



AGENDA

GENERAL COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA
www.mississauga.ca

WEDNESDAY, OCTOBER 23, 2013
IMMEDIATELY FOLLOWING SPECIAL COUNCIL

COUNCIL CHAMBER – 2nd FLOOR – CIVIC CENTRE
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1

Members

| | |
|---------------------------|----------------|
| Mayor Hazel McCallion | |
| Councillor Jim Tovey | Ward 1 |
| Councillor Pat Mullin | Ward 2 |
| Councillor Chris Fonseca | Ward 3 |
| Councillor Frank Dale | Ward 4 (Chair) |
| Councillor Bonnie Crombie | Ward 5 |
| Councillor Ron Starr | Ward 6 |
| Councillor Nando Iannicca | Ward 7 |
| Councillor Katie Mahoney | Ward 8 |
| Councillor Pat Saito | Ward 9 |
| Councillor Sue McFadden | Ward 10 |
| Councillor George Carlson | Ward 11 |

Contact: Sacha Smith, Legislative Coordinator, Office of the City Clerk
905-615-3200 ext. 4516 / Fax 905-615-4181
sacha.smith@mississauga.ca

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CALL TO ORDER

APPROVAL OF THE AGENDA

DECLARATIONS OF CONFLICT OF INTEREST

PRESENTATIONS

DEPUTATIONS

- A. Lieutenant Colonel Fred Moore and Major Graham Walsh, Commanding Officers, Toronto Scottish Regiment with respect to a Remembrance Day Parade on November 10, 2013.

MATTERS TO BE CONSIDERED

1. Vendor of Record Designations for the Supply and Delivery of Replacement Parts and Sublet Repair Services for Transit Buses
2. Assumption of Municipal Works (Ward 11)
3. Corporate Policy – Park Pathway Lighting Policy
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8. Surplus Land Declaration and Sale of Lands to Peel Condominium Corporation No. 431 in Connection with the Bus Rapid Transit Project (Ward 5)
9. Renewal of the Investigator Services Agreement with Local Authorities Services Limited (“LAS”) with respect to Closed Meeting Investigation Services

10. Bill 69 – *Prompt Payment Act, 2013*

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COUNCILLORS' ENQUIRIES

OTHER BUSINESS/ANNOUNCEMENTS

CLOSED SESSION

(Pursuant to Subsection 239 (2) of the Municipal Act, 2001)

A proposed or pending acquisition or disposition of land by the municipality or local board – Acquisition of Lands at 7300 West Credit Avenue for the purpose of a Mississauga Transit Facility; and Execution of a Right of First Opportunity and Right of First Refusal Agreement over a portion of Park 317, with Orlando Corporation (Wards 5 and 9)

ADJOURNMENT

CALL TO ORDER

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PRESENTATIONS

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- A. Lieutenant Colonel Fred Moore and Major Graham Walsh, Commanding Officers, Toronto Scottish Regiment with respect to a Remembrance Day Parade on November 10, 2013.

MATTERS TO BE CONSIDERED

1. Vendor of Record Designations for the Supply and Delivery of Replacement Parts and Sublet Repair Services for Transit Buses

Corporate Report dated October 4, 2013 from the Commissioner of Transportation and Works with respect to Vendor of Record Designations for the supply and delivery of replacement parts and sublet repair services for transit buses.

RECOMMENDATION

1. That the vendors included on Appendix 1, attached, be designated as vendors of record for the supply and delivery of replacement parts and sublet repair services for Transit buses.
 2. That the Purchasing Agent be authorized to execute annual blanket order contracts with the designated vendors of record for the supply and delivery of replacement parts and sublet repair services for Transit buses, as required.
2. Assumption of Municipal Works (Ward 11)

Corporate Report dated October 4, 2013 from the Commissioner of Transportation and Works with respect to the assumption of municipal works.

(2.)

RECOMMENDATION

That the City of Mississauga assume the municipal works as constructed by the developer under the terms of the Municipal Works Agreement for City File No. OZ 001/02, De Zen Construction Company Limited O/B/O 678604 Ontario Inc. associated with 98 William Street, (lands located north of the Streetsville Plaza, south of Caroline Street, west of Queen Street South, and east of St. Lawrence & Hudson Railway, in Z-39(E)) known as William Street Reconstruction and that the Letter of Credit in the amount of \$81,444.00 be returned to the developer.

3. Corporate Policy – Park Pathway Lighting Policy

Corporate Report dated September 16, 2013 from the Commissioner of Community Services with respect to the Park Pathway Lighting Policy.

RECOMMENDATION

1. That the draft Corporate Policy entitled “Park Pathway Lighting” attached as Appendix 1 to the Corporate Report dated September 16, 2013 from the Commissioner of Community Services be approved.
2. That the existing Corporate Policy and Procedure “Park Path Lighting Design and Construction Standards” policy 05-02-06, attached as Appendix 2 be rescinded.

4. Corporate Policy – Filming on City of Mississauga Property

Corporate Report dated September 30, 2013 from the Commissioner of Community Services with respect to the Filming on City of Mississauga Property Policy.

RECOMMENDATION

1. That the proposed revised Corporate Policy and Procedure – Filming on City of Mississauga Property, attached as Appendix 1 to the report dated September 30, 2013 from the Commissioner of Community Services, be approved and all necessary by-laws be enacted.
2. That a by-law be enacted to amend the Noise Control By-Law 360-79, as outlined in the report dated September 30, 2013 from the Commissioner of Community Services, entitled “Corporate Policy – Filming on City of Mississauga Property”.

5. Corporate Policy – Arena Ice Allocation Policy

Corporate Report dated September 25, 2013 from the Commissioner of Community Services with respect to the Arena Ice Allocation Policy.

RECOMMENDATION

That the revised Corporate Policy and Procedure Arena Ice Allocation 08-03-03, attached as Appendix 1 to the Corporate Report dated September 25, 2013 from the Commissioner of Community Services be approved.

6. Single Source Contract Award to Ridgeway Occupational Consultants Inc. for Occupational Health Services

Corporate Report dated September 30, 2013 from the Commissioner of Corporate Services and Chief Financial Officer with respect to a single source contract award to Ridgeway Occupational Consultants Inc. for occupational health services.

RECOMMENDATION

1. That the Purchasing Agent be authorized to execute the necessary contract with Ridgeway Occupational Consultants Inc. on a single source basis in the estimated amount of \$1,033,115.35 (exclusive of taxes) for the provision of an Employee Health Services Program for a term of five years ending December 31, 2018.
2. That the Purchasing Agent be authorized to issue contract amendments to increase the value of the contract where necessary to accommodate additional services subject to budget availability.

7. Ground Lease Agreement with Bell Mobility Inc. for the Use of a Portion of a Municipal Park known as Lisgar Fields (P-359) Located on the North Side of Doug Leavens Blvd. (Ward 10)

Corporate Report dated October 1, 2013 from the Commissioner of Corporate Services and Chief Financial Officer with respect to a Ground Lease Agreement with Bell Mobility for the use of a portion of a municipal park known as Lisgar Fields.

(7.)

RECOMMENDATION

That a by-law be enacted authorizing the Commissioner of Community Services and the City Clerk to execute a Ground Lease Agreement, and all documents ancillary thereto including amending agreements, between The Corporation of the City of Mississauga ("City") as Landlord and Bell Mobility Inc. ("Bell") as Tenant, for the use of a portion of a municipal park known as Lisgar Fields (P-359), for a term of five (5) years commencing on January 1, 2014 and expiring on December 31, 2018, together with three (3) options to extend of five (5) years each, to permit Bell to install and operate a telecommunication cell tower. The subject property, containing an area of approximately 48 square metres (517 square feet), is located on the north side of Doug Leavens Blvd., in the City of Mississauga, Region of Peel, in Ward 10.

8. Surplus Land Declaration and Sale of Lands to Peel Condominium Corporation No. 431 in Connection with the Bus Rapid Transit Project (Ward 5)

Corporate Report dated September 27, 2013 from the Commissioner of Corporate Services and Chief Financial Officer with respect to a surplus land declaration and sale of lands in connection with the Bus Rapid Transit Project.

RECOMMENDATION

1. That the irregular-shaped parcel of land located on the north side of Eglinton Avenue West, east of Orbitor Drive, containing an area of approximately 22.2 square metres (239.0 square feet), be declared surplus to the City's requirements for the purpose of sale to the adjoining owner, Peel Condominium Corporation No. 431 ("Condo 431"). The subject lands are legally described as Part of Block 10, Plan 43M-533 being designated as Parts 3 and 4 on the draft reference plan prepared by MMM Geomatics Ontario Limited, drawing No. 20-09-022-023, City of Mississauga, Regional Municipality of Peel, in Ward 5.
2. That a by-law be enacted authorizing the Commissioner of Transportation and Works and the City Clerk to execute an Agreement of Purchase and Sale, and all documents ancillary thereto, between The Corporation of the City of Mississauga (the "City") as Vendor and Peel Condominium Corporation No. 431 as Purchaser, for the irregular -shaped parcel of land located on the north side of Eglinton Avenue West, east of Orbitor Drive, containing an area of approximately 22.2 square metres (239.0 square feet), at a purchase price of \$5,500. The subject lands are legally described as Part of Block 10, Plan 43M-533 being designated as Parts 3 and 4 on the draft reference plan prepared by MMM Geomatics Ontario Limited, drawing No. 20-09-022-023, City of Mississauga, Regional Municipality of Peel, in Ward 5.

(8.)

3. That all steps necessary to comply with the requirements of Section 2.(1) of City Notice By-law 215-08 be taken, including giving notice to the public by posting a notice on the City of Mississauga's website for at least three weeks prior to the execution of an agreement for the sale of the subject land.

9. Renewal of the Investigator Services Agreement with Local Authorities Services Limited ('LAS') with respect to Closed Meeting Investigation Services

Corporate Report dated October 7, 2013 from the City Solicitor with respect to the renewal of the Investigator Services Agreement with Local Authorities Services Limited for closed meeting investigation services.

RECOMMENDATION

1. That the Investigator Services Agreement dated December 12, 2007 between The Corporation of the City of Mississauga and Local Authorities Services Limited ("LAS") be renewed in accordance with the automatic renewal provisions contained therein, until such time as the retainer or investigation fee increases.
2. That the Mayor and the City be authorized to execute the Addendum to the Investigator Services Agreement to give effect to a fee increase for the new term starting in 2014, in a form satisfactory to Legal Services.
3. That all necessary bylaws be enacted.

10. Bill 69 – Prompt Payment Act, 2013

Corporate Report dated October 9, 2013 from the City Solicitor with respect to Bill 69 – *Prompt Payment Act*.

RECOMMENDATION

1. That the report titled "Bill 69 – *Prompt Payment Act, 2013*" by the City Solicitor be received for information.
2. That staff be authorized to make submissions to the Standing Committee on Regulations and Private Bills to outline the concerns with the proposed legislation as raised in this report from the City Solicitor, titled "Bill 69 – *Prompt Payment Act, 2013*".

(10.)

3. That the report from the City Solicitor, titled “Bill 69 – *Prompt Payment Act, 2013*” be forwarded to the local MPPs and the Association of Municipalities of Ontario for their information.

ADVISORY COMMITTEE REPORTS

Environmental Advisory Committee Report 6-2013 – October 1, 2013
(Recommendation EAC-0040-2013 to EAC-0044-2013)

COUNCILLORS’ ENQUIRIES

OTHER BUSINESS/ANNOUNCEMENTS

CLOSED SESSION

(Pursuant to Subsection 239 (2) of the Municipal Act, 2001)

A proposed or pending acquisition or disposition of land by the municipality or local board – Acquisition of Lands at 7300 West Credit Avenue for the purpose of a Mississauga Transit Facility; and Execution of a Right of First Opportunity and Right of First Refusal Agreement over a portion of Park 317, with Orlando Corporation (Wards 5 and 9)

ADJOURNMENT



Corporate Report

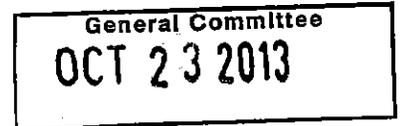
Clerk's Files

Originator's
Files

1.

DATE: October 4, 2013

TO: Chair and Members of General Committee
Meeting Date: October 23, 2013



FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **Vendor of Record Designations for the Supply and Delivery of Replacement Parts and Sublet Repair Services for Transit Buses**
File Ref. Procurement No. FA.49.519-13

- RECOMMENDATION:**
1. That the vendors included on Appendix 1, attached, be designated as vendors of record for the supply and delivery of replacement parts and sublet repair services for Transit buses.
 2. That the Purchasing Agent be authorized to execute annual blanket order contracts with the designated vendors of record for the supply and delivery of replacement parts and sublet repair services for Transit buses, as required.

**REPORT
HIGHLIGHTS:**

- Transit has identified vendors (ref. Appendix 1) that meet its requirements for the supply and delivery of many replacement parts and repair services for Transit buses from Original Equipment Manufacturers (OEM) and proximate, responsive vendors who maintain inventories of OEM and generic bus parts and who can undertake sublet repairs and respond to spot buying requests.
- It will be cost effective and efficient to establish these vendors as vendors of record.

BACKGROUND:

Council, at its meeting on July 8, 2009 approved the designation of vendor of record for known vendors of replacement parts and sublet repair services for Transit buses, ref. Resolution No. 0144-2009. Appendix 1 has been updated since that time due to vendor name changes, additions/deletions to products and services, and to add a new vendor.

The City continues to require the supply and delivery of many replacement parts for Transit buses to ensure timely maintenance and repairs. Original Equipment Manufacturer (OEM) parts are required to preserve warranties; generic parts are used where possible. Furthermore, most bus maintenance and repair operations are conducted in-house; however, some repairs may be sublet to OEM vendors when it is more efficient or cost effective to do so.

Parts availability and prompt service and delivery are key requirements. Staff have identified a roster of all known replacement bus parts vendors who maintain inventories of a variety of OEM and generic parts and who can undertake sublet repairs. These vendors are located in proximity to Mississauga Transit. Accordingly, the vendors identified on Appendix 1, attached, are considered to be uniquely qualified.

Generic replacement bus parts are available from more than one vendor and are purchased by spot buying; OEM parts and repair services are purchased directly from the manufacturer or manufacturer's authorized dealer.

Spot Buying

It is staff's practice to spot buy parts whereby competitive quotes are obtained. Spot buying of parts occurs daily with 10 – 25 different parts required in various quantities. Orders are placed with the vendors who provide the lowest prices and who can provide timely delivery.

This purchasing method has resulted in a continuous supply of parts at the lowest possible prices. In addition, purchasing parts in this manner means that Transit does not have to stock parts in order to ensure

supply, where the exact needs and quantities are difficult to predict, and therefore does not incur costs associated with carrying inventories and obsolescence.

OEM Vendors

OEM parts and sublet repair services are only available from the manufacturer, or from the manufacturer's authorized dealer, and will continue to be required until the manufacturer's buses are retired from the fleet.

The OEM vendors are sole sources as defined in the Purchasing By-law 374-2006 which states under Schedule A, Section 1, *(a) the goods and/or services are only available from one supplier by reason of: (iii) the existence of exclusive rights such as patent, copyright or licence.*

COMMENTS:

The vendors of record should be established until such time as the parts they supply are no longer required or if the vendor fails to perform or ceases to carry on business.

Furthermore, the roster of vendors is not closed. It is open to any proximate vendor who can demonstrate that they are able to provide OEM parts and services, appropriate generic parts and satisfactory references, subject to approval in accordance with By-law 374-2006.

By-law 374-2006 further requires Council authority to award single/sole source contracts having a value of \$100,000 or more.

FINANCIAL IMPACT:

The annual estimate for supply and delivery of required bus replacement parts and sublet repair services is \$5,897,000.00, excluding taxes. Funds for this purpose are available in account number's 1-715353 (Parts Inventory – cost centres 23619, 23620, and 23621) also 2-715356, 2-715357, 2-715358 (Vehicle Sublet Repairs Capital) and 1-715358-23620 (Vehicle Sublet Repair).

CONCLUSION:

A variety of replacement bus parts and sublet repair services are required to maintain Transit buses. Parts are purchased, as required,

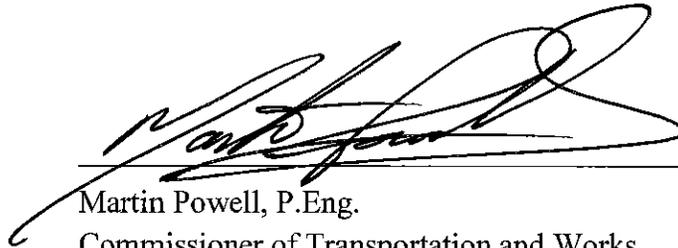
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through spot buying where it is possible to obtain quotes. It is advantageous for the City to spot buy replacement bus parts to ensure a continuous supply in a timely and low cost manner and to avoid costs associated with carrying inventories and obsolescence. OEM parts and repair services are only available from the manufacturers and their authorized dealers.

It is therefore proposed that the vendors of replacement bus parts and sublet repair services identified on Appendix 1 be designated as vendors of record.

ATTACHMENTS:

Appendix 1: Roster of Vendors of Record for Replacement Bus Parts



Martin Powell, P.Eng.
Commissioner of Transportation and Works

Prepared By: Erica Edwards, Senior Buyer, Materiel Management

Appendix 1**Roster of Vendors of Record
For Replacement Bus Parts**

| Vendor | Spot Buy or Single Source | Description | Est. Annual Contract Value* |
|--|----------------------------------|--|------------------------------------|
| Baker Transit Parts | Spot Buy | Bus parts | \$352,000 |
| City View Bus & Truck | Single Source | Specific Eldorado bus parts & sublet repairs | \$130,000 |
| Cummins Eastern Canada LP | Single Source | Sublet engine repairs/parts | \$510,000 |
| Mississauga Bus Coach & Truck | Single Source | Sublet repairs engine & transmission | \$950,000 |
| Mississauga Truck & Bus Inc. | Single Source | Sublet repairs | \$150,000 |
| New Flyer Industries** | Single Source & Spot Buy | Specific New Flyer bus parts various generic bus parts Orion bus parts | \$2,200,000 |
| SN Diesel Service | Single Source | Sublet repairs engine & transmission | \$650,000 |
| Tarten Equipment | Single Source | Sublet repairs & parts – ZF transmissions | \$130,000 |
| Thermo King Ontario | Single Source | Sublet repairs & parts for A/C units | \$160,000 |
| Thermo King Ontario | Single Source | Yearly PM inspections | \$140,000 |
| Voith Turbo Inc. | Single Source | Sublet transmission repairs & parts | \$275,000 |
| Wajax Power Products | Single Source & Spot Buy | Sublet engine & transmission repairs & parts | \$250,000 |
| | | Est. Total | \$5,897,000 |

*Estimated Annual Values are based on historical usage

** New Flyer has taken over the parts distribution of Orion Bus Parts

Note: Sublet repairs are repairs which cannot be done in-house

Corporate Report

Clerk's
Files
Originator's OZ 001/02
Files

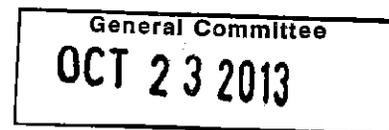
2.

DATE: October 4, 2013

TO: Chair and Members of General Committee
Meeting Date: October 23, 2013

FROM: Martin Powell, P.Eng.
Commissioner of Transportation and Works

SUBJECT: Assumption of Municipal Works (Ward 11)



RECOMMENDATION: That the City of Mississauga assume the municipal works as constructed by the developer under the terms of the Municipal Works Agreement for City File No. OZ 001/02, De Zen Construction Company Limited O/B/O 678604 Ontario Inc. associated with 98 William Street, (lands located north of the Streetsville Plaza, south of Caroline Street, west of Queen Street South, and east of St. Lawrence & Hudson Railway, in Z-39(E)) known as William Street Reconstruction and that the Letter of Credit in the amount of \$81,444.00 be returned to the developer.

City File No. OZ 001/02 (Ward 11)

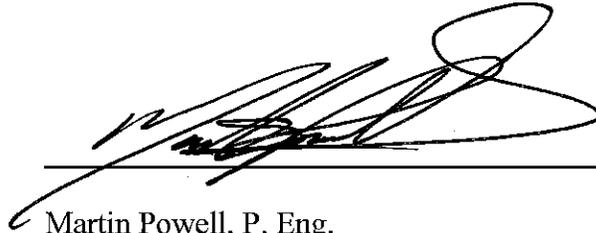
BACKGROUND: The developer identified on the attached Table of Assumption (Appendix 1) has complied with all the requirements of the Servicing Agreement for the installation of the municipal services.

FINANCIAL IMPACT: With the assumption of William Street Reconstruction, the City will now be required to provide maintenance to 46 metres (151 feet) of constructed storm sewer and 0.12 lane kilometres (394 feet) of roadway.

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CONCLUSION: It is in order for the City to assume the municipal works within the site identified on the attached Table of Assumption (Appendix 1).

ATTACHMENTS: Appendix 1: Table of Assumption
Appendix 2: Approximate location of William Street Reconstruction



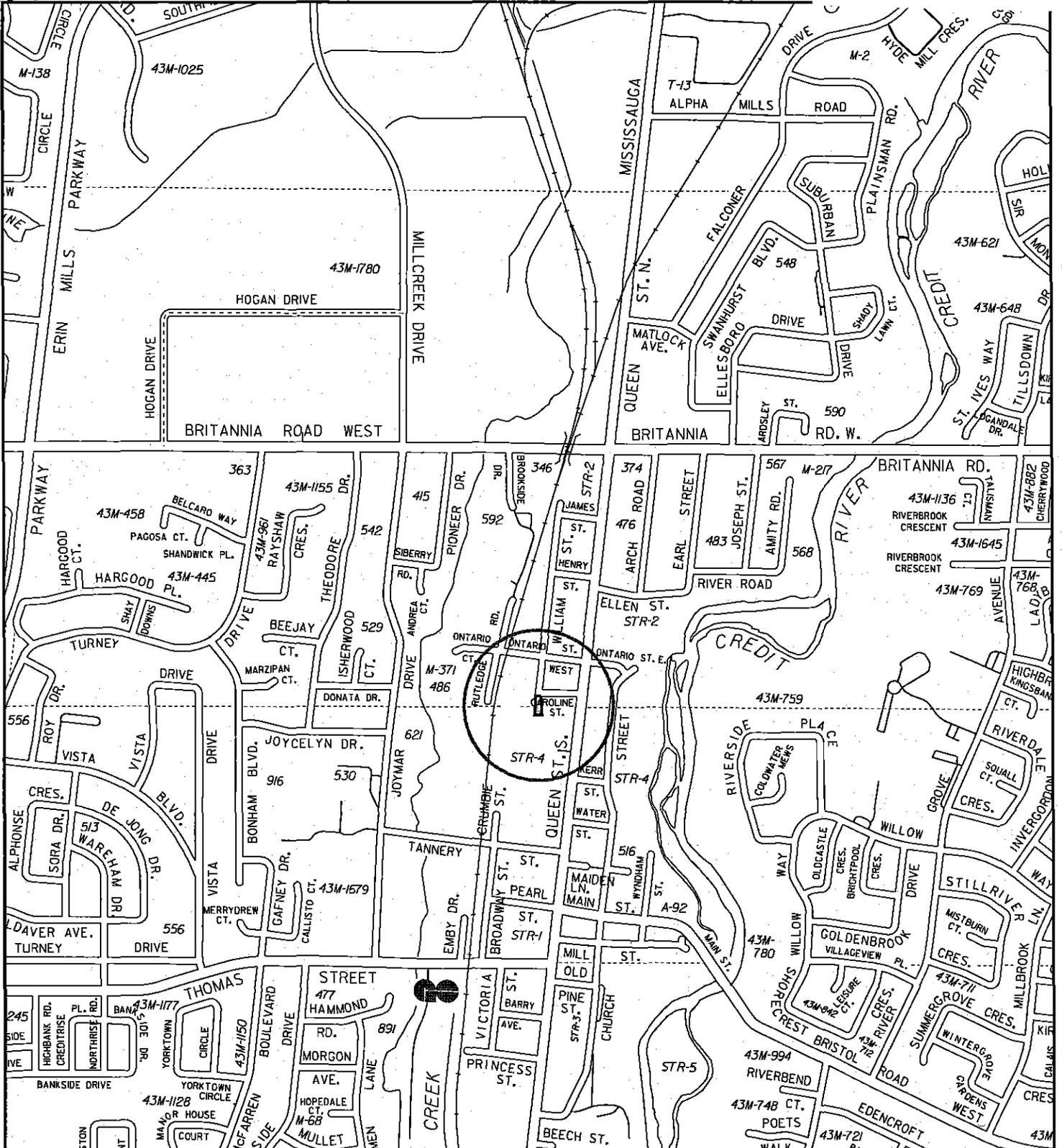
Martin Powell, P. Eng.
Commissioner of Transportation and Works

*Prepared by: Silvio Cesario, P.Eng.,
Acting Manager, Development Construction*

TABLE OF ASSUMPTION

| PLAN/FILE REFERENCE # | LOCATION | DEVELOPERS ADDRESS | SERVICING AGREEMENT DATE | SECURITIES TO BE RELEASED |
|--------------------------|---|--|--------------------------------|------------------------------|
| OZ 001/02 | North of the Streetsville Plaza, south of Caroline Street, west of Queen Street South, and east of St. Lawrence & Hudson Railway (Z-39(E)) | 678604 Ontario Inc. 23 Windsor Street Toronto, ON M8Y 2V9 Attn: Mr. Sandro De Zen | September 24, 2003 | \$81,444.00 |

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Transportation and Works

Engineering & Works

Municipal Works Agreement-William Street Rconstruction

678604 Ontario Inc.

City File No.: OZ 00102 (Ward 11) (Z-39E)

SCALE FOR REDUCED DRAWINGS





Corporate Report

Clerk's Files

Originator's
Files

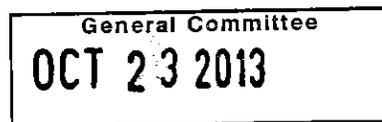
3.

DATE: September 16, 2013

TO: Chair and Members of General Committee
Meeting Date: October 23, 2013

FROM: Paul A. Mitcham, P. Eng., MBA
Commissioner of Community Services

SUBJECT: **Corporate Policy - Park Pathway Lighting Policy**



RECOMMENDATION:

1. That the draft Corporate Policy entitled "Park Pathway Lighting" attached as Appendix 1 to the Corporate Report dated September 16, 2013 from the Commissioner of Community Services be approved.
2. That the existing Corporate Policy and Procedure "Park Path Lighting Design and Construction Standards" policy 05-02-06, attached as Appendix 2 be rescinded.

BACKGROUND: The existing "Park Path Lighting Design and Construction Standards" policy, attached as Appendix 2, primarily deals with the review of lighting fixtures on the market in order for the City to remain fair and equitable to vendors while limiting the number of different types of light fixtures. The language in the existing policy statement on the criteria for placement of pathway lights has been subject to interpretation of what warrants installing lighting along a pathway, resulting in inconsistent application of the policy across the City.

PRESENT STATUS: Language in the new "Park Pathway Lighting" policy, attached as Appendix 1, improves on the current policy by clearly stating where pathway lighting is appropriate to ensure that pathway lighting provides a reasonable expectation of safety for pedestrians and cyclists, and by setting out a well-defined review and decision making

process, with opportunities for public input for the installation of new lighting and for the removal of lighting at the end of its life cycle. The new policy also requires that a CPTED review and audit be completed by staff. Recommendations are forwarded to the CPTED Advisory Committee and become part of the overall recommendations considered prior to a decision being made.

COMMENTS:

The existing Park Path Lighting Design and Construction Standards policy 05-02-06 deals primarily with the standard architectural style and/or colour of the fixture and pole, but the criteria for placement of pathway lights was not stated in the policy. The new "Park Pathway Lighting" policy clearly outlines specific criteria that must be met and, since existing park pathway lighting systems that do not comply with the new policy will be grandfathered (i.e. continue to be maintained until such time as they are replaced at the end of their life cycle with a new system that complies with this policy), it is recommended that policy 05-02-06 - "Park Path Lighting Design and Construction Standards" be rescinded and replaced with the new "Park Pathway Lighting" policy.

The new policy has been tested on a sampling of Parks with path lighting to verify that the criterion provides a consistent application across the city park's system.

STRATEGIC PLAN:

Links to Strategic Pillars:

Connect – Build and Maintain Infrastructure.

This policy will contribute to the goal of delivering infrastructure in a sustainable manner consistent with the Community Services' level of service provided within the parks and open space system.

Green – Lead and Encourage Environmental Approaches:

The policy will contribute to the ability to reduce the unnecessary pathway light installations that cannot provide reasonable safety to the public, in turn reducing capital replacement and maintenance costs and energy consumption.

Green – Conserve Natural Environments:

To be responsible stewards of the environment, natural areas, extensively treed areas or woodlands will not be lit. Forest and terrestrial wildlife will benefit from natural periods of day light and darkness, referred to as Circadian Rhythm.

FINANCIAL IMPACT: The new policy is tied to life cycle replacement programs and will be budgeted through the Corporate Business Plan and Annual Budget Process.

CONCLUSION: The new Park Pathway Lighting policy provides for clear and specific criteria to determine whether pathways are to be lit or remain unlit, and describes the process on how decisions are reached, with opportunities for the public to participate in the decision making.

ATTACHMENTS:

- Appendix 1: Corporate Policy and Procedure draft policy – Park Pathway Lighting, dated September 17, 2013.
- Appendix 2: Current Corporate Policy 05-02-06 – Park Pathway Lighting Design and Construction Standards.



Paul A. Mitcham, P.Eng. MBA
Commissioner of Community Services

*Prepared By: Michael Gusche, Project Manager,
Park Development, Community Services*

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Corporate Policy and Procedure



Policy No. Appendix 1
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 Effective Date Final draft
2013-09-17
 Supersedes

TAB: PROPERTY AND FACILITIES
 SECTION: FACILITY PLANNING
 SUBJECT: PARK PATHWAY LIGHTING

POLICY STATEMENT

Asphalt park pathways that serve as linkages connecting centres of activities such as parks, schools, public facilities, institutions, shopping centres, and transportation routes will be planned, designed and constructed with adequate provisions for pathway lighting systems.

PURPOSE

This policy outlines the process for approving locations for park pathway lighting, in accordance with established illumination standards, criteria and guidelines to ensure that pathway lighting adequately provides a reasonable expectation of safety for pedestrians and cyclists.

SCOPE

Criteria for Acceptable Pathway Lighting Locations

Parks being considered for pathway lighting must meet the following criteria:

- Paved Pathways with a minimum width of 2.4m (7.8 feet);
- Satisfy the CPTED principles as outlined in the CPTED Review Section of this policy; and either
- Provide direct access to and from major public destinations such as: community centres, schools, libraries, shopping centres, transportation connections and neighbourhoods; or
- Serve as a pedestrian route between lighted outdoor facilities and parking lots.

Areas Not Lit

The installation of park pathway lighting will not be provided where the above criteria cannot be achieved. Park pathway lighting will not be provided for or along:

- Natural areas;
- Pathways through an extensively treed area or woodland;
- Pathways in parks without outdoor facilities;

Corporate Policy and Procedure



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- Pathways serving unlit outdoor facilities;
- Pathways that do not receive winter maintenance; or
- unpaved pathways.

All existing park pathway lighting systems that do not comply with this policy will be grandfathered and continue to be maintained until such time as they are replaced at the end of their life cycle with a new system that complies with this policy.

DEFINITIONS

For the purposes of this policy:

“Commissioner” means the Commissioner of the Community Services Department or his/her designate.

“CPTED” means Crime Prevention Through Environmental Design.

“CPTED Principles” are the pro-active crime prevention strategies utilized by planners, architects, police services, and security professionals in the belief that the proper design and effective use of the built environment can lead to a reduction in the incidence and fear of crime, and improve quality of life.

“IESNA” means the Illumination Engineering Society of North America. The IESNA is the governing authority that establishes criteria and lighting levels for all lighting systems, including park pathways and cycling routes.

“Outdoor Facility” means a facility such as, but not limited to, a playground, spray pad, basketball court, baseball and soccer field, and tennis court.

“Park”, as defined by the City of Mississauga Parks By-Law, means the land, including any body of water, buildings or structures located therein, that is owned by or made available to the Corporation by lease, agreement, or otherwise, and that is established, dedicated, set apart or made available for use as

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Corporate Policy and Procedure



| | |
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| Supersedes | |

public open space; but does not include a marina, golf course or cemetery.

“Park Pathway” means an uninterrupted asphalt pathway, trail or cycling route, not less than 2.4 metres (7.8 feet) wide, connecting destinations.

“Park Pathway Lighting” means a system of lights consisting of pre-approved light fixtures and poles that conform to Community Services Department’s Standard Requirements, and illumination criteria conforming to IESNA guidelines for area lighting.

“Pedestrian” means a person walking, running or on non-motorized conveyances, such as bicycles, walkers and strollers, with the exception of motorized mobility devices, such as but not limited to, wheelchairs and scooters.

“Woodland” means forested land covered with wooded vegetation.

STANDARD LIGHTING SYSTEMS

New or replacement park pathway lighting systems must conform to the Community Services Department's Standard Requirements Manual, including IESNA pathway illumination guidelines.

NON STANDARD LIGHTING SYSTEMS

Non-standard fixtures and poles may be considered in lieu of the Community Services Department's Standard Requirements for area lighting around buildings and urban public spaces within parks to reflect an architectural style or the uniqueness of the location. All illumination criteria must conform to recommended IESNA pathway illumination guidelines.

REVIEW PROCESS

The installation of new park pathway lighting systems that are part of a new development or redevelopment, or the recommendation to remove an existing system during a park

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redevelopment or lifecycle replacement will be reviewed and designed according to the Criteria for Acceptable Pathway Lighting Locations criteria outlined in this policy.

Requests from individuals and/or community groups for new installation of park pathway lighting must be made in writing to the Commissioner.

In circumstances where incidents of concern are occurring along an existing, grandfathered lighted path in which a reasonable expectation of safety for Pedestrians cannot be provided, and CPTED principals cannot be fully applied, recommendations to remove the lighting system will be made in writing to the Commissioner by Peel Regional Police, CPTED or the Community Services Department.

All requests are reviewed by the Park Planning Section, Parks and Forestry Division, Community Services Department, in consultation with the respective ward councillor. Parks and Forestry staff and/or the ward councillor will recommend the extent of public input to be solicited through appropriate media or a public meeting for the installation of new park pathway lighting systems requested by the public or, in special circumstances, removal of a grandfathered pathway lighting systems.

A CPTED review and audit of each system will be undertaken by a Parks and Forestry Division representative, on behalf of the CPTED Advisory Committee, which will be consulted as required.

CPTED Review

The CPTED audit will evaluate the following:

- witness potential of pathway users from adjacent streets and residences;
- access for security vehicles and police patrols;
- availability of optional routes using adjacent street sidewalks illuminated for night use;

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- confirmation that the park's facilities are programmed for night use;
- destination(s) beyond the park, such as community centres, schools and transit routes; and
- the pathway does not lead into secluded areas.

The CPTED auditor will make a recommendation once the review is complete.

DECISION MAKING PROCESS

The Commissioner will consider the recommendation, along with the other stated criteria and any comments received from the public, if applicable, and determine the most suitable course of action.

New Lighting Systems

Approvals for new lighting systems for parks within Development Applications and Capital Projects will be consistent with this policy.

Existing Lighting Systems

Requests for the removal of an existing, grandfathered lighting system that no longer provides a reasonable expectation of safety for Pedestrians will be considered on their individual merits by City Council.

Public Requests

Where requests for new installation of Park Pathway Lighting have been made by the public, the Commissioner will advise the ward councillor and requestor of the decision to install or not, including the rationale for the decision.

REFERENCE:

LAST REVIEW DATE:

CONTACT:

For more information, contact the Planning Section, Community Services Department.

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TAB: PROPERTY AND FACILITIES
SECTION: FACILITY PLANNING
SUBJECT: PARK PATH LIGHTING DESIGN AND CONSTRUCTION STANDARDS

POLICY STATEMENT Asphalt pathways that serve as pedestrian linkages connecting centres of activities such as parks, schools, public facilities, institutions, shopping centres, and transportation routes will be planned, designed and constructed with adequate provisions for path-lighting systems.

PURPOSE This policy assigns responsibility for approving path lighting, in accordance with established standards designed to ensure that adequate path lighting provisions are made.

STANDARD Path lights must conform to requirements as set out in the Community Services Department's Path Light Selection Criteria Summary. Path light systems must conform to the Community Services Department's Construction Master Specifications and Subdivision Requirements Manual. Copies of these documents are available from the Planning and Development Section of the Community Services Department.

Exception An exception to the standard architectural style and/or colour of the fixture and pole may be made in consideration of area lighting around buildings and urban public spaces within designated parkland and greenbelts, if an alternate style or colour is more appropriate for the location than that outlined in the standard specifications. For example, marinas and historical buildings may warrant an exception to the standard colour or style.

Process Community Services has limited the number of different types of light fixtures it will include in the Construction Master Specifications. A committee will convene every three years, or as required to review the current design and construction standard.

Manufacturers may request that their products be considered for review for inclusion in the specifications by submitting a proposal

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to the Manager of Planning and Development and providing all pertinent data to confirm compliance with the Path Light Selection Criteria.

In situations that may warrant an exception to the standard, manufacturers must submit a proposal to the Manager of Planning and Development prior to the tender process. The proposal must describe the location of the proposed lighting and provide all pertinent data to confirm compliance with the Path Light Selection Criteria.

APPROVAL

The Commissioner of Community Services, or delegate, is responsible for approving light fixtures, in accordance with the established standards.

REFERENCE:

GC-134-96 - 1996 02 28

LAST REVIEW DATE:

April, 2001

CONTACT:

For more information, contact Planning and Development, Community Services Department.



Corporate Report

Clerk's Files

Originator's
Files

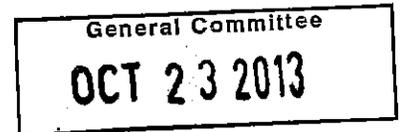
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DATE: September 30, 2013

TO: Chair and Members of the General Committee
Meeting Date: October 23, 2013

FROM: Paul A. Mitcham, P. Eng., MBA
Commissioner of Community Services

SUBJECT: **Corporate Policy-- Filming on City of Mississauga Property**



-
- RECOMMENDATION:**
1. That the proposed revised Corporate Policy and Procedure – Filming on City of Mississauga Property, attached as Appendix 1 to the report dated September 30, 2013 from the Commissioner of Community Services, be approved and all necessary by-laws be enacted.
 2. That a by-law be enacted to amend the Noise Control By-Law 360-79, as outlined in the report dated September 30, 2013 from the Commissioner of Community Services, entitled “Corporate Policy – Filming on City of Mississauga Property”.

BACKGROUND: The current Corporate Policy and Procedure 06-03-02, Filming and Photography in the City of Mississauga, outlines the requirements for the assessment and approval of filming on City of Mississauga property.

This existing policy requires updating as the last review was over seven years ago. Since that time, there has been a significant increase in the number of production companies coming to Mississauga to use our great venues of parks, unique buildings and other settings for filming. As a result, a review of the policy was undertaken to better clarify guidelines and procedures for staff, residents and stakeholders.

COMMENTS:

The proposed revised policy (Appendix 1) acknowledges the importance of the film and television industry and that the industry in the province and in Mississauga has undergone significant growth. This growth has resulted in the need to find a balance between acknowledging the film industry as an economic driver for the community and protecting the rights of the residents of Mississauga. For this reason, the revised policy is clear that requests for film permits are reviewed on a case by case basis. For example, in areas where there are very narrow streets with no sidewalks, film production vehicles will not be allowed to park on the street. This may impact the ability to allow filming to proceed if acceptable alternate parking areas are not available.

The revised policy confirms that the Culture Division is responsible for managing filming on City of Mississauga property.

There are two substantive changes in the updated policy. The first is the deletion of still photography from the scope of governance. This activity involves a standard rental of a park or facility and therefore does not require the expertise of the Film Office. Booking a park or a facility for wedding photography is currently administered by Community Services Customer Service Centre (CSC). It makes sense to have all types of photography requests handled consistently so staff recommend these be handled through the CSC. Culture staff has discussed this with CSC staff and they are in agreement as the impact to them is minimal.

The other substantive change tightens the requirements for outdoor filming in residential neighbourhoods that occurs at times other than the normal 7 a.m. to 11 p.m. Monday to Saturday. The revised policy proposes that eighty percent approval of the immediate residents will be required prior to canvassing and obtaining approval of the surrounding area.

Attached as Appendix 2 is a comparison chart showing the elements that have been deleted, added and or modified in the new draft policy.

Proposed Amendment to the Noise Control By-law

The current Noise Control By-law 360-79, as amended, restricts the emission of specific sounds in residential areas or quiet zones within a prohibited period of time (generally from 11:00 pm to 7:00 am daily,

and to 9:00 am on Sundays). Schedule 3 of the By-Law, Activities to Which the By-Law Does Not Apply provides for exemptions to the By-Law. In order for the Film Office to authorize filming between the hours of 11:00pm to 7:00 am Monday to Saturday, and to 9:00am on Sundays, the following revision to the Noise Control By-Law Schedule 3 is being recommended:

Activities that are prohibited by this by-law but have been authorized by the Film Office Section of the Culture Division, Community Services Department, through a Film Permit issued in accordance with City Corporate Policy and Procedure 06-03-02, Filming on City of Mississauga Property.

FINANCIAL IMPACT: There is no financial impact resulting from this policy.

CONCLUSION: Revisions to the Corporate Policy and Procedure-Filming and Photography in the City of Mississauga, 05-11-23, will clarify and improve the guidelines and process, tighten residential approvals and transfer responsibility for filming from Facilities and Property Management to the Culture Division.

ATTACHMENTS: Appendix 1: Proposed Revised Policy 06-03-02, Filming on City of Mississauga Property
Appendix 2: Comparison of Current and Proposed Policy



Paul A. Mitcham, P. Eng., MBA
Commissioner of Community Services

*Prepared By: Carmen Ford, Manager Film, Literary & Digital Arts,
Culture Division*

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TAB: PUBLIC RELATIONS

SECTION: PROMOTION

SUBJECT: FILMING ON CITY OF MISSISSAUGA PROPERTY

POLICY STATEMENT The Corporation of the City of Mississauga recognizes the direct and indirect economic benefits to the community associated with filming and encourages film related projects within the City.

PURPOSE This policy outlines the requirements for the assessment and approval of Film Permits for filming on City Property and/or filming that impacts the public.

Pre-approval of projects ensures that property owned by the City and the rights, safety and privacy of the citizens of Mississauga are protected, while supporting the film industry.

LEGISLATIVE AUTHORITY Film Permits will be issued only in accordance with applicable City by-laws and policies, including noise control, road closures, fireworks, vehicle idling and fees and charges.

SCOPE This policy applies to all commercial, independent and student filming which takes place on City Property, excluding newscasts.

Exclusions Filming for non-commercial purposes (e.g. weddings, sports, and family or community events) does not require a Film Permit and is not subject to this policy.

A Film Permit is not required for filming on private property. However, the property owner and Production Company are responsible for determining the terms and conditions, including fees, related to the Production Company's use of the private

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property and must abide by all applicable Federal, Provincial and municipal legislation, including City by-laws and policies.

Park permits for professional photography and wedding ceremony needs in City parks or at City facilities are arranged through the City's Customer Service Centre and are not subject to this policy.

DEFINITIONS

For the purposes of this policy:

"By-law", in relation to any by-law referenced in this policy, means the current by-law, as may be amended, or the by-law's successor.

"City" means The Corporation of the City of Mississauga.

"City Property" means all City-owned and controlled properties and facilities, including but not limited to, Managed City Property; indoor and outdoor recreation fields; parkland; gardens; open space and boulevards; Highways; buildings and rooms; furniture; equipment and fixtures; vehicles; buses; and bus shelters.

"Film Office" means the section within the Culture Division, Community Services Department, responsible for managing film.

"Film Permit" (Permit) means a permit, issued by the Film Office in a form satisfactory to Legal Services, authorizing filming (including movies and television) on City Property.

"Film Permit Application" means an application, issued by the Film Office, for approval to conduct filming on City Property.

"Highway", as defined in the *Municipal Act, 2001*, means a common and public highway, and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.

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“Managed City Property” means City Property that is subject to a lease and/or management and operations agreement.

“Production Company” means an individual or organization permitted by the City or private property owners in Mississauga to conduct filming.

PERMIT ISSUANCE

A Film Permit is required for all commercial filming on City Property. Film Permits are approved and issued by the Film Office after review with other applicable departments/divisions and/or outside organizations, as determined by the Film Office.

The Production Company must keep a copy of the Film Permit on the film site at all times.

All Production Companies, regardless of location of filming, must abide by all applicable Federal, Provincial and municipal legislation, including City by-laws and policies.

Application Required

The Production Company must submit a completed Film Permit Application to the Film Office within the stated time frame; otherwise a Film Permit may not be issued.

Application Review and Approval Process

The Film Office, in consultation with other City staff, as appropriate, is responsible for approving Film Permit Applications as they relate to City Property, other than Highways. The Supervisor of Traffic Engineering and Operations, Transportation and Works Department, or his/her designate in writing, is responsible for approving the Road Occupancy portion of Film Permit Applications as they relate to Highways.

Film Permit Applications are considered on a case-by-case basis and may involve consultation with the manager/supervisor of the City Property and/or other City staff as required. Any concerns are

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discussed and special requirements/approvals are identified (such as police/fire approval for certain special effects).

Issuance of Film Permits is subject to City Property availability. In addition, the City reserves the right to reject any Film Permit Application.

Film Permits for the Civic Centre executive offices, including Council Chambers, will be issued only with the approval of a majority of elected officials and the City Manager.

Application Timelines

Applications must be made to the Film Office at least four business days in advance of filming activity. Special requests for Highway closures in excess of 24 hours will be handled by the Film Office, in consultation with the Transportation and Works Department.

FEES

Fees for commercial filming are outlined in the General Fees and Charges By-law 240-12 and in the Transportation and Works Fees and Charges By-law 250-12.

The Production Company may be required to pay for the services of City staff when filming on City Property, as determined by the Film Office and the facility manager /supervisor, if applicable.

Emergency services personnel may be required for a project, as determined by the Film Office in consultation with emergency services departments. All costs associated with these requirements are the responsibility of the Production Company. Where services are not provided by the City, the Production Company is required to pay the service provider directly.

Fees must be paid in accordance with the terms and conditions outlined in the Permit.

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INSURANCE REQUIREMENTS

Upon application for a Film Permit, each Production Company must present proof of insurance on the City Certificate of Insurance form available on the City's external website. No Permit will be issued without proof of valid insurance.

The form must be completed by a broker or insurer and sent to the Film Office at the address indicated on the form.

The limit of insurance required will be at the discretion of the Film Office, based on the level of risk of each filming project. Students producing films as part of their school curriculum may be covered under the school's insurance policy.

The applicant must, at their own expense, obtain and maintain insurance coverage and indemnify and save harmless the City, in accordance with the terms and conditions of the Film Permit.

NOTICE REQUIREMENTS

Notice to the Community

The Production Company must notify affected residents and businesses in writing and in advance of filming, as instructed by the Film Office. The notice will include information related to the project, such as the duration and location of filming, planned special effects, Highway closures, sidewalk usage and street parking restrictions. A copy of all notification letters must be on file with the Film Office and appropriate City departments. A sample notice letter is provided by the Film Office website and Production Companies are expected to follow it as closely as possible.

Letters of notification must be forwarded to the Film Office for review and approval before the letter is delivered by the Production Company to the neighbourhood(s) where filming is proposed to take place.

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The Production Company must place signs in heavily trafficked public access areas to inform residents that the area is being used for filming and delays may occur. Any such delays must not exceed three minutes unless prior approval has been arranged.

Notice to Elected Officials and City Staff

The Film Office will notify the Mayor, Members of Council and all members of the Leadership Team as soon as the Film Permit has been issued.

Copies of the Film Permit and/or information pertaining to the project will be forwarded by the Film Office to applicable City departments and external stakeholders (e.g. Peel Regional Police).

CLEAN UP

Production Company crews are responsible for location clean up at the end of the day, with a minimum amount of noise and disruption. Upon completion of the shoot the Production Company must ensure that the area is returned to its original condition, unless otherwise approved by the Film Office and/or other arrangements have been made with the appropriate City department or facility manager/supervisor, with notification to the Film Office. Failure to do so will result in billing to the Production Company.

Complaints will be forwarded to the location manager for resolution.

SECURITY DEPOSIT

Security deposit amounts are based on the value of the City Property and extent of filming and are at the discretion of the Film Office. Security deposits related to the use of Highways are determined and managed by Transportation and Works.

Where deemed necessary by the Film Office or Transportation and Works, a certified cheque will be required from the applicant prior to Permit issuance. The security deposit will be retained until all conditions have been fulfilled, including clean up, and all expenses,

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including costs of City staff, damage repair, and additional time, have been paid in full.

IMPACT ON RESIDENTS, OCCUPANTS, AND BUSINESSES

It is the Production Company's responsibility to ensure there is minimal inconvenience and impact caused to all residents, occupants, businesses and City staff where filming occurs.

Approval of Affected Residents

Where the approval of affected residents or businesses (as determined by the Film Office and Traffic Operations) is required prior to a Film Permit being issued or prior to filming taking place, the Production Company is responsible for requesting approval. The request for approval must be in a form approved by the Film Office and must clearly state what the residents or businesses are being asked to approve, why their approval is being sought, and that they have a right to object to the project taking place.

The approval must be by signature, noting the name and address of the resident or business owner, with 80 per cent approving, and is required if any of the following conditions are occurring:

- film activity has already occurred twice within the year on a residential street block;
- filming is occurring anytime on a Sunday or a statutory holiday;
- overnight parking on public streets is requested;
- vehicles will be moved between 11:00p.m. and 7:00a.m.;
- outdoor filming activities, including set up and cleanup, between 11:00p.m. and 7:00a.m.; and
- outside equipment, such as high levels of lighting or generators, are oriented towards neighbouring properties.

In certain situations, (e.g. the use of pyrotechnics, large crowds, party scenes, excessive noise or light) on a film site outside of normal filming hours, 7:00a.m. – 11:00 p.m. Monday to Saturday, excluding statutory holidays, two assessments will be made. The

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first is to ensure 80% of the immediate surrounding occupied residences have agreed to the Production Company's request. If this is satisfied, the second assessment will be made to determine if the neighbourhoods on the periphery of the immediate surrounding occupied residences have also provided 80% agreement.

Restrictions on Hours/Days for Filming and Parking

Permits will be authorized for filming and/or parking in residential areas between 7:00am – 11:00 p.m. Monday to Saturday (not including statutory holidays) only, unless approval of affected residents or businesses is acquired.

Restrictions on Number of Filming Projects

Location filming in residential areas will be limited to two Film Permits per calendar year for each residential block unless the approval of at least 80 per cent of affected residents is obtained. The number of film projects in areas other than residential areas may also be limited as determined by the Film Office in consultation with applicable ward councillor(s).

Compensation for Disruption

The City does not compensate individuals for disruption due to filming, nor will the City require a Production Company to do so, unless there is a legal requirement to provide compensation.

CODE OF CONDUCT

It is the responsibility of the Production Company to ensure that their staff operate in a safe and professional manner in the course of their duties.

PRODUCTION VEHICLES

Identification of Production Vehicles

All vehicles carrying equipment involved in the production will be issued a Location Filming Vehicle Permission Card which must be prominently displayed. It is the responsibility of the Production Company to determine, in advance, the number of production vehicles requiring such a permit.

Access to Premises

Temporary Highway closures may be permitted in accordance with

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the Special Events Temporary Road Closure By-Law 51-06. However, the Production Company must ensure that residents, owners and customers have access to their respective premises and that there is pedestrian and vehicular access to adjoining properties.

Parking

The Production Company must make every effort to ensure that people displaying legitimate credentials such as accessible parking permits for persons with disabilities are accommodated.

Traffic Stoppages

Intermittent traffic stoppages, if permitted, will be limited to a maximum of three minutes unless otherwise stated on the Permit and must be conducted under the supervision of a paid duty police officer. The Production Company is responsible for arranging for, and covering any charges related to, the City's Transportation and Works Department covering, altering, removing and/or reinstalling traffic or street signs as may be necessary.

Traffic

No interference with pedestrian or vehicular traffic is to occur without being noted on the Permit.

Every opportunity is to be taken to ensure that access, either vehicular or pedestrian, is not restricted to persons with disabilities.

Production vehicles must comply with appropriate traffic regulations unless stated otherwise on the Permit. All moving vehicles must comply with regulations governing traffic on City Property unless otherwise noted on the Permit.

Except where a Highway is closed for filming, where a moving vehicle is involved, the applicant shall adhere to the posted speed limits and to lawful conditions unless directed otherwise by a paid duty police officer.

Parking and/or Standing

In addition to all other relevant City By-laws and policies,

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production vehicles must comply with the Traffic By-Law, 555-00. Relocating vehicles by towing to accommodate filming or parking will not be permitted.

EMERGENCY SERVICES

Qualified emergency services personnel (police, fire, ambulance) may be required to be on site during filming involving, for example, special effects, stunts, and/or detonation of pyrotechnics, as determined by the Film Office, in consultation with Mississauga Fire and Emergency Services (MFES) and/or Peel Regional Police. The Production Company must advise MFES in advance, in writing, when the use of pyrotechnic devices, fireworks, or flammable or combustible liquids or materials is being planned. The notice must provide details of how the materials will be used. MFES may impose conditions regarding the use of these materials. Any MFES conditions will be included as part of the Film Permit.

Paid duty police officers are required as determined by the Film Office for such items as permit compliance, intermittent traffic stoppages and traffic control and/or when required to direct pedestrian or vehicular traffic, including those instances involving City Property. Paid duty police officers are required for the detonation of pyrotechnic special effects. A blast analysis may be required and additional time is needed to arrange for this activity. A copy of the Film Permit is to be supplied to the paid duty police officer on duty.

COMPLIANCE

Despite the issuance of a Film Permit, the Production Company will ensure that the company, its staff and agents comply with all applicable Federal, Provincial and municipal laws, including City by-laws and policies, in addition to the conditions provided on the Film Permit. Failure to comply with such requirements may result in the revocation of the Film Permit, even if no specific terms on the Film Permit are breached.

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REFERENCE: GC-0625-2005 – 2005 11 23

LAST REVIEW DATE:

CONTACT: For more information, contact the Manager, Film, Literary & Digital Arts, Culture Operations Section, Culture Division, Community Services Department.

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Comparison of Current and Proposed Policy – Filming on City of Mississauga Property (formerly Filming and Photography in the City of Mississauga)

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| <p><i>Current Policy – What Exists Today</i></p> | <p><i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, "No change – same as Current Policy" will appear.</i></p> | <p><i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i></p> |
|---|--|--|
| <p>POLICY STATEMENT The City of Mississauga encourages filming and photography projects within the City and issues permits for approved projects.</p> | <p>POLICY STATEMENT The Corporation of the City of Mississauga recognizes the direct and indirect economic benefits to the community associated with filming and encourages film related projects within the City.</p> | <p>The economic benefit to the City of filming in Mississauga was previously acknowledged in the Purpose section, however it is more appropriate as part of the overall Policy Statement. Photography has been removed from the policy, as the activity involves renting a City park/facility and does not require the Film Office's expertise. Reference to photography has been removed throughout the policy.</p> |
| <p>PURPOSE The Corporation of the City of Mississauga recognizes the direct and indirect economic benefits to the community associated with the film and television production industry.</p> <p>Pre-approval of projects ensures that City property and the rights, safety and privacy of the citizens of Mississauga are protected, while supporting this industry.</p> <p>This policy provides guidelines for the assessment and co-ordination of commercial filming projects.</p> | <p>PURPOSE</p> <p>This policy outlines the requirements for the assessment and approval of Film Permits for filming on City Property and/or filming that impacts the public.</p> <p>Pre-approval of projects ensures that property owned by the City and the rights, safety and</p> | <p>This statement was incorporated into the Policy Statement.</p> <p>The paragraphs were reorganized; other minor wording changes, with no change to intent.</p> |

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Comparison of Current and Proposed Policy – Filming on City of Mississauga Property (formerly Filming and Photography in the City of Mississauga)

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| <p><i>Current Policy – What Exists Today</i></p> | <p><i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, "No change – same as Current Policy" will appear.</i></p> | <p><i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i></p> |
|---|---|--|
| | <p>privacy of the citizens of Mississauga are protected, while supporting the film industry.</p> | |
| <p>LEGISLATIVE AUTHORITY Film permits will be issued only in accordance with applicable City by-laws, including but not limited to by-laws governing noise control, road closures, fireworks, fees and charges.</p> | <p>LEGISLATIVE AUTHORITY Film Permits will be issued only in accordance with applicable City by-laws and policies, including noise control, road closures, fireworks, vehicle idling and fees and charges.</p> | <p>Added City policies; only by-laws are currently referenced.</p> |
| <p>SCOPE Applicability This policy applies to all location filming and photography which takes place in the City of Mississauga, excluding current affairs and newscasts.</p> <p>Photography and videography related to weddings, sports teams, and family photos do not require a Film Permit and are not subject to this policy.</p> <p>With respect to location filming and photography on private property, the property owner is responsible for negotiating with the Production Company regarding terms and conditions and fees related to the use of the private property.</p> | <p>SCOPE</p> <p>This policy applies to all commercial, independent and student filming which takes place on City Property, excluding newscasts.</p> <p>Exclusions Filming for non-commercial purposes (e.g. weddings, sports, and family or community events) do not require a Film Permit and are not subject to this policy.</p> <p>A Film Permit is not required for filming on private property. However, the property owner and Production Company are responsible for determining the terms and conditions, including fees, related to the Production Company's use of</p> | <p>The term "location" filming has been replaced with commercial, independent and student filming, as this is a more accurate description.</p> <p>Minor wording changes; reference made to "non-commercial", to align with the use of "commercial".</p> <p>The new wording clarifies that a Film Permit from the City is not required for filming on private property but that all by-laws must still be adhered to (e.g. noise, light pollution). A definition has been</p> |

Comparison of Current and Proposed Policy – Filming on City of Mississauga Property (formerly Filming and Photography in the City of Mississauga)

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| Current Policy – What Exists Today | Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change – same as Current Policy” will appear. | Rationale – Why changes (deletions and/or additions) to the revised policy were made. |
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| <p>However, as most film projects also impact the surrounding neighbourhood, the Production Company must also apply for and receive a Film Permit prior to filming. Similarly, when the operation of City properties are subject to lease or management agreements (such as the Hershey Centre) the management company may negotiate directly with the Production Company, but a Film Permit must also be obtained.</p> | <p>the private property and must abide by all applicable Federal, Provincial and municipal legislation, including City by-laws and policies.</p> <p>Park permits for professional photography and wedding ceremony needs in City parks or at City facilities are arranged through the City’s Customer Service Centre and are not subject to this policy.</p> | <p>included for “Managed City Property”, which is treated the same as City Property.</p> <p>Provided information on how to obtain a permit for photography.</p> |
| <p>DEFINITIONS</p> | <p>DEFINITIONS For the purposes of this policy:</p> | |
| | <p>“By-law”, in relation to any by-law referenced in this policy, means the current by-law, as may be amended, or the by-law’s successor.</p> | <p>New definition added for clarity.</p> |
| | <p>“City” means The Corporation of the City of Mississauga.</p> | <p>New definition added for clarity.</p> |
| | <p>“City Property” means all City-owned and controlled properties and facilities, including but not limited to, Managed City Property, indoor and outdoor recreation fields; parkland; gardens; open space and boulevards; Highways; buildings and rooms; furniture; equipment and fixtures;</p> | <p>New definition added for clarity. This mirrors the definition in other City policies (e.g. Placing Advertisement With the City of Mississauga).</p> |

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| | vehicles; buses; and bus shelters. | |
| "Film Liaison" means the Film Liaison of the Mississauga Film Office, Corporate Security Section, Facilities and Property Management Division, Corporate Services Department, or his or her designate. | "Film Office" means the section within the Culture Division, Community Services Department, responsible for managing film. | Using the term "Film Office" vs. "Film Liaison" throughout the policy, as there is now more than one staff member in the Film Office. |
| "Film Permit" means a permit authorizing filming and/or photography within the City of Mississauga. | "Film Permit" (Permit) means a permit, issued by the Film Office in a form satisfactory to Legal Services, authorizing filming (including movies and television) on City Property. | Expanded definition for clarity. |
| | "Film Permit Application" means an application, issued by the Film Office, for approval to conduct filming on City Property. | New definition added for clarity. |
| | "Highway", as defined in the <i>Municipal Act, 2001</i> , means a common and public highway, and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway. | New definition added for clarity. Mirrors the definition in the <i>Municipal Act, 2001</i> . |
| | "Managed City Property" means City Property | New definition added for clarity. |

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| | that is subject to a lease and/or management and operations agreement. | |
| “Production Company” means a company or individual conducting filming or photography. | “Production Company” means an individual or organization permitted by the City or private property owners in Mississauga to conduct filming. | Expanded definition for clarity. |
| <p>PERMIT ISSUANCE A Film Permit is required for all projects. Film Permits are issued by the Film Liaison, after review by the Film Liaison and/or the Supervisor of Traffic Operations, and other affected staff and outside organizations.</p> | <p>PERMIT ISSUANCE A Film Permit is required for all commercial filming on City Property. Film Permits are approved and issued by the Film Office after review with other applicable departments/divisions and/or outside organizations, as determined by the Film Office.</p> <p>The Production Company must keep a copy of the Film Permit on the film site at all times.</p> <p>All Production Companies, regardless of location of filming, must abide by all applicable Federal, Provincial and Municipal legislation, including City by-laws and policies.</p> | <p>This section now specifies that a Film Permit is required for commercial filming, as opposed to “all projects”, and that the Production Company must keep the Permit on site.</p> |

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| <p>Application Required The Production Company must complete a Film Permit Application, and submit it to the Film Liaison. A permit will not be issued without a completed application.</p> <p>Applications for filming projects that involve City roads only, and no other City properties, will be reviewed by the Film Liaison, and then forwarded to Traffic Operations, Transportation and Works Department for final approval. If the Film Liaison is unable to accommodate the application due to resource or time limitations, the Film Liaison will delegate responsibility for review and approval of the application to Traffic Operations staff. Traffic Operations staff will then return the application to the Film Liaison for permit issuance.</p> <p>Permits for filming at City-owned properties are subject to the compatibility of community booking schedules, and the discretion of the Film Liaison and the facility's management. In addition, the City reserves the right to review all film scripts and, acting reasonably, to reject any application.</p> | <p>Application Required The Production Company must submit a completed Film Permit Application to the Film Office within the stated time frame; otherwise a Film Permit may not be issued.</p> | <p>Minor wording revisions, no change to intent.</p> <p>This paragraph has been revised and included in the Application Review and Approval Process, below.</p> |
| <p>Application Review and Approval Process</p> | <p>Application Review and Approval Process</p> | |

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| <p>The Film Liaison, in consultation with other staff as appropriate, is responsible for approving applications as they relate to facilities other than roads. The Supervisor of Traffic Operations or designate, is responsible for approving applications as they relate to City roads. Should a road closure of more than 24 hours be requested, Council approval is required prior to permit issuance.</p> <p>Applications are considered on a case-by-case basis by the supervisor of the facility, the Film Liaison and/or the Supervisor of Traffic Operations and, as determined by the nature of the project, other appropriate staff (e.g. security, custodial, fire and emergency services, insurance). Any concerns are discussed and special requirements/approvals are identified (such as police/fire approval for certain special effects); staff requirements are determined; and appropriate fees and security deposit are established.</p> | <p>The Film Office, in consultation with other City staff, as appropriate, is responsible for approving Film Permit Applications as they relate to City Property, other than Highways. The Supervisor of Traffic Engineering and Operations, Transportation and Works Department, or his/her designate in writing, is responsible for approving the Road Occupancy portion of Film Permit Applications as they relate to Highways.</p> <p>Film Permit Applications are considered on a case-by-case basis and may involve consultation with the manager/supervisor of the City Property and/or other City staff as required. Any concerns are discussed and special requirements/approvals are identified (such as police/fire approval for certain special effects).</p> <p>Issuance of Film Permits is subject to City</p> | <p>The wording in this section has been clarified. The current policy states that Council approval is required for all road closures exceeding 24 hours. However, the Special Events – Temporary Road Closures by-law states that <i>"A member of Council may at any time prior to issuance of a permit by the Commissioner, in writing, require the Commissioner to submit the application to the General Committee for determination."</i> Transportation and Works staff work closely with the Film Office to ensure all authorizations are obtained and that there is minimal disruption.</p> <p>Minor wording changes; no change to intent.</p> <p>This information was previously included</p> |

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| <p>Filming and photography in the areas of the Civic Centre that include the executive offices and bordering areas shall be permitted only with the approval of a majority of elected officials and the City Manager.</p> | <p>Property availability. In addition, the City reserves the right to reject any Film Permit Application.</p> <p>Film Permits for the Civic Centre executive offices, including Council Chambers, will be issued only with the approval of a majority of elected officials and the City Manager.</p> | <p>in the "Application Required" section, above, but fits better here.</p> <p>Minor wording changes only.</p> |
| <p>The Film Liaison will contact the Production Company with information on the facility and costs. The Production Company will be given the name of the property supervisor to arrange a time to view the property, and may be asked to contact the Traffic Operations Section directly to obtain approval.</p> <p>If the Production Company wishes to proceed with filming, the Film Liaison will prepare a Film Permit, outlining the filming conditions and all of the City's requirements.</p> | | <p>This information has been left out of the revised policy as it is "behind the scenes" detail that is not required in the policy.</p> |
| <p>Prior to the issuance of the permit, the Production Company must provide the Film Liaison with an insurance certificate; a security deposit, where</p> | | <p>This information is covered elsewhere in the policy.</p> |

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| applicable; and payment of all required fees. | | |
| <p>Application Timelines Applications should be made to the Film Liaison at least four business days in advance of filming activity. If a road closure of more than 24 hours is required, the application should be submitted at least 14 business days in advance, to allow time to obtain Council approval.</p> | <p>Application Timelines Applications must be made to the Film Office at least four business days in advance of filming activity. Special requests for Highway closures in excess of 24 hours will be handled by the Film Office, in consultation with the Transportation and Works Department.</p> | <p>Minor wording changes to align with Definitions and clarify the process for closures in excess of 24 hours.</p> |
| <p>FEES Fees for commercial filming are outlined in the Fees and Charges By-law. Projects which are not considered “commercial” (such as student projects and projects undertaken by a non-profit group) are not subject to permit fees.</p> <p>The Production Company may be required to pay for the services of City of Mississauga staff when filming on city owned properties. The necessity for and fees for such staff will be determined on a case-by-case basis at the discretion of the facility manager and the Film Liaison.</p> <p>Emergency services personnel may be required to be contacted prior to filming, or to be on-site</p> | <p>FEES Fees for commercial filming are outlined in the General Fees and Charges By-law 240-12 and in the Transportation and Works Fees and Charges By-law 250-12.</p> <p>The Production Company may be required to pay for the services of City staff when filming on City Property, as determined by the Film Office and the facility manager /supervisor, if applicable.</p> <p>Emergency services personnel may be required for a project, as determined by the Film Office in</p> | <p>Minor revisions for clarity; no change to intent.</p> |

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| <p>during filming. All costs associated with these requirements are the responsibility of the applicant. Where services are not provided by the City of Mississauga, the applicant is required to pay the service provider directly.</p> <p>All fees must be paid prior to Film Permit issuance. Once a project begins, the Film Office will advise the Production Company in writing of any amendments to the fees as soon as reasonably possible.</p> <p>All City of Mississauga fees will be allocated to the appropriate departmental cost centre account. All fees must be paid prior to permit issuance. Once filming begins or is about to begin, if there are any changes to the fees the Production Company will be notified immediately.</p> | <p>consultation with emergency services departments. All costs associated with these requirements are the responsibility of the Production Company. Where services are not provided by the City, the Production Company is required to pay the service provider directly.</p> <p>Fees must be paid in accordance with the terms and conditions outlined in the Permit.</p> | <p>Policy revised to reference the Film Permit, as not all fees are paid prior to the Permit being issued.</p> <p>This paragraph was removed, as it's an internal process and does not align with the Purpose of the policy.</p> |
| <p>INSURANCE REQUIREMENTS All companies filming in the City of Mississauga must present to the Film Liaison, prior to permit issuance, a certificate of commercial general liability insurance adding the City as an additional insured. The insurance certificate will be retained</p> | <p>INSURANCE REQUIREMENTS Upon application for a Film Permit, each Production Company must present proof of insurance on the City Certificate of Insurance form available on the City's external website. No Permit will be issued without proof of valid</p> | <p>Minor revisions for clarity; no change to intent.</p> |

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| <p>by the Film Liaison.</p> <p>The Film Liaison will determine insurance requirements, using the following guidelines:</p> <ul style="list-style-type: none"> • \$10 million, for filming projects using City facilities such as the Civic Centre Complex, the Chappell Estate, historic properties; • \$5 million to \$10 million (based on an assessment of risk) for filming projects using community centres and arenas; • \$5 million, for filming projects using City parks; • \$2 million, for filming projects using City roads only; and • \$2 million, for still photography projects. | <p>insurance.</p> <p>The form must be completed by a broker or insurer and sent to the Film Office at the address indicated on the form.</p> <p>The limit of insurance required will be at the discretion of the Film Office, based on the level of risk of each filming project. Students producing films as part of their school curriculum may be covered under the school's insurance policy.</p> <p>The applicant must, at their own expense, obtain and maintain insurance coverage and indemnify and save harmless the City in accordance with the terms and conditions of the Film Permit.</p> | <p>The specific amounts of insurance required were removed from the policy; once the Film Office determines the insurance requirements they become part of the Film Permit.</p> |
| <p>Indemnification/ Save Harmless The Production Company shall indemnify and save harmless the City of Mississauga from and against all claims, actions, damages injuries, costs expenses or losses whatsoever, which may arise or be brought against the City of Mississauga as a</p> | | <p>This language is reflected in the Film Permit so has been removed from the policy. A Film Permit will not be issued without proof of insurance.</p> |

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| <p>result of or in connection with the said use of the locations(s) by the Production Company, its employees, contractors, agents or representatives; and specifically the City of Mississauga will not be responsible for any liability arising from these activities with respect to the advertising or any copyright or trademark infringements.</p> | | |
| <p>NOTICE REQUIREMENTS Notice to the Community The Production Company must notify affected residents and businesses, in writing and in advance of filming, as instructed by the Film Liaison or appropriate departments. The notice will include information related to the project, such as the duration and location of filming, planned special effects, road and lane closures, sidewalk usage and street parking restrictions. A copy of all notification letters must be on file with the Film Liaison and appropriate departments. A sample notice letter can be provided by the Film Liaison.</p> | <p>NOTICE REQUIREMENTS Notice to the Community The Production Company must notify affected residents and businesses, in writing and in advance of filming, as instructed by the Film Office. The notice will include information related to the project, such as the duration and location of filming, planned special effects, Highway closures, sidewalk usage and street parking restrictions. A copy of all notification letters must be on file with the Film Office and appropriate City departments. A sample notice letter is provided by the Film Office website and Production Companies are expected to follow it as closely as possible.</p> <p>Letters of notification must be forwarded to the Film and Office for review and approval before the letter is delivered by the Production</p> | <p>Added that the Production Companies are to follow the sample notice letter, as this has not always been the case.</p> <p>The information in the following two paragraphs was previously included in the Monitoring section, which has been</p> |

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| | <p>Company to the neighbourhood(s) where filming is proposed to take place.</p> <p>The Production Company must place signs in heavily trafficked public access areas to inform residents that the area is being used for filming and delays may occur. Any such delays must not exceed three minutes unless prior approval has been arranged.</p> | <p>removed from the revised policy.</p> |
| <p>Notice to Elected Officials and City Staff The Film Liaison will notify the Mayor, all councillors, and all members of the Leadership Team as soon as the permit has been issued.</p> <p>Copies of the Film Permit and/or information pertaining to the filming project will be forwarded (as appropriate) to Traffic Operations, the facility supervisor, Corporate Security, Parking Control, Fire and Emergency Services, the Office of the City Clerk and Corporate Facilities Maintenance.</p> | <p>Notice to Elected Officials and City Staff No change - same as Current Policy other than the use of the revised Definitions, where applicable.</p> <p>Copies of the Film Permit and/or information pertaining to the project will be forwarded by the Film Office to applicable City departments and external stakeholders (e.g. Peel Regional Police).</p> | <p>Wording simplified for clarity; no change to practice.</p> |
| <p>MONITORING The Production Company should keep a copy of the Film Permit on site at all times. At the commencement of the scheduled shoot, a</p> | | <p>This information regarding display of the Film Permit and signs in public access areas is now in the Notice to the</p> |

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| <p>designated staff person will oversee the activities of the Production Company, and act as the City's contact person. (This may not be required for still photography.) The staff person is responsible for monitoring the Production Company on site, and has the authority to revoke the Film Permit, if the Production Company does not adhere to the Film Permit, or to grant last-minute on-site requests. The Production Company must place signs in public access areas in heavily trafficked areas, to inform residents that the facility is being used for filming and delays may occur. Any such delays must not exceed three minutes unless prior approval has been arranged.</p> | | <p>Community section, above.</p> |
| <p>CLEAN UP Production crews are responsible for clean up at the location at the end of the day with a minimum amount of noise and disruption. Upon completion of the shoot the Production Company must ensure that the area is returned to its original condition unless otherwise approved by the Film Liaison or other arrangements have been made with the appropriate City department or facility manager and the Film Liaison notified. Failure to do so will result in billing to the Production Company</p> | <p>CLEAN UP No change - same as Current Policy</p> | |

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| <p>accordingly.</p> <p>Complaints will be forwarded to the location manager for future consideration and discussion.</p> | <p>Complaints will be forwarded to the location manager for resolution.</p> | <p>Wording revised for clarity; the location manager is responsible for rectifying the situation.</p> |
| <p>SECURITY DEPOSIT</p> <p>Following is a guideline for security deposits. These amounts may be adjusted based on the nature of the production and at the discretion of the Film Liaison.</p> <ul style="list-style-type: none"> • Mississauga Civic Centre, major City facilities and historic properties - \$10,000 • City Parks - \$2,000 • Community Centres and Arenas - \$5,000 <p>Where deemed necessary a certified cheque shall be required from the applicant prior to the issuance of permits. This deposit shall not be returned until all conditions have been fulfilled, including clean up, and all expenses, including costs of City staff, damage repair, and additional time, have been paid in full.</p> <p>The facility will be inspected for damages within</p> | <p>SECURITY DEPOSIT</p> <p>Security deposit amounts are based on the value of the City Property and extent of filming and are at the discretion of the Film Office. Security deposits related to the use of Highways are determined and managed by Transportation and Works.</p> <p>Where deemed necessary by the Film Office or Transportation and Works, a certified cheque will be required from the applicant prior to Permit issuance. The security deposit will be retained until all conditions have been fulfilled, including clean up, and all expenses, including costs of City staff, damage repair, and additional time, have been paid in full.</p> | <p>The current policy provided guidelines with examples of the amount of security deposits. However, since these amounts may vary based on the nature of the filming taking place the preference is to not state specific amounts. Clarified that T&W set security deposits for Highways.</p> <p>Minor wording changes for clarity. No change to intent.</p> <p>This information is included in the Film</p> |

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| <p>48 hours of completion of scheduled weekday events, or within 72 hours of completion of weekend events. The Production Company will be given first opportunity to repair any damages, within a time frame specified by the facility supervisor. If the work is not completed to the satisfaction of the City, the work will be completed by the City and the cost of the repairs will be invoiced to the Production Company.</p> | | <p>Permit and accompanying information so as such is not required in the policy.</p> |
| <p>IMPACT ON RESIDENTS, OCCUPANTS, AND BUSINESSES It is the Production Company’s responsibility to ensure that there is a minimum of disruption to residents, occupants, businesses and City employees where filming occurs.</p> | <p>IMPACT ON RESIDENTS, OCCUPANTS, AND BUSINESSES It is the Production Company’s responsibility to ensure there is minimal inconvenience and impact caused to all residents, occupants, businesses and City staff where filming occurs.</p> | <p>Minor wording changes to ensure there is understanding that there will be some impact on the surrounding residents/area.</p> |
| <p>Approval of Affected Residents Where the approval of affected residents or businesses is required prior to a film permit being issued or prior to filming taking place, the Production Company is responsible for requesting approval. The request for approval must be in a form approved by the Film Liaison, and must clearly state what the residents or businesses are being asked to approve, why their approval is</p> | <p>Approval of Affected Residents Where the approval of affected residents or businesses (as determined by the Film Office and Traffic Operations) is required prior to a Film Permit being issued or prior to filming taking place, the Production Company is responsible for requesting approval. The request for approval must be in a form approved by the Film Office, and must clearly state what the</p> | <p>Minor wording changes only, no change to intent. The requirement for 80% agreement by affected residents has been moved from the Restrictions on Number of Filming Projects section and included here so it is stated up front.</p> |

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| <p>being sought, and that they have a right to object to the project taking place. The approval must be by signature, noting the name and address of the resident or business owner.</p> | <p>residents or businesses are being asked to approve, why their approval is being sought, and that they have a right to object to the project taking place.</p> <p>The approval must be by signature, noting the name and address of the resident or business owner, with 80 per cent approving, and is required if any of the following conditions are occurring:</p> <ul style="list-style-type: none"> • film activity has already occurred twice within the year on a residential street block; • filming is occurring anytime on a Sunday or a statutory holiday; • overnight parking on public streets is requested; • vehicles will be moved between 11:00p.m. and 7:00a.m.; • outdoor filming activities, including set up and cleanup, between 11:00p.m. and 7:00a.m.; and • outside equipment, such as high levels of lighting or generators, are oriented towards neighbouring properties. <p>In certain situations (e.g. the use of pyrotechnics,</p> | <p>This is a new requirement for Production Companies to ensure that at least 80% of residents are in agreement with activities that are considered to be of a higher impact. The bullets are what were agreed to in public meetings with local residents.</p> |

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|--|---|--|
| | <p>large crowds, party scenes, excessive noise or light) on a film site outside of normal filming hours, 7:00a.m. – 11:00 p.m. Monday to Saturday, excluding statutory holidays, two assessments will be made. The first is to ensure 80% of the immediate surrounding occupied residences have agreed to the Production Company’s request. If this is satisfied, the second assessment will be made to determine if the neighbourhoods on the periphery of the immediate surrounding occupied residences have also provided 80% agreement.</p> | |
| <p>Restrictions on Hours/Days for Filming Permits authorizing filming in residential areas between 11:00 p.m. and 7:00 a.m. will not be approved unless all affected residents have been notified in advance. Depending on the potential impact on the area, the approval of a majority of affected residents (as determined by the Film Liaison and Traffic Operations) may be required before the permit can be issued.</p> | <p>Restrictions on Hours/Days for Filming and Parking Permits will be authorized for filming and/or parking in residential areas between 7:00am – 11:00 p.m. Monday to Saturday, not including statutory holidays, unless approval of affected residents or businesses is acquired.</p> | <p>No change to the restrictions; added parking specifically for clarity.</p> |
| <p>Restrictions on Number of Filming Projects Location filming in residential areas will be limited to two occasions per year for each</p> | <p>Restrictions on Number of Filming Projects Location filming in residential areas will be limited to two Film Permits per calendar year for</p> | <p>Minor wording changes for clarity; no change to intent or practice.</p> |

Comparison of Current and Proposed Policy – Filming on City of Mississauga Property (formerly Filming and Photography in the City of Mississauga)

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| <i>Current Policy – What Exists Today</i> | <i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change – same as Current Policy” will appear.</i> | <i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i> |
|---|---|---|
| <p>residential block unless the approval of at least 80 per cent of affected residents (as determined by the Film Liaison and Traffic Operations) is obtained. The number of film projects in areas other than residential areas may also be limited as determined by the Film Liaison in consultation with ward councillor(s).</p> | <p>each residential block unless the approval of at least 80 per cent of affected residents is obtained. The number of film projects in areas other than residential areas may also be limited as determined by the Film Office in consultation with applicable ward councillor(s).</p> | |
| <p>Environmental Impact Residents, occupants, business owners should be free from any negative environmental conditions resulting from filming, including but not limited to, spill-over lighting, exhaust fumes or noise that may affect their ability to enjoy their property or conduct their business unless they have been contacted and do not express any objection. Specifically:</p> <ul style="list-style-type: none"> • Lighting <ul style="list-style-type: none"> – Lighting should be oriented away from neighbouring residences unless residents have been contacted and do not express any objection. – Lighting should not interfere with the safe movement of traffic. – Night filming involving intensive lighting between 11 p.m. and 7 a.m. requires | | <p>This section has been removed as these stipulations are in the respective by-laws, which the Production Companies must abide by. Production Companies, for the most part, follow industry standards with respect to the environment and are accustomed to reviewing the by-laws and policies of the cities they are filming in. By-laws that affect the public (e.g. Idling By-law) are posted on the City’s external website.</p> |

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Comparison of Current and Proposed Policy – Filming on City of Mississauga Property (formerly Filming and Photography in the City of Mississauga)

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| Current Policy – What Exists Today | Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, "No change – same as Current Policy" will appear. | Rationale – Why changes (deletions and/or additions) to the revised policy were made. |
|--|---|--|
| <p>approval of majority of affected residents.</p> <ul style="list-style-type: none"> • Noise <ul style="list-style-type: none"> – The Production Company must comply with applicable by-laws governing noise. If the affected residents/ occupants/ businesses have been advised in advance of the nature of the noise and do not object, the likelihood of a complaint will be reduced. • Generators <ul style="list-style-type: none"> – All generators used on streets in residential areas or in City Parks must be “blimped” generators (i.e. noise-reduced generators) unless otherwise approved. | | |
| <p>Compensation for Disruption The City does not compensate individuals for disruption due to filming, nor will the City require a Production Company to do so, unless there is a legal requirement to provide compensation.</p> | <p>Compensation for Disruption No change – same as Current Policy.</p> | |
| <p>CODE OF CONDUCT It is the responsibility of the Production Company to ensure that their staff operate in a safe and professional manner in the course of their duties.</p> | <p>CODE OF CONDUCT No change – same as Current Policy.</p> | |

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| Current Policy – What Exists Today | Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, "No change – same as Current Policy" will appear. | Rationale – Why changes (deletions and/or additions) to the revised policy were made. |
|--|--|---|
| <p>PRODUCTION VEHICLES Identification of Production Vehicles All vehicles carrying equipment involved in the production will be issued a Location Filming Vehicle Permission Card which must be displayed on their dashboards and it is the responsibility of the Production Company to determine in advance, the number of production vehicles requiring such a permit.</p> | <p>PRODUCTION VEHICLES Identification of Production Vehicles All vehicles carrying equipment involved in the production will be issued a Location Filming Vehicle Permission Card which must be prominently displayed. It is the responsibility of the Production Company to determine, in advance, the number of production vehicles requiring such a permit.</p> | <p>Minor wording change to say the Permission Card must be prominently displayed, not necessarily on the dashboard.</p> |
| <p>Access to Premises The Production Company must ensure that residents, owners and customers have access to their respective premises and that there is pedestrian and vehicular access to adjoining properties.</p> | <p>Access to Premises Temporary Highway closures may be permitted in accordance with the Special Events Temporary Road Closure By-Law 51-06. However, the Production Company must ensure that residents, owners and customers have access to their respective premises and that there is pedestrian and vehicular access to adjoining properties.</p> | <p>Clarified that road closures will occur, in accordance with the Special Events Temporary Road Closure 51-06.</p> |
| <p>Parking The Production Company must make every effort to ensure that people displaying legitimate credentials such as disabled parking permits are accommodated in recognition of their personal safety.</p> | <p>Parking The Production Company must make every effort to ensure that people displaying legitimate credentials such as accessible parking permits for persons with disabilities are accommodated.</p> | <p>Wording revised to reflect the <i>Accessibility for Ontarians With Disabilities Act</i> language.</p> |

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| <i>Current Policy – What Exists Today</i> | <i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, "No change – same as Current Policy" will appear.</i> | <i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i> |
|--|--|--|
| <p>Traffic Stoppages Intermittent traffic stoppages, if permitted, will be limited to a maximum of three minutes unless otherwise stated on the Film Permit and must be conducted under the supervision of a Pay Duty Police Officer. The Production Company is responsible for arranging for the City's Transportation Division to cover, alter, remove and/or reinstall traffic or street signs as may be necessary.</p> | <p>Traffic Stoppages Intermittent traffic stoppages, if permitted, will be limited to a maximum of three minutes unless otherwise stated on the Permit and must be conducted under the supervision of a paid duty police officer. The Production Company is responsible for arranging for, and covering any charges related to, the City's Transportation and Works Department covering, altering, removing and/or reinstalling traffic or street signs as may be necessary.</p> | <p>Added that the Production Company is responsible for any related costs.</p> |
| <p>Traffic No interference with pedestrian or vehicular traffic is to occur without being noted on the permit.</p> <p>Every opportunity is to be taken to ensure that access, either vehicular or pedestrian, is not restricted to persons with disabilities.</p> <p>Production vehicles must comply with appropriate traffic regulations unless stated otherwise on the permit. All moving vehicles must comply with regulations governing traffic in City Parks/properties unless otherwise noted on the permit.</p> | <p>Traffic No change to this section – same as Current Policy.</p> | |

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| Current Policy – What Exists Today | Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, "No change – same as Current Policy" will appear. | Rationale – Why changes (deletions and/or additions) to the revised policy were made. |
|---|--|---|
| <p>Except where a road is closed for filming, where a moving vehicle is involved, the applicant shall adhere to the posted speed limits and to lawful conditions unless directed otherwise by a Pay Duty Police Officer.</p> | | |
| <p>Parking and/or Standing Production vehicles must not block fire hydrants or be parked in fire routes or within nine metres of an intersecting street or impede any emergency response vehicles and must also adhere to any other requirements specified on the permit. In City parks, production vehicles and equipment must not block driveways or other access/egress ramps. Production vehicles must leave at least two feet clearance on either side of a driveway, ramp, or other accesses/egresses/ingresses. In all other circumstances, vehicles cannot block driveways or other access ramps without the approval of the owner.</p> <p>No production equipment/vehicles are to be within 30 metres of a bus stop, a pedestrian cross-over or a signalized intersection unless otherwise noted on the permit.</p> | <p>Parking and/or Standing In addition to all other relevant City By-laws and policies, production vehicles must comply with the Traffic By-Law, 555-00.</p> <p>Relocating vehicles by towing to accommodate filming or parking will not be permitted.</p> | <p>The detail in this section has been removed, as these stipulations are in the Traffic By-law, which Transportation and Works ensures the Production Companies abides by. The By-law does not specifically address towing of vehicles by a Production Company so remains in the policy.</p> |

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| <i>Current Policy – What Exists Today</i> | <i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, "No change – same as Current Policy" will appear.</i> | <i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i> |
|--|--|--|
| <p>Relocating vehicles by towing to accommodate filming or parking will not be permitted. Production vehicles must not block parking lot access/egress ramps and accessible parking for persons with disabilities.</p> | | |
| <p>POLICE, FIRE, AND AMBULANCE SERVICES Qualified emergency services personnel (police, fire, ambulance) may be required to be on site during the filming of dangerous situations such as special effects, stunts, and /or detonation of pyrotechnics, as determined by the Film Liaison.</p> <p>The Fire and Emergency Services Division must be advised in advance, in writing, when the use of pyrotechnic devices, fireworks, or flammable or combustible liquids or materials is being planned. The notice must provide details of how the materials will be used. Fire and Emergency Services may impose conditions regarding the use of these materials. Any conditions will be included as part of the Film Permit.</p> <p>Pay duty police officers are required as determined</p> | <p>EMERGENCY SERVICES Qualified emergency services personnel (police, fire, ambulance) may be required to be on site during filming involving, for example, special effects, stunts, and/or detonation of pyrotechnics, as determined by the Film Office, in consultation with Mississauga Fire and Emergency Services (MFES) and/or Peel Regional Police.</p> <p>The Production Company must advise MFES in advance, in writing, when the use of pyrotechnic devices, fireworks, or flammable or combustible liquids or materials is being planned. The notice must provide details of how the materials will be used. MFES may impose conditions regarding the use of these materials. Any MFES conditions will be included as part of the Film Permit.</p> <p>No change – except for terminology for Film</p> | <p>Added the requirement to consult with Mississauga Fire and Emergency Services (MFES) and/or Peel Regional Police, which is being done today but was not stated in policy.</p> <p>Clarified that it is the Production Company's responsibility to advise MFES.</p> |

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| <i>Current Policy – What Exists Today</i> | <i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, "No change – same as Current Policy" will appear.</i> | <i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i> |
|---|---|--|
| <p>by the Film Liaison for such things as permit compliance, intermittent traffic stoppages and traffic control and/or when required to direct pedestrian or vehicular traffic including those instances involving City Parks/Properties. Pay duty police officers are required for the detonation of pyrotechnic special effects. A blast analysis may be required and additional time is needed to arrange for this activity. A copy of the permit is to be supplied to the pay duty officer on duty.</p> | <p>Liaison.</p> | |
| <p>COMPLIANCE Despite the issuance of a permit, the Production Company shall ensure that it and its staff and agents comply with all applicable legislation and By-law requirements, in addition to the conditions provided on a Film Permit. Failure to comply with such requirements may result in the revocation of the Film Permit, even if no specific terms on the Film Permit are breached.</p> | <p>COMPLIANCE Despite the issuance of a Film Permit, the Production Company will ensure that the company, its staff and agents comply with all applicable Federal, Provincial and municipal laws, including City by-laws and policies, in addition to the conditions provided on the Film Permit. Failure to comply with such requirements may result in the revocation of the Film Permit, even if no specific terms on the Film Permit are breached.</p> | <p>Minor wording changes for clarity; no change to intent.</p> |

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Corporate Report

Clerk's Files

Originator's
Files

5.

DATE: September 25, 2013

TO: Chair and Members of General Committee
Meeting Date: October 23, 2013

FROM: Paul A. Mitcham, P.Eng., MBA
Commissioner of Community Services

SUBJECT: Corporate Policy - Arena Ice Allocation Policy



RECOMMENDATION: That the revised Corporate Policy and Procedure Arena Ice Allocation 08-03-03, attached as Appendix 1 to the Corporate Report dated September 25, 2013 from the Commissioner of Community Services be approved

**REPORT
HIGHLIGHTS:**

- Staff completed a review of the Primetime Ice Allocation Policy in consultation with the newly formed Mississauga Ice Users Network.
- The revised Policy includes changes to the Standards of Play, Definition of Primetime, Residency and Seasonal Contracts. These changes are linked to recommendations outlined in the 2012 Arena Provision Strategy.
- The Policy becomes effective for the 2014-2015 season and will be reviewed for its effectiveness annually with the Ice Users Network.

BACKGROUND:

At the Council Meeting of October 24, 2012, Council received a Corporate Report entitled "Primetime Ice Allocation Policy Review" from the Commissioner of Community Services. In that report staff advised Council that the arena system had been experiencing declining utilization rates over the past few years as predicted in the 2009 Future Directions Recreation Master Plan. To address this issue and respond

to current and future market trends within the arena business, the report indicated that it was necessary for the City to implement the strategies outlined in the 2012 Arena Provision Strategy.

The highest priority recommendation in this strategy is a review of the current Corporate Policy and Procedure - Primetime Ice Allocation, as it drives utilization and manages our fiscal relationships with key arena users.

The Recreation Division established an internal working committee to review the Corporate Policy with the intention of accomplishing the following objectives:

1. To develop ice allocation strategies that balance the needs of ice users while maximizing ice usage and performance;
2. To develop a policy structure that is reflective and responsive to changing demographics and market conditions and ensures equitable and fair access; and
3. To manage arena operations in a cost effective and efficient manner.

To achieve the above stated objectives staff established the first City-wide Ice Users Network ("Network"). The Network was comprised of key arena stakeholders (attached as Appendix 2) and was tasked with acting in an advisory capacity for the policy review. The establishment of a Network ensured the City was able to have meaningful dialogue with user groups, while at the same time assisting the City in achieving its overall objective of optimal use of ice time year round and revenue security for arenas.

Staff conducted four (4) consultation sessions with the Network from January to May, 2013. The sessions focussed on specific areas within the Primetime Ice Allocation Policy: Standards of Play, Residency, Priority Ice Users, Definition of Primetime, and Seasonal Contracts. Groups were supportive of the approach to review the policy. There are a number of recommended changes to the current policy for Council consideration as a result of the consultations sessions with the Network.

COMMENTS:

The comments below outline the proposed key changes to the policy. Appendix 3 provides a detailed summary of the changes.

Standards of Play

The current Standard of Play in the Primetime Ice Allocation Policy was developed prior to 1996 and required updating to ensure it is reflective of the market and responsive to the needs of community ice user groups. The revised standards have been determined in collaboration with each user group.

The intent of the Standards of Play is to ensure that groups have the amount of ice required to operate their respective programs. In this proposed Policy, time booked in excess of the Standard of Play will be charged a higher rate, in accordance with the Recreation Fees and Charges By-Law. Those primarily impacted are individual coaches that book spot ice on an as needed basis.

Network Comments

The Mississauga Hockey League (MHL) and Mississauga Girls Hockey League (MGHL) expressed concern about charging a higher rate for any additional ice booked above and beyond the Standards of Play. Staff addressed this concern through the introduction of a new ice rate (additional coach's ice) that is reasonable and acceptable for groups/coaches and meaningful for the City.

Priority Allocation

The proposed Corporate Policy is responsive to market changes. In the current policy, a group's allocation is based upon previous year's registration data. Under the revised Corporate Policy, allocation for youth affiliated groups will be based on a three (3) year registration trend line, in addition to the Standards of Play. Based on the trend line staff will be able to predict the ice needs of groups in advance of the season (i.e. April) and request their commitment to ice contracts earlier. Accordingly, staff will have more time to market and allocate ice to other potential clients. Note: in the current system ice is returned at the beginning of the season (i.e. September) making it difficult for the City to market and sell to other users.

To maximize the future utilization of primetime hours and to respond to an aging demographic the City will allocate up to 20% of overall primetime ice to the City Recreation Division programs (e.g. Learn to Skate/Hockey; public access programs), followed by current community adult leagues/programs.

The remaining 80% will be allocated as follows:

1. Affiliated Youth
2. Board of Education
3. Mississauga Based Rep Organizations (GTHL)
4. Junior A Hockey
5. Private Leagues/Individual Users
6. Commercial/Non-Residents

The rationale for this change in priority allocation is to allow the City to grow its Learn to Skate programs and address waitlists, and to protect ice for adult groups who have pent up demand, pay higher rates and who are using private and other municipal facilities. Current demographic information supports this approach. City and adult programs occupied 16% of all prime hours during the 2012-2013 fall/winter season. The strategy is to incrementally move towards the 20% threshold over the next five (5) years. The remaining 80% of primetime ice will be allocated to provide game/practice (i.e. affiliated youth, GTHL) ice time on a priority basis for seasonal contracts.

Network Comments

Groups were supportive of this approach as the Standards of Play protect their needs to operate a viable program.

Seasonal Contracts

Organizations utilizing Fall/Winter primetime ice will be required to commit to a minimum 26-week seasonal contract that must begin by the 3rd weekend in September and operate for a minimum of 26 consecutive weeks, including any weeks with exception dates (e.g. stat holidays). The commitment of ice users to a minimum 26-week season will allow the City to maximize utilization and minimize the issue of ice being “turned back” by groups just prior to signing final contracts in late summer. It will also allow operations staff to plan in advance for end of season ice to floor conversions.

Network Comments

Although a majority of user groups are accustomed to this practice, others will need time to adjust. The MHL and Mississauga Ringette are concerned about the potential financial impact to their respective organizations as a result of this change. In these cases the City will give these groups three (3) years to make program adjustments. Further, to assist with this change organizations will now have the

opportunity to resell ice, such as ice that is unused due to an away tournament, through the City's Customer Service Centre booking office. This particular proposal was well received by groups.

Definition of Primetime Ice

User groups endorsed a definition of a prime hour as any hour block that is used more than 50% of the time. The City currently sells more than 65% of the 7-8 am hour on Saturdays and Sundays and less than 25% of the 11 pm-12 am prime hour Monday-Friday. In this light, it is recommended that the 7-8 am hour on Saturdays/Sundays move to a prime hour and the 11 pm – 12 am hour move to a non-prime hour. These changes (e.g. revising the 7-8am time frame on Saturday and Sunday mornings) are in line with benchmarking with other municipalities (London, Oakville, Ottawa, Hamilton, Oshawa).

Network Comments

Although groups agree with the rationale for the definition of a prime hour there is concern around the financial impact of the weekend/weekday change. To address the Network concern the proposed change will be implemented over a 3-year period and have agreed to monitor utilization annually. Over the three year period staff will increase the primetime rate (2013 - \$161.18/hour) as outlined in the chart below. These rates would be introduced using the delegated authority under the rates and fees charges by-law.

| Year | Rate (7 am-8am) |
|-----------|-----------------|
| 2014-2015 | \$120.00/hour |
| 2015-2016 | \$140.00/hour |
| 2016-2017 | \$161.18/hour* |

*Subject to any annual increases

Residency

Affiliated youth sport organizations deliver and accommodate Mississauga residents in their programs. Affiliated youth organizations must maintain 100% residency (98% for soccer) within their respective organizations. However, the City considers requests for exceptions to the residency requirements. On an annual basis, groups requesting exemptions must outline non-resident status and the City approves or declines depending on the merit of the request. There has been a noticeable increase in the number of residency exception requests from youth organizations over the past 5 years.

Through consultation with the Network it was noted that many groups have difficulty rounding out player rosters and remaining competitive at the highest level.

To support the sustainability and competitiveness of Mississauga based affiliated ice organizations, it is recommended that groups be permitted to register a maximum of five percent of the organization's total registration as non-residents. This practice is consistent with residency requirements in surrounding municipalities, as noted in Appendix 4. To ensure all Mississauga residents are accommodated, groups will not be permitted to close registration (prior to the start of the season for house league; after tryouts for competitive levels) to Mississauga residents if non-residents make up any portion of the group's membership. The level of play for all players will be determined by the applicable organization. The City's responsibility is to ensure that residents have a place to play in the City if desired, however will not be involved in determining at which level.

It is recognized that regional-based affiliated sports groups (i.e. Mississauga Ringette) will require a higher percentage of non-residents in order to be viable. Staff will work with these organizations on a case by case basis.

Non-residents will be charged a non-residents fee in accordance with the Recreation Fees and Charges By-Law. This action is consistent with the City's practice of charging a non-resident fee for City operated programs.

Network Comments

The Network supports the recommendation to permit 5% non-residents and to charge a reasonable non-resident fee. The Recreation Division will work with sport groups to create an efficient collections process.

Implementation

The revised Corporate Policy – Arena Ice Allocation will be implemented for the 2014-2015 season. Staff will work through the Mississauga Ice Users Network and other communication channels to ensure that groups are advised of the changes and have sufficient time to make any adjustments required.

FINANCIAL IMPACT: The arena system is highly dynamic. While staff made efforts to model the financial impact to user groups, based on present use the market factors and assumptions necessary to calculate net financial impact to the City are too complex to accurately estimate a net budget impact on the whole, however, a positive financial impact is anticipated over a three year period. Staff will monitor the performance during the 2014-2015 season and provide quarterly updates.

CONCLUSION: The revisions to the Primetime Allocation Policy ensure that the City is meeting the requirements of user groups, is consistent with current and emerging ice use trends and is maximizing the efficient use of ice time, which will ensure the long-term sustainability of the arena system in Mississauga.

ATTACHMENTS:

- Appendix 1: Revised Corporate Policy and Procedure – Arena Ice Allocation
- Appendix 2: Key Arena Stakeholders
- Appendix 3: Comparison Chart – Primetime Ice Allocation Policy and Arena Ice Allocation
- Appendix 4: Municipal Residency Benchmarking



Paul A. Mitcham, P.Eng., MBA
Commissioner of Community Services

Prepared By: Jason Klomp, Manager Sports

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Corporate Policy and Procedure



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TAB: COMMUNITY SERVICES
 SECTION: RECREATION
 SUBJECT: ARENA ICE ALLOCATION

POLICY STATEMENT The City of Mississauga is committed to meeting the recreational needs of the City and its residents through a comprehensive arena ice allocation policy for all users.

PURPOSE Standards and priorities for allocation of arena ice have been developed to meet the needs of Mississauga residents, while ensuring the effective and optimal use of City arena facilities, at the lowest possible cost to the taxpayer.

This policy outlines the standard ice allocations for each type of user group and the priorities which will be applied in the event of a conflict in ice time requests.

SCOPE This policy applies to all City of Mississauga arenas, excluding Vic Johnson Arena (Streetsville), the Hershey Centre Bowl and all artificial outdoor City rinks.

Reference to "ice" during the Summer season includes the rental of arena floor space where the ice has been temporarily removed.

DEFINITIONS For the purposes of this policy:
 "Affiliated Youth Group" means those Mississauga-based groups that provide services which supplement those provided by the City and that have successfully applied for and been granted status as an Affiliated Group in accordance with Corporate Policy and Procedure – Community Group Support Program. School groups qualify for the youth affiliate rate

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when activities are included in the course curriculum or where school representation is required.

“Mississauga Resident” means anyone who lives permanently in Mississauga (temporary absences for reasons such as vacation do not affect resident status, as long as the resident’s principal address remains in Mississauga); a student who is registered in an educational institution in Mississauga and who lives and attends school in Mississauga for a period of at least eight months during the calendar year; or a non-resident who is the principal owner of a business in Mississauga and thereby pays Mississauga business taxes.

ADMINISTRATION

This policy is administered by the Sports Unit, Recreation Services Division, Community Services Department.

RESIDENCY

Mississauga Residents must be guaranteed a fair opportunity to register, try-out and participate in Mississauga-based recreational and competitive programs. Membership for recreational (house league) players cannot be closed to Mississauga Residents prior to the start of the organization’s season or, for competitive players, before the end of try-outs if non-residents make up any portion of the membership. The level of play will be determined by the applicable organization and not by the City.

To ensure the sustainability of Mississauga based ice organizations, Affiliated Youth Groups that are allocated ice in accordance with this policy will be allowed to register a maximum of five percent of the organization’s total registration as non-residents without seeking an exception from the City. Non-residents will be charged a non-residents surcharge in accordance with the Recreation Fees and Charges By-Law, as amended. Requests from groups to the Sports

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Unit for exceptions over and above five percent will be considered on a case-by-case basis. The Director, Recreation Division, Community Services Department or his/her designate will make the final decision.

Regional-based Affiliated Youth Groups that cannot operate without a non-resident component that is greater than five percent will be permitted a higher percentage of non-residents, as agreed to in consultation with the Director, Recreation, and the Sports Unit.

Organizations qualifying for the Mississauga-based representative rate (e.g. GTHL) will have a minimum of 80% Mississauga Residents per organization. Team rosters must be available upon request to confirm residency.

PRIMETIME ICE HOURS PER SEASON

Summer

The Summer season begins on Victoria Day Monday (in May) and runs until August 31st.

"Primetime Ice" for the Summer season is:

- Monday to Friday - 6:00 pm to 11:00 pm
- Sunday - 6:00 pm to 11:00 pm

Ice during the Summer season is not subject to priority allocation, but will be allocated in accordance with the application deadlines communicated by the Sports Unit, and is based on market demand and consideration of arena operational efficiencies.

Affiliated Youth Groups are entitled to the affiliated rate during the summer season.

Fall/Winter/Spring

The Fall/Winter/Spring season begins on September 1st and

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ends on the Sunday before Victoria Day Monday the following May.

“Primetime Ice” for the Fall/Winter/Spring is:

- Monday to Friday - 4:00 pm – 11:00 pm
- Saturdays - 7:00 am – 9:00 pm
- Sundays - 7:00 am – 11:00 pm

Seasonal Contract

Organizations utilizing Fall/Winter/Spring primetime ice will be required to commit to a minimum 26 week seasonal contract that must begin by the 3rd weekend in September and run for a minimum of 26 consecutive weeks, including any weeks with exception dates. Organizations that require a seasonal contract that runs longer than 26 weeks must commit to the entire seasonal contract. The ability to commence seasonal contracts during the first two weekends in September and/or to extend contracts past 26 weeks is dependent on availability of ice.

Seasonal contracts will not include the following dates: December 24th; statutory holidays - December 25th, Christmas Day; December 26th Boxing Day; and January 1st, New Years’ Day.

Exceptions may be requested for the remaining statutory holidays (Thanksgiving, Family Day and, if applicable, Good Friday); the remaining dates in the Christmas period (December 27th to December 31st); and March break (Saturday through Saturday). No other exceptions will be granted.

PRIORITY ALLOCATION – SEASONAL CONTRACTS

The City is committed to allocating up to 20% of overall primetime ice to the following two groups:

- a.) Recreation Division programs (e.g. Learn to

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Skate/Hockey; public access programs); followed by
 b.) Established community adult leagues/programs.

The remaining 80% of primetime ice will be allocated to provide game/practice and/or program ice time on a priority basis for seasonal contracts. The same prioritization is used to address dispensing surplus ice times, wait lists and acquiring additional ice time (as may be required).

The remaining priorities are as follows:

1. Affiliated Youth
2. Board of Education
3. Mississauga Based Rep Organizations (GTHL)
4. Junior A Hockey
5. Private Leagues and Individual Users
6. Commercial & Non Resident

When the demand for ice exceeds availability, ice required will be obtained from groups in reverse order on the 80% priority allocation above. Consideration will be provided for smaller organizations not able to sustain a reduction without seriously impacting their activities.

STANDARDS OF PLAY

The Community Services Department will adhere to the following standards of play when allocating seasonal contract ice for all ice users identified in the chart below:

Recreational:

| Hockey House League | Category | Hours per Week (15 players per team) |
|---------------------------------|------------------------|---|
| 4 – 11 year olds, House League | MHL, Ringette and MGHL | 1 hour per team (a shared practice and game) per week |
| 12 – 20 year olds, House League | MHL, Ringette and MGHL | 1.5 hours per team (full practice and game) per week |

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Competitive:

| Hockey Rep | Category | Hours per Week (15 players per team) |
|--|---|---|
| Greater Toronto Hockey League 9 – 13 year olds, Rep (AA & AAA) | ALL | 2.25 hours per team (1 hour practice and a 1.25 hour game) |
| Greater Toronto Hockey League 14 – 20 year olds, Rep (AA & AAA) | ALL | 2.50 hours per team (1 hour practice and 1.50 hour game) |
| Hockey/Ringette Rep | Category | Hours per Week (15 players per team) |
| MGHL 8 – 20 year olds, Rep + | 8 Novice (DS) 9/10 Atom (DS) 11/12 PeeWee (A, BB, B, DS) 13/14 Bantam (BB, B, DS) 15/16 Midget(B) | 2 hours per team (1 hour practice and a 1 hour game) |
| | 11/12 PeeWee (AA) 13/14 Bantam(AA, A) 15/16 Midget (AA, A, BB) 17/18 Intermediate (A) | 2.5 hours per team (1 hour practice and a 1.5 hour game) |
| | 17/18 Intermediate (AA) | 3 hours per team (1 hour practice and a 2 hour game) |
| | 6/7 Bunnies 8/9 Novice 10,11 Petite 12,13 Tween 14,15 Junior | 2 hours per team (1 hour practice and a 1 hour game) |
| Ringette Rep | 16/17 Belle 19+ Open | 2.5 hours per team (1 hour practice and a 1.5 hour game) |
| | Mississauga Hockey League Rep (A) | 9 Minor Atom 10 Atom 11 Minor PeeWee 12 PeeWee 13 Minor Bantam 14 Bantam |

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| | | |
|--|---------------------------------------|--|
| | 15 Minor midget 16/17Midget U21 | |
|--|---------------------------------------|--|

| Figure Skating | |
|--|--------------------------------|
| Categories | Hours per Week |
| Preschool/Canskate | 1 hour per week per 50 skaters |
| Jr. A and Jr. B Pre-star Intermediate A and B Intermediate development Star 1 and 2 | 1 hour per week per 10 skaters |
| Senior Star 3 | 1 hour per week per 4 skaters |
| Senior Senior Advanced Competitive Team | 1 hour per week per 3 skaters |
| Precision -Synchronized | 2 hour per week per team |
| Adult | 1 hour per week per 20 skaters |

Ice time will be allocated in a minimum of one hour blocks, which include an allowance for a 10-minute flood. User groups will determine game structure and duration (e.g. stop, straight time, 1 hour game, 1.5 hour game).

The seasonal contract ice rental rate for Affiliated Youth Groups and the GTHL will only apply to ice allocated in accordance with the standards of play. The supplementary hours will be subject to the rate as approved in the Recreation Fees and Charges By-Law, as amended. The Affiliated Youth Groups and GTHL non-prime rates will be applied to additional ice booked during non-prime hours.

YOUTH AFFILIATED GROUPS ICE CALCULATION

Seasonal contract ice is allocated annually for Affiliated Youth Groups using historical registration trend data. Each organization's eligible ice allocation will be based on their

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average registration numbers over the past three years.

If the organization's registration numbers over the past three years are trending lower (e.g. by two percent), the organization will be allocated two percent fewer hours than the previous year. Organizations will then have the option to commit to retaining the supplementary ice for the upcoming season (i.e. the difference in the previous year's allocation and their new entitlement). The decision to retain the supplementary ice must be made by the deadline for seasonal contracts, May 01, unless otherwise communicated by the Sports Unit.

If the decision is to retain the supplementary hours, the hours will go into the organization's "bank" and could be used to schedule additional activities, such as second team practices. The supplementary hours may be carried over and committed to for subsequent seasons.

The supplementary hours will be subject to the rate as approved in the Recreation Fees and Charges By-Law, as amended, as they are over and above the organization's eligible ice based on the standards of play. If registration increases and the organization is entitled to more hours than were allocated by the City, their supplementary hours will be used to fulfill the eligible ice allocation and be converted to the regular affiliated rate.

If the organization's registration over the previous three years is trending higher, the allocated hours of eligible ice will go up accordingly, with required primetime ice being obtained from groups in reverse order on the 80% priority listing if required.

Note: Those organizations with supplementary ice may be required to return all or a portion of the supplementary

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ice in the event that the City cannot fulfill the basic requirement for eligible primetime ice for all groups in the 80% priority listing. The Sports Unit will ensure any redistribution of supplementary ice is carried out in a fair and equitable manner.

RESELLING UNUSED SEASONAL CONTRACT ICE

Organizations will have the opportunity to resell unused ice through the City's Customer Service Centre booking office. A rebooking fee per transaction, as set out in the Recreation Fees and Charges By-Law, as amended, will be charged to the team selling the ice if the City is successful in reselling it. The purchaser will pay the higher of the rate applicable to their organization or the rate the ice was originally booked at. The organization reselling the ice will be credited with the rate on their original contract, minus any administration/rebooking fee.

The resale or purchase of ice does not impact the calculation of ice allocation for future years.

TOURNAMENTS/SPECIAL EVENTS

The City reserves the right to make adjustments to allocations in order to accommodate tournaments and special events. However, the City will work in collaboration with groups to ensure that the impact of tournaments and special events on seasonal groups is minimized. Advanced commitment for special events and tournaments may be granted at staff discretion.

CANCELLATION PENALTIES

Organizations may be subject to cancellation penalties outlined in Corporate Policy and Procedure – Payment and Refund of Facility Rental Fees and reflected on their facility

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rental contract.

PILOT PROGRAMS/EMERGING SPORTS

Organizations interested in obtaining additional primetime ice for new initiatives in the form of a pilot project or to gauge interest in an emerging sport must request supplementary ice prior to program development. The group making the request must provide the Sports Unit with a proposal that includes the required hours of ice; a marketing plan; proposed fees; and a target audience.

Contracts for pilot projects/emerging sports will stipulate that the group may cancel their allocated ice with two weeks' notice without penalty.

A program will only be considered a pilot project for the first two years of operation by the same organization.

REFERENCE: GC-137-96 - 1996 02 28
 2011 10 12 - Housekeeping – Volunteer policy renamed to Community Group Support Program

LAST REVIEW DATE:

CONTACT: For more information contact the Sports Unit, Recreation Division, Community Services Department.

Ice Users Network – Youth Affiliated Organizations

- Mississauga Hockey League
- Applewood Hockey Association
- Cooksville Hockey Association
- Clarkson Hockey Association
- Credit Valley Hockey Association
- Erindale Hockey Association
- Lorne Park Hockey Association
- Meadowvale Hockey Association
- Port Credit Hockey Association
- Mississauga Figure Skating Club
- Port Credit Figure Skating Club
- Streets/Mead. Figure Skating Club
- Mississauga Ringette Association
- Mississauga Girls Hockey League
- Greater Toronto Hockey League
- Mississauga North Stars
- Mississauga Jets
- Mississauga Terriers
- Mississauga Braves
- Ice Warriors
- Mississauga Rebels
- Mississauga Senators
- Mississauga Chargers
- Mississauga Ecumenical Hockey League
- Toronto Township Oldtimers H.L.
- Mississauga Masters
- MOHA
- Stormin Norman Hockey League
- Mississauga West Hockey League
- TNHL
- Peel Cruisers

| Current Policy – deletions and additions | Proposed Policy | Rationale for Change |
|--|--|---|
| <p>POLICY STATEMENT Prime time ice is allocated in accordance with the criteria outlined in this policy.</p> | <p>POLICY STATEMENT The City of Mississauga is committed to meeting the recreational needs of the City and its residents through a comprehensive arena ice allocation policy for all users.</p> | <p>The revised policy statement expresses the City’s philosophy with respect to ice allocation and recreation in general.</p> |
| <p>PURPOSE Standards and priorities for allocation of prime time ice have been developed to meet the needs of residents of Mississauga, while maximizing revenues.</p> <p>This policy outlines the standard ice allocations for each type of user group and the priorities which will be applied in the event of a conflict in ice time requested, and outlines general information regarding ice allocations.</p> | <p>PURPOSE Standards and priorities for allocation of arena ice have been developed to meet the needs of Mississauga residents, while ensuring the effective and optimal use of City arena facilities, at the lowest possible cost to the taxpayer.</p> <p>This policy outlines the standard ice allocations for each type of user group and the priorities which will be applied in the event of a conflict in ice time requests.</p> | <p>Minor wording changes. Added wording to reflect the objective of improving overall efficiency and maximizing ice usage, to the benefit of the taxpayer.</p> |
| <p>SCOPE This policy applies to all City of Mississauga arenas, and is administered by the Recreation and Parks Division, Community Services Department.</p> | <p>SCOPE This policy applies to all City of Mississauga arenas, excluding Vic Johnson Arena (Streetsville), the Hershey Centre Bowl and all artificial outdoor rinks.</p> <p>Reference to “ice” during the Summer season includes the rental of arena floor space where the ice has been temporarily removed.</p> | <p>Specifies that certain arenas/ice are excluded. Departmental information is moved to the Administration section, below.</p> <p>Clarified that, in summer, arena floors, without ice, are available for rental.</p> |

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| Current Policy – deletions and additions | Proposed Policy | Rationale for Change |
|--|--|--|
| | <p>DEFINITIONS For the purposes of this policy:</p> | |
| | <p>“Affiliated Youth Group” means those Mississauga-based groups that provide services which supplement those provided by the City and that have successfully applied for and been granted status as an Affiliated Group in accordance with Corporate Policy and Procedure – Community Group Support Program. School groups qualify for the youth affiliate rate when activities are included in the course curriculum or where school representation is required.</p> | <p>Definitions added for clarity.</p> |
| | <p>“Mississauga Resident” means anyone who lives permanently in Mississauga (temporary absences for reasons such as vacation do not affect resident status, as long as the resident’s principal address remains in Mississauga); a student who is registered in an educational institution in Mississauga and who lives and attends school in Mississauga for a period of at least eight months during the calendar year; or a non-resident who is the principal owner of a business in Mississauga and thereby pays Mississauga business taxes.</p> | |
| | <p>ADMINISTRATION This policy is administered by the Sports Unit, Recreation Services Division, Community Services Department.</p> | <p>This information was formerly in the Scope section.</p> |

| Current Policy – deletions and additions | Proposed Policy | Rationale for Change |
|--|---|--|
| <p>Affiliated Youth organizations that are allocated ice in accordance with this policy will be allowed to register a maximum of five percent non-residents without seeking an exception from the City. Non-residents will be charged a non-residents surcharge in accordance with the Recreation Fees and Charges By-Law, as amended Requests from groups to the Sports Unit for exceptions over and above five percent will be considered on a case-by-case basis.</p> | <p>RESIDENCY Mississauga Residents must be guaranteed a fair opportunity to register, try-out and participate in Mississauga-based recreational and competitive programs. Membership for recreational (house league) players cannot be closed to Mississauga Residents prior to the start of the organization’s season or, for competitive players, before the end of try-outs if non-residents make up any portion of the membership. The level of play will be determined by the applicable organization and not by the City.</p> <p>To ensure the sustainability of Mississauga based ice organizations, Affiliated Youth Groups that are allocated ice in accordance with this policy will be allowed to register a maximum of five percent of the organization’s total registration as non-residents without seeking an exception from the City. Non-residents will be charged a non-residents surcharge in accordance with the Recreation Fees and Charges By-Law, as amended. Requests from groups to the Sports Unit for exceptions over and above five percent will be considered on a case-by-case basis. The Director, Recreation Division, Community Services Department or his/her designate will make the final decision.</p> | <p>In consultation with ice user groups the Sports Unit was advised that seeking an exception from the City for each individual non-resident is time-consuming. User groups support the recommendations to permit 5% non-residents and to charge a non-resident surcharge, which is consistent with the City’s practice for City program registrations. A group cannot close its membership to Mississauga residents if non-residents are registered (prior to the start of the season for house league; after tryouts for competitive levels). It is recognized that regional-based Affiliated sports groups will require a higher percentage of non-residents in order to be viable. Community Services will work with the groups to ensure the process of collecting non-resident fees is not onerous for either party.</p> |

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| Current Policy – deletions and additions | Proposed Policy | Rationale for Change |
|--|--|---|
| <p>Organizations qualifying for the Mississauga-based representative rate will have a minimum of 80% Mississauga Residents per organization. Team rosters will be required to confirm residency.</p> <p>Affiliated youth groups are those groups which have been approved as affiliates of Recreation and Parks and whose primary activity is ice related.</p> <p>School groups qualify for the youth affiliate rate, when activities are included in the course curriculum, or where school representation is required.</p> | <p>Regional-based Affiliated Youth Groups that cannot operate without a non-resident component that is greater than five percent will be permitted a higher percentage of non-residents, as agreed to in consultation with the Sports Unit.</p> <p>Organizations qualifying for the Mississauga-based representative rate (e.g. GTHL) will have a minimum of 80% Mississauga Residents per organization. Team rosters must be available upon request to confirm residency.</p> | <p>Added GTHL for clarity.</p> <p>This is captured in the Definition of Affiliated Youth Group.</p> <p>Information about school groups has been included in the definition of Affiliated Youth Group.</p> |
| <p>BOOKING PERIODS “Prime time” is defined as: <u>Fall/Winter:</u></p> <ul style="list-style-type: none"> • Monday to Friday - 4:00 pm to 12:00 am • Saturday - 8:00 am to 9:00 pm • Sunday - 8:00 am to 11:00 pm <p><u>Spring/Summer:</u></p> <ul style="list-style-type: none"> • Monday to Friday - 6:00 pm to 12:00 am | <p>PRIMETIME ICE HOURS PER SEASON Summer The summer season begins on Victoria Day Monday (in May) and runs until August 31st.</p> <p>Primetime Ice for the Summer season is:</p> <ul style="list-style-type: none"> • Monday to Friday - 6:00 pm to 11:00 pm • Sunday - 6:00 pm to 11:00 pm | <p>The summer season has been aligned with summer rental rates.</p> |

| Current Policy – deletions and additions | Proposed Policy | Rationale for Change | | | | | | | | | | | | | | | | | | | | | |
|--|---|--|----------------------|---------------|---------------------|---------|--|--------------------|---------|--|---------------------|---------|--------------|-------------------------|---------|--|-----------|---------|-----------------|-------------------|---------|--|--|
| <ul style="list-style-type: none"> Sunday - 6:00 pm to 12:00 am <p>Seasonal ice will be allocated for the following time periods in accordance with the designated application deadlines:</p> <table border="1" data-bbox="243 565 867 1011"> <thead> <tr> <th></th> <th>Duration</th> <th>Application Deadline</th> </tr> </thead> <tbody> <tr> <td>Seasonal Ice:</td> <td>Sept. 1 to Sept. 30</td> <td>April 2</td> </tr> <tr> <td></td> <td>Oct. 1 to April 15</td> <td>April 2</td> </tr> <tr> <td></td> <td>April 15 to Aug. 30</td> <td>Oct. 15</td> </tr> <tr> <td>Tournaments:</td> <td>Fall/Winter/March Break</td> <td>April 2</td> </tr> <tr> <td></td> <td>April/May</td> <td>Oct. 15</td> </tr> <tr> <td>Seasonal Floor:</td> <td>May 1 to Sept. 10</td> <td>Oct. 15</td> </tr> </tbody> </table> <p>Note: Dates may fluctuate due to arena availability and holidays.</p> | | Duration | Application Deadline | Seasonal Ice: | Sept. 1 to Sept. 30 | April 2 | | Oct. 1 to April 15 | April 2 | | April 15 to Aug. 30 | Oct. 15 | Tournaments: | Fall/Winter/March Break | April 2 | | April/May | Oct. 15 | Seasonal Floor: | May 1 to Sept. 10 | Oct. 15 | | |
| | Duration | Application Deadline | | | | | | | | | | | | | | | | | | | | | |
| Seasonal Ice: | Sept. 1 to Sept. 30 | April 2 | | | | | | | | | | | | | | | | | | | | | |
| | Oct. 1 to April 15 | April 2 | | | | | | | | | | | | | | | | | | | | | |
| | April 15 to Aug. 30 | Oct. 15 | | | | | | | | | | | | | | | | | | | | | |
| Tournaments: | Fall/Winter/March Break | April 2 | | | | | | | | | | | | | | | | | | | | | |
| | April/May | Oct. 15 | | | | | | | | | | | | | | | | | | | | | |
| Seasonal Floor: | May 1 to Sept. 10 | Oct. 15 | | | | | | | | | | | | | | | | | | | | | |
| | <p>Ice during the Summer season is not subject to priority allocation, but will be allocated in accordance with the application deadlines communicated by the Sports Unit, and is based on market demand and consideration of arena operational efficiencies.</p> | <p>Clarification that summer ice is not part of a seasonal contract and is not subject to priority allocation and that affiliated rates will apply where applicable.</p> | | | | | | | | | | | | | | | | | | | | | |

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| Current Policy – deletions and additions | Proposed Policy | Rationale for Change |
|--|---|---|
| | <p>Affiliated Youth Groups are entitled to the affiliated rate during the Summer season</p> | |
| | <p>Fall/Winter/Spring The Fall/Winter/Spring season begins on September 1st and ends on the Sunday before Victoria Day Monday the following May.</p> <p>“Primetime Ice” for the Fall/Winter contract ice season is:</p> <ul style="list-style-type: none"> • Monday to Friday - 4:00 pm - 11:00 pm • Saturdays - 7:00 am – 9:00 pm • Sundays - 7:00 am – 11:00 pm | <p>The revised definition of primetime uses the guiding principle of including periods that reflect the most demand, both in the “optimal” primetime and “shoulder” periods, as primetime hours. These changes (e.g. revising the 7-8am time frame on Saturday and Sunday mornings) are in line with benchmarking with other municipalities (London, Oakville, Ottawa, Hamilton, Oshawa).</p> |
| | <p>Seasonal Contract Organizations utilizing Fall/Winter/Spring primetime ice will be required to commit to a minimum 26 week seasonal contract that must begin by the 3rd weekend in September and run for a minimum of 26 consecutive weeks, including any weeks with exception dates. Organizations that require a seasonal contract that runs longer than 26 weeks must commit to the entire seasonal contract. The ability to commence seasonal contracts during the first two weekends in September and/or to extend contracts past 26</p> | <p>The City is proposing that teams commit to a 26 week contract for the Fall/Winter season that does not allow cancellations. Stat holidays (Christmas Day, Boxing Day, New Years’ Day and Family Day) will be excluded from all contracts. Teams may request the remaining dates in the Christmas period that are not stat holidays, as well as other stat holidays and March Break, as an exception.</p> |

| Current Policy – deletions and additions | Proposed Policy | Rationale for Change |
|---|---|--|
| | <p>weeks is dependent on availability of ice.</p> <p>Seasonal contracts will not include the following dates: December 24th; statutory holidays - December 25th, Christmas Day; December 26th Boxing Day; and January 1st, New Years' Day.</p> <p>Exceptions may be requested for the remaining statutory holidays (Thanksgiving, Family Day and, if applicable, Good Friday); the remaining dates in the Christmas period (December 27th to December 31st); and March break (Saturday through Saturday. No other exceptions will be granted.</p> | <p>Groups will not be exempted from playoff ice. The commitment of ice users to a minimum 26 week season will allow the City to maximize utilization and minimize the issue of ice being “turned back” by groups just prior to signing of final contracts in late summer/early fall.</p> <p>Organizations will be able to resell ice, such as ice that is unused due to an away tournament, through the City’s Customer Service Centre booking office (see below – Reselling Ice).</p> |
| <p>PRIORITY LIST</p> <p>A primary commitment is made to provide game and/or program ice time to the first four groupings listed below, on an allocated priority basis.</p> <ol style="list-style-type: none"> 1. a) Recreation and Parks programs (instructional and recreational); b) Affiliated youth groups (M.H.L., M.G.H.L., Ringette, Figure Skating Clubs); c) School teams; d) Special Needs groups. 2. a) Mississauga based youth representative | <p>PRIORITY ALLOCATION- FALL/WINTER/SPRING SEASON</p> <p>The City is committed to allocating up to 20% of overall primetime ice to the following two groups:</p> <ol style="list-style-type: none"> a.) Recreation Division programs (e.g. Learn to Skate/Hockey; public access programs); followed by b.) Established community adult leagues/programs. <p>The remaining 80% of primetime ice will be allocated to provide game/practice and/or program ice time on a priority basis for seasonal contracts.</p> | <p>Recreation programs and affiliated adult leagues have been combined to comprise the up to 20% allocation that will be protected for these City groups. City programs remain the top priority.</p> <p>Demographics show that the number of participants in adult user groups is likely to grow as the population ages.</p> |

| Current Policy – deletions and additions | Proposed Policy | Rationale for Change |
|---|---|--|
| <p>organizations with a minimum of 80% Mississauga residents (i.e. M.T.H.L.);</p> <p>b) Other Mississauga resident groups (i.e. Streetsville Hockey Association);</p> <p>c) Junior A hockey.</p> <p>3. Affiliated Adult Leagues.</p> <p>4. Private leagues and individual users (minimum 80% residency).</p> <p>5. Commercial and non-resident users.</p> <p>When the demand for ice exceeds availability, ice required will be obtained from groups in reverse order on the priority listing. Consideration will be provided for smaller organizations not able to sustain a reduction without seriously impacting their activity.</p> <p>Primary commitment is made to allocate prime time practice ice to the first two categories, with attempts to give youth affiliates 100% of their documented requirements for practice during prime time.</p> | <p>The same prioritization is used to address dispensing surplus ice times; wait lists; and acquiring additional ice time (as may be required).</p> <ol style="list-style-type: none"> 1. Affiliated Youth 2. Board of Education 3. Mississauga Based Rep Organizations (GTHL) 4. Junior A Hockey 5. Private Leagues and Individual Users 6. Commercial & Non Resident <p>When the demand for ice exceeds availability, ice required will be obtained from groups in reverse order on the 80% priority allocation above. Consideration will be provided for smaller organizations not able to sustain a reduction without seriously impacting their activities.</p> | <p>The remainder of the priority order did not change; the list has just been streamlined. Sport for persons with disabilities has been removed as groups will be included in the appropriate category (e.g. youth affiliate).</p> <p>Minor wording changes to reference priority allocation for the remaining 80% of user groups.</p> <p>Practice time is included in2 the Standards of Play chart.</p> |

| Current Policy – deletions and additions | Proposed Policy | Rationale for Change |
|---|---|--|
| <p>STANDARDS The Community Services Department will adhere to the following standards when allocating ice time:</p> <p>Hockey, Ringette: Instructional Skills Development - 5 & 6 Year Olds/Pre-Tyke/ (Affiliated Youth):</p> <ul style="list-style-type: none"> • 1 hour practice/week - 30 participants/hour • program open to public <p>House League User Groups from Tyke (7 year olds) to Atom (11 year olds):</p> <ul style="list-style-type: none"> • 1 hour of practice/week - ½ ice (Red, White & Blue) • 1 hour of practice/week - full ice for “A” and Minor Novice Major categories (M.H.L.) • 1 game/week • 2 games/week for “A” and Minor Novice Major categories (M.H.L.) <p>House League User Groups from Minor Pee Wee (12 year olds) to Junior (18 to 20 year olds):</p> <ul style="list-style-type: none"> • 1 hour of practice/week - full ice (Red, White and Blue) • 1 game/week • 2 games/week for “A” category (M.H.L.) <p>M.T.H.L. User Groups from Novice (9 year olds) to Junior (18 to 20 year olds):</p> <ul style="list-style-type: none"> • 1 hour game/week | <p>STANDARDS-OF PLAY The Community Services Department will adhere to the following standards of play when allocating seasonal contract ice for all ice users identified in the chart below:</p> | <p>The sections of the standards of play that appeared in text version have been replaced by a chart, making it much easier to comprehend. The current standard of play in the Primetime Ice Allocation Policy was developed prior to 1996 and needed to be updated to ensure it is reflective of the market and responsive to needs of the community/ice user groups. The revised standards have been determined in collaboration with each user group.</p> |

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| Current Policy – deletions and additions | Proposed Policy | Rationale for Change | | | | | | | | | |
|---|--|---|----------|--------------------------------------|--------------------------------|------------------------|---|---------------------------------|------------------------|--|---|
| <ul style="list-style-type: none"> 1 hour of practice/week - full ice (Based on meeting 80% residency guideline) <p>Adult User Groups:</p> <ul style="list-style-type: none"> 1 game/week with priority given to: <ol style="list-style-type: none"> Adult Affiliates Adult Resident Users (80% residency) Commercial and Non-resident Adult Users <p>Game time cannot be guaranteed for adult groups in Category (b) or (c).</p> <p>Allocation will be dependent on yearly supply/demand restrictions.</p> | | | | | | | | | | | |
| <p>City's Learn to Skate Program Various levels of skating instruction is provided -an average of 1 hour/50 skaters/week.</p> <p>Public Skating Various sessions are provided throughout the City - approximately 4 hours/week/facility.</p> | <p>Recreational:</p> <table border="1" data-bbox="905 922 1520 1230"> <thead> <tr> <th>Hockey House League</th> <th>Category</th> <th>Hours per Week (15 players per team)</th> </tr> </thead> <tbody> <tr> <td>4 – 11 year olds, House League</td> <td>MHL, Ringette and MGHL</td> <td>1 hour per team (a shared practice and game) per week</td> </tr> <tr> <td>12 – 20 year olds, House League</td> <td>MHL, Ringette and MGHL</td> <td>1.5 hours per team (full practice and game) per week</td> </tr> </tbody> </table> | Hockey House League | Category | Hours per Week (15 players per team) | 4 – 11 year olds, House League | MHL, Ringette and MGHL | 1 hour per team (a shared practice and game) per week | 12 – 20 year olds, House League | MHL, Ringette and MGHL | 1.5 hours per team (full practice and game) per week | <p>The Learn to Skate and Public Skating standard have been removed and incorporated into the proposed 20% of primetime ice for City programs, below.</p> |
| Hockey House League | Category | Hours per Week (15 players per team) | | | | | | | | | |
| 4 – 11 year olds, House League | MHL, Ringette and MGHL | 1 hour per team (a shared practice and game) per week | | | | | | | | | |
| 12 – 20 year olds, House League | MHL, Ringette and MGHL | 1.5 hours per team (full practice and game) per week | | | | | | | | | |
| | <p>Competitive:</p> | | | | | | | | | | |

| Current Policy – deletions and additions | Proposed Policy | | | Rationale for Change |
|--|--|---|--|----------------------|
| | Hockey Rep | Category | Hours per Week (15 players per team) | |
| | Greater Toronto Hockey League 9 – 13 year olds, Rep (AA & AAA) | ALL | 2.25 hours per team (1 hour practice and a 1.25 hour game) | |
| | Greater Toronto Hockey League 14 – 20 year olds, Rep (AA & AAA) | ALL | 2.50 hours per team (1 hour practice and 1.50 hour game) | |
| | Hockey/Ringette Rep | Category | Hours per Week (15 players per team) | |
| | MGHL 8 – 20 year olds, Rep + | 8 Novice (DS) 9/10 Atom (DS) 11/12 PeeWee (A, BB, B, DS) 13/14 Bantam (BB, B, DS) 15/16 Midget(B) | 2 hours per team (1 hour practice and a 1 hour game) | |
| | | 11/12 PeeWee (AA) | 2.5 hours per team (1 hour | |

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| Current Policy – deletions and additions | Proposed Policy | | | Rationale for Change |
|--|---|---|---|----------------------|
| | | 13/14 Bantam(AA,A) 15/16 Midget (AA,A,BB) 17/18 Intermediate (A) | practice and a 1.5 hour game) | |
| | | 17/18 Intermediate (AA) | 3 hours per team (1 hour practice and a 2 hour game) | |
| | Ringette Rep | 6/7 Bunnies 8/9 Novice 10,11 Petite 12,13 Tween 14,15 Junior | 2 hours per team (1 hour practice and a 1 hour game) | |
| | | 16/17 Belle 19+ Open | 2.5 hours per team (1 hour practice and a 1.5 hour game) | |
| | Mississauga Hockey League Rep (A) | 9 Minor Atom 10 Atom 11 Minor PeeWee 12 PeeWee 13 Minor Bantam 14 Bantam 15 Minor midget 16/17Midget U21 | 2.25 hours per team (1 hour practice and a 1.25 hour game) | |
| | | | | |

| Current Policy – deletions and additions | | Proposed Policy | Rationale for Change | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--------------------------------|--|---|-----------------|------------------------|-------------------------|-----------------------|--------|-----------------------|--------------------|-----------------------|--------------------------|--------------------|-------------------------|---------------------|-------|------------------------|---|----------------|--|------------|----------------|--------------------|--------------------------------|--|--------------------------------|------------------|-------------------------------|---|-------------------------------|--------------------------|--------------------------|-------|--------------------------------|--|
| <p>Figure Skating Clubs/ Instructional Skating:</p> <table border="1"> <tr> <td>Preschool/Canskate</td> <td>1 hour/60 skaters/week</td> </tr> <tr> <td>Canfigure Skate</td> <td>1 hour/25 skaters/week</td> </tr> <tr> <td>Intermediate and Higher</td> <td>1 hour/6 skaters/week</td> </tr> <tr> <td>Senior</td> <td>1 hour/4 skaters/week</td> </tr> <tr> <td>Competitive Senior</td> <td>1 hour/2 skaters/week</td> </tr> <tr> <td>Precision – Recreational</td> <td>1 hour/1 team/week</td> </tr> <tr> <td>Precision - Competitive</td> <td>2 hours/1 team/week</td> </tr> <tr> <td>Adult</td> <td>1 hour/20 skaters/week</td> </tr> </table> | | Preschool/Canskate | 1 hour/60 skaters/week | Canfigure Skate | 1 hour/25 skaters/week | Intermediate and Higher | 1 hour/6 skaters/week | Senior | 1 hour/4 skaters/week | Competitive Senior | 1 hour/2 skaters/week | Precision – Recreational | 1 hour/1 team/week | Precision - Competitive | 2 hours/1 team/week | Adult | 1 hour/20 skaters/week | <table border="1"> <thead> <tr> <th colspan="2">Figure Skating</th> </tr> <tr> <th>Categories</th> <th>Hours per Week</th> </tr> </thead> <tbody> <tr> <td>Preschool/Canskate</td> <td>1 hour per week per 50 skaters</td> </tr> <tr> <td>Jr. A and Jr. B Pre-star Intermediate A and B Intermediate development Star 1 and 2</td> <td>1 hour per week per 10 skaters</td> </tr> <tr> <td>Senior Star 3</td> <td>1 hour per week per 4 skaters</td> </tr> <tr> <td>Senior Senior Advanced Competitive Team</td> <td>1 hour per week per 3 skaters</td> </tr> <tr> <td>Precision – Synchronized</td> <td>2 hour per week per team</td> </tr> <tr> <td>Adult</td> <td>1 hour per week per 20 skaters</td> </tr> </tbody> </table> | Figure Skating | | Categories | Hours per Week | Preschool/Canskate | 1 hour per week per 50 skaters | Jr. A and Jr. B Pre-star Intermediate A and B Intermediate development Star 1 and 2 | 1 hour per week per 10 skaters | Senior Star 3 | 1 hour per week per 4 skaters | Senior Senior Advanced Competitive Team | 1 hour per week per 3 skaters | Precision – Synchronized | 2 hour per week per team | Adult | 1 hour per week per 20 skaters | |
| Preschool/Canskate | 1 hour/60 skaters/week | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Canfigure Skate | 1 hour/25 skaters/week | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Intermediate and Higher | 1 hour/6 skaters/week | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Senior | 1 hour/4 skaters/week | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Competitive Senior | 1 hour/2 skaters/week | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Precision – Recreational | 1 hour/1 team/week | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Precision - Competitive | 2 hours/1 team/week | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Adult | 1 hour/20 skaters/week | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Figure Skating | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Categories | Hours per Week | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Preschool/Canskate | 1 hour per week per 50 skaters | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Jr. A and Jr. B Pre-star Intermediate A and B Intermediate development Star 1 and 2 | 1 hour per week per 10 skaters | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Senior Star 3 | 1 hour per week per 4 skaters | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Senior Senior Advanced Competitive Team | 1 hour per week per 3 skaters | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Precision – Synchronized | 2 hour per week per team | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Adult | 1 hour per week per 20 skaters | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Ice time will be allocated in one hour blocks, which include an allowance for a 10-minute flood. User groups will determine game structure and duration (i.e. stop, straight time, 1 hour game, 1.5 hour game). Ice will be allocated with the understanding that participants will skate in one level only within their organization. Organizations that compete with non-resident groups are entitled to one “home” allotment per week.</p> | | <p>Ice time will be allocated in a minimum of one hour blocks, which include an allowance for a 10-minute flood. User groups will determine game structure and duration (i.e. stop, straight time, 1 hour game, 1.5 hour game).</p> <p>The seasonal contract ice rental rate for Affiliated Youth Groups and the GTHL will only apply to ice allocated in accordance with the standards of play. The supplementary hours will be subject to the rate as approved in the Recreation Fees and Charges By-Law, as amended. The Affiliated Youth Groups and GTHL non-prime rates will be</p> | <p>The information on home games has been incorporated into the chart, above.</p> <p>Groups are currently paying the same rate for all ice bookings, i.e. ice above and beyond the current standard of play, which was not the intent of the policy. This revision will assist the City to be more cost effective. It is believed that groups</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

See

| Current Policy – deletions and additions | Proposed Policy | Rationale for Change |
|--|--|--|
| | <p>applied to additional ice booked during non-prime hours.</p> | <p>will still book City ice as the rate at private rinks still exceeds the rate the City will charge, and rinks are generally closer to home.</p> |
| <p>Assignment of ice will be based on the previous year's actual registration figures for numbers of teams and/or participants. As well, staff will respond to change and trends in ice-related activities as required and allocate ice accordingly. The City may adjust initial allocations after registration is complete for youth affiliate organizations, in order to respond to annual growth or reduction.</p> <p>Organizations wishing a higher level of service can augment their ice allocation through the use of non-prime time ice.</p> <p>Groups wishing to vary their program (i.e. game times) from the allocation standards, may do so, provided there is not a significant impact on ice distribution. Notification of such changes must be provided to staff within two months of implementation.</p> | <p>YOUTH AFFILIATED GROUPS ICE ALLOCATION Seasonal contract ice is allocated annually for Affiliated Youth Groups using historical registration trend data. Each organization's eligible ice allocation will be based on their average registration numbers over the past three years.</p> <p>If the organization's registration numbers over the past three years are trending lower (e.g. by two percent), the organization will be allocated two percent fewer hours than the previous year. Organizations will then have the option to commit to retaining the supplementary ice for the upcoming season (i.e. the difference in the previous year's allocation and their new entitlement). The decision to retain the supplementary ice must be made by the deadline for seasonal contracts, May 01, unless otherwise communicated by the Sports Unit.</p> <p>If the decision is to retain the supplementary hours, the hours will go into the organization's</p> | <p>Community Services is proposing a proactive approach for youth affiliated groups whereby each organization's eligible ice allocation would be based on their average registration numbers over the past 3 years. Currently adjustments are being made for a drop in numbers post-registration, which results in teams turning back ice just prior to contract signing. Conversely, if registration has increased, the City must quickly find suitable ice to meet the demand. A proactive approach that allows groups to commit to retaining their current hours of ice despite lower registration will alleviate the need to book additional ice time for second team practices for age groups/levels that want it. Teams that are seeing a downward trend in registration</p> |

| Current Policy – deletions and additions | Proposed Policy | Rationale for Change |
|--|--|--|
| | <p>“bank” and could be used to schedule additional activities, such as second team practices. The supplementary hours may be carried over and committed to for subsequent seasons.</p> <p>The supplementary hours will be subject to the rate as approved in the Recreation Fees and Charges By-Law, as amended, as they are over and above the organization’s eligible ice based on the standards of play. If registration increases and the organization is entitled to more hours than were allocated by the City, their supplementary hours will be used to fulfill the eligible ice allocation and be converted to the regular affiliated rate.</p> <p>If the organization’s registration over the previous three years is trending higher, the allocated hours of eligible ice will go up accordingly, with required primetime ice being obtained from groups in reverse order on the 80% priority listing if required.</p> <p>Note: Those organizations with supplementary ice may be required to return all or a portion of the supplementary ice in the event that the City cannot fulfill the basic requirement for eligible primetime ice for all groups in the 80% priority listing. The Sports Unit will ensure any redistribution of supplementary</p> | <p>have the option to commit to the hours they would otherwise lose. These hours can be used for activities such as second team practices and will be charged at a higher rate than the eligible standards of play hours. Allowing groups to commit to hours they would normally have to relinquish may enable organizations to book blocks of City ice time for additional activities instead of taking their business to private facilities.</p> |

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| Current Policy – deletions and additions | Proposed Policy | Rationale for Change |
|--|---|--|
| | <p>ice is carried out in a fair and equitable manner.</p> | |
| | <p>RESELLING UNUSED SEASONAL CONTRACT ICE Organizations will have the opportunity to resell unused ice through the City’s Customer Service Centre booking office. A rebooking fee per transaction, as set out in the Recreation Fees and Charges By-Law, will be charged to the team selling the ice if the City is successful in reselling it. The purchaser will pay the higher of the rate applicable to their organization or the rate the ice was originally booked at. The organization reselling the ice will be credited with the rate on their original contract, minus any administration/rebooking fee.</p> <p>The resale or purchase of ice does not impact the calculation of ice allocation for future years.</p> | <p>Several ice user groups expressed frustration at not being able to resell ice or, conversely, at seeing ice sitting empty during primetime that their organization might have bought had it been made available for sale. The ability for youth affiliate groups who are committed to a 26 week contract to resell ice will provide greater flexibility and alleviate the pressure on the City to sell ice that was being turned back before final contracts were signed.</p> |
| <p>TOURNAMENTS/SPECIAL EVENTS Tournaments and special events may be granted. However, efforts will be made to ensure that the impact of tournaments and special events on seasonal groups is minimized. Advanced commitment for special events and tournaments may be granted at staff discretion.</p> | <p>TOURNAMENTS/SPECIAL EVENTS The City reserves the right to make adjustments to allocations in order to accommodate tournaments and special events. However, the City will work in collaboration with groups to ensure that the impact of tournaments and special events on seasonal groups is minimized. Advanced commitment for special events and tournaments</p> | <p>Minor wording changes for clarity. No change to intent.</p> |

| Current Policy – deletions and additions | Proposed Policy | Rationale for Change |
|--|---|--|
| | may be granted at staff discretion. | |
| <p>ICE CANCELLATION Organizations interested in avoiding specific days or blocks of time within the booking period as previously outlined, must request such exceptions when submitting applications for ice/floor.</p> <p>Groups will not be permitted to request exception dates during March Break.</p> <p>Youth organizations may turn back ice between March 30th and April 15th, once playoff schedules are confirmed.</p> <p>Groups not showing up after contracts have been issued will be subject to contract cancellation.</p> <p>Consideration will be given to the previous year's ice allocation.</p> | <p>CANCELLATION PENALTIES Organizations may be subject to cancellation penalties outlined in Corporate Policy and Procedure – Payment and Refund of Facility Rental Fees and reflected on their facility rental contract.</p> | <p>The deleted information in the first and third paragraphs is no longer applicable. The 2nd paragraph has been moved to the Reselling Unused Ice section, above. Cancellation penalties for cancelled ice that is not part of the 26 week contract are in accordance with the Payment of Facility Rental Fees policy. Any unused ice during the 26 week seasonal contract is the responsibility of the group and may be resold through the CSC but cannot be cancelled.</p> |
| <p>Organizations interested in obtaining additional prime ice time for new initiatives must request supplementary ice prior to program development.</p> | <p>PILOT PROGRAMS/EMERGING SPORTS Organizations interested in obtaining additional primetime ice for new initiatives in the form of a pilot project or to gauge interest in an emerging sport must request supplementary ice prior to program development. The group making the request must provide the Sports Unit with a proposal that includes the required hours of ice; a</p> | <p>Ice user groups expressed a willingness to try new programs but did not want to commit to seasonal ice for a product that had not yet been “tested”. Pilot proposals could include programs such as “cross-pollinating”,</p> |

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| Current Policy – deletions and additions | Proposed Policy | Rationale for Change |
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| | <p>marketing plan; proposed fees; and a target audience.</p> <p>Contracts for pilot projects/emerging sports will stipulate that the group may cancel their allocated ice with two weeks’ notice without penalty.</p> <p>A program will only be considered a pilot project for the first two years of operation by the same organization.</p> | <p>whereby two organizations combine to run (e.g.) power skating lessons. Providing a flexible cancellation policy for pilot programs will both enable groups to avoid financial risk and may lead to increased ice utilization for the City.</p> |

| Residency Requirements Arena Based Youth Groups Municipal Benchmarking | |
|--|--|
| Municipality | Non Residency Requirement |
| Mississauga | <ul style="list-style-type: none"> - 100% Youth Affiliates (98% youth soccer) - 80% Mississauga Based Representative Organizations |
| Brampton | <ul style="list-style-type: none"> - 99% Team Sports - 98% Individual Sports - Surcharge (50% of the base registration fee) |
| Burlington | - 90% |
| Hamilton | - 95% |
| London | - 65% |
| Oakville | - 85% |
| Oshawa | The City of Oshawa accepts the residency requirements defined by the Sport Governing Bodies which govern the actions of local affiliated ice user Groups |
| Toronto | <ul style="list-style-type: none"> - 90% Community Youth - 90% Community Competitive |
| Vaughan | - 90% |



Corporate Report

Clerk's Files

Originator's
Files

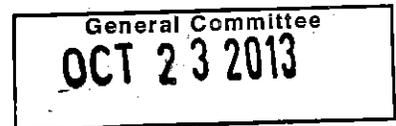
6.

DATE: September 30, 2013

TO: Chair and Members of General Committee
Meeting Date: October 23, 2013

FROM: Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

SUBJECT: **Single Source Contract Award to Ridgeway Occupational Consultants Inc. for Occupational Health Services;**
File Ref. FA.49.553-13



-
- RECOMMENDATION:**
1. That the Purchasing Agent be authorized to execute the necessary contract with Ridgeway Occupational Consultants Inc. on a single source basis in the estimated amount of \$1,033,115.35 (exclusive of taxes) for the provision of an Employee Health Services Program for a term of five years ending December 31, 2018.
 2. That the Purchasing Agent be authorized to issue contract amendments to increase the value of the contract where necessary to accommodate additional services subject to budget availability.

BACKGROUND: Dr. Allan S. Rosenfeld of Ridgeway Occupational Consultants Inc. has been providing occupational health services to the City since March 22, 1994. The focus of these services is assisting the City to improve employee health and productivity by providing expert advice on health promotion activities and assessing employee absences and return to work.

Services include, but are not limited to onsite consultation, expert advice relating to occupational medicine, ad-hoc phone consultation, and emergency services as required.

In September 2009, the City conducted a Request for Pre-Qualification (RFPQ) procurement process. Occupational Medicine Consultants/Physicians were invited to submit proposals to pre-qualify for a planned Request for Proposals (RFP) procurement process. Four proposals were received, and Ridgeway Occupational Consultants Inc. was the only company that met the City's requirements.

Ridgeway Occupational Consultants Inc. was subsequently invited to submit a proposal for the provision of services for a three year period, with the option to renew for an additional two one year periods. A contract was awarded, and Ridgeway Occupational Consultants Inc. continues to provide ongoing services to the City.

The current contract with Ridgeway Occupational Consultants Inc. expires on December 31, 2013.

COMMENTS:

Ridgeway Occupational Consultants Inc. provides similar services to peer organizations around the western GTA. These include: McMaster University, Region of Halton, City of Brampton, Town of Oakville, Waterloo Catholic School Board, HydroOne Brampton, and Enersource Mississauga.

The City has had a positive relationship with Dr. Rosenfeld/Ridgeway Occupational Consultants Inc. for approaching 20 years. His experience means that he is familiar with the City's benefits program, its culture, and the inherent complexities of dealing with the City's seven unions.

The Ontario Medical Association (OMA) publishes a Physician's guide to uninsured services. Page 15 of the 2013 edition of the guide states "*the average net part-time employment hourly rate is calculated to be \$338*". This amount is subject to cost of living and inflationary increases, and is expected to escalate by approximately 3% annually.

The rates proposed by Ridgeway Occupational Consultants Inc. (\$300 per hour for year one) fall below this average limit, and represent good value for money for the City.

The Purchasing By-law # 374-2006 provides for single source awards such as this, wherein it states, in Schedule A 1.(b) (iv) *the solicitation of competitive bids would not be economical to the City.*

Council approval is required for single source contracts having a value of \$100,000 or more. Competitive bidding is unlikely to yield a different result than a single source proposal from Ridgeway Occupational Consultants Inc.

FINANCIAL IMPACT:

| Year | Estimated Annual Expenditure |
|---------------------------------------|------------------------------|
| 2014 | \$194,592.00 |
| 2015 | \$200,429.76 |
| 2016 | \$206,442.65 |
| 2017 | \$212,635.93 |
| 2018 | \$219,015.01 |
| Total expenditure for Contract | \$1,033,115.35 |

Funds for this purpose are made available through account #1-715616-28711.

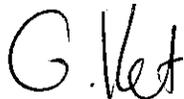
CONCLUSION:

The City has a long standing relationship with Ridgeway Occupational Consultants Inc., and the services being provided fully meet the needs of the City's Employee Health Services Program. An attempt to procure the services competitively was undertaken in 2009 and yielded limited competition. Soliciting competitive bids would not be economical to the City at this time.

This report recommends that Ridgeway Occupational Consultants Inc. be designated as the single source vendor for the City's Occupational Health Services Program for the period January 1, 2014 through to December 31, 2018.

ATTACHMENTS:

Appendix 1: Statement of Work (for the Employee Health Services Program)



Gary Kent
 Commissioner of Corporate Services and Chief Financial Officer

Prepared By: Brian Smith, Acting Senior Buyer

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APPENDIX 1

STATEMENT OF WORK

The role of Occupational Medicine Consultant(s) will be to perform and /or co-ordinate members of his team to perform the following activities:

1. Onsite Consultation by lead Occupational Medicine Consultant – Specific dates and time to be confirmed but on average 8 hours/week. Duties include:
 - a) Assessment of all forms of absences including short term disability, sick leave and incidental absences, administered in-house, to determine eligibility for benefits and return to work opportunities; including review of all medical documentation, face-to-face assessment with the impacted employee and where appropriate liaises with attending physician.
 - b) Assessment of Weekly Indemnity absences, as required, currently administered by independent third party, to determine proactive course of action to facilitate return to work; including review of all medical documentation, face-to-face assessment with the impacted employee and where appropriate liaises with attending physician.
 - c) Assessment of Long Term Disability claims, as required, currently administered by independent third party, to determine proactive course of action to facilitate return to work; including review of all medical documentation, face-to-face assessment with the impacted employee and where appropriate liaises with attending physician.
 - d) Assessment of WSIB claims, as required, to determine proactive course of action to facilitate return to work; including review of all medical documentation, face-to-face assessment with the impacted employee and where appropriate liaise with attending physician.
 - e) Assessment of individual employee modified work programs, as required, to determine appropriate course of action; including review of all medical documentation, face-to-face assessment with the impacted employee and where appropriate liaise with attending physician.
 - f) Provide expert advice on appeals of STD, W.I. and LTD claims
 - g) Providing expert advice on how Human Resources issues may be impacting employee medical conditions.
 - h) Attendance at regularly scheduled internal and external interdisciplinary meetings to assess specific disability issues.

2. Onsite Consultation by psychiatrist, as co-ordinated by lead Occupational Medicine Consultant – Specific dates and time to be confirmed but on average 4 hours/month. Duties include:

- a) Assessment of all forms of absences related to mental health issues to assess and make recommendations for: determination of benefits, specific treatment plans to assist with return to work, return to work opportunities; including review of all medical documentation, face-to-face assessment with the impacted employee and where appropriate liaison with attending physician.
- b) Regular updating of City's internal Health Net Site.

3. Expert consulting advice, provided by or as co-ordinated by lead Occupational Medicine Consultant – Specific dates, time and location to be confirmed but on average 12 hours/quarter, based on mutually agreed upon objectives as identified each quarter. Duties include:

- a) Provide expert and up to date advice, education and training to the City on best practices, legislative issues and medical protocols as they relate to health, safety and wellness issues.
- b) Development of effective policies, protocols and medical care plans to support specific medical conditions including but not limited to substance abuse, musculoskeletal, hearing conservation, mental health issues, etc.
- c) Working as an integral member of a team to evaluate and improve current practices to ensure effective disability management program.
- d) Working as an integral member of a team in the development and maintenance of a wellness strategy, geared to maximizing the health of the employee population, and in the implementation of wellness programs.
- e) Working as an integral member of a team to evaluate and improve current practices to ensure wellness programs.
- f) Provide expert advice on Emergency Preparedness including but not limited to Pandemic related issues.
- g) Provide expert advice on all other Health and Safety Issues as required by the City.
- h) Expert witness in grievance and arbitration proceedings, as required.

4. Ad hoc phone consultation as required to discuss any outstanding issues, as per Price Schedule.

5. The City will provide use of a private office, computer and phone during any onsite work being performed.

7.



Corporate Report

Clerk's Files

Originator's Files

PO.13.DOU

DATE: October 1, 2013

TO: Chair and Members of General Committee
Meeting Date: October 23, 2013

General Committee
OCT 23 2013

FROM: Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

SUBJECT: **Ground Lease Agreement with Bell Mobility Inc. for the use of a portion of a municipal park known as Lisgar Fields (P-359) located on the north side of Doug Leavens Blvd (Ward 10)**

RECOMMENDATION: That a by-law be enacted authorizing the Commissioner of Community Services and the City Clerk to execute a Ground Lease Agreement, and all documents ancillary thereto including amending agreements, between The Corporation of the City of Mississauga ("City") as Landlord and Bell Mobility Inc. ("Bell") as Tenant, for the use of a portion of a municipal park known as Lisgar Fields (P-359), for a term of five (5) years commencing on January 1, 2014 and expiring on December 31, 2018, together with three (3) options to extend of five (5) years each, to permit Bell to install and operate a telecommunication cell tower. The subject property, containing an area of approximately 48 square metres (517 square feet), is located on the north side of Doug Leavens Blvd., in the City of Mississauga, Region of Peel, in Ward 10.

BACKGROUND: In January 2011, Bell approached the City to enquire about the possibility of erecting a telecommunication cell tower in Lisgar Fields Park (P-359). Community Services and Realty Services staff met with Bell and, subsequent to this meeting, a suitable site was located within the park. Bell submitted a formal application to the City's Planning

and Building Department on December 10, 2012 and approval was granted on May 28, 2013 for a 23 metre (75 foot) monopole to be installed within the park. Bell has agreed to remove an existing cell tower located within the Doug Leavens Boulevard right-of-way, adjacent to 6608 Alderwood Trail, once the new tower is installed.

Bell has also agreed to make a one-time payment of \$30,000 which will be directed towards park improvements within Lisgar Fields (P-359) and Lisgar Meadowbrook Trail (P-344), which is supported by the Ward Councillor. The proposed park improvements will be designed and implemented by the Park Development section.

COMMENTS:

The proposed Bell installation on the leased lands include a telecommunication cell tower in a form of a monopole approximately 23 metres (75 foot) high, and an equipment cabinet approximately 8.00 square metres (86 square feet) in area, similar to the digitally-generated image shown on Appendix 2.

Negotiations were conducted with representatives of Bell, which resulted in the drafting of a Ground Lease Agreement. Bell was advised that the Lease will be taken to Council for its consideration and approval. The terms and conditions are summarized as follows:

- Term: five (5) years from January 1, 2014;
- Option to Extend: three (3) options to extend of five (5) years each and the rent shall be negotiated to reflect fair market value at the time the Lease is extended;
- Rent: \$18,000 plus HST and all applicable taxes;
- Parkland Improvement Contribution: Bell has agreed to a \$30,000 one-time payment for improvements within Lisgar Fields Park (P-359).
- Utilities: Bell shall be solely responsible for all charges for utilities and services used;
- Permitted Use: Telecommunication cell tower;
- Early Termination: Bell may, at its sole discretion, terminate the lease by giving the City at least 180 days prior written notice and Bell shall ensure the improvements are removed and the lands restored to the satisfaction of the City, acting reasonable;

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- Relocation: The City shall have the right to change the location of leased lands by giving 365 days prior written notice. If the relocation notice occur within the first 5 years of the term, the City will solely responsible for the direct, reasonable, out of pocket expenses of relocation, except any loss of profits. If the relocation occurs after the first 5 years, Bell shall be responsible all relocation costs.
- Bell shall not sublet or license or allow a third party to affix or attach fixture or equipment on the leased lands or improvements without first obtaining the written consent of the City, which consent may not be unreasonably withheld. If the City is prepared to grant such consent, the Rent will automatically be increased by a sum of \$5,000, plus all applicable taxes;
- Should there be a requirement from the City; Bell shall supply sufficient space for the City to locate its services on Bell's improvements, rent free, provided the City's use does not interfere with Bell's use.

FINANCIAL IMPACT: Under the terms of the Ground Lease Agreement, rent is \$18,000 per annum, plus all applicable taxes. In addition, Bell has agreed to a one-time payment of \$30,000 to the City of Mississauga as a contribution to park improvements within Lisgar Fields (P-359) and Lisgar Meadowbrook Trail (P-334).

CONCLUSION: The proposed Ground Lease Agreement will allow Bell to construct and operate a telecommunication cell tower at a location deemed suitable by the City to enhance Bell's services.

ATTACHMENTS:
Appendix 1: Sketch showing the Leased Lands
Appendix 2: Image of the Telecommunication Tower

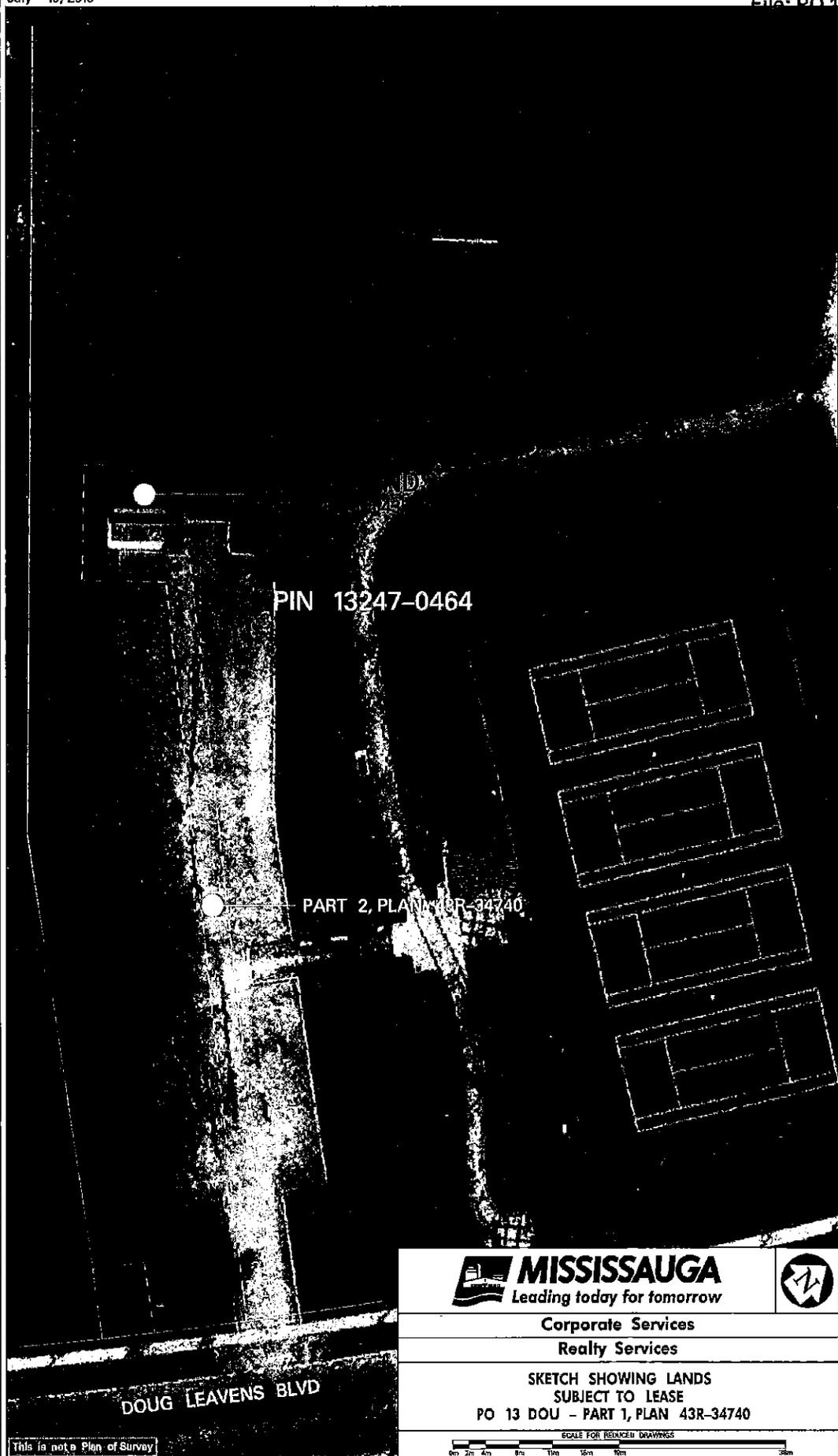


Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

Prepared By: Kevin Bolger, Project Leader

7c

July 10, 2013



PIN 13247-0464

PART 2, PLAN 43R-34740

DOUG LEAVENS BLVD

This is not a Plan of Survey

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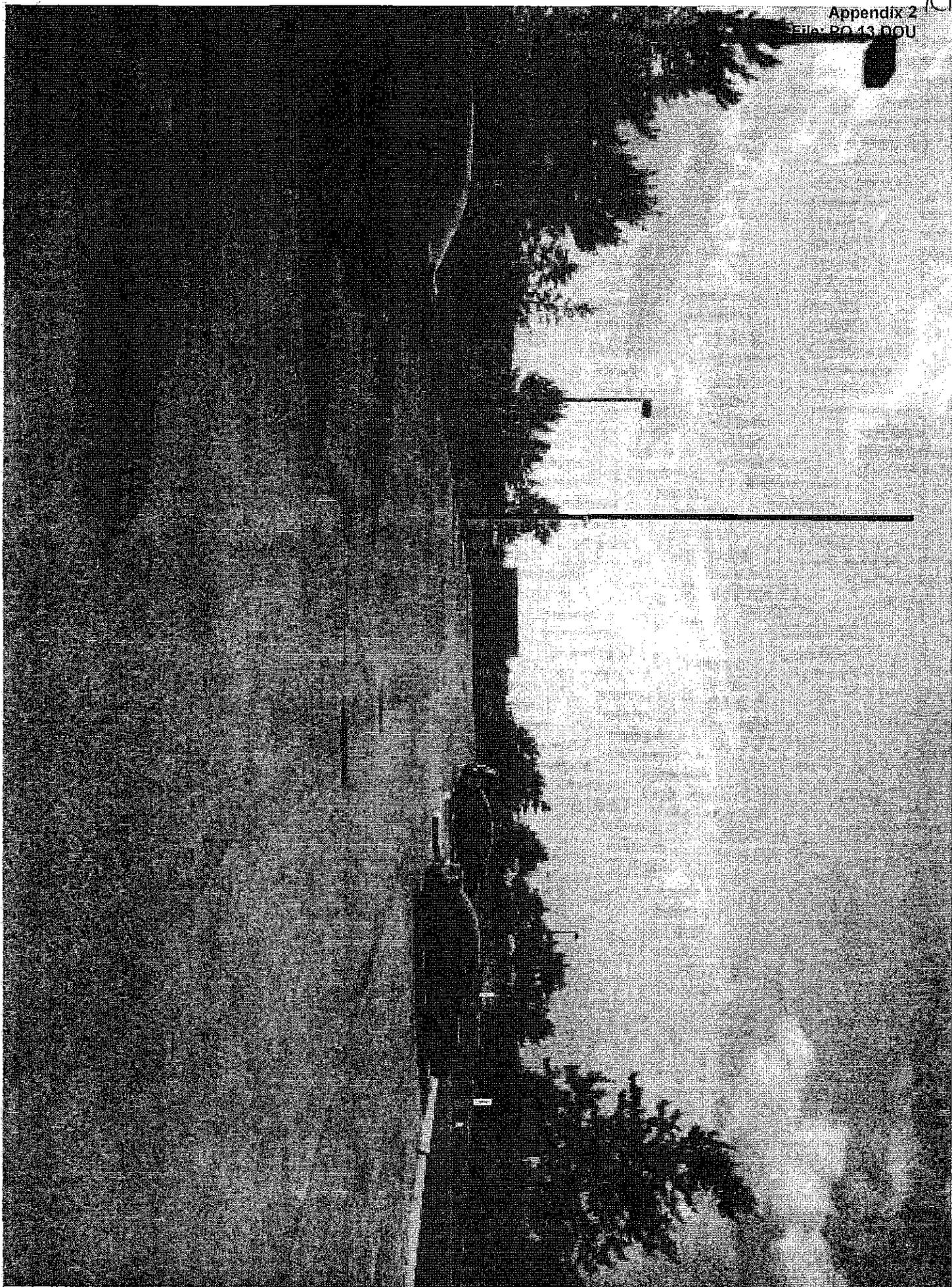
Corporate Services

Realty Services

SKETCH SHOWING LANDS
SUBJECT TO LEASE
PO 13 DOU - PART 1, PLAN 43R-34740

SCALE FOR REFERENCE DRAWINGS







Corporate Report

Clerk's Files

Originator's
Files

PO.11.ORB

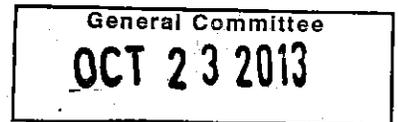
8.

DATE: September 27, 2013

TO: Chair and Members of General Committee
Meeting Date: October 23, 2013

FROM: Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

SUBJECT: **Surplus Land Declaration and Sale of lands to Peel Condominium Corporation No. 431 in connection with the Bus Rapid Transit Project (Ward 5)**



-
- RECOMMENDATION:**
1. That the irregular-shaped parcel of land located on the north side of Eglinton Avenue West, east of Orbitor Drive, containing an area of approximately 22.2 square metres (239.0 square feet), be declared surplus to the City's requirements for the purpose of sale to the adjoining owner, Peel Condominium Corporation No. 431 ("Condo 431"). The subject lands are legally described as Part of Block 10, Plan 43M-533 being designated as Parts 3 and 4 on the draft reference plan prepared by MMM Geomatics Ontario Limited, drawing No. 20-09-022-023, City of Mississauga, Regional Municipality of Peel, in Ward 5.
 2. That a by-law be enacted authorizing the Commissioner of Transportation and Works and the City Clerk to execute an Agreement of Purchase and Sale, and all documents ancillary thereto, between The Corporation of the City of Mississauga (the "City") as Vendor and Peel Condominium Corporation No. 431 as Purchaser, for the irregular -shaped parcel of land located on the north side of Eglinton Avenue West, east of Orbitor Drive, containing an area of approximately 22.2 square metres (239.0 square feet), at a purchase price of \$5,500. The subject lands are legally described as Part of Block 10, Plan 43M-533 being

designated as Parts 3 and 4 on the draft reference plan prepared by MMM Geomatics Ontario Limited, drawing No. 20-09-022-023, City of Mississauga, Regional Municipality of Peel, in Ward 5.

3. That all steps necessary to comply with the requirements of Section 2.(1) of City Notice By-law 215-08 be taken, including giving notice to the public by posting a notice on the City of Mississauga's website for at least three weeks prior to the execution of an agreement for the sale of the subject land.

BACKGROUND:

With the enactment of By-law 374-2010 on December 15, 2010, City Council authorized the expropriation of those property rights required for the City's Bus Rapid Transit (BRT) Project that had not been negotiated at that time, in accordance with the Act. The Mississauga BRT project will see the creation of a dedicated east-west transit corridor (bus way) across Mississauga which will run along the Highway 403 (combining the use of the existing bus by-pass shoulders), Eastgate Parkway and Eglinton Avenue corridors connecting Winston Churchill Boulevard in the west to Renforth Drive in the east.

As part of the BRT's detailed design, a fee simple interest in lands designated as Parts 2, 4, 5 and 6 on PR1954277 was identified as being required from Condo 431.

By registration of Expropriation Plan PR1954277 on January 26, 2011, the lands identified as Parts 2, 4, 5 and 6 thereon, vested with the City.

Subsequently, at its meeting of October 12, 2011, Council authorized execution of an Offer of Settlement between Condo 431 and the City.

COMMENTS:

The lands identified as Parts 2, 4, 5 and 6 on PR1954277 were acquired, together with other interests, for the purpose of the BRT project.

Condo 431 recently identified that it has a generator located on a portion of the lands which were expropriated. The lands are identified as Parts 3 and 4 on the draft reference plan prepared by MMM

Geomatics Ontario Limited, drawing No. 20-09-022-023.

Transportation and Works staff have reviewed the matter and have confirmed that Parts 3 and 4 are not required for the purpose of the BRT Project and may be sold back to Condo 431. Condo 431 has agreed to pay a purchase price of \$5,500.00, which is the same rate that the City compensated Condo 431 in the October 2011 Offer of Settlement.

Prior to completion of this proposed transaction, public notice will have been given by the posting of a notice of proposed sale on the City of Mississauga's website for a two week period where the expiry of the two week period will be at least one week before the execution of the agreement for the sale of the said land. This notice satisfies the requirements of the City Notice By-law 215-2008 as amended by By-Law 376-2008.

FINANCIAL IMPACT: The purchase price is \$5,500.00 which is at the same rate that the City compensated Condo 431 in the Offer of Settlement from October 2011.

CONCLUSION: It is reasonable to declare the lands surplus and sell the lands back to Condo 431 at purchase price of \$5,500.00.

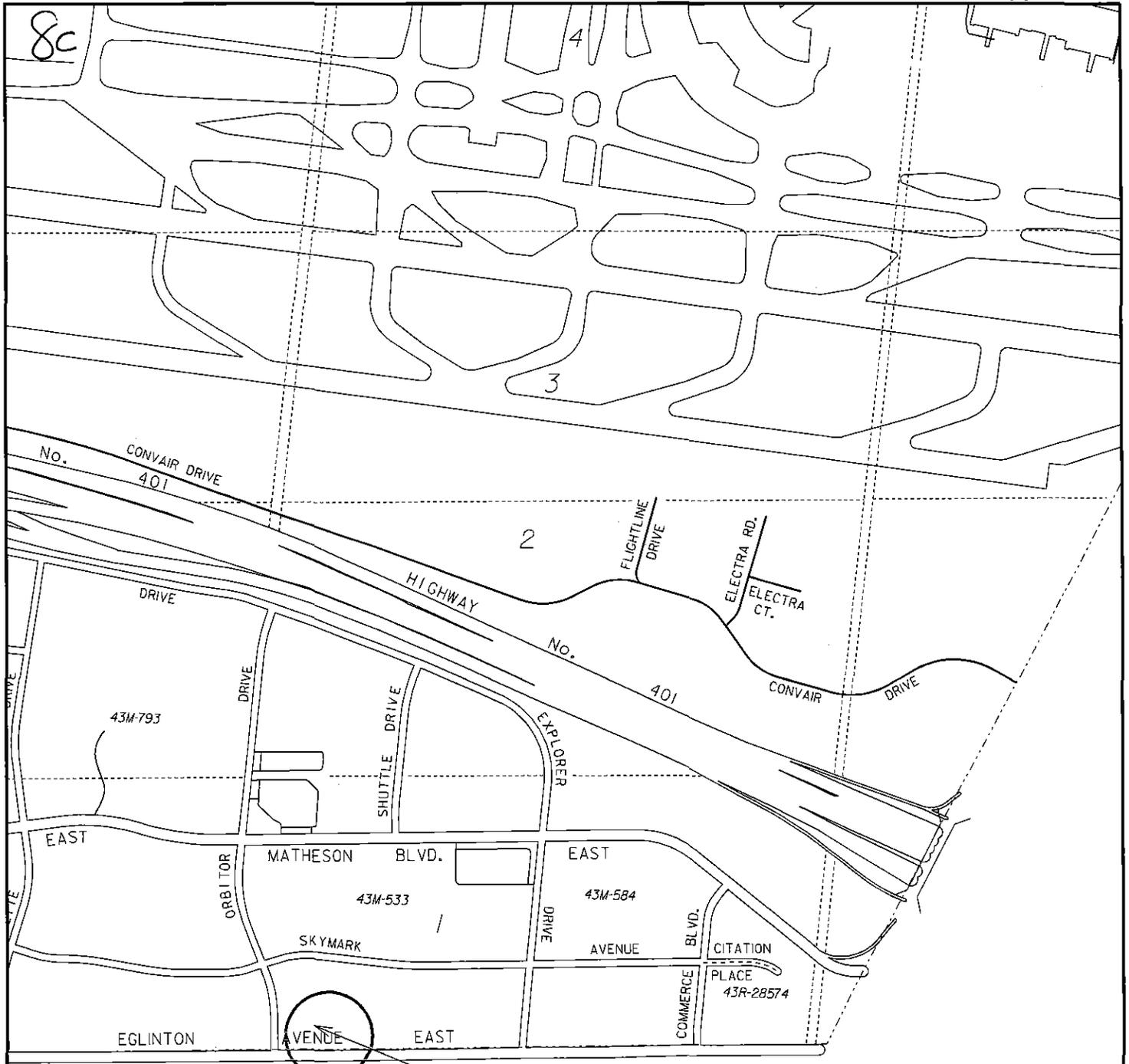
ATTACHMENTS:

- Appendix 1: Approximate location of the lands to be declared surplus and sold PO.11.ORB (Ward 5)
- Appendix 2: Sketch identifying lands to be declared surplus and sold as Parts 3 and 4 on the draft reference plan prepared by MMM Geomatics Ontario Limited, drawing No. 20-09-022-023.



Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

Prepared By: Sheryl Badin, Supervisor, Capital Acquisitions



Subject Area



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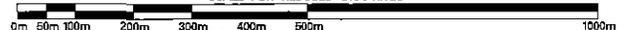


Corporate Services

Realty Services

Approximate location of the lands to be declared surplus and sold. File: PO.11. ORB (Ward 5)

SCALE FOR REDUCED DRAWINGS





Corporate Report

Clerk's Files

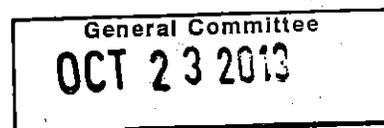
Originator's
Files

9.

DATE: October 7, 2013

TO: Chair and Members of General Committee
Meeting Date: October 23, 2013

FROM: Mary Ellen Bench, BA, JD, CS
City Solicitor



SUBJECT: **Renewal of the Investigator Services Agreement with Local Authorities Services Limited ("LAS") with respect to closed meeting investigation services**

- RECOMMENDATION:**
1. That the Investigator Services Agreement dated December 12, 2007 between The Corporation of the City of Mississauga and Local Authorities Services Limited ("LAS") be renewed in accordance with the automatic renewal provisions contained therein, until such time as the retainer or investigation fee increases.
 2. That the Mayor and the City be authorized to execute the Addendum to the Investigator Services Agreement to give effect to a fee increase for the new term starting in 2014, in a form satisfactory to Legal Services.
 3. That all necessary bylaws be enacted.

**REPORT
HIGHLIGHTS:**

- Under the *Municipal Act, 2001*, a municipality must appoint a closed meeting investigator, or the Provincial Ombudsman will be the default appointed investigator.
- By Bylaw 0438-2007, Council appointed LAS, a wholly owned

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subsidiary of AMO, to act as the City's closed meeting investigator.

- LAS has a cost effective, timely, and confidential process of conducting closed meeting investigations.
- The agreement with LAS is subject to automatic renewal until such time as either party provides 90 days written notice. Each renewal is for an additional two-year term. Staff is seeking Council's direction to continue the renewal of the City's agreement with LAS.
- Since LAS' inception in 2008, they have kept their retainer fee at \$300 per year. For the 2014 term, LAS wishes to increase their retainer fee to \$330 per year and their hourly rate from \$156.25 to \$225 per hour for any investigation that they are required to conduct.

BACKGROUND:

Section 239.1 of the *Municipal Act, 2001*, provides that a person may request an investigation into whether a municipality, a local board, or a committee of either, had complied with the closed meeting provisions of the Act. (Please refer to Appendix 1 for the list of subject matters which council can consider in a closed meeting under the Act.) A municipality may appoint an investigator for the purpose of such an investigation; or if it does not do so, the Provincial Ombudsman is automatically appointed as the investigator. Slightly less than half of all municipalities in Ontario rely on the Ontario Ombudsman for this task.

The *Municipal Act, 2001* further states that in appointing an investigator, the municipality shall have regard to: a) the investigator's independence and impartiality; b) confidentiality with respect to the investigator's activities; and c) the credibility of the investigator's investigative process. As such, after taking these and other considerations into account, Council appointed Local Authorities Services Limited in 2007 as the City's investigator should an investigation be requested. Currently 131 municipalities and local boards have retained LAS as their closed meeting investigator. Some of the municipalities currently retaining LAS include the Region of Peel, Region of York, Town of Oakville, City of Vaughan, City of

Markham, Town of Milton.¹ LAS advises that it has completed 29 investigations in the current 2013 term for its members, and that each investigation requires approximately 18 billable hours to complete.

COMMENTS:

Created in 1992, LAS is a wholly owned subsidiary of the Association of Municipalities of Ontario. It supports municipalities and the broader public sector by delivering programs and services that take advantage of economies of scale and cooperative procurement efforts. One of the programs offered is its investigator services, which LAS delegates to Amberley Gavel Ltd., a service provider that was formed in 2007 with a mandate to conduct closed meeting investigations for municipalities. Our agreement with LAS allows for such delegation, while LAS remains ultimately responsible for the services rendered as the contracting party.

As per the agreement between the City and LAS, LAS will undertake timely, impartial, and independent investigations in accordance with the requirements of the *Municipal Act, 2001*. LAS shall also maintain a roster of investigators comprised of only lawyers who are in good standing with the Law Society of Upper Canada. If a complaint is received, LAS will make a recommendation to the City as to the individual proposed to undertake the investigation. However, if the City finds that the individual has a conflict of interest, the City may reject the selection and LAS shall recommend another investigator.

Should a complaint of a closed meeting be received, LAS has a confidential and independent investigation process where:

- Any request for an investigation is forwarded to LAS by the City Clerk in a sealed envelope to ensure confidentiality.
- An initial review to determine whether the complaint is frivolous or vexatious (e.g. complaint made in bad faith, complaint not relating to the matter discussed in camera, complaint already being dealt with in another forum such as a court or tribunal). Only complaints deemed not frivolous or vexatious will proceed.

¹ Some municipalities appoint a specific person to handle their closed meeting investigations, such as the City of Toronto, City of Brampton, and City of Ottawa.

- After conducting an investigation, a peer review of the draft report is conducted before finalization. This peer review process is designed to ensure consistency across the Province, similar to the way precedents are developed by other quasi-judicial bodies.
- Consultation with the City may be held throughout the process of the investigation before a report is finalized, which is then sent to the complainant, council or the local board and council, and posted on the investigator's website.

LAS charges for its services in two respects – an annual retainer fee and an hourly investigation fee for each investigation. Since its inception in 2008, LAS has been charging its members a retainer fee of \$300.00 plus taxes per year; and if an investigation is requested, an investigation fee of \$156.25 per hour (\$1250 per diem for an eight hour day). Starting January 1, 2014, LAS is increasing its annual retainer fee to \$330 per year, and its investigation fee to \$225 per hour. The City is also responsible for reasonable actual expenses incurred in the course of conducting an investigation.

To date, the City has not received any request for a closed meeting investigation. As such, the City has not had first hand experience with LAS/Amberley Gavel's work. However, in reviewing the decisions rendered as posted online, they seem reasonable and are of high quality. The peer review process is also beneficial as it ensures consistency and quality.

The other options available to the City are to appoint an individual to be the City's closed meeting investigator, or to not appoint any person but default to the Provincial Ombudsman as the investigator for closed meeting complaints. The cost of appointing a specific individual with the same level of experience in law and municipal government as LAS' review officers is most likely going to exceed the cost of retaining LAS, and there is no peer review process similar to the one that is offered. The Provincial Ombudsman offers this service for free, and the office has a team of investigators called Open Meeting Law Enforcement Team (OMLET) that conducts all closed meeting investigations. Please note that any investigation would also bring on

the broader Ombudsman powers under the *Ombudsman Act*, including broad powers of entry to inspect records, powers to summon evidence and examine any employee or members of government under oath, none of which are applicable under the *Municipal Act, 2001*. The *Municipal Act, 2001* also does not contain penalty provisions such as those found in the *Ombudsman Act*, which carries penalties for failure to comply with the Ombudsman's lawful requirements without legal justification, including a fine punishable up to \$500 and/or imprisonment for up to three months. According to the OMLET 2011/2012 annual report where the Ombudsman provided mixed, and somewhat criticizing, reviews of certain municipalities' closed meeting investigations, the Ombudsman stated that while no prosecution has ever been held with respect to this, he is "prepared to use all available means to ensure co-operation" in his investigative process in the future.

Overall, given the cost effective, defined and confidential process in handling closed meeting investigations offered by LAS, it is the recommendation of staff that the City continues to renew its agreement with LAS to provide for closed meeting investigation services.

FINANCIAL IMPACT: If the City continues to utilize the services of LAS, the retainer fee for each two year term is \$660 (\$300 per year), plus HST. Additional fees for each investigation will be billed at \$225 per hour. The City will also be responsible for reasonable out of pocket expenses.

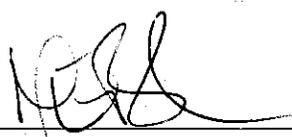
CONCLUSION: Under the *Municipal Act, 2001*, municipalities must either appoint a closed meeting investigator or the Ombudsman will act as the municipality's default investigator. Some municipalities have decided to rely on the Provincial Ombudsman to carry on such investigations, while most have either appointed its own investigator or are utilizing the services offered by LAS, a wholly owned subsidiary of AMO. In 2007, Council has opted for this latter option, and has appointed LAS as the City's closed meeting investigator since January 1st, 2008. The agreement with LAS is subject to automatic renewal every two years for a further two year term. For reasons of cost effectiveness, and its timely, confidential and professional investigative process, it is the recommendation of staff that the agreement be continually renewed

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until such time as their retainer or investigative fee increases, at which time a report will be brought back to Council for approval prior to further renewal.

ATTACHMENTS:

Appendix 1: Subject Matters for Closed Meetings as authorized under the *Municipal Act, 2001*



Mary Ellen Bench, BA, JD, CS
City Solicitor

Prepared By: Wendy Law, Deputy City Solicitor – Municipal Law

of

Appendix 1**Subject Matters for Closed Meetings as authorized under the *Municipal Act, 2001***

According to section 239 of the *Municipal Act, 2001*, a meeting may be closed to the public if the subject matter being considered is:

- The security of the property of the municipality/local board;
- Personal matters about an identifiable individual;
- A proposed or pending acquisition or disposition of land;
- Labour relations or employee negotiations;
- Litigation or potential litigation
- Advice subject to solicitor/client privilege;
- A matter in which council may hold a closed meeting under another legislation; or
- Related to the consideration of a MFIPPA request.

Additionally, a meeting may be closed to the public if it is an education or training session. It should be noted, however, that during an education or training session which is closed to the public, no member of Council may discuss or otherwise deal with any matter in a way that materially advances the business or decision making of Council.



Corporate Report

Clerk's Files

Originator's Files

10.

DATE: October 9, 2013

TO: Chair and Members of General Committee
Meeting Date: October 23, 2013

FROM: Mary Ellen Bench, BA, JD, CS
City Solicitor

SUBJECT: *Bill 69 - Prompt Payment Act, 2013*

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|--|
| <p>General Committee</p> <p>OCT 23 2013</p> |
|--|

- RECOMMENDATION:**
1. That the report titled "Bill 69 – *Prompt Payment Act, 2013*" by the City Solicitor be received for information.
 2. That staff be authorized to make submissions to the Standing Committee on Regulations and Private Bills to outline the concerns with the proposed legislation as raised in this report from the City Solicitor, titled "Bill 69 – *Prompt Payment Act, 2013*".
 3. That the report from the City Solicitor, titled "Bill 69 – *Prompt Payment Act, 2013*" be forwarded to the local MPPs and the Association of Municipalities of Ontario for their information.

| | |
|----------------------------------|---|
| <p>REPORT HIGHLIGHTS:</p> | <ul style="list-style-type: none"> • Bill 69 is a Private Member's Bill that received First Reading on May 13, 2013 and Second Reading on May 16, 2013. The Bill was referred to the Standing Committee on Regulations and Private Bills. • Apparently the Bill has been in the works for up to 2 years within the construction industry but there does not seem to have been much, if any, consultation with owners. Staff only became aware |
|----------------------------------|---|

of the Bill in late August.

- The Bill imposes a significant limit on the freedom of contract for construction services in ways that curtails the rights of construction owners such as the City. The legislation cannot be contracted out - all contracts will be deemed to be amended in order to comply with the legislation. There is no ability for the owners and contractors to freely negotiate the most suitable payment arrangements in their projects.
- Some concerns with the proposed legislation includes: a) stringent timelines on making payments by the owner; b) restrictions on the payment certification process in favour of contractors; c) allowing contractors to request payment on the basis of reasonable estimates of work done or for services and materials to be supplied in the future in certain circumstances; d) statutory 10% holdback is the only money that can be held back, which means that the City can no longer hold warranty and other reserves to ensure quality work being completed; and e) potentially increase cost to owners.

BACKGROUND:

In late August, it came to Legal Services' attention that Bill 69, being *An Act respecting payments made under contracts and subcontracts in the construction industry*, or the *Prompt Payment Act, 2013*, has been referred to the Standing Committee on Regulations and Private Bills after receiving First and Second Reading in May 2013. Bill 69 is a Private Member's Bill introduced by Liberal MPP Steven Del Duca. At the time of this report, the Standing Committee has not established any dates or process for review and/or consultation of this Bill.

This proposed legislation was put forward based on the efforts of the construction industry, led by the Ontario caucus of the National Trade Contractors Coalition of Canada and the Ontario General Contractors Association. To staff's understanding, there has been minimal, if any, consultation with owners of constructions, such as municipalities who are major owners of construction projects.

COMMENTS:

At the heart of the proposed legislation is a significant limit on the freedom of contract for construction services in ways that restricts

construction owners' rights. The legislation cannot be contracted out - all contracts are deemed to be amended in order to comply with the legislation. There is no ability for the owners and contractors to freely negotiate the most suitable payment arrangements in their projects. This is evident in the key provisions of the Bill, which raises the following major issues of concern:

1. Extremely short timelines to make payment:

- Under the Bill, owners must pay lien holdbacks to GCs within one (1) day of the *Construction Lien Act* no longer requiring the owner to retain the holdback. This does not allow for any reasonable circumstances whereby payment cannot be made within one day, such as the need to complete title searches to ensure that the titles are clear of liens in major projects spanning many properties prior to release of holdback payment, or the practical reality that often payment processing requires more than one day to be completed.
- Under the proposed legislation, either the contract allows for payment becoming payable at least every 31 days after the first day of services or materials, or it is deemed to be payable within 20 days upon submission of progress payment application. These timelines do not take into account the realities of the need to review work and the certification of payments process. Often, additional information is required before an owner can properly certify work. Depending on the extent of the work completed, time is required to adequately review the work and discussions between the owner and general contractors are often necessary before payment can be certified.

2. If the contract does not stipulate payment every 31 days from the day that work starts as noted above, the contractor can provide "reasonable estimates" of the work done and that would be sufficient to support payment application. The contractor can also request to be paid for services and materials that "will be supplied" to the improvement, rather than simply requesting payment for work that has been completed or materials already supplied. It is standard (and reasonable) practice that payment will only be paid

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for work actually done, not “reasonably estimated” to have been done. This also begs the question as to how work can be properly reviewed and certified for payment, when only a reasonable estimate is being provided or when future work is included.

3. Payment applications are deemed to be approved 10 days after submission by the contractor, unless the owner provides within that 10 days full particulars of the problems in writing. There are also limits placed on what an owner can refuse to certify and it is unclear as to how that would operate in reality.
4. Instead of allowing for the dispute resolution mechanisms agreed upon in a contract to apply where there are disputes over the amount of payment due, under the Bill, if payments are not made in accordance with the legislation, the contractor can suspend work or terminate the contract upon seven days’ notice.

As noted above, given the reality of the time and discussions required prior to payment being properly certified, it would be very difficult to comply with the legislated timeframe. The ability of contractors to suspend work or terminate the contract upon such short notice could have significant impact on public works as many major construction projects have a short window of opportunity to complete due to the weather conditions in winter. Further, there will likely be additional costs to the owner and potentially significant delay to project completion for every demobilization and remobilization by the general contractor or its subcontractors if they suspend work.

5. Holdbacks other than those required under the *Construction Lien Act* will be prohibited under the Bill. This significantly limits the flexibility and ability of owners to utilize payment tools to ensure that work is completed to standard. For example, currently, the City’s primary construction contracts that are administered by the Facilities and Property Management Division require certain warranty and deficiency reserves to be withheld, to protect the City if the contractor does not carry out warranty work or correct deficiencies. These reserves will be prohibited under the proposed legislation and forces the City to initiate litigation in order to enforce our claims in cases of deficiencies. Alternatively, the City

could request letters of credit or additional bonding requirements prior to making an award to a contractor, which not only could lead to an increase in the bid price, but which is administratively challenging and not preferred by either the City or many contractors in the industry.

6. Under the proposed legislation, before entering into a contract, owners must provide to the contractor financial information as prescribed by the regulations in support of the owner's financial viability to carry out the work, and the contractor may request at any time for further updated financial information at which time the owner must promptly provide such information. This right is extremely broad, and there are no limits as to how often a request for update financial information would be made. As a side note, not only would this apply to public and corporate owners, but individual homeowners retaining contractors to do work on their property will also be subject to this legislation and the requirement to produce their financial records to contractors.

The above concerns have significant impact on the City and other owners of construction projects, including the Province and the broader public sector. This bill is currently being reviewed by some municipalities, but we are not aware of any municipality having taken a position on it at this time. It is recommended that this report be shared with our local MPPs and the Association of Municipalities of Ontario as this legislation has on municipalities across Ontario.

FINANCIAL IMPACT: If the Bill is passed and becomes law, there could potentially be significant financial impact on owners such as the City. There are stringent requirements with respect to payment to contractors under the legislation. Failure to comply – even for bona fide reasons – could potentially mean the suspension of work by general contractors and/or their subcontractors, which could bring upon delay in project completion and delay claims, as well as additional costs associated with demobilization and remobilization of forces to complete the work. The legislation also removes the right to include finance tools to ensure performance such as warranty and maintenance reserves, which means that owners would resort to expensive litigation if deficiencies are not resolved in accordance with the contract.

10e

Alternatively, owners could ask for security (such as a letter of credit or maintenance bond) as a condition of contract award to protect themselves, but that would mean additional administrative resources and potentially higher bid prices being submitted for construction projects as bidders try to recover their cost to obtain these instruments.

CONCLUSION:

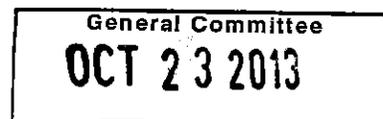
Bill 69, being the *Prompt Payment Act, 2013*, is a Private Member's Bill that has significant impact on owners' rights in construction projects. It has been developed based on the construction industry's input, but unfortunately, with minimal – if any – consultation with owners of major projects in Ontario, such as municipalities. The Bill has been referred to the Standing Committee of Regulation and Private Bills, and it is proposed that the concerns as raised in this report be presented to the Committee. It is also recommended that this report be forwarded to our local MPPs and the Association of Municipalities of Ontario as this legislation may have on municipalities.



Mary Ellen Bench, BA, JD, CS
City Solicitor

Prepared By: Wendy Law, Deputy City Solicitor – Municipal Law

REPORT 6-2013



TO: MAYOR AND MEMBERS OF COUNCIL

The Environmental Advisory Committee presents its sixth report for 2013 and recommends:

EAC-0040-2013

1. That the PowerPoint refresher with respect to the Green Belt Plan and the Urban River Valley Designation by Shelley Petrie, Friends of the Greenbelt Foundation, to the Environmental Advisory Committee dated October 1, 2013, be received;
2. That the PowerPoint presentation dated October 1, 2013 and entitled "Feasibility Analysis for the Expansion of the Provincial Greenbelt Plan" by Paul Lowes, Principal, Sorensen Gravely Lowes Planning Associates Inc. to the Environmental Advisory Committee on October 1, 2013 be received; and
3. That the Memorandum dated September 16, 2013, 2013 from Laura Piette, Director, Parks and Forestry Division, Community Services Department, entitled "Update on Feasibility Analysis for the Expansion of the Provincial Greenbelt Plan Area into Mississauga," be received.

(EAC-0040-2013)

EAC-0041-2013

1. That the PowerPoint presentation, dated October 1, 2013, by Margot Ursic, Beacon Environmental and Lead Consultant, Urban Forest Management Plan, to the Environmental Advisory Committee on October 1, 2013 be received; and
2. That the Memorandum dated May 23, 2013 from dated September 16, 2013, 2013 from Laura Piette, Director, Parks and Forestry Division, Community Services Department, entitled "Update on the Natural Heritage & Urban Forest Strategy (NH&UFS)," be received.

(EAC-0041-2013)

EAC-0042-2013

That the Memorandum dated August 21, 2013 from The Honourable Bob Chiarelli, Minister of Environment, with respect to the launch of the Municipal Energy Plan (MEP) program, referred by Council to the Environmental Advisory Committee at its meeting held on September 18, 2013, be received.

(EAC-0042-2013)

EAC-0043-2013

That the chart from Environment staff with respect to upcoming agenda items and Environmental Advisory Committee (EA) role, be received.

(EAC-0043-2013)

EAC-0044-2013

That the chart dated October 1, 2013 from Mumtaz Alikhan, Legislative Coordinator, Environmental Advisory Committee, with respect to the status of outstanding issues from the Environmental Advisory Committee, be received.

(EAC-0044-2013)