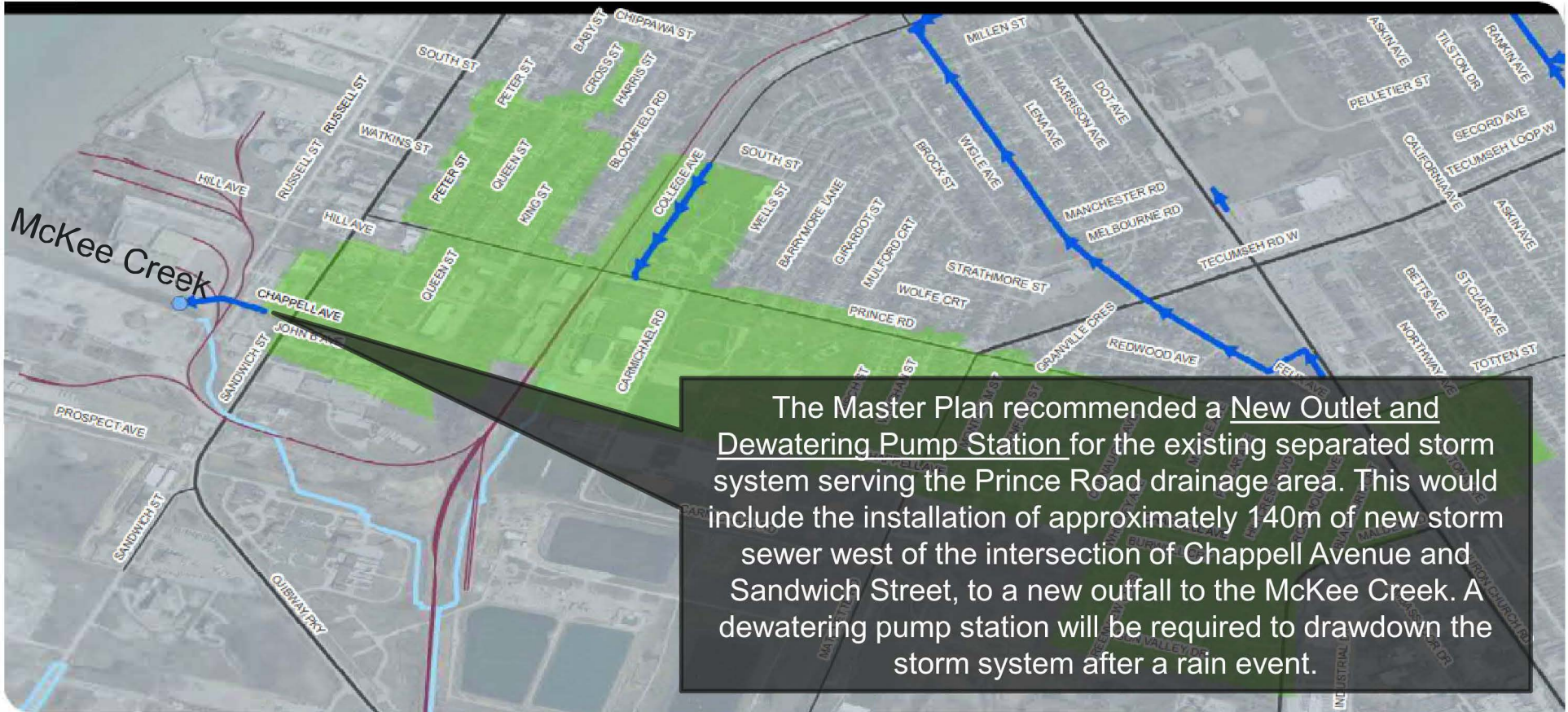
The Prince Road Sewer Study (2001) was the guiding document for the design of this sewershed's combined sewer separation. The study recommended construction of the Prince Road trunk sewer to its current location on Chappell Avenue between Sandwich Street and Russell Street.

In 2020, City of Windsor completed Sewer & Coastal Flood Protection Master Plan (SCFPMP) to understand the cause of widespread floods throughout the City and to identify and evaluate short-term and long-term solutions to mitigate the issue.

The Master Plan recommended that the Prince Road storm sewer at Chappell Avenue is to outlet to McKee Creek.

# Recommended Solution

from the Sewer & Coastal Flood Protection Master Plan (SCFPMP), 2020



The Master Plan recommended a New Outlet and Dewatering Pump Station for the existing separated storm system serving the Prince Road drainage area. This would include the installation of approximately 140m of new storm sewer west of the intersection of Chappell Avenue and Sandwich Street, to a new outfall to the McKee Creek. A dewatering pump station will be required to drawdown the storm system after a rain event.

<p><b>CITY OF WINDSOR</b> SEWER AND COASTAL FLOOD PROTECTION MASTER PLAN</p> <p>Alternative - Prince Trunk Storm Sewer Outlet (STM-C1, STM-C3)</p> <p>Figure 6-3</p>	<p>EXPRESSWAY AND ARTERIAL ROADS</p>	<p>RAILWAY</p>	<p>PRINCE ROAD PROPOSED DRAINAGE AREA</p>	<p>PROPOSED NEW STORM SEWER OUTFALL</p>
	<p>CLASS 1 AND 2 COLLECTOR ROADS</p>	<p>MUNICIPAL DRAINS</p>	<p>PROPOSED NEW OR UPGRADED STORM SEWERS</p>	

MAP CREATED BY: GSP  
MAP PRODUCED BY: L&H  
MAP PRODUCTION NO: 2020-1126-170

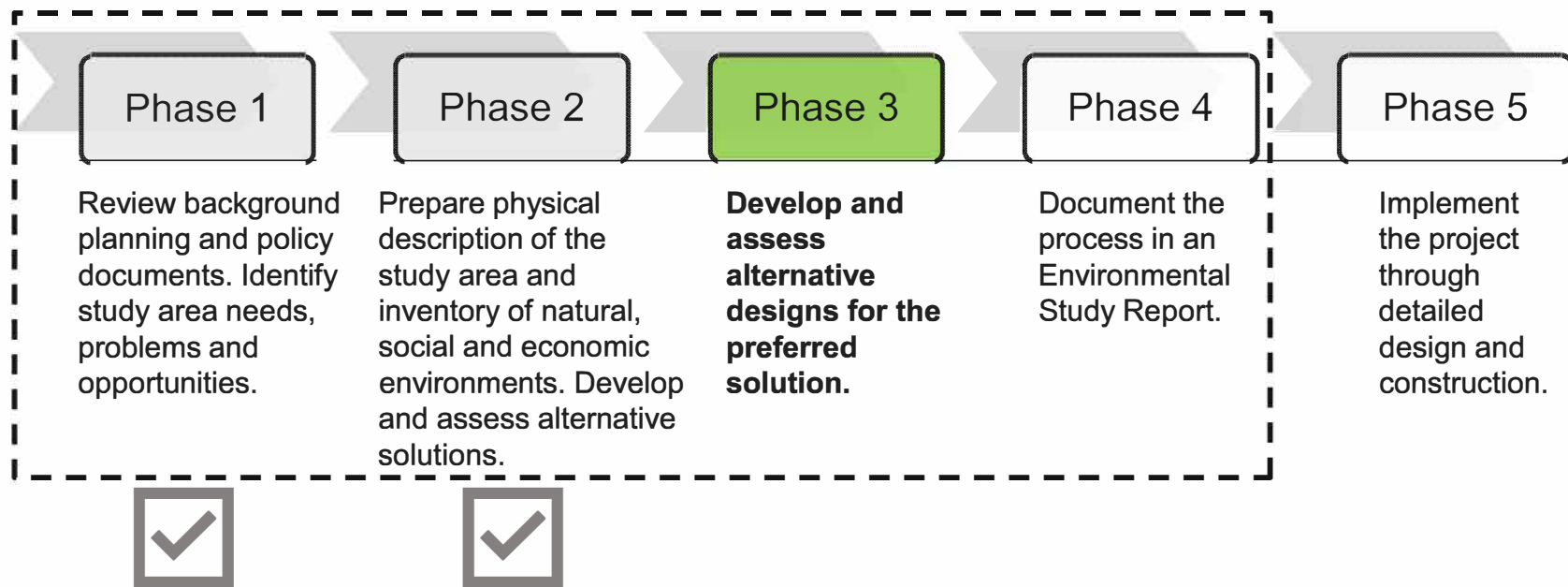
SCALE 1:10,000

PROJECT NUMBER:      SCHEDULE: FINAL      DATE: 02/02/2022

# Municipal Class EA Process

The purpose of this Schedule C Class EA study is to establish a preferred location and design of the outlet and the associated pumping station.

The Master Plan completed Phase 1 and 2 of the Class EA study process. This study will complete Phase 3 and 4:





# Site Constraints/Design Considerations

The following considerations have been included in the development of design alternatives:

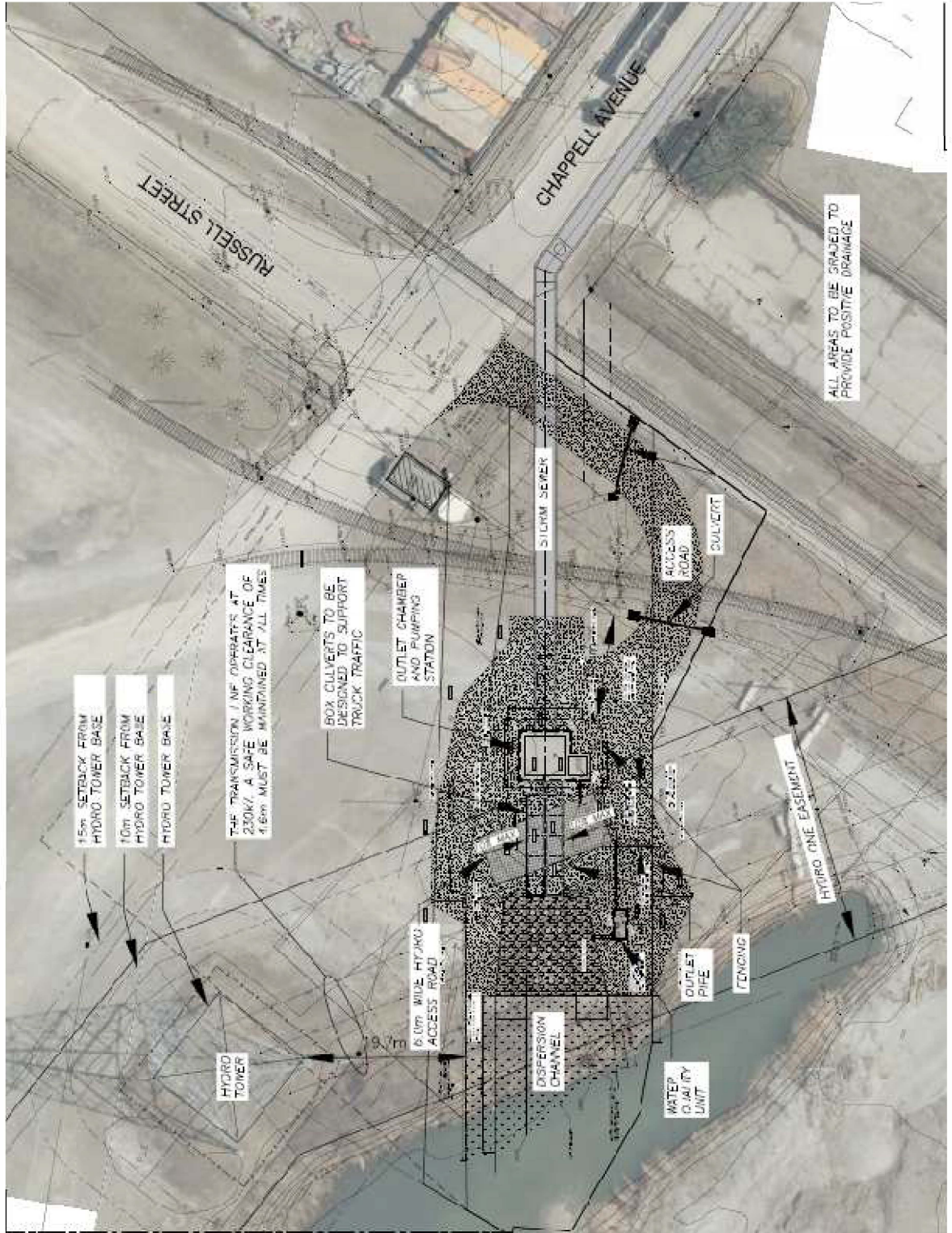
- Outlet Chamber and Pump Station footprint requirements
- Culvert locations
- Dispersion channel location
- Access – during and post construction
- Permanent and temporary easement requirements

Three design alternatives were developed, including:

- Option 1: Outlet chamber close to hydro easement
- Option 2: Outlet chamber close to rail line
- Option 3: Outlet chamber close to existing office building
- Option 4: Outlet chamber close to roadway

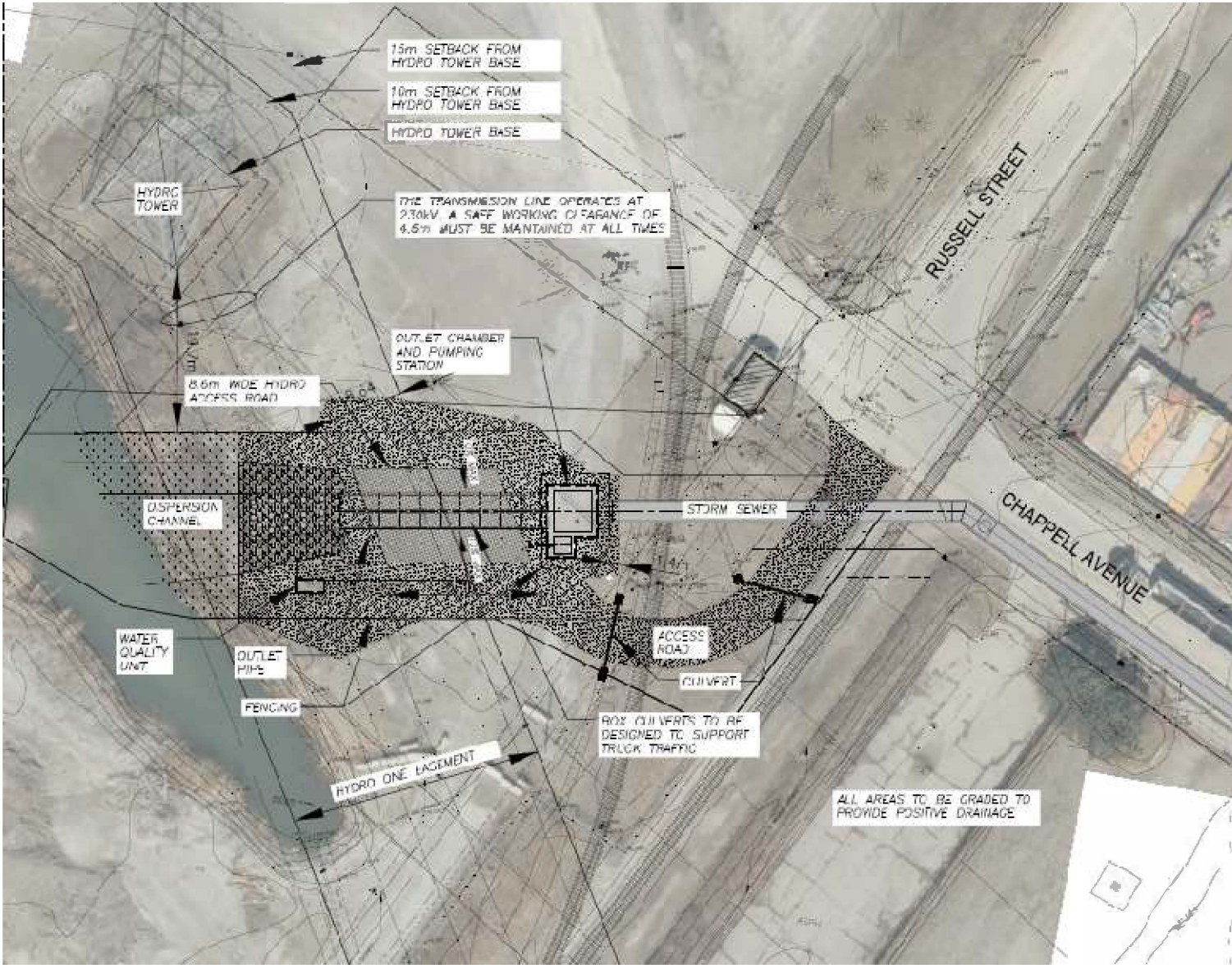


# Option 1: Outlet chamber close to hydro easement





# Option 2: Outlet chamber close to rail line



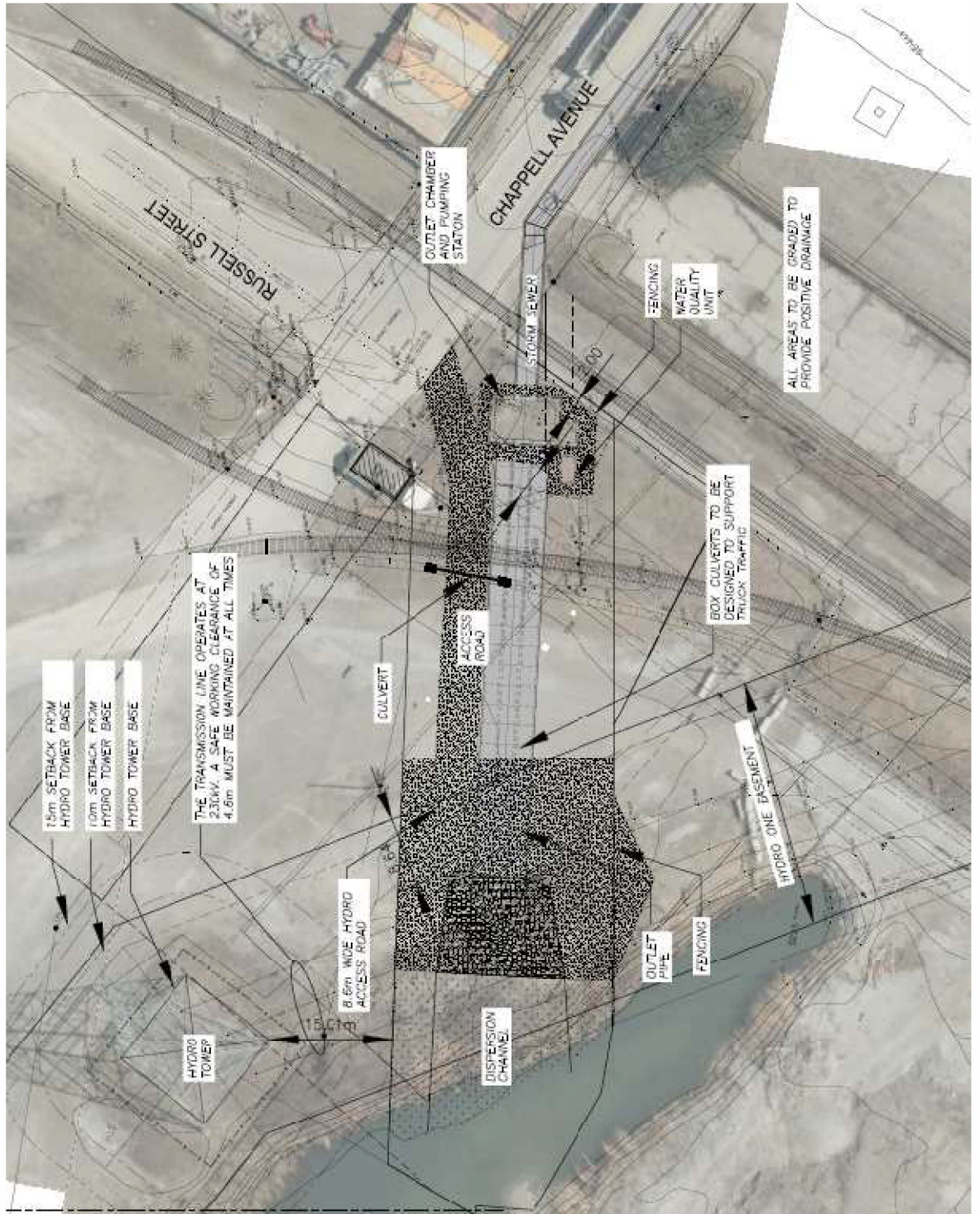


# Option 3: Outlet chamber close to existing office building



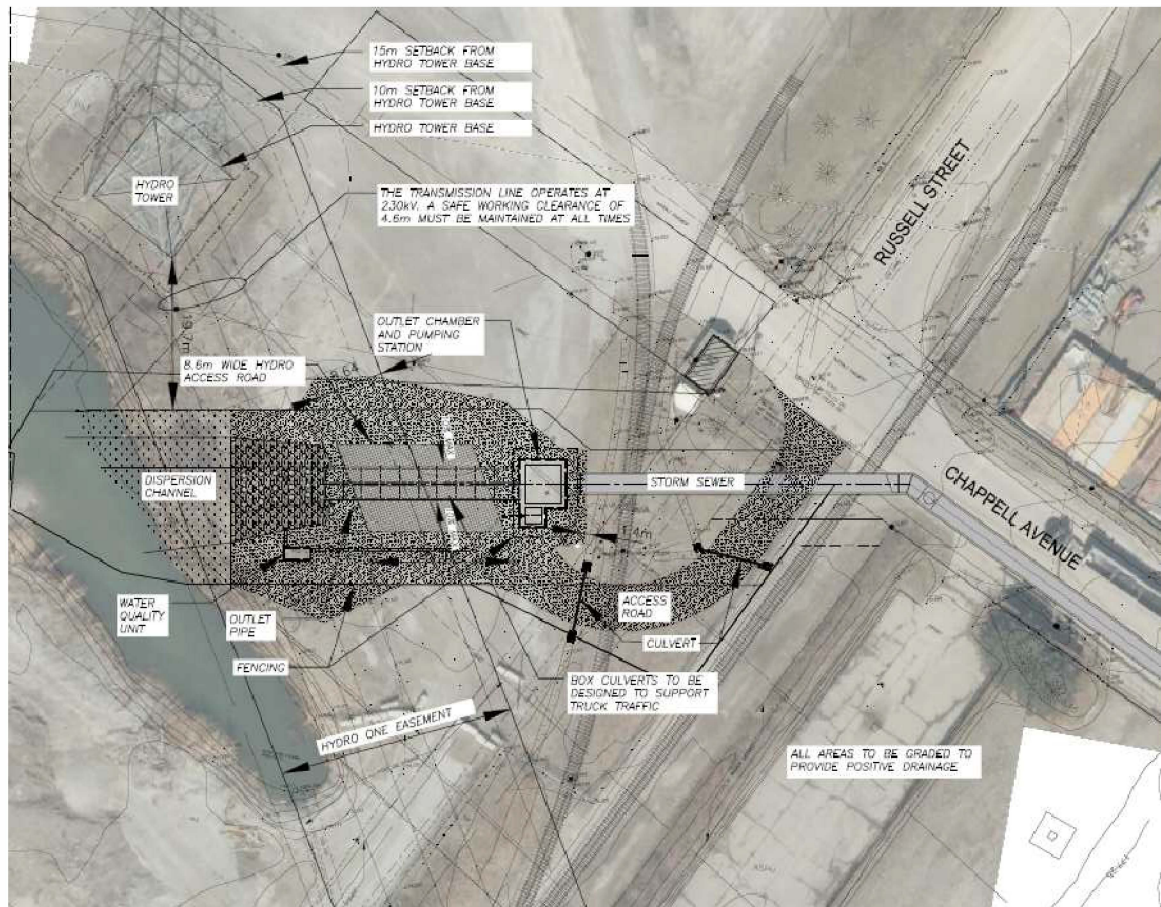


# Option 4: Outlet chamber close to Chappell Ave.



# Preferred Alternative Design Concept

Based on an evaluation and comments received from key stakeholders (property owners, Essex Terminal Railway, Essex Region Conservation Authority, Hydro One), Option 2 (Outlet chamber close to rail line) was selected as the preferred alternative design concept.







## Next Steps

- Draft Environmental Study Report (ESR)
- Notice of Study Completion & Publish ESR for 30-day Review Period

## Contact Information



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Project Manager  
City of Windsor  
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Email: [iwilson@citywindsor.ca](mailto:iwilson@citywindsor.ca)



Clarence Jubenville, P. Eng  
Consultant Project Manager  
Stantec Consulting Ltd.  
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Council Report: C 192/2022

Subject: Class Environmental Assessment for  
the Prince Road Storm Sewer Outlet - Filing the  
Notice of Study Completion - Ward 2

Appendix B – Comparison Matrix

# PRINCE ROAD STORM SEWER OUTLET - ENVIRONMENTAL STUDY REPORT

Alternative Design Concepts  
November 2022

**Table 6: Evaluation of Alternative Design Concepts**

Factors & Criteria	Alternative Design Option 1 (outlet chamber close to hydro easement)	Alternative Design Option 2 (outlet chamber close to private rail)	Alternative Design Option 4 (outlet chamber close to Chappell Ave)
<b>Technical Considerations</b>			
3800 Russell (Coco) Property Access	<ul style="list-style-type: none"> <li>City will have separate entrance from 3800 Russell's main entrance, therefore no impact to operations (during and post construction)</li> <li>Chamber may impact access to north and south properties</li> </ul>	<ul style="list-style-type: none"> <li>City will have separate entrance from 3800 Russell's main entrance, therefore no impact to operations (during and post construction)</li> <li>Pushes chamber closer to railway to avoid impacting access to north and south properties</li> </ul>	<ul style="list-style-type: none"> <li>During and post construction, minimal impacts to 3800 Russell's operations are anticipated</li> <li>Access for the pumping station would be from 3800 Russell lands just west of the ETR property from Chappell Ave / Russell St.</li> </ul>
Road Access	<ul style="list-style-type: none"> <li>Potential to leave at least one lane open during construction to allow access</li> </ul>	<ul style="list-style-type: none"> <li>Potential to leave at least one lane open during construction to allow access</li> </ul>	<ul style="list-style-type: none"> <li>Potential to leave at least one lane open during construction to allow access</li> </ul>
Rail Access	<ul style="list-style-type: none"> <li>Temporary closure of rail line during construction for 1-2 weeks</li> <li>Requires open cut across rail lines</li> </ul>	<ul style="list-style-type: none"> <li>Temporary closure of rail line during construction for 1-2 weeks</li> <li>Requires open cut across rail lines</li> </ul>	<ul style="list-style-type: none"> <li>Temporary closure of rail line during construction for 1-2 weeks</li> <li>Requires open cut across rail lines</li> </ul>
Hydro Access	<ul style="list-style-type: none"> <li>Access impacted temporarily during construction</li> <li>Permanently reduced access due to dispersion channel (shown on plan)</li> </ul>	<ul style="list-style-type: none"> <li>Access impacted temporarily during construction</li> <li>Permanently reduced access due to dispersion channel (shown on plan)</li> </ul>	<ul style="list-style-type: none"> <li>Access impacted temporarily during construction</li> <li>Permanently reduced access due to dispersion channel (shown on plan)</li> </ul>
Ease of Maintenance	<ul style="list-style-type: none"> <li>Separate entrance allows for more convenient access for maintenance</li> </ul>	<ul style="list-style-type: none"> <li>Separate entrance allows for more convenient access for maintenance</li> </ul>	<ul style="list-style-type: none"> <li>Separate entrance allows for more convenient access for maintenance</li> </ul>
Impacts to Property/ Footprint Requirements	<ul style="list-style-type: none"> <li>Minor difference in overall footprint to Option 2</li> <li>Requires 14.0 m of outlet pipe on private property</li> <li>Requires 56.0 m of storm sewer on private property</li> </ul> <p><b>Property Impacted:</b>  <b>ETR:</b> Property required (0.002ha), Temporary for Construction (0.004ha)  <b>Coco Paving:</b> Property required (0.159ha), Temporary for Construction (0.123ha)  <b>Hydro One:</b> Property required (0.074ha), Temporary for Construction (0.130ha)</p>	<ul style="list-style-type: none"> <li>Minor difference in overall footprint to Option 1</li> <li>Requires 25.5 m of outlet pipe on private property</li> <li>Requires 45.0 m of storm sewer on private property</li> </ul> <p><b>Property Impacted:</b>  <b>ETR:</b> Property required (0.002ha), Temporary for Construction (0.004ha)  <b>Coco Paving:</b> Property required (0.163ha), Temporary for Construction (0.123ha)  <b>Hydro One:</b> Property required (0.074ha), Temporary for Construction (0.130ha)</p>	<ul style="list-style-type: none"> <li>The outlet chamber would have to be larger than Options 1 or 2 to accommodate a third box sewer outlet to the McKee Creek</li> <li>Requires 54.0m of outlet pipe on private property</li> <li>Requires 13.0m of storm sewer on private property</li> </ul> <p><b>Property Impacted:</b>  <b>ETR:</b> Property required (0.002ha), Temporary for Construction(0.004ha)  <b>Coco Paving:</b> Property required (0.162ha), Temporary for Construction (0.119ha)</p>

# PRINCE ROAD STORM SEWER OUTLET - ENVIRONMENTAL STUDY REPORT

Alternative Design Concepts  
November 2022

Factors & Criteria	Alternative Design Option 1 (outlet chamber close to hydro easement)	Alternative Design Option 2 (outlet chamber close to private rail)	Alternative Design Option 4 (outlet chamber close to Chappell Ave)
			<b>Hydro One:</b> Property required (0.087ha), Temporary for Construction (0.126ha)
Dispersion Channel Location	<ul style="list-style-type: none"> <li>Dispersion channel located south of Hydro tower</li> <li>Located within the &lt;1m channel depth, inland of McKee Creek</li> <li>Directs/disperses flow of water towards the Detroit River during wet/rain events</li> </ul>	<ul style="list-style-type: none"> <li>Dispersion channel located south of Hydro tower</li> <li>Located within the &lt;1m channel depth, inland of McKee Creek</li> <li>Directs/disperses flow of water towards the Detroit River during wet/rain events</li> </ul>	<ul style="list-style-type: none"> <li>Dispersion channel located south of Hydro tower</li> <li>Located within the &lt;1m channel depth, inland of McKee Creek</li> <li>Directs/disperses flow of water towards the Detroit River during wet/rain events</li> </ul>
Culvert Locations	<ul style="list-style-type: none"> <li>Two culverts required along access road, on north and south side of railway tracks</li> </ul>	<ul style="list-style-type: none"> <li>Two culverts required along access road, on north and south side of railway tracks</li> </ul>	<ul style="list-style-type: none"> <li>Two culverts required along access road, on north and south side of railway tracks</li> </ul>
Cost	<ul style="list-style-type: none"> <li>Estimated total cost is approximately \$7.27M</li> </ul>	<ul style="list-style-type: none"> <li>Estimated total cost is approximately \$7.32M</li> </ul>	<ul style="list-style-type: none"> <li>Estimated total cost is approximately \$8.44M</li> </ul>
<b>Environmental Considerations</b>			
Impacts to Water Quality and Aquatic Habitat	<ul style="list-style-type: none"> <li>Location of dispersion channel can provide increased aeration and mixing throughout McKee Creek to improve water quality in the immediate vicinity</li> <li>16 species of fish have been designated as threatened, endangered or of special concern in the Detroit River including associated tributaries</li> <li>Species observed to be more abundant further inland of McKee Creek, within heavily vegetated areas – Options 1, 2 &amp; 4 dispersion channels have greater potential to disturb fish habitat</li> <li>Option 1, 2 &amp; 4 require permanent removal of vegetation within McKee Creek</li> <li>McKee Creek serves as both a foraging and spawning habitat for many of the fish species</li> </ul>	<ul style="list-style-type: none"> <li>Location of dispersion channel can provide increased aeration and mixing throughout McKee Creek to improve water quality in the immediate vicinity</li> <li>16 species of fish have been designated as threatened, endangered or of special concern in the Detroit River including associated tributaries</li> <li>Species observed to be more abundant further inland of McKee Creek, within heavily vegetated areas – Options 1, 2 &amp; 4 dispersion channels have greater potential to disturb fish habitat</li> <li>Option 1, 2 &amp; 4 require permanent removal of vegetation within McKee Creek</li> <li>McKee Creek serves as both a foraging and spawning habitat for many of the fish species</li> </ul>	<ul style="list-style-type: none"> <li>Location of dispersion channel can provide increased aeration and mixing throughout McKee Creek to improve water quality in the immediate vicinity</li> <li>16 species of fish have been designated as threatened, endangered or of special concern in the Detroit River including associated tributaries</li> <li>Species observed to be more abundant further inland of McKee Creek, within heavily vegetated areas – Options 1, 2 &amp; 4 dispersion channels have potential to disturb fish habitat</li> <li>Option 1, 2 &amp; 4 require greater amount of permanent removal of vegetation within McKee Creek</li> <li>McKee Creek serves as both a foraging and spawning habitat for many of the fish species</li> </ul>
Impacts to Wildlife and/or Species at Risk (SAR)	<ul style="list-style-type: none"> <li>Culverts provide safe crossing for animals under roadway</li> <li>Nearby sites upstream and downstream support populations of 4 SAR, and will need to be considered during construction</li> </ul>	<ul style="list-style-type: none"> <li>Culverts provide safe crossing for animals under roadway</li> <li>Nearby sites upstream and downstream support populations of 4 SAR, and will need to be considered during construction</li> </ul>	<ul style="list-style-type: none"> <li>Culverts provide safe crossing for animals under roadway</li> <li>Nearby sites upstream and downstream support populations of 4 SAR, and will need to be considered during construction</li> </ul>

# PRINCE ROAD STORM SEWER OUTLET - ENVIRONMENTAL STUDY REPORT

Alternative Design Concepts  
November 2022

Factors & Criteria	Alternative Design Option 1 (outlet chamber close to hydro easement)	Alternative Design Option 2 (outlet chamber close to private rail)	Alternative Design Option 4 (outlet chamber close to Chappell Ave)
			need to be considered during construction
Vegetation	<ul style="list-style-type: none"> <li>Narrow band of vegetation along the canal banks in the lower area of McKee Creek, providing shade and buffering from adjacent industrial activities</li> <li>Permanent vegetation removal along the canal banks to support dispersion channels – similar removal for all options anticipated</li> <li>No terrestrial floral or faunal SAR observed</li> </ul>	<ul style="list-style-type: none"> <li>Narrow band of vegetation along the canal banks in the lower area of McKee Creek, providing shade and buffering from adjacent industrial activities</li> <li>Permanent vegetation removal along the canal banks to support dispersion channels – similar removal for all options anticipated</li> <li>No terrestrial floral or faunal SAR observed</li> </ul>	<ul style="list-style-type: none"> <li>Narrow band of vegetation along the canal banks in the lower area of McKee Creek, providing shade and buffering from adjacent industrial activities</li> <li>Permanent vegetation removal along the canal banks to support dispersion channels – similar removal for all options anticipated</li> <li>No terrestrial floral or faunal SAR observed</li> </ul>
Archaeological Resources	<ul style="list-style-type: none"> <li>Highly disturbed lands therefore low potential for archaeological finds; however, will be assessed and confirmed during detailed design and upon access to property</li> </ul>	<ul style="list-style-type: none"> <li>Highly disturbed lands therefore low potential for archaeological finds; however, will be assessed and confirmed during detailed design and upon access to property</li> </ul>	<ul style="list-style-type: none"> <li>Highly disturbed lands therefore low potential for archaeological finds; however, will be assessed and confirmed during detailed design and upon access to property</li> </ul>

**Subject: Approval of Annual Temporary Borrowing By-Law for 2023**

**Reference:**

Date to Council: December 12, 2022  
Author: Vince Grillo  
Manager, Treasury & Cash Management  
519-255-6100 Ext. 6224  
vgrillo@citywindsor.ca  
Taxation & Financial Projects  
Report Date: November 12, 2022  
Clerk's File #: AF2022

**To:** Mayor and Members of City Council

**Recommendation:**

THAT City Council **AUTHORIZE** the temporary borrowing of money for current expenditures for the year 2023, if and when required, as provided for under the provisions of Section 407 of the Municipal Act; and,

THAT City Council **AUTHORIZE** the CAO and City Clerk to execute the related banking agreements including any line of credit commitment letters as deemed necessary to establish/maintain the line of credit facility approved as to legal content by the City Solicitor and as to technical and financial content to the CFO/City Treasurer; and,

THAT City Council **AUTHORIZE** the CAO and CFO/City Treasurer to borrow on a temporary basis, such sums, if any, as considered necessary to meet the current expenditures of the Corporation for the year until the taxes are collected and other revenues are received; and to **EXECUTE** any such related banking agreements including but not limited to the Bank's Acceptance Agreement and Overdraft Lending Agreement approved as to legal content by the City Solicitor and as to technical and financial content to the CFO/City Treasurer; and,

THAT City Council **AUTHORIZE** the CAO and CFO/City Treasurer to sign the "Security Agreement - Municipalities and School Boards" banking document subject to approval for legal content by the City Solicitor and as to technical and financial content to the CFO/City Treasurer; and,

THAT the City Solicitor **BE DIRECTED** to prepare the necessary by-law.



## **Executive Summary:**

N/A

## **Background:**

Section 407 (1) of the Municipal Act, "Borrowing for expenses", states that municipalities may authorize borrowings until such time as taxes are collected or revenues are received of amounts which are considered necessary to meet the expenditures for the year whether or not they are expensed in the year. Section 407 (2) of the Municipal Act, "Limit", further outlines the following:

"Except with the approval of the Ontario Land Tribunal, the total amount borrowed at any one time plus any outstanding amounts of principal borrowed and accrued interest shall not exceed,

(a) from January 1 to September 30 in the year, 50 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year; and

(b) from October 1 to December 31 in the year, 25 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year."

At the beginning of each year, or end of the current year for the following year, City Council is requested to grant authority to the City Treasurer to borrow such sums, as may be considered necessary, to meet the current expenditures of the Corporation for the year until the taxes are collected and other revenues are received. While such borrowing is not anticipated to be needed, such approval is considered good business practice and is viewed positively for purposes of the City's credit rating.

## **Discussion:**

The current operating line of credit, as provided by the Bank of Nova Scotia (Scotiabank), is set at \$100 million. In addition to the benefits of having this credit line readily available for use, it also helps to improve the City's financial liquidity, which has been a positive factor noted in previous Standard and Poor credit rating reports. The City of Windsor's current credit facilities do not incur any fees unless utilized.

It should be noted that despite having the credit facility available, throughout fiscal year 2022, the City has maintained a substantial positive cash flow position and therefore has not required any funds from this line of credit. In fact, given the City's increasing reserve balances, the City has not borrowed against this credit facility in many years. However, should the need arise, Administration is recommending that the necessary steps to continue to make the credit facility available are taken. Any borrowings made against the credit facility would be reported to City Council at the appropriate time.

As part of the credit facility an updated "Security Agreement - Municipalities and School Boards" document is required. To be consistent with authorities as it relates to any borrowings from the line of credit, Administration has included this document in the recommendations.

**Risk Analysis:**

Having a line of credit available as needed is good business practice should any unforeseen situation arise that would require its use. Administration does monitor the City's cash position on a regular basis to ensure that sufficient funds are maintained and to mitigate any risk of needing to borrow funds unnecessarily.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

The current operating line of credit with Scotiabank is set at \$100 million. There is no cost to the City to maintain the line of credit on standby. Letters of credit in the amount of \$4,890,005 have been issued against the line of credit. These letters of credit support the annual special payments that would otherwise need to be paid with respect to the frozen pension fund for Transit Windsor employees. Costs associated with the Letters of Credit are funded by Transit.

**Consultations:**

Josh Meloche – Legal Counsel

**Conclusion:**

Administration is recommending that the City maintain its line of credit with Scotiabank for the use of temporary borrowing for 2023, if required, according to the provisions of Section 407 of the Municipal Act.

**Approvals:**

Name	Title
Janice Guthrie	Deputy Treasurer, Taxation, Treasury and Financial Projects
Shelby Askin-Hager	Commissioner of Legal and Legislative Services/City Solicitor
Joe Mancina	Commissioner Corporate Services/ Chief Financial Officer/ City Treasurer

Name	Title
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

**Subject: Capital Variance Report - September 30, 2022 - City Wide**

**Reference:**

Date to Council: December 12, 2022

Author: Mike Dennis

Financial Manager, Asset Planning

519-255-6100 x6343

mdennis@citywindsor.ca

Asset Planning

Report Date: November 15, 2022

Clerk's File #: AF2022

**To:** Mayor and Members of City Council

**Recommendation:**

1. THAT City Council **RECEIVE** for information the 2022 Life-to-Date Capital Variance Report as at September 30, 2022.
2. THAT City Council **APPROVE** the transfers to and from capital projects/reserves as identified within Appendix A – Summary of Capital Project Variances.
3. THAT City Council **PRE-COMMIT** \$2,335,000 in 2025 Sewer Surcharge funding from the City-Wide Sewer Rehabilitation Program (ECP-035-07), to complete work on Sunset Avenue, from Wyandotte Street West to the Cul-De-Sac.
4. THAT City Council **APPROVE** the transfer in the amount of \$100,000 to the Huron Lodge Monitoring and Nurse Bedside project (HLD-002-15) from the Huron Lodge Wireless Bedside Care project (HLD-001-11),
5. THAT City Council **APPROVE** the funding transfers as recommended in Table A of the Financial Matters section of this report.

**Executive Summary:**

N/A

**Background:**

Administration reports to City Council semi-annually on the status of all open/active capital projects. City Council approved the last semi-annual Capital Variance Report ending March 31, 2022, via CR262/2022.

The reporting of all capital projects continues to allow for a clear view and understanding of all capital expenditures/variances. Any potential significant variances are reported to Council as soon as they can be projected.

### **Discussion:**

Appendix A provides a summary status of projects within each Program/Category which are projecting or have realized a surplus or deficit balance upon completion. It is important to emphasize that most project surpluses or deficits are merely projections based on the current status of the project. Those projects which are able to be closed include recommendations regarding their surplus or deficit. Standard practice is to return any surpluses back to the original funding source. Normally, capital programs such as road rehabilitation, sidewalk rehabilitation, bridge rehabilitation, etc. have annual approved allocations which over the years are consolidated when completed and summarized on each variance report. In some instances, Administration has also recommended closing out surpluses to other projects where there is an expected deficit. For all other projections, the financials as noted can, and very likely will, change prior to the project being closed. In these cases, the projects are closely monitored by Project Leads, Finance and Asset Planning, monthly.

Further to the above noted process, any projects which meet the criteria established per the Capital Project Reporting Policy (CR429/2010) will also be reported to Council in a separate report. CR429/2010 states: "Capital projects whose final financial position is a deficit greater than 10% of net budget AND greater than \$500,000, will BE SUBJECT to a separate report to Council outlining the reasons for the deficit".

Overall, there are currently 602 capital projects that are open/active. Projected variance amounts are based on information as at September 30, 2022 and may continue to fluctuate as projects proceed until they are officially completed and closed with all costs being fully accounted for. This is especially true for projects that have not started or are just starting. Based on currently available information, the City has 568 projects that are currently projected to be materially on budget, 19 projected to be completed with a surplus and 15 projected to be in a deficit position. A summary of the surpluses and deficits are laid out in a table which can be found in the Financial Matters section of this report. Details regarding specific projects with projected surpluses and deficits can be found in Appendix A – Summary of Capital Project Variances.

It should be noted that 237 of 597 projects (39%) of the total open projects have incurred expenditures of only 25% or less of their approved budget. There is still the very real likelihood of shifts in the current variance projections as the projects proceed to completion.

There are some projected surpluses where the project is close to final and the deficits and surpluses are reasonably certain. In these instances, Administration provides recommendations to reallocate a portion of these surpluses to offset other projects which are facing funding challenges thus mitigating the funding shortfall risks. Any remaining surpluses, once fully realized, are returned back to the original funding source for future use. Appendix – A identifies the various project surpluses and deficits,

as well as the recommended reallocation to other projects or the returning of the funding to the original funding source.

### ***Inflation Considerations***

Although Administration generally considers inflation in all capital project estimates, current economic and geo-political issues have caused an extraordinary bump up in inflation that has resulted in several tenders exceeding project budgets. Canada's October Consumer Price Index figure was 6.9%, as reported by Statistics Canada, far exceeding the Bank of Canada's target inflation rate of 1.0% to 3.0%. Additionally, the Q3 2022 Composite Non-Residential Building Construction Price Index, also reported by Statistics Canada, was 12.5%. Inflation on this scale is an issue that all municipalities are challenged with for the foreseeable future.

Through the budget process, all projects in the capital plan are reviewed annually for inflationary impacts; however current projects could not have contemplated a rate of inflation that we are currently experiencing. While contingencies have been helpful in the past where minor to modest price fluctuations have been encountered, this is no longer the case with some recent tendered results. In instances where tenders exceed a given project budget, Administration often takes the following approaches:

- Negotiating with contractors
- Transferring surplus funding from other projects
- Transferring available funding from reserves
- Pre-committing future funding
- Redesigning the project to reduce the scope and/or scale of the work and re-tendering
- Delaying work until additional funding can be found

An additional approach to mitigate the impact of inflation is use of the Grant Matching and Inflationary Pressures project (7191009), which falls under the responsibility of Asset Planning in the Finance department. These funds have been set aside as required for situations such as non material pricing variances to budgets as a result of inflationary pressures.

An additional exposure risk that Administration continues to monitor is with respect to certain long-term funding agreements. While the successful approval of several longer term grants has allowed for the acceleration of a significant amount of much-needed work for the City, these agreements tend to be fixed in their contribution amount. Inflationary pressures due to cost increases experienced from the time of budget submission to project execution will require additional City funding in order to ensure project completion. This puts pressure on existing budgets and reserves in order to ensure our Contribution Agreement obligations are met.

Although Administration will exhaust all avenues to complete projects as approved by Council in accordance with the Capital Budget, indefinite use of the above-noted approaches to offset the consequences of inflation at current levels is unsustainable. Assuming current levels of inflation continue and without additional capital funding, Administration, with Council's approval, will inevitably need to reduce the scope or scale of some work or consider the deferral of some projects. Administration continues to work on developing further strategies and guidelines that can be used to deal with significant price increases in the market and these strategies will form part of the 2023 budget discussions and assist in formulating the 2023 capital budget 10 year plan.

### **Risk Analysis:**

The Capital Project Variance Report continues to reflect a low risk to the organization as capital projects are generally managed within budget and any surpluses are able to offset any deficits. Monthly monitoring by the Project Leads, Finance and Asset Planning ensure any issues are addressed immediately and if necessary reported to Council.

There is approximately \$475 million currently in approved budgeted expenditures which have yet to be incurred. Asset Planning and Project Leads provide updated projections on expenditures for significant projects to ensure cash flow projections include this information. The City continues to have a strong cash flow position to internally finance projects without the need for borrowing.

Where there are anticipated surplus projections of capital projects, these are early estimates which can fluctuate significantly throughout the remaining duration of the project. It is considered a very high risk to redeploy anticipated project surpluses given the uncertainty surrounding the final costs of such projects. To allocate these anticipated surplus funds at this stage could create a significant risk to the project.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

Not applicable.

#### **Climate Change Adaptation:**

Not applicable.

**Financial Matters:**

There are currently 602 open/active capital projects with total budgeted expenditures of approximately \$1.6 billion. The amounts in this report are reflected as at September 30, 2022 and therefore may vary from the current figures. The following table summarizes how many of those projects are projected to be on budget, how many are trending or have come in under budget and how many are trending or have come in over budget.

Number of Projects	Projected Final Variance Trend	Current Cumulative Projection – Surplus / (Deficit)
568	On Budget  <i>(Based on currently known information. Unforeseen circumstances may result in significant variances.)</i>	\$0
19	Surplus	\$7,056,575
15	Deficit	(\$712,899)
<b>602</b>	<b>Total</b>	<b>\$6,343,676</b>

Note that not all projects are currently able to be closed, therefore the reported final position should be viewed as an estimate. Based on preliminary project analysis, there is the potential that these amounts could materially change should other unforeseen circumstances occur which result in additional cost or savings. Administration continues to balance and close capital projects as they are completed, with the intent to mitigate all project deficits with project surpluses. In the event there remains a project deficit, Administration will explore all funding options available to mitigate any budget shortfall. On occasion these are reported during the year; however, usually it occurs as part of the year end variance report. Where the deficit meets with the conditions of the Capital Project Reporting Variance Policy, as outlined above, a separate report will be brought to Council.



These amounts also include projects which are funded from designated funding sources (i.e. Sewer Surcharge, Canada Community-Building Fund, etc.) and therefore the ability to divert such funds to other initiatives is rather limited as certain funding sources can only be used to support specific projects. The table below summarizes the funding source impact of all projected surpluses and deficits:

Funding Source	Projected Net Surplus / (Deficit) Impact	Notes
Service Sustainability Investments (Fund 221)	\$3,891,042	Discretionary Funding Source – normally can be used to offset project deficits that may materialize throughout the year for those projects that meet the Service Sustainability criteria.
Canada Community-Building Fund (Fund 176)	\$1,450,162	Non-Discretionary Funding Source – only to be used to fund projects as outlined in Transfer Payment Agreement with Federal Government.
Pay-As-You-Go Fund (Fund 169)	\$609,815	Discretionary Funding Source – normally can be used to offset project deficits that may materialize throughout the year.
Tourism Development Infrastructure and Programming Reserve Fund (Fund 214)	\$300,000	Non-Discretionary Funding Source – only to be used to support projects or initiatives that generally support and promote tourism.
Sewer Surcharge (Fund 028 / F153)	\$62,657	Non-Discretionary Funding Source – only to be used toward funding sewer-related projects.
Capital Expenditure Reserve (Fund 160)	\$50,000	Discretionary Funding Source – normally can be used to offset project deficits that may materialize throughout the year.
Parkland Acquisitions – O/T Highways (Fund 151)	(\$20,000)	Non-Discretionary Funding Source – only to be used toward specific purposes as outlined in the Planning Act.
<b>Total</b>	<b>\$6,343,676</b>	

As previously noted, Appendix A – Summary of Capital Project Variances highlights the details of those projects which are projected to or have realized a surplus or deficit position and provides recommendations on transfers to close out the projected project balances.

Further to recommended transfers presented in Appendix A, the following are being requested:

1. Engineering requests a pre-commitment of \$2,335,000 in 2025 funding from the City-Wide Sewer Rehabilitation Program (ECP-035-07) in order to complete work on Sunset Avenue, from Wyandotte Street West and ending at the Cul-De-Sac. The funding is needed due to significant recent construction cost inflation, sewer construction limit extension through ETR to College Avenue, excess soil investigation per new regulations, and Consultant's work scope change.

Funding for this project totalling \$2,870,000 was originally approved through the 2017 and 2019 Capital Budgets with B54/2017 and B8/2019, respectively. Due to several factors, including significant cost inflation and additional costs related to excess soil investigation requirements, Council approved a transfer of funds totalling \$1,594,429 from this project to the ICIP – Dougall Bike lane / Sidewalk (7203004) and Jos St Louis – Tecumseh / Rose Ave (7181008) projects with CR214/2022. At the time, it was determined that the Sunset project was of lower priority than the Dougall and Jos St Louis projects, so Administration recommended that the funds be reallocated from the Sunset project, with an understanding that these funds would be replenished as part of the 2023 Capital Budget. Revised estimates for the Sunset project have determined that, in addition to the \$1,594,429 reallocated from the project, an additional \$740,571, for a total of \$2,335,000, is required to complete the necessary work.

2. Engineering also requires an additional \$440,000 for work related to the City Hall Square Ice Rink. RFP No. 116-22 for architectural/engineering consulting services related to the new City Hall Square Ice Rink closed on Thursday, September 29, 2022. Six proposals were received and evaluated shortly thereafter. The successful proponent's total price exceeds the approved budget for this work. In accordance with the Purchasing By-law, Administration is permitted to engage in negotiations when the successful proponent bid exceeds the amount budgeted for the purchase and it is impractical to recall the quotation. Negotiations ensued between the successful proponent, MJMA Architecture & Design, and the City, which resulted in some savings, however, Administration has estimated that an additional \$440,000 is required to proceed with the ice rink design and includes preliminary site investigation work (archaeological, environmental, geotechnical), site plan control application fees, and project management costs.

As discussed in Appendix A, Administration recommends that this additional funding be redirected from surplus funding remaining in the Enhanced Interim Financing Fund project (7145005). The Enhanced Interim Financing Fund project was established to mitigate financing charges resulting from projects established as part of prior years' Enhanced Capital Budgets that pre-committed future years'

funding. It should be noted that currently, this project has approximately \$625,000 in funding available.

3. Huron Lodge requests a transfer in the amount of \$100,000 to the Huron Lodge Resident Monitoring & Nurse Bedside Call System (HLD-002-15) from Huron Lodge Point of Care Technology (HLD-001-11). The Huron Lodge Point of Care Technology project has sufficient funding in the amount of \$612,000. The bedside call system requires replacement as soon as possible at a total cost of \$143,469 inclusive of non-recoverable HST. The current balance in the bedside call system is \$45,000. The \$100,000 transfer from the Huron Lodge Point of Care Technology project will be replenished as part of the 2023 Capital Budget.
4. The City has benefitted for several years from funding received for the Federal Government's Canada Community-Building Fund (CCBF), previously known as the Federal Gas Tax. These funds are typically allocated to projects through the Capital Budget process. For 2022, this involved the allocation of over \$27 million in funding across 10 separate projects.

As part of ensuring that funds are properly allocated, the Federal Government requires all recipients of this funding to submit detailed annual reports on all of the projects that receive CCBF funding. As a means to reduce the administrative burden of reporting on each of these projects, Finance is recommending that the funding transfers of 2022 funding, between the CCBF Reserve (Fund 176), the Pay-As-You-Go Reserve (Fund 169) and the Service Sustainability Reserve (Fund 221), identified in the Table A below be approved by Council. These funding changes will result in Finance needing to report on four less projects as part of the annual reporting process for 2022 given their funding will no longer be coming from CCBF.

**Table A: Canada Community-Building Fund Transfers**

Project	Project Description	2022 Swaps			Total
		Fund 176 - CCBF	Fund 169 - PAYG	Fund 221 - Serv Sus	
OPS-008-20	Traffic Signal Upgrades and Replacements	(1,000,000)		1,000,000	-
ECP-010-09	Airport Various Asset Replacement/Refurbishment/Upgrades	(943,000)		943,000	-
HCP-010-07	Willistead Complex Capital Rehabilitation Program	(750,000)		750,000	-
PFO-012-12	Park Trails Capital Rehabilitation Program	(600,000)		600,000	-
OPS-001-19	Pedestrian Crossovers	(200,000)	200,000		-
OPS-014-07	Citywide Bikeway Development Initiatives	(200,000)	200,000		-
ECP-014-07	University Avenue / Victoria Avenue	3,025,000		(3,025,000)	-
REC-002-21	Adie Knox Herman Reimagining Project	668,000	(400,000)	(268,000)	-
<b>Total</b>		-	-	-	-

### Consultations:

All project leads and their respective Financial Planning Administrators provided capital project status updates to augment the analysis performed by the Financial Manager, Asset Planning.

**Conclusion:**

A comprehensive report on all open/active capital projects indicates that overall, the 602 projects are currently trending towards an overall net surplus position. Given the number of projects and the fact that construction of many will continue into the following year and beyond, significant fluctuation in the projections is likely. Regular reports will keep Council apprised of the projects' status as they proceed.

**Planning Act Matters:**

Not applicable.

**Approvals:**

Name	Title
Mike Dennis	Financial Manager, Asset Planning
Natasha Gabbana	Senior Manager, Asset Planning
Joe Mancina	Commissioner, Corporate Services / Chief Financial Officer
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

## **APPENDIX A – Summary of Capital Project Variances – September 30, 2022**

Listed below is a summary by Department/Program as to the status of each capital project portfolio. Projects with any projected final variance are detailed in a table within the respective Department/Program summary.

Project explanations denoted with “Project surplus/deficit” are projects that are in a position to be closed and the variance is likely to materialize. Those denoted with “Anticipated surplus/deficit” are projects that are still ongoing and not completed, as such the preliminary variance is merely an estimate which may fluctuate significantly before the project is complete.

### **Mayor’s Office**

#### Mayor’s Office:

There are four active capital projects in this area that are being administered by the Mayor’s Office. One project, the 2022 Can-Am Police-Fire Games project (7175001), is anticipated to be completed with a surplus of \$300,000 and is detailed below.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
2022 Can-Am Police-Fire Games (7175001)	\$300,000	Projected surplus largely due to sponsorship revenue, in-kind contributions, and a Reconnect Ontario Grant. A close-out report was brought forward to Council at the November 28 <sup>th</sup> Council Meeting on the final outcome of the Games which requested that the final surplus be returned to the Tourism Development Infrastructure and Programming Reserve Fund (Fund 214).

### **Office of the Commissioner of Economic Development & Innovation**

#### Economic Development:

There are two active capital projects in this area that are being administered by the Economic Development department. No project variance is anticipated at this time.

#### Information Technology:

There are 19 active capital projects in this area that are being administered by the Information Technology department. No project variance is anticipated at this time.

#### Planning Development:

There are 23 active capital projects in this area that are being administered by the Planning and Building department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

## Office of the Commissioner of Infrastructure Services

### Street Lighting:

There is only one active capital project in this area that is being administered by the Engineering department. The Local Improvement – Street Lighting project (7161015), is expected to come in on budget.

### Roadways:

There are 40 active capital projects in this area that are being administered by the Engineering department. There are two projects with a net surplus of \$45,826, identified per below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
2017 Connaught Street Reconstruction (7171064)	\$43,273	Project is complete and can be CLOSED. Administration recommends that surplus funds be transferred to the Edgar Street Trunk SS Storage Facility project (7151001).
Arch Gateway to Sandwich Street (7171098)	\$2,553	Project is complete and can be CLOSED. Administration recommends that surplus funds be transferred to the Edgar Street Trunk SS Storage Facility project (7151001).

### Sewer Rehabilitation:

There are 44 active capital projects in this area that are being administered by the Engineering department. In total, there are four projects with a net projected surplus of \$82,766. These projects are identified in the table below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
South National Trunk Sanitary Relining (7134005)	\$106,455	Surplus is a result of favourable tender pricing from initial budget estimates. Project can be CLOSED. Administration recommends that surplus funds, estimated at \$43,798, be transferred to the Strabane Sanitary Sewer project (7152000) to offset an anticipated deficit, with the remaining surplus transferred to the Edgar Street Trunk SS Storage Facility project (7151001).
Memorial - Vimy East of Marentette (7171004)	\$57,345	Project is complete and can be CLOSED. Administration recommends that funds be transferred to mitigate the deficit in Curry / McKay / College (7164008), with remaining surplus funds transferred to the

		Strabane Sanitary Sewer project (7152000), to offset an anticipated deficit.
Curry / McKay / College (7164008)	(\$12,034)	Project is complete and can be CLOSED. Administration recommends that funds be transferred from the Memorial – Vimy East of Marentette project (7171004) to mitigate the deficit in this project.
DMAF – Tranby Road and Park (7191038)	(69,000)	Project is complete, however, some minor work remains. Administration will recommend funding sources to mitigate the deficit at a future point in time.

Storm Sewers:

There are 15 active capital projects in this area that are being administered by the Engineering department. One project, the Lennon Drain Improvements project (7092004), is reporting a surplus of \$73,178, and is detailed below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Lennon Drain Improvements (7092004)	\$73,178	Project is complete and can be CLOSED. Surplus is a result of favourable tender pricing from initial budget estimates. Administration recommends that surplus funds be transferred to offset an anticipated deficit in the Strabane Sanitary Sewer project (7152000).

Sanitary Sewers:

There are five active capital projects in this area that are being administered by the Engineering department. One project, the Strabane Sanitary Sewer project (7152000), is projecting a (\$162,287) deficit, and is detailed below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Strabane Sanitary Sewer (7152000)	(\$162,287)	Projected deficit is due to unanticipated changes to the work such as mobilization and demobilization costs due to extending the construction period for an additional year into 2021, traffic control cost for additional work related to sanitary sewer construction, road milling and asphalt escalation. After remaining holdbacks are paid, this project can be CLOSED. Administration recommends that deficit be offset with transfers of \$73,178 from the Lennon Drain Improvements project (7092004), \$45,311 from the Memorial –

		Vimy East of Marentette project (7171004), and the remaining deficit, estimated at \$43,798, from the South National Trunk Sanitary Relining project (7134005).
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Corporate Projects:

There are 29 active capital projects in this area that are being administered by the Corporate Projects division. All projects are anticipated to be completed on budget.

Corporate Facilities:

There are 24 active capital projects in this area that are being administered by Corporate Facilities. All projects are anticipated to be completed on budget.

Border Infrastructure Fund:

There are two active capital projects in this area that are being administered by the Corporate Projects division. One project, the Howard / CP Rail Grade Separation project (7059001), is reporting a surplus of \$7,113 and is detailed below.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
Howard / CP Rail Grade Separation (7059001)	\$7,113	Project is complete and can be CLOSED. Administration recommends that surplus funds be transferred to the Edgar Street Trunk SS Storage Facility project (7151001).

Development:

There are five active capital projects in this area that are being administered by the Design & Development division. All projects are anticipated to come in at budget.

Pollution Control:

There are 74 active capital projects in this area that are being administered by the Pollution Control department. The majority of these projects are funded from the dedicated Pollution Control Reserve. All projects are anticipated to be completed on budget.

Environmental Services:

There is one capital project being administered by the Environmental Services division, which is expected to come in on budget.

Contracts & Field Services:

There are four active capital projects in this area that are being administered by the Public Works Operations department. No surpluses or deficits are anticipated at this time, as all four projects are expected to come in on budget.



Road Rehabilitation:

There are 16 active capital projects in this area that are being administered by the Public Works Operations department. There are seven projects as identified in the table below anticipating a combined overall surplus of \$5,494,445.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
2020 City Wide Road Rehab	\$1,497,283	Reported surplus is a result of favourable tender pricing from initial budget estimates. Project can be CLOSED. Administration recommends that surplus funds be transferred to the 2022 Road Rehabilitation project (7221001) to fund work on Ouellette Avenue as well as any other additional priority road work required.
Connecting Links 5 Tecumseh - College (7202007)	\$1,490,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates. Project can be CLOSED once committed funding from 2023 is transferred into project. Administration recommends transferring anticipated surplus funding of \$107,000 to the Traffic Signal Upgrades & Replacement project (7209000) and \$1,363,000 to the 2022 Road Rehabilitation project (7221001) to complete as much priority work as possible.
2019 City Wide Road Rehabilitation Program (7181040)	\$1,450,162	Anticipated surplus is a result of favourable tender pricing from initial budget estimates. Administration recommends that surplus of \$1,450,162 be transferred to the 2022 Road Rehabilitation project (7221001) to complete as much priority road work as possible with the additional funds.
Connecting Links 4 – Malden - Pool (7192010)	\$925,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates. Project can be CLOSED once committed funding from 2023 is transferred into project. Administration recommends transferring \$925,000 of surplus funds to the 2022 Road Rehabilitation project (7221001) to complete as much priority work as possible.

Wyandotte – St Rose to Janisse (7183019)	\$74,000	Project is complete and can be CLOSED, once committed funding of \$440,000 is transferred to the project in 2023. Administration recommends transferring surplus funds to the 2023 Road Rehabilitation project (7231000) to facilitate completion of as much priority road work as possible.
Courtland – South National to South National (7183020)	\$44,000	Project is complete and can be CLOSED, once committed funding of \$120,000 is transferred into the project in 2023. Administration recommends transferring surplus funds to the 2023 Road Rehabilitation project (7231000) to facilitate completion of as much priority road work as possible.
Annie St. – Tecumseh to Cul De Sac (7183021)	\$34,000	Project is complete and can be CLOSED, once committed funding of \$90,000 is transferred into the project in 2023. Administration recommends transferring surplus funds to the 2023 Road Rehabilitation project (7231000) to facilitate completion of as much priority road work as possible.

Transportation Planning:

There are 12 active capital projects in this area that are being administered in the Transportation Planning area. No variances to budget are anticipated at this time.

PW Maintenance:

There are eight active capital projects in this area that are being administered by the Public Works Operations department. Three projects are reporting surpluses or deficits, however, in total, these projects are anticipated on budget.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
2020 Sidewalk Rehabilitation Program (7201013)	\$266,122	Projected surplus is a result of favourable tender pricing from initial budget estimates. Project can be CLOSED once holdback is released. Administration recommends that surplus funds be first used to offset an estimated (\$155,271) deficit in the 2021 Sidewalk Rehabilitation Program (7211031), with remaining funds transferred to the 2022 Sidewalk Rehabilitation Program (7221011) to

			complete as much priority sidewalk work as possible.
2022 Rehabilitation (7221011)	Sidewalk Program	(\$110,851)	Work for the 2022 tender is ongoing, however, Administration is recommending that remaining surplus funding in the 2020 Sidewalk Rehabilitation Program (7201013) be transferred to this project to offset the anticipated deficit.
2021 Rehabilitation (7211031)	Sidewalk Program	(\$155,271)	All 2021 tender work is complete and this project can be CLOSED. Administration recommends that the deficit be offset with a transfer of surplus funds in the 2020 Sidewalk Rehabilitation Program (7201013).

Traffic Operations and Parking Services:

There are 16 active capital projects in this area that are being administered by the Traffic Operations and Parking Services division, and in total is expecting to come in on budget.

Fleet Operations:

There are 21 active capital projects in this area that are being administered by the Public Works Operations department. All projects are expected to come in on budget.

Technical Support:

There is only one active capital project in this area that is being administered by the Technical Support division. The Information Hansen Management System project (7209001) is expected to come in on budget.

Transit Windsor:

There are 20 active capital projects in this area that are being administered by Transit Windsor. Five projects, reporting a net deficit of (\$9,920) are detailed below.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Audit & Accountability – On Demand (7211015)	(\$13)	Deficit is largely due to financing charges resulting from a delay in when funds were spent and when grant funding was received. Administration recommends that the deficit be offset with a transfer of surplus funding from the Enhanced Interim Financing Fund (7145005).
Transit Windsor Garage Rehabilitation – Concrete Surface (7171047)	(\$1,847)	Deficit is largely due to financing charges resulting from a delay in when funds were spent and when grant funding was received. Administration recommends that the deficit be offset with a transfer of

		surplus funding from the Enhanced Interim Financing Fund (7145005).
Transit Windsor Garage Rehabilitation – High Speed Doors (7171048)	(\$2,024)	Deficit is largely due to financing charges resulting from a delay in when funds were spent and when grant funding was received. Administration recommends that the deficit be offset with a transfer of surplus funding from the Enhanced Interim Financing Fund (7145005).
2017 Fuel System Improvements (7171035)	(\$2,517)	Deficit is largely due to financing charges resulting from a delay in when funds were spent and when grant funding was received. Administration recommends that the deficit be offset with a transfer of surplus funding from the Enhanced Interim Financing Fund (7145005).
Transit Windsor Property Safety Assessment (7171036)	(\$3,519)	Deficit is largely due to financing charges resulting from a delay in when funds were spent and when grant funding was received. Administration recommends that the deficit be offset with a transfer of surplus funding from the Enhanced Interim Financing Fund (7145005).

**Office of the Commissioner of Legal & Legislative Services**

Fire and Rescue:

There are 14 active capital projects in this area that are being administered by the Fire and Rescue department, with a surplus of \$5,759 being reported in the WFRS – Posichkek Machine (SCBA) project (7221019) and detailed below.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
WFRS – Posichkek Machine (SCBA) (7221019)	\$5,759	Equipment has been purchased and delivered. Project can be CLOSED. Administration recommends that surplus funds be transferred to the 2021 Fire Fleet Replacement project (7211045).

Legal Services:

There are 12 active capital projects in this area that are being administered by the Legal Department. One project, the 99 CP Railway Cut project (7995537), is reporting a deficit of (\$33,244) and is detailed below.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
99 CP Railway Cut (7995537)	(\$33,244)	Legal proceedings are complete and the project can be CLOSED. Administration recommends funding deficit with surplus funds remaining in the Enhanced Interim Financing Fund project (7145005).

Records and Elections:

There are two active capital projects in this area that is being administered by the Council Services department. Both projects are anticipated to come in on budget.

## **Office of the Commissioner of Corporate Services**

Corporate Asset Planning:

There are 30 active capital projects in this area that are being administered by the Asset Planning department. One project, the Enhanced Interim Financing Fund (7145005), is reporting a surplus of \$483,164 and is detailed below.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
Enhanced Interim Financing Fund (7145005)	\$483,164	This project is complete and can be CLOSED. Administration recommends that funds, estimated at \$43,164, be transferred to offset deficits in five Transit projects and one Legal project as identified above. Additionally, Administration recommends that \$440,000 of these funds be allocated to complete work on the City Hall Square Ice Rink. Any remaining funds would be left in the project to absorb future financing charges related to projects established as part of prior years' Enhanced Capital Budgets.

Financial Accounting:

There are two active capital projects in this area that are being administered by the Financial Accounting department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Financial Planning:

There are six active capital projects in this area that are being administered by the Financial Planning division. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Taxation and Financial Projects:

There are five active capital projects in this area that are being administered by the Taxation and Financial Projects department. No project variances are being reported at this time.

Human Resources:

There are seven active capital projects in this area that are being administered by the Human Resources department. Two projects are reporting variances as detailed below, with no net variance being reported at this time.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
Accessibility – ODA Requirements (7086008)	\$50,000	Administration has determined that not all funding directed to this project is required at this time and is recommending that \$50,000 of these funds be reallocated to the AODA Implementation project (7091017).
AODA Implementation (7091017)	(\$50,000)	Additional funding is required so that the City can adhere to ongoing Provincial requirements. Administration recommends a transfer of \$50,000 from the Accessibility – ODA Requirements (7086008) to assist with funding these needs.

## **Office of the Commissioner of Human & Health Services**

Huron Lodge:

There are 11 active capital projects being administered by Huron Lodge. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Housing and Children’s Services:

There are two active capital projects being administered by Housing and Children’s Services. No project variance is anticipated as both of these projects are currently expected to come in on budget.

## **Office of the Commissioner of Community Services**

Cultural Affairs:

There are seven active capital projects in this area that are being administered by the Recreation and Culture department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Recreation Facilities:

There are 14 active capital projects in this area that are being administered by the Recreation & Culture department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Forestry:

There are three active capital projects in this area that are being administered by the Forestry division. No surpluses or deficits are projected at this time.

Parks Operations:

There are eight active capital projects in this area that are being administered by the Parks Operations division. One project, the Realtor Park – Baseball Diamond project (7211048) is reporting a slight deficit of (\$292) and is detailed below.

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
Realtor Park – Baseball Diamond (7211048)	(\$292)	Project is complete and can be CLOSED. Small deficit to be funded by Parks Operations maintenance budget.

Parks Design & Development:

There are 48 active capital projects in this area administered by the Parks Design & Development division. The division anticipates a total deficit of (\$85,000), as noted below:

<b>Projects with Projected Deficit/Surplus</b>	<b>(Deficit)/Surplus Amount</b>	<b>Brief Explanation</b>
Bridgeview Path Shelter Lights (7181042)	\$25,000	Project is complete and can be CLOSED after some minor charges from Traffic are processed. Administration recommends that surplus funds be transferred to the Mic Mac Bleacher Restorations project (7201020).
George Ave Park Redevelopment (7201022)	(\$20,000)	The department is anticipating a deficit of (\$20,000), due to higher than expected costs resulting from inflation. Administration recommends a transfer of \$20,000 from the Parkland Acquisitions Reserve Fund (Fund 151) to mitigate this deficit.
Mic Mac Bleacher Restorations (7201020)	(\$90,000)	Administration anticipates a deficit of (\$90,000) due to higher than anticipated costs for the bleachers and backstop. Administration recommends a transfer of surplus funding from the Bridgeview Path Shelter Lights project (7181042), estimated at \$25,000, with the remaining

		funds needed to offset the (\$90,000) projected deficit coming from the Sports Field Improvements Reserve (Fund 166).
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Facilities Operations:

There are nine active capital projects in this area administered by the Facilities Operations department. No surpluses or deficits are projected at this time.

Windsor Public Library:

There are 10 active capital projects in this area that are being administered by the Windsor Public Library and Corporate Projects. There are no project surpluses or deficits to report on at this time.

**Agencies and Boards**

Windsor Police Services (WPS):

There are 19 active capital projects in this area that are being administered by various WPS divisions. All projects are anticipated to come in on budget.

Roseland Golf and Curling Club:

There are two active capital projects in this area that are being administered by the General Manager at Roseland. No project variance is anticipated as both of these projects are currently expected to come in on budget.

Windsor Airport:

There are four active capital projects in this area that are being administered by the Corporate Projects division. No project variances are anticipated at this time.

Handi-Transit:

There is only one active capital project active in this area that is being administered by Handi Transit/Transit Windsor. The Handi-Transit Bus Acquisitions project (7191019) is expected to come in on budget.



**Subject: Asset Management Policy Update - City Wide**

**Reference:**

Date to Council: December 12, 2022

Author: Marie Gil

Manager of Asset Planning

519-255-6100 x6140

mgil@citywindsor.ca

Asset Planning

Report Date: November 14, 2022

Clerk's File #: AF2022

**To:** Mayor and Members of City Council

**Recommendation:**

THAT City Council **APPROVE** the updates to the Asset Management Policy, attached as Appendix A to this report.

**Executive Summary:**

N/A

**Background:**

The attached Asset Management Policy is an existing policy that has been previously adopted by City Council. In compliance with Ontario Regulation 588/17, this policy requires municipalities to “review and, if necessary, update it at least every five years.” (O. Reg. 588/17, s 4.).

**Discussion:**

The attached Asset Management Policy has had language added or revised to ensure additional clarity for staff for effective implementation. Additionally, this policy has been updated and formatted to reflect organizational changes. The changes made throughout this policy are generally considered to be minor and housekeeping in nature.

The current Asset Management Policy was previously adopted by City Council at the meeting on October 16, 2017 (S 160/2017).

Notable changes are as follows:

**Section 2.4 –** New section added to include compliance with Ontario Regulation 588/17 in the purpose of this policy.

- Section 4.1.1.3** – The language has been updated from “...through the five-year capital budget...” to “...through the ten-year capital budget...”.
- Section 4.1.3.3** – This section has been deleted, it was a redundant section as this information was already implied via section 4.1.3.
- Section 4.1** – The figure has been updated to reflect the new position of “Manager of Asset Planning”.
- Schedule A** – Several updates to the “Key Asset Management Terms and Definitions” have been made; updates are in language only (for clarity) however, these will not be explicitly detailed here as they in no way modify/alter the definitions or their implications.

### **Risk Analysis:**

Ontario Regulation 588/17 requires that the City’s Asset Management Policy be subject to “review and, if necessary, update it at least every five years” (O. Reg. 588/17 s 4). If this policy update is not approved, the City will not be in compliance with O. Reg. 588/17.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

Updates to this policy do not have any Climate Change Mitigation risks.

#### **Climate Change Adaptation:**

Updates to this policy do not have any Climate Change Adaptation risks.

This policy already includes language to consider climate change within the Asset Management Process.

### **Financial Matters:**

There is no financial obligation associated with this report.

### **Consultations:**

The Asset Planning Steering Committee has reviewed and approved the updates made to the Asset Management Policy, as attached in Appendix A.

### **Conclusion:**

It is recommended that the updated Asset Management Policy, attached as Appendix A, be approved.

### **Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Natasha Gabbana	Senior Manager of Asset Planning
Joe Mancina	Commissioner, Corporate Services/CFO
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

- 1 Appendix A - Asset Management Policy - 2022

# THE CORPORATION OF THE CITY OF WINDSOR POLICY

Service Area:	<b>Finance</b>	Policy No.:	<b>TBD</b>
Department:	<b>Asset Planning</b>	Approval Date:	<b>TBD</b>
Division:	<b>Asset Planning</b>	Approved By:	<b>TBD</b>
	<b>City-wide</b>	Effective Date:	<b>TBD</b>
Subject:	<b>ASSET MANAGEMENT POLICY</b>	Procedure Ref.:	<b>Multiple</b>
Review Date:	<b>October 16, 2022</b>	Pages:	Replaces:
Prepared By:	<b>AM Governance Project Team</b>		Date:

## 1. POLICY

**1.1** The City of Windsor manages the community assets by striving to meet a defined upon levels of service at the lowest asset lifecycle costs and at acceptable levels of risk.

**1.2** In order to achieve the goals and benefits of Asset Management (AM), the Senior Manager Asset Planning (SMAP) will endeavour to apply the following principles across all aspects of the AM System:

- 1.2.1** Holistic – a comprehensive approach that looks at the “big picture” (i.e. the combined implications of managing all aspects rather than a compartmental approach). This includes the functional interdependencies and contributions of assets within asset systems and the different management of assets across all lifecycle phases.
- 1.2.2** Systematic – a methodical approach to the management of assets that is formal, repeatable and consistent, leveraging available data for evidence-based decision-making.
- 1.2.3** Systemic – making asset investment decisions in an asset system context, not just optimized for each individual asset itself.
- 1.2.4** Risk-based – risk associated with target levels of service is managed by ensuring that resources, expenditures and priorities are allocated based on risk and associated cost/benefit and risk tolerance.
- 1.2.5** Optimal – best possible asset investment decisions are chosen based on evaluations of alternatives that take into account trade-offs between the competing factors of service level benefits (including asset performance), risk and cost over the long term and full lifecycle of assets.
- 1.2.6** Sustainable – the approach to service delivery is financially achievable over the long term, is not wasteful of resources, minimizes or reverses environmental damage, and continuously improves social and inter-generational equality. The approach for estimating asset investment need and developing AM strategies is based on achieving triple-bottom-line outcomes over the long term, and considers the full lifecycle of assets.
- 1.2.7** Integrated – all of the above principles are coordinated to ensure the delivery of justified services and well-defined outcomes.
- 1.2.8** Aligned – the AM System complements and contributes to achievement of the strategic objectives of the City, as well as complying with relevant legislation and regulations.

## 2. PURPOSE

This Asset Management Policy describes the City of Windsor’s intentions and directions for asset management, as formally expressed by its senior management. It confirms the City’s commitment to managing community assets in a short and concise document and sets out the principles that will be adopted in applying asset management to achieve the Council’s strategic objectives.

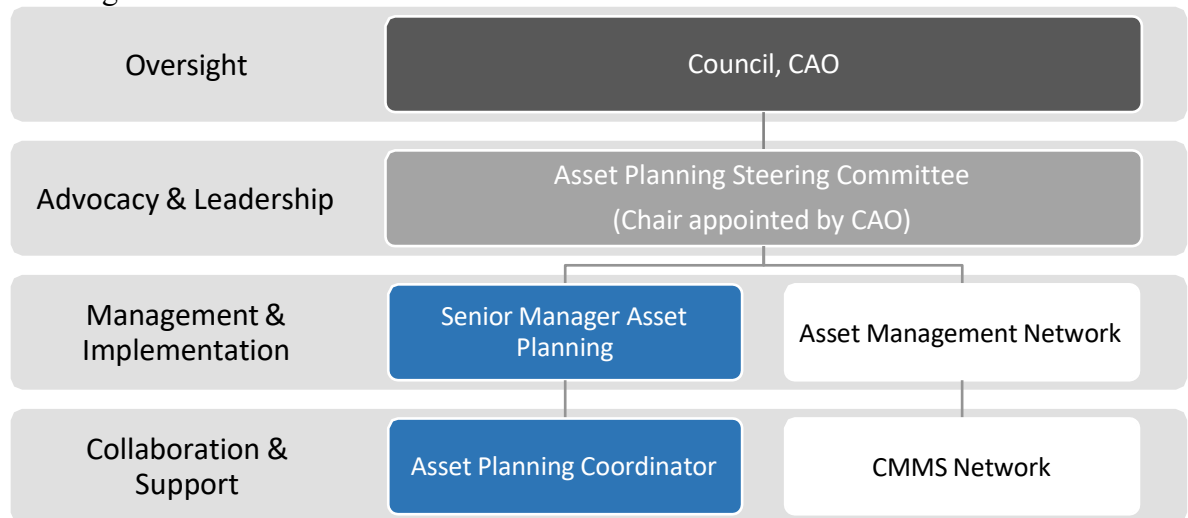
- 2.1 Establish responsible governance for the practice of asset management by the City.
- 2.2 Document the City’s commitment to asset management and the continuous improvement of asset management practices.
- 2.3 Guide staff in the development and administration of an asset management approach by defining over-arching principles for asset management, which are appropriate for the City’s business, and are reasonable, logical, and necessary for delivery of sustainable, affordable services.

**3. SCOPE**

- 3.1 This Policy applies to those departments within the City of Windsor that manage or influence community assets or asset systems that deliver services to the community and citizens in the City of Windsor. City policies are approved by Council and while staff, public and other agencies may provide input on the nature and content of the policy, Council retains the authority to approve, update, amend or rescind policies.
- 3.2 The City of Windsor’s asset management system should inform existing corporate strategy, business planning and budget management systems and processes already in place. The asset management system complements and aligns to these initiatives.
- 3.3 The implementation, review and reporting back regarding this policy is expected to be integrated within the City’s business processes. Due to the importance of this policy, it will be reviewed in concert with the Asset Management Plan.
- 3.4 This policy will endeavour to work in concert with Council strategic direction and related plans and policies that impact on scope.

**4. RESPONSIBILITY**

4.1 The Organizational Structure for AM Governance shall be as follows:



*Note: CMMS = Computerized Maintenance Management System*

- 4.1.1 The Council will be responsible for:
  - 4.1.1.1 Maintaining the necessary corporate capacity (including, but not limited to, resourcing, financial support, staff competencies, business processes, data and integrated information systems) to support the elements and practices of an AM System.
  - 4.1.1.2 Setting priorities for Asset Management and articulating community values.
  - 4.1.1.3 Approving asset funding through ten-year capital budget and 20 year long range financial plans.
- 4.1.2 The CAO is responsible for:
  - 4.1.2.1 Directing/facilitating the review of this Policy at a minimum of every five (5) years, or as often as necessary.
  - 4.1.2.2 Implementation of this AM Policy and supporting AM System, including the provision of appropriate and timely advice regarding its effectiveness in the supporting achievement of Council's strategic objectives.
  - 4.1.2.3 Establishing an Asset Planning Steering Committee and appointing of the cross-functional representatives from relevant business areas to serve on the Steering Committee as well as Chair for the Steering Committee.
- 4.1.3 The Steering Committee Chair is responsible for:
  - 4.1.3.1 Ensuring an acceptable accounting structure is developed that supports the sustainable management of assets.
  - 4.1.3.2 Ensuring the development and implementation of funding strategies to support implementation of this policy, based on available resources.
- 4.1.4 Detailed responsibilities within the governance structure are assigned in the AM Framework (2017).

## **5. GOVERNING RULES AND REGULATIONS**

- 5.1 At the direction of City Council the City of Windsor shall use best efforts to:
  - 5.1.1 Make informed decisions, based on Triple Bottom Line (TBL) understanding of service performance, cost, and risk associated with community asset decisions, including additions and deletions. Trade-offs should be articulated and evaluated, and the basis for the decision recorded.
  - 5.1.2 Integrate corporate, financial, business, land-use, environmental, community, technical, regulatory and budgetary planning for community assets.
  - 5.1.3 Establish a clear structure of organizational accountability and responsibility for service delivery, managing risk, and the inventory, condition, use and performance of assets.
  - 5.1.4 Define and articulate service levels and outcomes, including required levels of operations, maintenance, and replacements linked to new infrastructure.
  - 5.1.5 Consult with stakeholders where appropriate and when sufficient information is available in a format that is useful to stakeholders to make an informed decision.
  - 5.1.6 Manage assets to achieve sustainable service delivery, considering financial, social and environmental sustainability goals, including awareness of

intergenerational equity, climate change, resource scarcity, and the precautionary principle.

- 5.1.7 Pursue best appropriate practices as applicable to the state of AM, state of the assets, and the data available for evidence-based decision-making.
- 5.1.8 Maintain a prioritized improvement plan for the continuous improvement of the AM System.
- 5.1.9 Recognize that there are constantly changing financial, social and environmental opportunities, constraints and challenges that surround all services and assets delivered by the City, and that asset management practices must be proactive and responsive to changing environments.
- 5.1.10 Consider climate change impacts, how they may directly affect levels of service, and systematically build resiliency characteristics into assets, systems, and services.

## 5.2 Terms and definitions used to describe actions required.

- 5.2.1 Asset Management Plans - will contain strategic, tactical and operational guidance for asset classes. These Asset Management Plans will assess the current status of types of assets and will become guiding documents for data management, condition assessment, operations, maintenance, renewal and replacement, and Capital Improvement Plan planning. They will be developed for all major asset classes (e.g., roads, bridges, water, wastewater, storm water, buildings, vehicles). These plans will have, at a minimum, a 20-year outward focus and will be updated on a 5-year basis.
- 5.2.2 Organizational Capacity - The City will work to clarify roles and responsibilities throughout the organization and ensure that the right skills and competencies are available for effective asset management.
- 5.2.3 Risk Management - The City will have a good understanding of its corporate, asset, and operational risks in order to be confident that it is appropriately investing in any risk mitigation activities needed to manage service levels. In addition, the City will need to assess and quantify risk and consider the probability and consequence of failure when making Capital Improvement Plan, Operation & Maintenance, and other resource allocation decisions.
- 5.2.4 Triple Bottom Line (TBL) Approach – staff will assess projects and initiatives based on a TBL and Life Cycle Cost (LCC) approach, wherein the City will consider financial, social and environmental costs and benefits.
- 5.2.5 Asset Data and Business Support Systems - Asset data and supporting data systems, such as computerized maintenance management systems (CMMS) and geographic information systems (GIS), will be used by staff to enable asset management business processes and decision-making.
- 5.2.6 Life Cycle Management - investment decisions (Capital and Operating), whether large or small, are based on an understanding and optimizing of the balance between total life-cycle costs, risks and benefits.
- 5.2.7 Regulations – The City will adhere to all applicable regulations regarding their assets.

## 5.3 References and Related Documents

- 5.3.1 Asset Management Philosophy and Framework.

## 6. **RECORDS, FORMS AND ATTACHMENTS**

- 6.1 Identify the filing and retention requirements of items generated.

**6.2** List names of relevant forms and form numbers.

**6.3** List attachments.

**6.3.1** Schedule A - Key Asset Management Terms and Definitions



## SCHEDULE A

### Key Asset Management Terms and Definitions

**Asset Management (AM):** Coordinated activity of an organization to realize value from its assets. AM involves the balancing of costs, opportunities and risks against the desired performance of assets, to achieve organizational objectives (balancing may need to be considered over multiple timeframes). AM enables an organization to examine the need for, and performance of, assets and Asset Management Systems at different levels and in conjunction with non-asset solutions. Additionally, it enables the application of analytical approaches towards managing assets over the different stages of their lifecycle.

**Asset Management System (AM System):** The complete set of interrelated or interacting elements used to effect the AM Policy and objectives and the processes to achieve those objectives. The elements that make up the AM System can include documents, procedures, tools, data, and the assets.

**Asset Management Strategy (AM Strategy):** Documented information that specifies: how organizational objectives are converted into AM Objectives; the scope and role of the Asset Management System in supporting achievement of the AM Objectives; and the approach for developing AM Plans (Framework).

**Asset Management Plan (AMP):** A plan developed for the management of infrastructure assets that combines multi-disciplinary management strategies (including technical and financial) over the lifecycle of the asset in the most cost-effective manner to deliver a specified Level of Service. It specifies the activities, resources and timescales required for individual assets (or asset groups) to achieve the organization's AM Objectives. A significant component of the AMP is therefore a long-term program of works and cash flow projection for the activities. Examples of AMPs include Pavement Management Plans, Bridge Management Plans, and Fleet Management Plans. Each plan will vary in complexity depending on the asset group it pertains to.

**Community assets:** Assets managed or stewarded by the city on behalf of the community to deliver, or support delivery of, essential services. Includes traditional assets (roads and utilities), cultural assets (museums, monuments), and natural resources that are used in or impacted by the delivery of services (trees, parks, land, water).

**Business Case Evaluation (BCE):** A formal process undertaken to evaluate the best alternative for a project or initiative. The evaluation involves documenting the activity's Benefits/Cost ratio using life-cycle analysis.

**Level of Service (LOS):** the parameters or combination of parameters that reflect the social, political, economic, and environmental outcomes that the organization delivers. Levels of service statements describe the outputs or objectives an organization or activity intends to deliver to customers.

**Lifecycle Costs:** Lifecycle costs refer to the total cost of ownership over the life of an asset. This may include but is not limited to capital costs, operating costs, maintenance costs, renewal costs, replacement costs, environmental costs, and user delay.

**Probability of Failure:** The likelihood that a risk will occur (ref: City of Windsor risk policy).

**Risk Management:** The application of a formal process to assess organizational risks in order to determine the resultant ranges of outcomes, their probability of occurrence, and what actions may be taken to reduce the organization's overall risk exposure.

**Triple Bottom Line:** Expands on the traditional view of an organization's financial bottom line by also measuring the organization's commitment to economic, socio-cultural and environmental factors.

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**Subject: Traffic Modifications - Traffic By-law 9148 –One Way Street- St. Rose Avenue from Wyandotte St. E to Riverside Dr. E North-bound  
Ward: 6**

**Reference:**

Date to Council: December 12, 2022  
Author: Ian Day  
Senior Manager Traffic and Parking (A)  
519-255-6247 x 6053  
iday@citywindsor.ca

Public Works - Operations  
Report Date: November 24, 2022  
Clerk's File #: ST2022

**To:** Mayor and Members of City Council

**Recommendation:**

THAT City Council **APPROVE** that Traffic By-law 9148 be **AMENDED** as listed and attached in Appendix "A" of this report; and,

That the City Solicitor **BE DIRECTED** to prepare the necessary documents to amend the by-law.

**Executive Summary:**

N/A

**Background:**

A request was made by residents to change the direction of travel on St. Rose Ave from Wyandotte Street East to Riverside Drive East, from a two-way street to a one-way street heading northbound.

The residents subsequently completed a petition, succeeding in obtaining the minimum 60% approval rating as required. However, there were concerns raised by the business on Wyandotte Street East.

## Discussion:

There is no existing policy with respect to how residents can request changes to the Traffic Bylaw. Therefore, when requests are made for changes to things like one-way streets to two-way streets (or opposite), Traffic Operations defaults to a process that is similar to both the Parking Change Policy and the Traffic Calming Policy. The process includes an initial investigation of the request, and then a petition process in which minimum approvals are required. The initial investigation is completed to identify whether or not the requested change would affect safety of the area or the surrounding areas, and if there are no concerns identified, the resident is allowed to proceed with a petition.

In this specific case, a resident in the area requested to change St. Rose Ave from a two-way street to a one-way street heading northbound between Wyandotte Street East and Riverside Drive East. The initial investigation identified that St. Rose Ave, south of Wyandotte was already a one-way road heading northbound and there have been previously reported incidents related to driver confusion at the intersection of St. Rose and Wyandotte Street. Drivers were attempting to drive southbound through the Wyandotte Street intersection and/or attempting to turn left or right from Wyandotte Street to the south. The volume of traffic traveling southbound from Riverside Drive was not significant and therefore the change was not likely to have a negative affect in the area.

Similar to the Traffic Calming Policy, for the street surveyed, there are two components to the approval threshold. To be approved, both criteria must be met:

- Response rate: votes are received from at least 50% of households and commercial properties in the survey area.
  - City-owned and vacant properties are ignored for this calculation.
- Level of Support: 60% of the votes received are in favour.

The survey results are provided in Table 1.

**Table 1: Resident Approval Survey Results**

Street	Response Rate		Level of Support		Overall Result
	Required	Actual	Required	Actual	
St. Rose Avenue – Riverside Drive to Wyandotte Street	50%  (9 of 15 households or commercial properties)	60%  (9 of 15 households or commercial properties)	60%	60%	<b>Passes</b>

Based on the above, the petition was successful. However, during the petition process, concerns were raised by businesses on the northeast and northwest corners of the St. Rose and Wyandotte Street intersection. Both have driveways accessing St. Rose and Wyandotte, and felt that this change would affect the ability of patrons to access their site. While Administration recognizes that there may be challenges, the safety of the residents and the area is important.

### **Risk Analysis:**

Turning St. Rose into a one way northbound would have no impact on both Transit and school busses. Emergency services and Fire both expect very little impact to their response time.

By changing St. Rose into a one-way, this may increase traffic speeds because the road will have less traffic and feel wider for vehicles traveling through the corridor. There is parking on street in this area which is a tool in the toolbox for traffic calming, however usually utilized with other traffic calming tools. There was a traffic calming request made for this section of St. Rose in 2021 that failed at the warrant stage. Should residents feel this is a concern after the change is made, they may submit a new traffic calming request. This location was reviewed prior to the introduction of the Speed Hump portion of the traffic calming process and therefore residents may choose to apply for this option as well.

Potential impacts are traffic flow into and out of 283 St. Rose (Memorial Plaza Ltd). The current tenant The Foot Care Institute as the current driveway on Wyandotte faces the median and only allows west bound flow on Wyandotte. The exit on St. Rose will only allow northbound travel. Flow will be restricted to east bound Wyandotte.

Traffic flow in and out of 6960 Wyandotte St. East (Kooner Quality Fuels Inc.) will also be restricted to northbound traffic from Wyandotte St. East and potential clients from Riverside drive will be eliminated.

This change is considered "construction" as per the Expropriations Act, in which case the business owners are entitled to seek any reduction in the market value of the lands and any personal and business damage.

The proposed amendments will update Schedule "E" One Way Streets of By-law 9148. If the amendments to By-law 9148 are not implemented, By-law 9148 will remain enforceable; however, the sections contained within By-law 9148 may not be applicable to the appropriate road segments intended.

## Climate Change Risks

### Climate Change Mitigation:

N/A

### Climate Change Adaptation:

N/A

## Financial Matters:

**Table 2: Cost Estimate – St Rose Avenue To One Way North Bound**

Item	Unit	Cost per Unit		Quantity	Total Cost	
		Initial Installation	Annual Maintenance		Initial Installation	Annual Maintenance
Signal Head Removal on St Rose, South side of Wyandotte	Each	\$3000	N/A	1	\$3000	Savings \$500
Removal of Left Turn lane and Repaint with hatching Markings West bound Riverside Drive	Each	\$1000	\$500	1	\$1000	\$500
Removal of Stop Bar and Yellow line St Rose at Wyandotte	Each	\$1000	N/A	1	\$1000	N/A
Reversal of No Parking Signs west side of St Rose	Each	\$60		5	\$300	N/A
"At Riverside Drive, addition of 2 do not enter and 4 one way signs"	Each	\$1500	\$10	6	\$1500	\$60

Signs						
<b>Grand Total</b>					<b>\$6,800</b>	<b>\$60 per year</b>

The initial implementation cost will be \$6,800. Traffic Operations can fund the implementation costs from their operating budgets related to signage, signals, and pavement markings as required. The ongoing annual maintenance cost estimated at \$60 per year can also be absorbed by the annual operating budget for Traffic Operations.

Due to winter weather approaching, it is anticipated that this work can be completed in the early spring of 2023. Roadway painting is required to make this change and once the weather is near 0 degree Celsius temperatures, paint cannot be applied.

**Consultations:**

Ward 6 Councilor, Jo-Anne Gignac

**Conclusion:**

Administration recommends the modification of St. Rose Avenue to a one-way northbound from Wyandotte to Riverside Drive.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Ian Day	Senior Manager of Traffic Operations & Parking Services
Shawna Boakes	Executive Director Operations
Chris Nepszy	Commissioner, Infrastructure Services
Patrick Brode	Senior Legal Counsel, Legal, Real Estate & Risk Management
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

- 1 Appendix A - Traffic By-Law 9148 Amendments



APPENDIX "A"

<b>AMENDMENTS TO TRAFFIC BY-LAW 9148</b>					
<b>ITEM</b>	<b>REGULATION</b>	<b>STREET</b>	<b>BETWEEN</b>	<b>TIMES/DAY</b>	<b>REASON</b>
1	Schedule "E" One Way Streets <b>ADD</b>	St. Rose Avenue	From Wyandotte St. E to Riverside Dr. E.	North-bound one way street	Successful Petition

**Subject: 2023 Interim Tax Bills - City Wide**

**Reference:**

Date to Council: December 12, 2022  
Author: Angela Lonsbery  
Manager, Revenue and Collections  
(519) 255-6100 Ext 6557  
alonsbery@citywindsor.ca  
Taxation & Financial Projects  
Report Date: November 9, 2022  
Clerk's File #: AF2022

**To:** Mayor and Members of City Council

**Recommendation:**

THAT City Council **DIRECT** Administration to prepare 2023 interim property tax bills based upon 50% of the 2022 total levy inclusive of education tax; and,

THAT City Council **ESTABLISH** the collection of the 2023 interim property taxes over three instalment dates being; February 15, March 15, and April 19, 2023; and,

THAT City Council **APPROVE** a rate of 1 ¼ % to be imposed as a penalty for non-payment of property taxes on the first day of default and a further rate of 1 ¼ % per month as interest on taxes due but unpaid; and,

THAT the City Solicitor **BE AUTHORIZED** to prepare the necessary by-law to enact the 2023 interim property tax bills.

**Executive Summary:**

N/A

**Background:**

Property taxes are a significant source of revenue for the City, providing the necessary funding for expenditures. The actual annual property tax levy (inclusive of amounts required to be collected on behalf of the Province for education tax) will not be known until City Council has completed the budget deliberation process. Section 317 of the Municipal Act, 2001 S.O. 2001, c.25, as amended (the Act), provides that City Council may pass a by-law that will levy interim property taxes before the adoption of the budget for the current year.

Historically Administration has recommended that interim property taxes be levied in order to generate sufficient working capital to fund operations until the 2023 Operating Budget is approved and 2023 tax rates are established.

The interim tax by-law also provides for the due dates/instalments upon which payment will be required and for the application of late payment charges should payment not be received on time.

**Discussion:**

**Amount of Interim Levy**

Pursuant to the Act, where interim property taxes will be levied, the amount of the levy must not exceed 50% of the total amount of tax raised in the previous year (inclusive of both municipal and education taxes). Historically, Administration has recommended that Council establish the interim levy amount to be exactly 50% of the prior year total. Based on 2022, the total estimated amount to be levied for the 2023 interim property tax bill is \$220,390,000:

Municipal	\$194,150,000
Education	<u>26,240,000</u>
Total	<u>\$220,390,000</u>

The amounts collected for education taxes are levied on behalf of the Province and are required to be paid to each of the four respective school boards on a quarterly basis. The first payment, due in March 2023, is calculated at one-quarter of the 2022 levy.

**Annual Assessment Value Update**

Under normal conditions, every four (4) years in Ontario property owners receive information from the Municipal Property Assessment Corporation (MPAC) related to the Current Value Assessment (CVA) of their property. The most recent assessment cycle is based upon market values on or around January 1, 2016.

As a result of the pandemic, the Province placed a hold on the assessment update which was scheduled to begin in 2021 and based upon market values on or around January 1, 2019.

It is possible that the next reassessment, following the planned four year cycle, could take effect with the 2025 taxation year based upon market conditions on or around January 1, 2023. However, no announcement to this effect has been made by the Province or MPAC.

As such, for purposes of 2023 property taxes, CVA values will once again be held at the same value as used for purposes of calculating 2020, 2021 and 2022 property taxes.

**Financial Impact on Property Owners**

Given that the 2023 interim property taxes will be based upon the same assessment value as used for the 2022 property taxes the majority of property owners will receive an interim property tax bill that will be equal to 50% of their 2022 final tax bill. For some property owners, most likely where there has been an in-year assessment value change or a

property tax class change, there may be an adjustment required so that the interim tax bill will equate to 50% of their 2022 annualized final tax billing. This adjustment will be reflected on the bill as a “Tax Capping Adjustment”. While this process has been consistently used for the billing process, this line item adjustment can create some confusion to taxpayers resulting in enquiries to the department. Should property owners have questions about their 2023 interim tax bill they are encouraged to call 311. Property owners may also register for on-line access to their account information through the MyProperty Tax portal.

## **Establishment of 2023 Tax Policy and Tax Rates**

Typically following the completion of the annual budget deliberation process, Administration will prepare and present a detailed and comprehensive tax policy report for City Council’s consideration. Following the completion of the 2023 Budget, Administration will begin this process and this analysis and discussion will form the basis for the establishment of the 2023 property tax rates. Once property tax rates are established, final property tax bills will be issued. This process typically concludes in June. Interim taxes levied by way of this report will be deducted from any balance owing for the remainder of the year.

## **Billing Due Dates and Instalment Dates**

Section 342 of the Act provides that a municipality may pass a by-law prescribing one or more instalments on which taxes will be due. Historically, City Council has directed that property taxes be payable in six instalments (three interim due dates and three final due dates).

There are several acceptable methods for making payments including telephone or internet banking, over-the-counter at many financial institutions and via cheque. Cheques may be delivered through the mail or drop-off boxes located at City Hall.

Payments can also be made as part of one of the City’s three approved Pre-Authorized Payment (PAP) plans. These include the due date plan, mid-month plan and end- month plan. There is also a fourth plan, taxpayer defined plan, which is reserved for those individuals who have had trouble in paying their property taxes and are in arrears.

Following past practice, Administration is recommending the following due dates for purposes of the 2023 interim tax bills.

Pre-Authorized Payment Plan Due Dates			Regular Instalment Due Dates
Instalment Date	Mid-Month	End of Month	
15-Feb-23	15-Feb-23	28-Feb-23	15-Feb-23
15-Mar-23	15-Mar-23	31-Mar-23	15-Mar-23
19-Apr-23	17-Apr-23	28-Apr-23	19-Apr-23
	15-May-23	31-May-23	
	15-Jun-23	30-Jun-23	

## Late Payment Charges

As indicated above, municipal taxation is the fundamental revenue stream from which annual operating expenditures are funded. Without the necessary working capital, many of the services currently offered to residents of the City would not be able to be provided. In order to help ensure that property taxes are remitted when due, municipalities are able to levy late payment charges pursuant to Section 345 of the Act.

There are **two** separate late payment charges: 1) penalty and 2) interest. Penalties are applied the day after a tax instalment is due and is based on the instalment amount. Interest is applied on the first day of the month and is based on the total amount of principal tax outstanding at the end of the previous month. There is no compounding of interest. That is, late payment charges, and in particular interest, are calculated on the outstanding tax balance only.

Historically, late payment charges are established as follows:

- 1 ¼% of the amount of tax due and unpaid as a penalty for non-payment on the first day of default and;
- 1 ¼% of the amount of tax due and unpaid as interest for non-payment on the first day of each month.

This is standard practice across the province and Administration recommends continuing with the existing late payment charges and rates where there is non-payment. While the penalty and interest percentages are significant, they are meant to provide an incentive to taxpayers to prioritize the payment of property taxes, which is critical if the municipality is to have the funds required to provide services to the community.

Taxpayers are encouraged to obtain lower cost financing from financial institutions or other sources if required in order to pay the tax levy on time. This option is being leveraged by property owners as a result of the increase in assessment values which is creating additional equity in homes. Alternatively, Administration assists property owners providing payment plans of up to five years for taxpayers in arrears. Finally, the municipality also has a program to deal with cases of extreme poverty where qualifying individuals can get complete relief from the payment of property taxes for up to two years. Applications for tax relief must be made on or before the last day of February following the tax year (i.e. February 28, 2023 for relief of 2022 property taxes).

### **Risk Analysis:**

The administration of property taxes is regulated through legislation and regulations found within the Ontario Municipal Act, 2001. While there is some municipal discretion and decision making authority, there is little latitude as it relates to billing and payments.

There is low risk attributable to the issuance of interim property tax bills. Issuance of interim tax bills allows the municipality to raise the necessary funds to continue operations until such time as final budgets have been approved and actual taxes for the year can be determined. Any adjustments required as a result of the final budget requirement and final tax rates will be made later in the year with the final tax billings.

Failure to issue interim tax bills could result in a shortfall of the working capital required to provide municipal services necessitating the need for temporary borrowings.

Administration will work with the consulting firm of Municipal Tax Equity (MTE) Consultants Inc. as it relates to the Tax Capping Adjustment to ensure that each individual tax adjustment is reflective of the correct value. MTE has been assisting Administration in this and other tax policy matters since 2000 to mitigate any risk related to legislative compliance matters.

### **Climate Change Risks**

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

### **Financial Matters:**

The tax revenue generated from the 2023 interim tax levy will be approximately \$220,390,000 inclusive of the education component and will provide the necessary working capital to support operations until such time as the final tax rates have been set and final tax bills issued.

Preliminary work has already commenced with regards to the preparation of the 2023 interim tax bills so as to meet legislative timing for receipt of the bills by property owners prior to the first due date. Administration is anticipating that all bills will be mailed the week of January 16, 2023.

### **Consultations:**

N/A

### **Conclusion:**

The interim tax bills generate the required funds to run the municipal corporation in the first part of the year. It is expected that bills will be mailed out in the latter part of January.

### **Planning Act Matters:**

N/A

### **Approvals:**

<b>Name</b>	<b>Title</b>
Janice Guthrie	Deputy Treasurer – Taxation, Treasury and Financial Projects

Name	Title
Joe Mancina	Commissioner Corporate Services, Chief Financial Officer and City Treasurer
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**



**Subject: 2023 Agency Grant Payments - City Wide**

**Reference:**

Date to Council: December 12, 2022  
Author: Dave Soave  
Manager, Operating Budget Development & Control  
519-255-6100 Ext. 1911  
dsoave@citywindsor.ca  
Financial Planning  
Report Date: November 18, 2022  
Clerk's File #: AF/14372

**To:** Mayor and Members of City Council

**Recommendation:**

THAT Council **APPROVE** the funding for City Funded Agencies in 2023 up to a maximum of 50% of the 2022 approved grant amounts as outlined in this report.

**Executive Summary:**

N/A

**Background:**

As in previous years when the budget has not been approved prior to the start of the fiscal year, Council has approved payments to City funded agencies up to a maximum of 50% of the prior year's approved budget.

**Discussion:**

It is anticipated that the City's 2023 Operating Budget, along with approval for agency funding, will not be finalized until April of 2023. In the interim, a number of agencies rely on annual City of Windsor grant funding in order to sustain their operations. Any necessary adjustments to these agencies' payment schedules resulting from the 2023 budget discussions and final budget approval will be made and communicated to the appropriate agency(s) accordingly.

**Risk Analysis:**

As these agencies rely on the financial support of the City of Windsor to maintain their operations, they may experience financial difficulties if funds are not made available until the 2023 budget is approved. In the interim, administration is seeking approval to release payments up to a maximum of 50% of their 2022 approved amounts.



## Climate Change Risks

### Climate Change Mitigation:

N/A

### Climate Change Adaptation:

N/A

### Financial Matters:

The table below outlines the agencies funded by the City of Windsor, their 2022 approved budgeted amounts, and the maximum level they would be funded prior to the approval of the 2023 Operating Budget. As per normal practice, up to 50% of the previous year's grant is recommended.

<b>Agencies Requiring Transfer Payments</b>	<b>2022 Approved Budget</b>	<b>% of the 2022 Budget Requested for Transfer</b>	<b>Maximum Transfer Approved for 2023</b>
<b>Statutory Agencies</b>			
Land Ambulance Services	\$12,379,200	50%	\$6,189,600
Windsor-Essex County Health Unit	\$3,803,275	50%	\$1,901,638
Essex Region Conservation Authority	\$1,751,944	50%	\$875,972
<b>Non-Statutory Agencies:</b>			
Invest Windsor/Essex	\$1,291,661	50%	\$645,831
Handi Transit	\$1,098,049	50%	\$549,025
Life After Fifty	\$172,438	50%	\$86,219
Windsor Symphony	\$150,000	50%	\$75,000
The Safety Village	\$91,250	50%	\$45,625
Arts Council	\$15,000	50%	\$7,500
Artcite Inc.	\$5,000	50%	\$2,500
<b>Total</b>	<b>\$20,757,817</b>		<b>\$10,378,910</b>

In total, the maximum level of funding required based on the recommended pre-approval is \$10,378,910.

**Consultations:**

N/A

**Conclusion:**

The 2023 budget process has not yet been finalized and therefore the payment schedules for the City of Windsor funded agencies, as outlined above, cannot be completed. Payments to these agencies up to a maximum of 50% of their 2022 approved budget would assist in avoiding any financial difficulties that they may experience and would also allow for Council to make further adjustments to their budgets prior to the finalization of the 2023 budget.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
David Soave	Manager, Operating Budget Development & Control
Tony Ardovini	Deputy Treasurer - Financial Planning
Joe Mancina	Chief Financial Officer & City Treasurer
Onorio Colucci	Chief Administrative Officer (A)

**Notifications:**

Name	Address	Email

**Appendices: N/A**

**Subject: 2023 Budget Process Update - City Wide**

**Reference:**

Date to Council: December 12, 2022

Author: Dave Soave

Manager, Operating Budget Development & Control

519-255-6100 Ext. 1911

dsoave@citywindsor.ca

Financial Planning

Report Date: November 23, 2022

Clerk's File #: AF/14372

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the report of the Chief Financial Officer & City Treasurer dated December 12, 2022 regarding the 2023 Budget Process Update **BE RECEIVED** for information.

THAT City Council **APPROVE** the Operating & Capital Budget amended timelines for the 2023 Operating & Capital budgets as outlined in Table A (Operating & Capital Budget Timeline) of this report.

THAT City Council **APPROVE** the formation of an Operating Budget Review Committee, with participation available to all members of City Council, in order to conduct a detailed review of the preliminary 2023 Operating Budget estimates as prepared by Administration and to provide further direction relative to the Committee's recommended budget for submission to City Council for the 2023 budget deliberations.

**Executive Summary:**

N/A

**Background:**

At its Council meeting held May 9, 2022, through CR203/2022, City Council approved the following motions:

*That the report of the Chief Financial Officer & City Treasurer dated May 9, 2022 regarding the 2023 Proposed Budget Process & Timeline **BE RECEIVED** for information; and,*

*That Council **APPROVE** the Operating & Capital Budget timelines for the development of the 2023 Operating & Capital budgets as outlined in Table A (Operating & Capital Budget Timeline) of this report; and,*

*That Administration **BE DIRECTED** to bring forward a 2023 Operating Budget that provides options to meet Council's fiscal targets status quo from the 2022 Budget Deliberation process with a 0% tax increase option along with 5% departmental reduction targets being brought forward for each department and that this also apply to all City Agencies, Boards, and Commissions (ABCs); and,*

*That City Council **CONFIRMS** that Administration is to develop the 2023 10-year Capital Budget based on current funding level projections, inclusive of the operational (tax levy based) transfers to capital being maintained at current 2022 levels; and further,*

*That City Council **APPROVE** the transfer of up to \$10,000 from the Budget Stabilization Reserve (BSR) for costs associated with the upgrade of the corporate budget development software (Questica); and further,*

*That Administration **BE DIRECTED** to continuously review best practices related to public engagement and provide those findings to Council in 2023.*

Also at the the May 9, 2022 Council meeting, through CR204/2022, City Council approved the following motion:

*That Administration **BE REQUESTED** to bring back recommendations for budget engagement tools for the 2023 Budget Deliberation process for Council's consideration.*

At its Council meeting held August 8, 2022, through CR348/2022, City Council approved the following motions:

*That the report of the Manager of Operating Budget Development & Control dated July 21, 2022 entitled "2023 Budget Process - Public Engagement - City Wide" **BE RECEIVED** for information; and further,*

*That City Council **APPROVE** an amount of up to \$16,000 to be funded from the Budget Stabilization Reserve (BSR) to renew the subscription cost for the Balancing Act Software Solution.*

## **Discussion:**

The 2023 budget development process for both operating and capital have been well under way since May of this year. The 2023 budget development milestones completed to date are as follows:

### **Operating Budget**

- *Development of preliminary high-level budget pressures.*
- *Development of departmental detailed salary & wage budget.*

- *Development of detailed issues regarding budget pressures and reduction options.*
- *CAO & CLT-Administrative departmental review sessions.*
- *Finalization of Administrative recommended changes to budget issues.*

### **Capital Budget**

- *Review of departmental capital budget requests for 2023 – 2031.*
- *Identification and development of priority projects currently not included in the existing 10-year plan.*
- *Development of departmental capital budget for 2032 funding year.*
- *Administrative balancing of funding to expenditures.*
- *CAO & CLT-Administrative departmental review sessions.*
- *Finalization of Administrative recommended changes to capital plan.*

### **Council Operating Budget Review Committee**

#### **Operating Budget Review**

Most recently, City Council has expressed a desire to introduce a participatory budget process within the operating budget cycle which would allow City Council an earlier look at the annual budget pressures and estimates that are being considered by Administration. This would also allow council (or a subcommittee of council) to provide further direction on the recommended budget in advance of council's annual budget deliberations.

Additionally, given the recent municipal election it is important that the new members of City Council be provided sufficient time to orient themselves to the City's complex \$887 million gross operating budget by reviewing in more detail the many budget issues that are being considered by administration.

In order to achieve this vision for 2023, it is proposed that an Operating Budget Council Review Committee, with participation open to all members of City Council, be formed in order to conduct a detailed review of the preliminary 2023 Operating Budget estimates as prepared by Administration and to provide further direction relative to the Committee's recommended budget for submission to City Council for the 2023 budget deliberations. The extended timelines (as outlined in Table A of this report) allow for a week of review by the Council Committee during the week of January 23, 2023. The meetings will be tentatively scheduled for Monday through Friday that week from 9:00 AM to 5:00 PM (location to be determined). The schedule will allow for a wrap-up session of the Council Committee at the end of the departmental reviews. The Corporate Leadership Team (CLT) will be in attendance for the duration of the meetings and departmental and financial staff will come and go based on a pre-set departmental schedule. An extensive series of budget and supporting documents will be provided to the Council Committee Members on Monday, January 9<sup>th</sup> that will facilitate the week long budget review process.

#### **Capital Budget Review**

The City's 10-year capital plan allows for the development and execution of projects that span more than one year, with the ability to pre-commit and utilize approved-in-principle

capital funds over a 5-year time period. This long-range approach allows for flexibility in planning for large scale projects while maximizing available funding. It also allows for leveraging of grant funding where matching City funds are required.

Through the capital budget developing process, existing projects are reviewed and new projects are evaluated annually to ensure that critical work is being planned for and that adequate funding is available for the maintenance and upgrade of the City’s major infrastructure. Those items that do change, are highlighted as part of the Capital Budget documents that are presented to Council during the City’s budget deliberations.

At this time, Administration has not brought forward a recommendation for a Council Capital Budget Review Committee, given the following considerations:

- The Corporate Asset Management Plan (AMP) provides significant direction on the allocation of capital funds in addressing service sustainability investments in our existing assets to keep them functioning at approved service levels.
- The capital budget relies heavily on a variety of funding sources, a number of which, have restrictions on their use. As the 10-year capital plan is developed, each project is carefully evaluated in order to match the planned project work with appropriate funding sources.
- Given the long-range planning involved in the City’s capital program, a large portion of the overall 10-year capital plan is pre-committed and unavailable for reallocation.

### **Proposed Timeline Moving Forward**

The following table outlines the revised process and timeline for the balance of the development phases for the 2023 Operating and Capital Budgets.

**Table A: Operating & Capital Budget Development Timeline**

<b>Description</b>	<b>Date</b>
1. Council Committee Documents Prepared	December, 2022
2. Council Committee Documents Distributed	Jan. 9, 2022
3. Council Committee Review	Jan. 23, 2023 – Jan. 27, 2023
4. Council Committee Recommendations	Jan. 30, 2023 – Feb. 24, 2023
5. Recommended Budget Prepared	Feb. 27, 2023 – Mar. 10, 2023
6. Recommended Budget Tabled	Mar. 13, 2023 – Mar. 31, 2023
7. Recommended Budget	April 3, 2023

## **Key Factors Impacting the 2023 Budget:**

### **Continuing COVID 19 Pressures**

Consistent with the process in 2022, an additional component will be incorporated into the 2023 budget process to separately capture and project any remaining COVID-19 financial impacts remaining for future years. This enhanced process includes a categorization within the budget system to isolate and summarize all the COVID-19 related budget issues so that administration and City Council can assess the impacts and strategize on a funding plan going forward. While many City services have now returned to normal levels as a result of restrictions being lifted, there are some services and revenue shortfalls that we expect a few years to return to their historical levels.

As the budget is developed, it will also be necessary for Administration to gain further insight into any further transitional relief funding that senior levels of government may provide to municipalities. This is especially important in the Transit and Housing areas. To date, we are not aware of any announcements relating to such transitional funding. Municipalities will need to start adjusting their budgets going forward over several budget years as some budget levels may not return to their historical levels. This will create budget pressures for the 2023 and beyond as budgets are adjusted to the new normal.

### **Inflationary Pressures**

Current macro and micro economic conditions such as changes to local unemployment rates, volatility of energy costs, commodity prices and interest rates, as well as supply and demand for products and services has dramatically changed as a result of the COVID 19 recovery to levels not seen in decades. The latest inflationary increases are currently 6.8%, with construction costs coming in significantly higher at 17%. It is still very difficult to determine when inflation will start to return to historical levels. The current inflationary environment may impact employee contract settlements, purchase of supplies, fuel cost, and contracts with annual CPI increases. This has become a significant risk that is being monitored and will need to be managed within the 2023 Operating and Capital budgets.

### **Asset Management Plan (AMP)**

The City's updated Corporate Asset Management Plan was presented and approved by City Council in 2019, CR424/2019. The report identified an annual shortfall of approximately \$30M in investments, which sustain our existing assets at current levels of service. The approval of the AMP and understanding of funding levels and prioritization required for service sustainability resulted in the inclusion of an annual 1.16% increase to the capital budget. The plan has been extremely effective in bringing the annual budgets for the City's core assets up to sustainable levels to achieve the established service levels. Provincial legislation requires an update to the plan no later than July 1, 2024, to also include not only core municipal assets, but all municipal

infrastructure assets, including those of ABCs such as Housing and YQG Airport. The AMP will be updated, through the assistance of a consultant, to include the additional legislated requirements. This may require the continuation of the AMP annual increase and/or a change in the amount levied each year. Recommendations with options will be brought forward to Council once the AMP updates are complete.

### **Service Enhancements/ Budget Pressures**

Additional pressures to the 2023 Budget include previous City Council approvals that will need to be annualized in the 2023 Budget. As an example, Council recently approved funding to support the new LG/Stellantis economic development initiative that will bring thousands of new jobs to the area and is also expected to generate significant economic spin-off once it is established. Funding for the land acquisitions required to secure this once in a generation investment to Windsor Essex requires the issuance of long term debt and hence will require annual budgetary funding consideration within the 2023 operating budget levy.

There will also be additional budget pressures in 2023 and beyond related to Master Plans that have been approved by City Council in recent years. Many of the master plans are aspirational and both incremental capital and operating funding will need to be approved for some enhancements to proceed. The master plans are numerous, but include: Transit Windsor, Recreational, Sewer, Active Transportation, Parks, and Housing, amongst others.

### **Public Engagement and Other Inputs into the Annual Budget Process**

On November 23, 2022, the City launched 3 separate public engagement tools designed to provide residents with insight and involvement into the City's 2023 budget process.

**Prioritize** is a new engagement tool that allows residents to provide input on their priorities for the upcoming 10-year capital plan. Users are able to select the capital investment areas that are important to them and then rank their preferences. The resulting data provides a deeper insight into the priorities of residents as they relate to competing capital funding and corporate initiatives. Its user-friendly design and simplicity make Prioritize an attractive addition to the overall public engagement tools offered to residents.

The **Budget Balancing Simulation** allows residents to adjust the City of Windsor's 2022 Approved Property Tax Funded Operating Budget by increasing, decreasing, or maintaining spending for various city services, including Police, Fire & Emergency, Infrastructure, Payments to School Boards, Capital Projects & Reserves, Human & Health Services, Community Services, General Corporate Support, and Economic Development & Innovation. Once users make their adjustments, a coloured pie chart is updated to reflect the percentage of spending on each service. Users are able to adjust each service to a maximum of approximately 10 percent.



The **Tax Receipt Generator** allows residents to input their 2022 municipal property taxes and generate an estimated tax receipt that shows a breakdown of how their tax dollars are spent. This receipt can be downloaded and shared via the online portal.

Throughout the year, departments engage residents in many public consultation sessions to deal with various municipal matters. These numerous community involvement initiatives and public engagement opportunities occur over the course of the department's day-to-day operations on multiple issues and are an extremely valuable tool in providing guidance as it relates to the annual budget development process and recommendations.

Public interaction and constituent feedback gathered during these ward sessions and public consultations are extremely valuable and help to inform municipal decisions by elected officials and administrative staff. This public feedback helps guide Council as they prioritize service level decisions during the development of the 2023 municipal budget.

### **Various Service Delivery Review Initiatives Undertaken**

The Corporation undertakes service delivery reviews on an ongoing basis across multiple areas of the city's operations. These reviews continually assist in informing the annual budgetary process as administration brings forth council reports throughout the year on many of these matters. These reports and recommendation then help to inform the necessary decision making required during the annual budget process. Some examples of service delivery review initiatives conducting in recent years include the following service areas:

1. Planning Department Realignment
2. Building Department Realignment
3. Human Resources Review
4. Information Technology Review
5. City Fleet Service Reviews
6. Establishment of the Economic Development Area
7. Engineering and Parks & Facility Realignment
8. Transportation Planning Realignment to Public Works Operations
9. Transit Windsor Streamlining & Refocusing of Service
10. Examples of Alternative Service Delivery Include:
  - a. Locates in Public Works Operations
  - b. Streetlight Maintenance
  - c. Grass Cutting on E.C. Row Expressway
  - d. Caretaking Services at Huron Lodge & City Hall Campus

It is anticipated that the proposed Council Operating Budget Review Committee may also identify other areas/services that they would like administration to review in greater detail as part of the annual budget review process. It is important to note however that many of these ongoing and complex reviews are not necessarily solely initiated and completed during the annual budget review process. Such reviews are undertaken on an ongoing and continuous basis throughout the year often culminating in council reports and recommendations from administration that can be actioned in future and upcoming budgets. As such, it anticipated that any additional detailed and complex

service reviews that may be identified by the committee will very likely not be able to be completed in sufficient time to be fully addressed within the 2023 budget timelines, however such reviews will be prioritized and completed so that they can feed into the 2024 and future budget processes.

### **Risk Analysis:**

There is a risk that the fiscal or service needs of the residents or achievement of Council's strategic goals for the 2023 budget will not be met. This risk is mitigated by early planning of the 2023 budget process and the recommendation that a Committee of Council to review the draft 2023 Operating budget.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

There are no climate change mitigation risks as a result of this report. The City of Windsor has an approved Community Energy Plan and Corporate Climate Action Plan. As stated in the Corporate Climate Action Plan, the City of Windsor will reduce its greenhouse gas emissions from our 2014 baseline by 20% by 2030 and 40% by 2041. Assessing projects and programs early on in their development as part of the budget process will provide the most opportunity to incorporate mitigation actions. Early identification of projects eligible for grant funding will assist administration to prepare for these opportunities.

#### **Climate Change Adaptation:**

There are no climate change adaptation risks as a result of this report. The City of Windsor has an approved Climate Change Adaptation Plan identifying climate risks to infrastructure and services. Recommendations are provided to strengthen Windsor's resiliency to the effects of climate change. Assessing projects and programs early on in their development as part of the budget process will provide the most opportunity to incorporate adaptation actions. Early identification of projects eligible for grant funding will assist administration to prepare for these opportunities.

### **Financial Matters:**

Financial matters are discussed throughout the report.

### **Consultations:**

The preliminary draft 2023 recommended operating and capital budgets have been developed in collaboration with all City Departments, Agencies, Boards & Committees (ABC's) and the Corporate Leadership Team.

### **Conclusion:**

This report provides a recommendation by Administration to City Council as it relates to a revised 2023 budget process and timelines. As part of the revised timelines, the formation of a Council Operating Budget Review Committee is recommended by

Administration to complete a detailed review of the draft 2023 Administrative recommended budget.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
David Soave	Manager, Operating Budget Development & Control
Tony Ardovini	Deputy Treasurer - Financial Planning
Natasha Gabbana	Senior Manager of Asset Planning
Joe Mancina	Chief Financial Officer & City Treasurer
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

**Subject: Appointment of Hearing Officers Pursuant to By-law 80-2013 - City Wide**

**Reference:**

Date to Council: December 12, 2022  
Author: Wira Vendrasco  
Deputy City Solicitor - Legal and Real Estate  
519-255-6100 ext 6375  
wvendrasco@citywindsor.ca

Report Date: November 21, 2022  
Clerk's File #: AL2022

**To:** Mayor and Members of City Council

**Recommendation:**

That Council **APPOINT** Roland Schwalm, Claudine Wilson and Mike Hurst as Hearing Officers pursuant to By-law 80-2013, for the period of January 1, 2023 to December 31, 2026, on the terms and conditions stated herein, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute the contracts satisfactory in form and content to the Commissioner of Legal and Legislative Services and financial content to the Commissioner of Corporate Services /Chief Financial Officer.

**Executive Summary:**

n/a

**Background:**

The City implemented the Administrative Penalty System (APS) for the enforcement Parking By-law 9023 on November 1, 2013. At the same time council passed Screening Officer/Hearing Officer By-law 80-2013. This by-law establishes the mandatory statutory positions of screening officer and hearing officer required for the administration of the Administrative Penalty System.

Under the APS an appeal of a parking ticket is first heard by a screening officer, who is a municipal staff person. Decisions of the screening officer may be appealed to a hearing officer. The hearing officer must provide the person requesting the appeal an opportunity to be heard, and may cancel, affirm, or vary the decision of the screening officer, upon such grounds as are set out in the by-law. The decision of the hearing officer is final.

The hearing officer exercises a delegated power of decision. This means that council has by by-law authorized the hearing officers to make decisions prescribing the legal rights, powers, privileges, immunities, duties or liability of any person filing an appeal of a parking ticket.

By-law 80-2013 requires that qualified candidates have knowledge and experience in administrative law, that their appointment be made by council upon the recommendation of CAO in consultation with the City Solicitor, that City employees, council members and their respective spouses and children are ineligible for such appointment, and that the term of the appointment corresponds with the term of council. Hearing officers are independent of council, are governed by the policies and procedures developed to prevent interference in the administration of the system, and to prevent a conflict of interest. This does not prevent the hearing officers from consulting with lawyers in the City's Legal Services Division.

**Discussion:**

The term of the current three hearing officers will expire on December 31, 2022. Solicitation for new hearing officers was done by Expression of Interest #167-22 Hearing Officer Administrative Penalty System. This was sent to all members of the Essex Law Association. Seven qualified candidates submitted applications. After review of the submissions the City Solicitor in consultation with the Chief Administrative Officer selected Roland Schwalm, Claudine Wilson, and Mike Hurst.

The arrangement between the City and Roland Schwalm, Claudine Wilson, and Mike Hurst will be formalized by a contract. The terms and conditions of the contract will provide that the duration of the contract will be January 1, 2023 to December 31, 2026; payment of \$250.00 per hour of service. Support services such a hearing room, and computer access will be provided by the City through the Traffic Operations Department of Public Works.

**Risk Analysis:**

An integral part of APS is the position of Hearing Officer. With the end of the terms of the current hearing officers scheduled for the end of this year it is important to have the new Hearing Officers appointed by Council in order to continue the orderly enforcement of the Parking By-law.

**Climate Change Risks**

**Climate Change Mitigation:**

n/a

**Climate Change Adaptation:**

n/a

**Financial Matters:**

All costs associated with contracted Hearing Officers are charged to the Parking Enforcement operating account for legal fees, which has sufficient budget dollars for these costs.

**Consultations:**

Bill Kralovensky, Co-ordinator Parking Services  
Cindy Becker, Financial Planning Administrator – Public Works Operations

**Conclusion:**

This report deals with the timely appointment of hearing officers for the APS implemented for the enforcement of the Parking By-law.

**Approvals:**

<b>Name</b>	<b>Title</b>
Wira Vendrasco	Deputy City Solicitor – Legal and Real Estate Services
Shelby Askin Hager	City Solicitor/Commissioner, Legal and Legislative Services
Chris Nepszy	Commissioner, Infrastructure Services
Joe Mancina	Commissioner, Corporate Services, CFO/ City Treasurer
Onorio Colucci	Chief Administrative Services

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Claudine Wilson		claudine.wilson7@gmail.com
Mike Hurst		mikehurst1@hotmail.com
Roland Schwalm		rschwalm@cogeco.ca

**Appendices:**

**Subject: Applications for Tax Reductions under S. 357/358 and Write-off of Taxes under S. 354 of the Ontario Municipal Act 2001 – City Wide**

**Reference:**

Date to Council: 12/12/2022  
Author: Carolyn Nelson  
Manager Property Valuation & Administration  
(519) 255-6100 ext 6170  
cnelson@citywindsor.ca  
Taxation & Financial Projects  
Report Date: 11/24/2022  
Clerk's File #: AF2022

**To:** Mayor and Members of City Council

**Recommendation:**

THAT City Council **ACCEPT** Administration's recommendations with regards to the approval of property tax relief applications for the reduction, cancellation and refund of property taxes as outlined and included in Appendices A and B; and,

THAT City Council **ACCEPT** Administration's recommendations with regards to the write-off of taxes, penalties and other charges as outlined and included in Appendix C; and,

THAT the CFO/City Treasurer (or designate) **BE AUTHORIZED** to amend the City's Tax Master Collector's Roll for the 2003 through 2022 taxation years in the amount of \$443,713.66 (including the education portion) as outlined in Appendix D.

**Executive Summary:**

N/A

**Background:**

An application under Section 357(1) of the Ontario Municipal Act, 2001 (the Act) to City Council may be made by any person and may be made at any time during the year in respect of which the application is made and until the last day of February in the following year for the cancellation, reduction or refund of taxes. Reasons for making application include but are not limited to:

- a change event wherein the property is eligible to be reclassified in a different class which has a lower tax ratio and no supplementary assessment is made in respect to the changed event
- property that has become exempt from taxation during the year or during the preceding year after the return of the assessment roll;
- building(s) that during the year or during the preceding year after the return of the assessment roll,
  1. was razed by fire, demolition or otherwise, or
  2. was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage;
- an overcharge by reason of any gross or MPAC error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in making the assessment upon which the taxes have been levied; or
- for reason of repairs or renovations the property could not be used for its normal use for a period of at least three months during the year.

An application may also be made to the City Treasurer under Section 358(1) of the Act for the cancellation, reduction or refund of taxes levied in each or either of the two years preceding the year in which the application is made. The application may be made by any person who was overcharged due to any gross or manifest error in the preparation of the assessment roll that is clerical or factual in nature, but not an error in judgment in assessing the property.

The Act indicates that City Council is required to render a decision in respect of all applications by September 30 of the year following the year in respect of which the application is made. However, upon receipt of an application, Administration undertakes a review to determine the validity of the reasons for the application and verification of effective dates. This process may preclude Administration from being able to present all applications within the prescribed deadline. If no decision is made or the applicant disagrees with the decision rendered, the applicant has the right to appeal to the Assessment Review Board.

Section 354 of the Ontario Municipal Act, 2001 (the Act) allows the treasurer of a local municipality to remove taxes from the tax roll if City Council accepts the recommendation by the treasurer to write off taxes as uncollectable. This can occur after an unsuccessful tax sale of a property, whether or not the municipality vests the property. In addition, under paragraph 354(4)(b) of the Act, the municipality may write off taxes without conducting a tax sale if the recommendation of the treasurer includes an explanation of why conducting a tax sale would be ineffective or inappropriate.



## **Discussion:**

The applications, which have been finalized and included for approval under section 357/358 of the Act, are presented in the attached Appendices A and B for the cancellation, reduction or refund of property taxes for years 2021 and 2022. Appendix C lists properties where the write-off of taxes, penalties and other charges is recommended under section 354(4)(b) of the Act. Appendix D summarizes the financial impact of those applications, which are recommended for approval.

## **Appendices A & B – S. 357/358**

All of the properties listed in Appendices A and B have had tax class changes from taxable to exempt.

Appendix A lists one application for a property at 300 Ouellette Avenue that was purchased by the University of Windsor in February 2022. This property was assessed by MPAC for purposes of the 2022 returned assessment roll using the commercial/shopping centre tax classes. As a result of the purchase by the University after the returned roll and based on the tax relief application, MPAC has reviewed the property classification and removed all but \$871,000 of the \$4,429,000 assessment value to exempt. As a result, the 2022 taxes are required to be reduced by \$139,722.10.

The applications listed in Appendix B are for City owned properties that were either acquired during the year or had been previously tenanted. Administration has determined that all of the noted properties will be retained for municipal purposes. As such, notification was provided to MPAC to have the properties reclassified to exempt from the date of vacancy and/or acquisition. As a result, taxes in the amount of \$94,095.33 are required to be removed from the tax accounts.

## **Appendix C – S. 354**

In conjunction with preparations needed to convert the existing property data to a new property tax system, Administration has completed an extensive review of historic properties that have property tax balances outstanding. A property becomes historic when the original parcel no longer exists due to a severance or consolidation. A severance may be the division of a parcel into two or more land parcels, or it may occur when the owner of a residential property (containing more than one unit) registers the individual units as condominiums. A consolidation occurs when more than one adjacent parcels all with the same owner are combined to create one new parcel. In these cases, the roll numbers of the original parcels are retired and the new properties are given new individual roll numbers. When the property becomes historic, any taxes outstanding are normally apportioned to the new properties. The majority of accounts listed in Appendix C have continued to carry balances owing for many years. While it is possible to apportion and collect these amounts from current owners or alternatively action the collection through a tax sale process, there is a very high risk that these owners were not original parties to the transactions and would have no recourse available to appeal a billing from a prior year and would be effectively forced into making payment.

In addition to historical accounts noted above, there are a few active accounts which became exempt over time. Property taxes relating to the year in which the exemption was to apply and for which the taxes were not corrected have been carried over. A tax sale process for the collection of taxes that no longer owing would not be practical.

Administration is recommending that the account balances be written off as uncollectible and taxes in the amount of \$209,896.24 be removed from the tax accounts.

### **Risk Analysis:**

As indicated above, applications for the cancellation, reduction or refund of taxes is legislated under S 357/358 of the Municipal Act and City Council is required to render a decision by September 30 of the year following the year in respect of which the application is made.

Upon receipt of the said applications, Administration undertakes the due diligence necessary to confirm that the information contained in the application is accurate. Administration then recommends by report to Council, applications for approval and those that warrant denial.

An applicant may appeal the decision of City Council to the Assessment Review Board (ARB) by filing a notice of appeal with the registrar of the Board within 35 days after Council makes its decision.

Administration brought forth a report to Council in August of this year to deal with tax relief applications. This is a second report bringing forth applications for properties that have become exempt following the August report. Timely removal of the taxes will facilitate the presentation of the property tax receivable ledgers at year end.

Administration is also recommending writing off uncollectable taxes under S. 354 of the Municipal Act 2001. The taxes are considered to be uncollectible and utilization of the tax sale process would be ineffective. Timely removal of the taxes will facilitate the presentation of property tax receivable ledgers at year end.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

**Financial Matters:**

As outlined in Appendix E – Summary Distribution of Tax, the total amount to be cancelled herein is \$443,713.66 with the municipal share being \$382,210.86 and the education share being \$61,502.80. The municipal amount will be charged to the current year’s provision for tax write-offs. Write-offs are funded from supplemental tax billing revenue received in year unless alternative funding is available. There is sufficient funding in 2022 to cover the amount of the write-off. The education share of the property tax relief provided in total will be recovered by way of a charge back to the Province.

**Consultations:**

The Municipal Property Assessment Corporation (MPAC) provides the City with the assessed values relating to the applications for tax adjustments and confirms that tax class change requests are indeed appropriate.

**Conclusion:**

The Taxation and Assessment Division is responsible to ensure that the correct amount of taxes are levied on Windsor properties. This report recommends the cancellation of taxes for properties that became exempt during the year and or have been determined to be uncollectible.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Carolyn Nelson	Manager Property Valuation & Administration
Janice Guthrie	Deputy Treasurer Taxation, Treasury & Financial Projects
Joe Mancina	Commissioner Corporate Services/Chief Financial Officer
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Appendix A - Commercial Industrial Multi-Res Property Classes
- 2 Appendix B - City Owned Properties
- 3 Appendix C - S 354 Uncollectable Amounts
- 4 Appendix D - Summary Tax Distribution

**APPENDIX "A"**  
**Commercial / Industrial / Multi-Residential Property Classes**

2022						
Roll Number	Property Address	Amount of Assessment	Tax Class	Number of days in 2022 Affected by Application	Tax Reduction	Reason for Application
040 030 06300	300 OUELLETTE AVE	\$ 1,197,700	XT> E	333	\$ 47,044.07	EXEMPT
040 030 06300	300 OUELLETTE AVE	\$ 2,359,500	ZT>E	333	\$ 92,678.03	EXEMPT
<b>TOTAL</b>					<b>\$ 139,722.10</b>	

**APPENDIX "B"**  
**CITY OWNED PROPERTIES**

2021						
Roll Number	Property Address	Amount of Assessment	Tax Class	Number of days in 2021 Affected by Application	Tax Reduction	Reason for Application
070 720 01207	8787 MCHUGH	\$ 75,000	CT>E	365	\$ 3,175.98	EXEMPT

2022						
Roll Number	Property Address	Amount of Assessment	Tax Class	Number of days in 2022 Affected by Application	Tax Reduction	Reason for Application
040 590 03300	451 TECUMSEH RD W	\$ 168,000	CT> E	184	\$ 3,646.19	EXEMPT
050 170 06400	4255 SANDWICH ST	\$ 1,441,000	CT>E	319	\$ 54,219.83	EXEMPT
070 890 00600	0 BANWELL RD	\$ 313,000	RF>E	205	\$ 2,956.06	EXEMPT
070 890 06840	3017 TROUP CRES	\$ 11,300	RT>E	193	\$ 6,731.75	EXEMPT
070 090 00400	3324 HOWARD AVE	\$ 188,000	RT>E	108	\$ 1,031.20	EXEMPT
070 090 00500	3326 HOWARD AVE	\$ 175,000	RT>E	108	\$ 959.89	EXEMPT
090 040 03450	TWIN OAKS DR	\$ 176,000	CT>E	156	\$ 2,566.00	EXEMPT
090 040 03465	0 EC ROW AVE E	\$ 406,000	CT>E	156	\$ 5,922.00	EXEMPT
090 040 03503	0 EC ROW AVE E	\$ 374,000	IX>E	156	\$ 6,108.00	EXEMPT
090 040 03600	0 EC ROW AVE E	\$ 145,000	FT>E	156	\$ 152.06	EXEMPT
090 040 03700	0 EC ROW AVE E	\$ 334,000	FT>E	156	\$ 448.06	EXEMPT
090 040 03800	11055 EC ROW AVE E	\$ 44,900	FT>E	156	\$ 216.00	EXEMPT
090 040 03900	3447 BANWELL RD	\$ 45,400	RT>E	156	\$ 312.00	EXEMPT
090 040 04000	3455 BANWELL RD	\$ 434,000	RT>E	233	\$ 4,888.12	EXEMPT
090 040 04100	0 BANWELL RD	\$ 61,000	FT>E	156	\$ 20.06	EXEMPT
090 040 04200	1845 BANWELL RD	\$ 84,000	FT>E	156	\$ 56.06	EXEMPT
090 040 04300	2087 BANWELL RD	\$ 485,000	FT>E	156	\$ 686.06	EXEMPT
TOTAL					\$ 90,919.34	

<b>TOTAL TAX REDUCTION FOR CITY OWNED PROPERTIES</b>	<b>\$ 94,095.33</b>
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**APPENDIX "C"**  
**SEC. 354 - UNCOLLECTABLE AMOUNTS**

**Residential/Farmland Tax Cancellation**

Roll	Address	Tax Class	Year	Uncollectable Amount
3739-070-150-01500-0000	0 SIXTH CONCESSION RD	FT	2007	\$ 2,130.41
3739-030-020-05600-0000	397 PIERRE AVE	RT	2013	\$ 861.43
3739-050-120-10000-0000	223 SUNSET BLVD	RT	2021	\$ 1,603.95
3739-050-120-13500-0000	189 PATRICIA RD	RT	2018	\$ 18,672.33
3739-060-300-08400-0000	0 EASTLAWN AVE	RT	2010	\$ 886.14
3739-060-460-18200-0000	0 WYANDOTTE ST E	RT	2009	\$ 3,843.23
3739-070-120-15401-0000	0 HOLBURN ST	RT	2007	\$ 162.70
3739-070-140-70133-0000	0 TUMBLEWEED CRT	RT	2005	\$ 3,421.77
3739-070-140-70134-0000	0 TUMBLEWEED CRT	RT	2005	\$ 3,699.07
3739-070-150-00800-0000	0 SIXTH CONCESSION RD	RT	2007	\$ 3,192.12
3739-070-150-00900-0000	0 SIXTH CONCESSION RD	RT	2007	\$ 1,543.62
3739-070-240-19100-0000	3345 WOODWARD BLVD	RT	2006	\$ 48,275.23
3739-070-420-00800-0000	2592 PILLETTE RD	RT	2003	\$ 14,368.98
3739-060-460-18220-0000	0 WYANDOTTE ST E	RT	2010	\$ 4,315.49
3739-070-730-07790-0000	0 KATELLA AVE	RT	2010	\$ 491.11
				<b>\$ 107,467.58</b>

**Commercial, Industrial & Multi-Res. Tax Cancellation**

3739-040-330-07000-0000	0 BILLBOARDS	CT	2013	\$ 1,472.76
3739-020-100-00801-0000	0 CHESEPEAKE & OHIO RAILWAY	IX	2005	\$ 4,333.95
3739-020-100-02300-0000	0 WALKER RD	IX	2005	\$ 1,044.08
3739-070-270-04000-0000	0 RIBERDY RD	IX	2009	\$ 2,062.98
3739-070-270-04100-0000	0 RIBERDY RD	IX	2009	\$ 1,154.72
3739-070-270-04300-0000	0 RIBERDY RD	IX	2009	\$ 2,839.70
3739-010-010-00560-0000	5000 WYANDOTTE ST E	MT	2005	\$ 89,520.47
				<b>\$ 102,428.66</b>

**TOTAL AMOUNTS TO BE CANCELLED PER SEC. 354**

**\$ 209,896.24**

**APPENDIX "D"**  
**Summary Tax Distribution**

**SUMMARY - DISTRIBUTION OF TAX CANCELLATION, REDUCTION OR REFUND**

<b>Tax Class Residential, Farmland</b>	<b>TOTAL TAXES</b>	<b>MUNICIPAL</b>	<b>EDUCATION</b>
2003-2021 - SEC 354 - Residential - Appendix "C"	\$ 107,467.58	\$ 100,712.31	\$ 6,755.27
<b>Residential, Farmland Tax Cancellation</b>	<b>\$ 107,467.58</b>	<b>\$ 100,712.31</b>	<b>\$ 6,755.27</b>

<b>Tax Class Commercial, Industrial, Multi-Res</b>	<b>TOTAL TAXES</b>	<b>MUNICIPAL</b>	<b>EDUCATION</b>
2022 - SEC 357/358 -Commercial - Appendix "A"	\$ 139,722.10	\$ 111,777.68	\$ 27,944.42
2005-2014 - SEC 354 - Commercial Industrial Multi-Res - Appendix "C"	\$ 102,428.66	\$ 92,497.61	\$ 9,931.05
<b>Commercial, Industrial &amp; Multi-Res. Tax Cancellation</b>	<b>\$ 242,150.76</b>	<b>\$ 204,275.29</b>	<b>\$ 37,875.47</b>

<b>Tax Class to Exempt City Owned Properties</b>	<b>TOTAL TAXES</b>	<b>MUNICIPAL</b>	<b>EDUCATION</b>
2021 - SEC 357/358 - City Owned - Appendix "B"	\$ 3,175.98	\$ 2,826.63	\$ 349.36
2022 - SEC 357/358 - City Owned - Appendix "B"	\$ 90,919.34	\$ 74,396.63	\$ 16,522.71
<b>City Owned Properties Tax Cancellation</b>	<b>\$ 94,095.33</b>	<b>\$ 77,223.26</b>	<b>\$ 16,872.07</b>

<b>TOTAL TO BE WRITTEN OFF</b>	<b>\$ 443,713.66</b>	<b>\$ 382,210.86</b>	<b>\$ 61,502.80</b>
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**Subject: CQ 15-2022 - Rosalie Trombley Celebration of Life Achievements - City Wide**

**Reference:**

Date to Council: December 12, 2022  
Author: Michelle Staadegaard  
Manager, Culture & Events  
mstaadegaard@citywindsor.ca  
(519) 253-2300 ext. 2726  
Recreation and Culture  
Report Date: November 24, 2022  
Clerk's File #: SR2022

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** City Council **APPROVE** up to \$50,000 from the Budget Stabilization Reserve (BSR) Fund to stage a temporary exhibit at Chimczuk Museum and the hosting of a celebration of life achievements for Rosalie Trombley; and,

**THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to take any such action required to effect the recommendations noted above and sign any required documentation/agreement(s) for the celebration, satisfactory in legal form to the Commissioner, Legal and Legislative Services, in technical content to the Executive Director of Recreation & Culture and in financial content to the Commissioner, Corporate Services/Chief Financial Officer.

**Executive Summary:**

N/A

**Background:**

On August 8, 2022, City Council approved the allocation and setting up of a capital project account of up to \$100,000 for the creation, installation and unveiling of a commemorative statue to honour the life, work and impact of Rosalie Trombley (CR356/22).

On September 6, 2022, Councillor Kaschak presented a Council Question (CQ 15 - 2022) asking administration "...to prepare a report for the City and TWEPI to stage a celebration of life achievements of Rosalie Trombley at the Chimczuk Museum in 2023. Funding sources, such as the Public Art Endowment Fund, and any other funding methods should be outlined in the report."

### **Discussion:**

Rosalie's clay figure was completed by artist Donna Mayne in late October 2022 and was delivered to the foundry in mid-November 2022, where it is being cast in bronze and the companion piece, a monolith number "8" in granite, is being created.

City staff have met to confirm future location of the sculpture and monolith, which will be on City-owned lands on the waterfront within the Festival Plaza footprint. The site was chosen for linking well-known arts and entertainment spaces on both sides of the Detroit River, as a way to honour the work Rosalie Trombley did in the music scene across international borders.

The City continues work in consultation with the artist, the Trombley family, as well as statue donors and supporters to unveil the statue in a special ceremony in connection with Rosalie Trombley's birthday on September 18, 2023, and in connection with the start of the National celebration of Culture Days across Canadian communities in the Fall of 2023.

The Culture Department's museum staff team will be curating a temporary exhibit to be on display as of September 18, 2023, to coincide with the statue unveiling and celebration. Historical research, gathering of memorabilia and creation of the exhibit will begin in early 2023. Preliminary plans include a temporary exhibit at the Chimczuk Museum in one of the main floor galleries that can host special programming, public and school programs as well as other educational activities.

The program on the day of the unveiling, also celebrating Rosalie's birthday will be designed to celebrate and share stories of her legacy. Complementary community-based activations in and around Festival Plaza will bring visitors to the downtown core for the unveiling including tributes from friends, family and members of the music community.

Administration has reached out to Tourism Windsor Essex Pelee Island (TWEPI) to discuss program options for the unveiling as well as ongoing activations within our region. TWEPI has confirmed that they will assist with marketing and promotion of the unveiling and celebratory activations, once confirmed.

Administration has started discussions with additional local partners to discuss other potential celebratory components to highlight one of Windsor's most famous and influential women. Rosalie had an incredible impact on the music industry, the performing arts, and the lives and careers of countless seminal musical artists and the potential for a concert or concert series is also being considered as part of the festivities.

**Risk Analysis:**

Hosting an event on City premises carries with it some inherent risk of liability which can generally be mitigated ensuring the City and any contractors have proper agreements in place, including appropriate indemnity and insurance provisions.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

The estimated costs for the development of the temporary exhibit at Chimczuk Museum and a community celebration at Festival Plaza are approximately \$50,000. This cost is in addition to the \$100,000 capital project previously approved for the creation, installation and unveiling of a commemorative statue to honour the life, work and impact of Rosalie Trombley (CR365/2022). Administration has confirmed that the planned temporary exhibit at the Chimczuk Museum and related celebration does not meet the criteria to access the Public Art Endowment Fund, as a result, Budget Stabilization Reserve (BSR) funding is being recommended.

In addition, City administration continues to work with artist Donna Mayne to secure additional sponsors to support the interpretive panel and the unveiling ceremony.

**Consultations:**

Lynn Glasier – Financial Planning Administrator

Aaron Farough – Legal Counsel

James Chacko – Executive Director Parks and Facilities

Gordon Orr and Jason Toner – Tourism Windsor Essex Pelee Island (TWEPI)

**Conclusion:**

The Rosalie Trombley sculpture has the same potential for growth and impact, and presents an opportunity to enhance the City of Windsor’s public art collection in a meaningful and important way.

Combining Rosalie’s birthday, sculpture unveiling, Museum exhibit and community celebration is a wonderful and well-deserved way to recognize her legacy.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Michelle Staaedegaard	Manager, Culture & Events
Jen Knights	Executive Director, Recreation & Culture
Ray Mensour	Commissioner, Community Services
Shelby Askin-Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Commissioner, Corporate Services CFO / City Treasurer
Onorio Colucci	Chief Administrative Officer (A)

**Notifications:**

Name	Address	Email

**Appendices:**



**Subject: Temporary Exhibition Look Again! Outside Extension and Expansion - City Wide**

**Reference:**

Date to Council: December 12, 2022

Author: Michelle Staadegaard  
Manager, Culture & Events  
mstaadegaard@citywindsor.ca  
(519) 253-2300 ext. 2726

And

Salina Larocque  
Cultural Development Coordinator  
slarocque@citywindsor.ca  
(519) 253-2300 ext. 2746

Recreation and Culture  
Report Date: November 24, 2022  
Clerk's File #: SR/13926

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** the request from the Art Gallery of Windsor (currently operating as Art Windsor-Essex or AWE) for the temporary installation of up to 26 reproduction paintings in frames in the Spring of 2023 for up to one year **BE APPROVED**; and further,

**THAT** the request from AGW to extend the exhibition of the 8 framed reproduction paintings in frames currently in the downtown core be extended until the end of 2023 **BE APPROVED**; and further,

**THAT** City Council **AUTHORIZE** the waiver of fees of up to \$5,512.00 for the permit to install 26 temporary art displays as well as the refundable indemnity fee; and further,

**THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign an Agreement for the installation of the artworks in the City Right-of-Way for up to one year, to be satisfactory in form to the City Solicitor, and in content to the Executive Director of Recreation and Culture, and in content to the Manager of Right-of-Way.

**Executive Summary:**

N/A

## **Background:**

On September 11, 2020, The Art Gallery of Windsor submitted a request (Appendix A) to install 8 temporary reproduction artworks in frames in the downtown core. This was approved by Council on November 9, 2020 (CR545/2020).

Based on the success of this initial approval, on November 25, 2022, Administration received final revisions from the Art Gallery of Windsor regarding the 26 temporary reproductions that would be located at various BIA locations across the City if approved by Council.

## **Discussion:**

The Art Gallery of Windsor (AGW) is a non-profit art gallery focused on presenting the visual arts of Canada. The Gallery was formed on October 1, 1943, and incorporated on June 8, 1944, with the mandate of serving the Southwestern Ontario region and the international border community of Windsor, Ontario, Canada and Detroit, Michigan, USA. In the intervening years, it has become a cultural pillar situated in a premium and purpose-built downtown riverfront location overlooking the Detroit River and downtown skyline. The AGW has a long and well-respected position within the cultural community.

In 2021, the AGW launched *Look Again! Outside!* in Downtown Windsor, placing reproductions of artworks from the AGW collection directly in the community. These reproduction artworks in frames were placed within the Right-of-Way and permit fees were waived in support of the initiative. The success of that project inspired the expansion to every BIA area in Windsor. AGW is transforming into a community-centered gallery for the 21<sup>st</sup> century. As part of their strategic plan, they are working to make the works in their collection relevant, accessible and compelling to audiences. *Look Again! Outside!* brings artworks out of the vault and into the street. Reproductions will be installed in selected sites for a period of one year, installation and removal is handled by AGW. The Art Gallery of Windsor has recently completed an edition of *Look Again! Outside!* at St Clair College's main campus in Windsor, and in Amherstburg with support from donors and partners.

On September 15, 2022, the Art Gallery of Windsor submitted a request (Appendix B) to expand its successful "Look Again! Outside!" temporary art installation into all BIAs across Windsor. The request to expand the project is intended to further enhance the cultural vibrancy within all BIAs across Windsor by installing temporary reproductions of paintings in frames from their collection for audiences to enjoy.

In discussion with the Manager of Right-of-Way, permits will be required for each installation as the pieces will be located within the Right-of-Way. The AGW has noted in their request that they are flexible on the locations in order to respect sightlines for traffic and foot traffic moving through the space. They have indicated that they will

install the framed art on sidewalks using the guidelines as provided by the Manager of Right-of-Way and included in their request. The AGW has requested that fees be waived for the one-year duration of the project.

The project lead is also required to coordinate with the Planning and Building Department for coordination with decorative streetscape elements within BIAs, and consider relevant policies and guidelines (e.g. in Heritage Conservation District, Heritage and CIP areas).

The AGW has approached all the Business Improvement Associations (BIA) and the City of Windsor. All are enthusiastic in their support of this project (Appendix C). The AGW will work with each partner, noted below, to fine tune the locations to ensure all locations are suitable:

- Via Italia BIA: Brandi Myles, BIA Coordinator Filip Rocco, BIA President; BIA Board members
- Olde Riverside BIA: Bridget Schuerman, BIA Executive Director; BIA Board members
- Pillette Village BIA: Bridget Schuerman, BIA Executive Director; BIA Board members
- Ottawa Street BIA: Mike Osborne, BIA Coordinator; Ettore Bonnato, BIA President; BIA Board members
- Walkerville BIA: Jake Rondot, BIA Board Member; Shannon Gilbert, BIA Chair; BIA Board members
- Ford City BIA: Kaitlyn Karns, BIA Coordinator; Shane Potvin, BIA President; BIA Board members
- Wyandotte Town Centre BIA: Dana Horowitz, BIA Member
- Sandwich Town BIA: Thomas Coke, BIA Coordinator; Mary Ann Cuderman, BIA President; BIA Board members

### **Risk Analysis:**

Other Risks: The Art Gallery of Windsor will provide an insurance certificate to the City of Windsor at the start of the exhibition that is satisfactory to our Risk Management department. The AGW will be responsible for all copyright costs, reproduction costs, framing, installations, repair/maintenance and removal of the exhibition at the end of the project. The installation/exhibit must at all times meet with the approval of Administration to mitigate the risk to the City of Windsor.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

## **Climate Change Adaptation:**

N/A

## **Financial Matters:**

The permit fee to install one sign (reproduction) within the Right-of-Way is \$212.00. The request to install all 26 signs (reproductions) will result in a total waiver of fee request of \$5,512.00.

There will not be any fee to extend the permit on the 8 pieces in the downtown core for another year.

The request for the Waiver of Fees does not specifically meet the City's policy requirements in two key areas including the condition that the AGW is not a registered charity as recognized by CRA as well as the timing of the request being made does not fall within the 90-day requirement for requests of Waiver of Fees. A number of criteria, including the social and community benefits, outweigh the nominal cost of the waiver and as such, Administration supports the provision of the Waiver of Fees in this circumstance.

The organization has a history of delivering effective exhibitions and programming that are impactful and supportive of the arts community in Windsor. In addition, the City's Public Art Policy supports the temporary exhibition of art within our public spaces.

## **Consultations:**

Lynn Glasier, Financial Planning Administrator

Kevin Alexander, City Planner, Special Projects

James Chacko, Executive Director Parks and Facilities

Aaron Farough, Legal Council, Real Estate and Risk Management

Stefan Fediuk, City Planner, Landscape Architect

Adam Pillon, Manager of Right-of-Way

Kristina Tang, Heritage Planner

## **Conclusion:**

Through this Art Gallery of Windsor project, a public art installation will be available for the community to enjoy 24 hours a day, seven days a week. It is an excellent complement to the City of Windsor's existing collection of contemporary public art. The City of Windsor has made a significant contribution to the cultural fabric of the community and is working to develop cultural hubs throughout the BIAs. It also



provides visitors the opportunity to get outside and explore, which is of significant benefit to everyone since the beginning of the COVID-19 pandemic.

This temporary public art installation will also continue to support and enhance opportunities within the creative community.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Michelle Staadegaard	Manager of Culture and Events
Jen Knights	Executive Director, Recreation & Culture
Ray Mensour	Commissioner, Community Services
Shelby Askin-Hager	Commissioner, Legal and Legislative Services
Chris Nepszy	Commissioner, Infrastructure Services
Joe Mancina	Commissioner, Corporate Services/CFO
Onorio Colucci	Chief Administrative Officer (A)

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Jennifer Matotek	401 Riverside Dr. W.	jmatotek@agw.ca

**Appendices:**

- 1 Appendix A - 2020 AGW request letter
- 2 Appendix B - 2022 AGW Look Again request letter
- 3 Appendix C - Letters of Support

September 11, 2020

Dear Cathy Masterson and Ray Mensour,

We write this letter to seek approval and support for a project spearheaded by the Art Gallery of Windsor (AGW). The goals of the project, **'Look Again! Outside!'**, are to positively build Windsor's image and support the cultural vibrancy of downtown Windsor (aligned with the City of Windsor's Cultural Plan); as well as to position images from AGW's treasured art collection downtown, to be enjoyed by a broad audience.

**'Look Again! Outside!'** will feature reproductions of eight artworks from the AGW collection in the community, creating a mini-walking tour through downtown. A network of reproductions will link the AGW building on Riverside Drive to St. Clair College, University of Windsor, the Capitol Theatre, Maiden Lane, Transit Centre, as well as at the Windsor Public Library, riverfront, local parks, and local businesses. The AGW will work with the DWBIA as a partner for this, as well as St. Clair College and the University of Windsor.

**The reproduced artworks will be fabricated using materials that are highly durable.** AGW staff and partners will be regularly reviewing the condition of reproductions and replacing or removing them should their condition deteriorate or become unsightly.

**The AGW kindly requests that the City of Windsor consider waiving permit fees and any indemnity deposits that would be applicable for each installation. The AGW will not ask the City of Windsor to cover any expenses associated with this project** beyond providing approvals for the project, and helping to ensure AGW is producing and installing the reproductions to code and in adherence with city bylaws. Costs for the production, installation, repair, and maintenance of the reproductions will be covered by the Art Gallery of Windsor and partners.

**A list of artworks and proposed locations are attached as an addendum, as well as fabrication and installation information – but please note these are proposals.** AGW intends to be very flexible in terms of working with the City of Windsor to find locations where the works can be best installed using existing infrastructure, and best located to avoid sightline issues. The AGW would also be open to shifting the locations of the reproductions after installation should issues arise, and should the City of Windsor or partners deem the locations no longer suitable.

**The duration of the project will be 8 months to one year, with installation ideally taking place in October 2020.** Should the City of Windsor or community partners wish to continue to leave the reproductions installed, the AGW would be open to that, provided that the reproductions remain in good condition at the end of one year.

AGW is excited to work with the City and our community partners on this project. We are confident that with support from the City, the community will enjoy these additions to downtown Windsor's cultural landscape, particularly during the period of COVID-19 as people spend an increasing amount of time outside. The AGW looks forward to bringing reproductions of our treasured artworks out into the community, to be enjoyed by all, through this project.

Regards,



Jennifer Matotek  
Executive Director  
Art Gallery of Windsor



Federica Nazzani  
Board Chair  
Art Gallery of Windsor

**Attachments:**

**ADDENDUM A: PROPOSED LOCATION AND REPRODUCTIONS, 'LOOK AGAIN! OUTSIDE!'**

**ADDENDUM B: PROPOSED INSTALLATION INFORMATION AND FABRICATION DETAILS**



Sept 2022

Dear Commissioner Ray Mensour,

We write this letter to seek approval and support for the expansion of our **'Look Again! Outside!'** project.

This project began with the installation of eight reproductions of artworks from our collection across Downtown Windsor. These have been in place since 2021 with support from the City of Windsor, after the project was approved by Council in 2020. We continue to be grateful to have the City's support for the project and appreciated having any fees associated with the project waived. The success of that project has inspired us to bring it to every BIA in the City of Windsor.

The expansion of this project has received support from the Gordie Howe Bridge Authority Community benefits program, the Ontario Trillium Foundation, private donors, and partners. Through funding for this project, we have hired additional staff and have worked with BIAs to determine sites that highlight the existing infrastructure in the neighbourhoods and add value to spaces where people gather in the community.

**'Look Again! Outside!'** aims to positively build Windsor's image and support the cultural vibrancy of the City of Windsor (aligned with the City of Windsor's Cultural Plan); as well as to position images from AWE's treasured art collection across the city to be enjoyed by a broad audience.

**'Look Again! Outside!'** will feature 2- 5 reproductions of artworks from the AWE collection in each BIA area, encouraging people to encounter works in their own neighbourhoods, and discover works in places they may not otherwise visit. AWE will work to create and provide additional engagement and programming to compliment the expansion of this project.

**The reproduced artworks will be fabricated using materials that are highly durable.** AWE staff and partners will be regularly reviewing the condition of reproductions and replacing or removing them should their condition deteriorate or become unsightly.

**AWE will not ask the City of Windsor to cover any expenses associated with this project** beyond providing approvals and waiving fees for Right of Way, and Right of Entry permits for the project and helping to ensure AWE is producing and installing the reproductions to code and in adherence with city bylaws. Costs for the production, installation, repair, and maintenance of the reproductions will be covered by Art Windsor-Essex, partners and other funders.

**A list of artworks and proposed locations are attached as an addendum, as well as fabrication and installation information. Please note these are just proposals.** AWE intends to be very flexible in terms of working with the City of Windsor to find locations where the works can be best installed using existing infrastructure, and best located to avoid sightline issues to ensure the safe enjoyment of this project. AWE is open to shifting the locations of the reproductions after installation should issues arise and should the City of Windsor or partners deem the locations no longer suitable.



**The installation of artwork reproductions would take place over the course of several months, weather permitting.** We hope to begin installations as early as possible in Fall/Winter 2022 and have them completed by late Spring 2023, weather permitting.

**We would like to keep the installations in place for one year from the time of completion.** Should the City of Windsor or community partners wish to continue to leave the reproductions installed, AWE would be open to that, provided that the reproductions remain in good condition at the end of the planned term and should the City of Windsor agree.

**We also request an extension of 'Look Again! Outside' in Downtown Windsor.** As the current reproductions in Downtown are being enjoyed by residents and visitors alike, and there has been no vandalism or damage to the reproductions currently installed downtown, we request permission to extend the installation of these reproductions to the end of 2023, provided they remain in excellent condition.

AWE is excited to work with the City and our community partners on this project. We are confident that with support from the City, the community will enjoy these additions to Windsor's cultural landscape. AWE looks forward to bringing reproductions of our treasured artworks out into the community, to be enjoyed by all, through this project.

Regards,

Jennifer Matotek  
Executive Director  
Art Windsor-Essex

Victoria Little  
Board Chair  
Art Windsor-Essex

*Look Again! Outside 2022*  
LETTERS OF SUPPORT

1. Ford City BIA
2. Olde Riverside BIA
3. Ottawa Street BIA
4. Pillette Village BIA
5. Sandwich Towne BIA
6. Via Italia-Erie Street BIA
7. Walkerville BIA



**Letter of Support:** *Look Again! Outside*

On behalf of the Ford City Business Improvement Association, this letter is provided in support of the expansion of Art Windsor-Essex's *Look Again! Outside* project which places reproductions from the collection in public places. Art Windsor-Essex staff have worked with us, beginning this past summer to identify key locations in our neighbourhood that invites conversation, reflection and pause.

The works have been selected to communicate and celebrate elements of the neighbourhood, and support the cultural vibrancy of the City of Windsor.

Art and culture are important to us. Projects like this promote our neighbourhoods as cultural destinations, encouraging people to visit and engage with art outside of a gallery setting. We are supportive of AWEs efforts to make art accessible to everyone, and to present artworks in new and innovative ways.

We are pleased to collaborate with AWE on bringing this project to our BIA, and look forward to seeing this move ahead with support from the city.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Kaitlyn Karns". The signature is fluid and cursive, with a large loop at the end.

Kaitlyn Karns  
Executive Director, Ford City BIA  
E: [kaitlyn@fordcity.ca](mailto:kaitlyn@fordcity.ca)  
T: 519.562.0450



**OLDE RIVERSIDE**  
TOWN CENTRE BIA

2334 Cypress Avenue | Windsor, ON N8P 0A7 | Ph. 519-962-6550 | [www.olderiversidebia.com](http://www.olderiversidebia.com)

November 14, 2022

Mayor Drew Dilkens and Members of Windsor City Council

Re: Look Again Outside

This letter is provided in support of the expansion of Art Windsor-Essex's *Look Again! Outside* project which places reproductions from the collection in public places. Art Windsor-Essex staff have worked with us, beginning this past summer to identify key locations in our neighbourhood that invite conversation, reflection and pause. The works have been selected to communicate and celebrate elements of the neighbourhood, and support the cultural vibrancy of the City of Windsor.

Art and culture are important to the Olde Riverside BIA. Projects like this promote our residential and business neighbourhoods as cultural destinations, encouraging people to visit and engage with art outside of a gallery setting. We are supportive of AWEs efforts to make art accessible to everyone, and to present artworks in new and innovative ways.

We are pleased to collaborate with AWE on bringing this project to Olde Riverside Town Centre, and look forward to seeing this move ahead with support from the city.

Respectfully submitted

Bridget M. Scheuerman  
Executive Director



Dear Mayor and Counsellors of the City of Windsor,

This is a letter of support for “*Look Again! Outside*” from the Ottawa Street BIA, also known as ‘Uptown Ottawa’.

This letter is provided in support of the expansion of Art Windsor-Essex’s *Look Again! Outside* project which places reproductions from the collection in public places. The idea was presented to the Board of Directors of the Ottawa Street BIA and discussed and one of our board meetings with a unanimous vote for the project to move forward in our community. Art Windsor-Essex staff have worked with us, the Ottawa Street BIA, beginning this past summer to identify key locations in our neighbourhood that invite conversation, reflection and pause.

The works have been selected to communicate and celebrate elements of the neighbourhood, and support the cultural vibrancy of Ottawa Street and the City of Windsor.

Art and culture are important to us. Projects like this promote our neighbourhoods as cultural destinations, encouraging people to visit and engage with art outside of a gallery setting. We are supportive of AWEs efforts to make art accessible to everyone, and to present artworks in new and innovative ways.

We are pleased to collaborate with AWE on bringing this project to our BIA, and look forward to seeing this move ahead with support from the City of Windsor.

Thank you,

On behalf of the Board of Directors of the Ottawa Street BIA,

Ettore Bonato

President of the Ottawa Street BIA for ‘Uptown Ottawa’



November 14, 2022

Mayor Drew Dilkens and Members of Windsor City Council

Re: Look Again Outside

This letter is provided in support of the expansion of Art Windsor-Essex's *Look Again! Outside* project which places reproductions from the collection in public places. Art Windsor-Essex staff have worked with us, beginning this past summer to identify key locations in our neighbourhood that invite conversation, reflection and pause. The works have been selected to communicate and celebrate elements of the neighbourhood, and support the cultural vibrancy of the City of Windsor.

Art and culture are important to the Pilette Village BIA. Projects like this promote our residential and business neighbourhoods as cultural destinations, encouraging people to visit and engage with art outside of a gallery setting. We are supportive of AWEs efforts to make art accessible to everyone, and to present artworks in new and innovative ways.

We are pleased to collaborate with AWE on bringing this project to Pilette Village BIA, and look forward to seeing this move ahead with support from the city.

Respectfully submitted

Bridget M. Scheuerman  
Executive Director

[www.pilettevillage.com](http://www.pilettevillage.com)

4769 Wyandotte St. E  
Windsor, ON N8Y 1H8

PH: 519.962.6550

Dear City of Windsor

Re: Letter of Support: Look Again! Outside

As Coordinator for the Sandwich Towne BIA I am happy to provided this letter in support of the expansion of Art Windsor-Essex's Look again! Outside project which places reproductions from the collection in public places. Art Windsor-Essex, together with their co-curator Reginald S. Tolson, and myself spent some time this summer identifying locations in and around Sandwich Towne that would best reflect and invite conversation, and pause. This project celebrates elements of our neighbourhood and supports the cultural vibrancy.

On behalf of the Sandwich Towne BIA Board I am pleased to write this letter of support and hope that AWE will continue its efforts to make art accessible to everyone, and to present artwork in new and innovative ways.

Warmest Regards

Tom Coke

Coordinator, Sandwich Towne BIA



November 10, 2022

To Whom It May Concern,

This letter is provided in support of the expansion of Art Windsor-Essex's *Look Again! Outside* project which places reproductions from the collection in public places. Art Windsor-Essex staff have worked with us, beginning this past summer to identify key locations in their neighbourhoods that invite conversation, reflection and pause.

The works have been selected to communicate and celebrate elements of the Via Italia-Erie Street neighbourhood and support the cultural vibrancy of the City of Windsor.

Art and culture are important to us. Projects like this promote our neighbourhoods as cultural destinations, encouraging people to visit and engage with art outside of a gallery setting. We are supportive of WE's efforts to make art accessible to everyone, and to present artworks in new and innovative ways.

We are thrilled to collaborate with AWE on bringing this project to the Via Italia-Erie Street BIA, and look forward to seeing this move ahead with support from the city.

Thank you in advance for your consideration.

Sincerely,

Brandi Myles

A handwritten signature in black ink that reads "M. Brandi Myles".

Via Italia-Erie Street BIA  
Coordinator



[www.ViaItalia.com](http://www.ViaItalia.com)  
[info@viitalia.com](mailto:info@viitalia.com)

[www.instagram.com/viitaliayqg](https://www.instagram.com/viitaliayqg)

[www.facebook.com/viitaliayqg](https://www.facebook.com/viitaliayqg)

836 Erie St E, Windsor ON N9A 3Y4



**Walkerville Business Improvement Area**

**Board of Directors**

Howard Spinner, Treasurer

Shannon Gilbert  
*(Flowers by Design)*

Anissa Noakes  
*(Urban Art Market)*

Jake Rondot  
*(HK Publishers)*

Jeff Bourque  
*(Thirsty Butler)*

Sean Lavin  
*(Blackburn Radio)*

Michelle Maggio  
*(Vitos Pizzeria)*

Vince Rosati  
*(Rosati Group)*

Mike Bates  
*(Refine Fitness)*

**Council Representative:**

Chris Holt  
*City of Windsor Ward 4*

**WBIA Coordinator:**

Emily Borland  
info@visitwalkerville.com

visitwalkerville.com  
#visitwalkerville

Art Windsor-Essex  
401 Riverside Drive West  
Windsor, ON N9A 7J1  
Attn: Nadja Pelkey

Letter of Support: *Look Again! Outside*

This letter is provided in support of the expansion of Art Windsor-Essex's *Look Again! Outside* project which places reproductions from the collection in public places. Art Windsor-Essex staff have worked with the Walkerville BIA beginning this past summer to identify installation locations within our business district which invite conversation, reflection and pause. The art pieces have been selected to communicate and celebrate elements of the neighbourhood and support the cultural vibrancy of the City of Windsor.

Art and culture are important to Walkerville. Projects like this promote our neighbourhood as a cultural destination, encouraging people to visit and engage with art outside of a gallery setting. We are supportive of AWE's efforts to make art accessible to everyone, and to present artworks in new and innovative ways.

We are pleased to collaborate with AWE on bringing this project to our BIA and look forward to seeing this move ahead with support from the City of Windsor.

Best Regards,

Walkerville BIA Board of Directors

cc. Shannon Gilbert, Chair, Walkerville BIA