



## AGENDA

### GENERAL COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

[www.mississauga.ca](http://www.mississauga.ca)

**WEDNESDAY, MAY 1, 2013 – 9:00 A.M.**

COUNCIL CHAMBER – 2<sup>nd</sup> 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
Councillor Bonnie Crombie	Ward 5
Councillor Ron Starr	Ward 6
Councillor Nando Iannicca	Ward 7
Councillor Katie Mahoney	Ward 8 (Chair)
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](mailto:sacha.smith@mississauga.ca)

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1. Mississauga Music Walk of Fame – Lease Agreement (Ward 1)
2. Temporary Road Closure – Rotary Ribfest (Ward 4)
3. Lower Driveway Boulevard Parking – Karen Park Crescent (Ward 4)
4. Proposed Speed Limit Change – Glenwood Drive between Kenollie and Indian Valley Trail (Ward 1)
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11. Surplus Land Declaration for the Purpose of Sale to Abutting Owner Located at 199 Longside Drive (Ward 5)

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Traffic Safety Council Report 3-2013 – April 24, 2013

COUNCILLORS' ENQUIRIES

CLOSED SESSION

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

Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – A By-law to Prohibit the Consumption and Sale of Shark Fins or Shark Fin Food Products within the City of Mississauga

ADJOURNMENT

CALL TO ORDERDECLARATIONS OF DIRECT (OR INDIRECT) PECUNIARY INTERESTAPPROVAL OF THE AGENDAPRESENTATIONSDEPUTATIONSMATTERS TO BE CONSIDERED1. Mississauga Music Walk of Fame – Lease Agreement (Ward 1)

Corporate Report dated April 9, 2013 from the Commissioner of Community Services with respect to a Lease Agreement for the Mississauga Music Walk of Fame.

RECOMMENDATION

That a by-law be enacted to authorize the Commissioner of Community Services to execute a license agreement between the Port Credit BIA and the City of Mississauga for installation of recognition plaques on a portion of the pathways located at the south end of Port Credit Memorial Park, in a form acceptable to the City Solicitor and including the terms outlined in the Corporate Report dated April 9, 2013 from the Commissioner of Community Services.

2. Temporary Road Closure – Rotary Ribfest (Ward 4)

Corporate Report dated April 10, 2013 from the Commissioner of Transportation and Works with respect to a temporary road closure for the Rotary Ribfest.

RECOMMENDATION

That a by-law be enacted to implement the temporary road closure of Princess Royal Drive from Living Arts Drive to Duke of York Boulevard commencing at 6:00 a.m. on Wednesday, July 17, 2013 and ending at 12:00 p.m. on Monday, July 22, 2013, for the placement of a carnival in conjunction with the Rotary Club of Mississauga Ribfest.

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3. Lower Driveway Boulevard Parking – Karen Park Crescent (Ward 4)

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Corporate Report dated April 3, 2013 from the Commissioner of Transportation and Works with respect to lower driveway boulevard parking on Karen Park Crescent.

RECOMMENDATION

That a by-law be enacted to amend By-law 555-2000, as amended, to implement lower driveway boulevard parking between the curb and sidewalk, at anytime, on both sides of Karen Park Crescent between Cliff Road North (south intersection) and a point 309 metres (1,014 feet) easterly thereof.

4. Proposed Speed Limit Change – Glenwood Drive between Kenollie and Indian Valley Trail (Ward 1)

Corporate Report dated April 2, 2013 from the Commissioner of Transportation and Works with respect to a proposed speed limit change on Glenwood Drive between Kenollie and Indian Valley Trail.

RECOMMENDATION

That a by-law be enacted to amend By-law 555-2000, as amended, to extend the 40 km/h speed limit on Glenwood Drive between Kenollie Avenue and Indian Valley Trail.

5. Assumption of Municipal Services (Ward 3)

Corporate Report dated April 12, 2013 from the Commissioner of Transportation and Works with respect to the assumption of municipal services.

RECOMMENDATION

That the City of Mississauga assume the municipal works as constructed by the developer under the terms of the Servicing Agreement for 43M-1775, 1672735 Ontario Inc., c/o Dunpar Developments Inc., (lands located north and east of Ponytrail Drive, west of Silverplains Drive and south of Burnhamthorpe Road East, in Z-19, known as Pagehurst Residential Development) and that the Letter of Credit in the amount of \$555,059.70 be returned to the developer and that a by-law be enacted to establish the road allowances within the Registered Plan as public highway and part of the municipal system of the City of Mississauga.

6. Revisions to Purchasing By-law 374-06, as amended

Corporate Report dated April 18, 2013 from the Commissioner of Corporate Services and Treasurer with respect to revisions to the Purchasing By-law 374-06, as amended.

RECOMMENDATION

1. That the corporate report dated April 18, 2013 from the Commissioner of Corporate Services and Treasurer and entitled "Revisions to Purchasing By-law 374-06, as amended" be received for information.
2. That the proposed changes to the Purchasing By-law 374-06, as amended, be enacted.

7. 2012 Annual Report on Investments

Corporate Report dated April 18, 2013 from the Commissioner of Corporate Services and Treasurer with respect to the 2012 annual report on investments.

RECOMMENDATION

That in compliance with Provincial legislation governing municipal investment practices, the 2012 Annual Report on Investments dated April 18, 2013 from the Commissioner of Corporate Services and Treasurer be received for information.

8. Living Arts Centre – Operating Loan Extension

Corporate Report dated April 18, 2013 from the Commissioner of Corporate Services and Treasurer with respect to an operating loan extension for the Living Arts Centre.

RECOMMENDATION

That a By-law be submitted to Council for enactment:

1. Amending By-law No. 177-97, to provide for an extension of the operating loan facility to March 31, 2014.
2. Authorizing the City Manager or designate and the City Clerk or designate to execute such agreements, documents and instruments as may be required to effect an extension of the Operating Loan Agreement dated September 30, 1997 with the Living Arts Centre.

9. 2013 Annual Repayment Limit for Long-Term Debt and Financial Obligations

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Corporate Report dated April 16, 2013 from the Commissioner of Corporate Services and Treasurer with respect to the 2013 Annual Repayment Limit for long-term debt and financial obligations.

RECOMMENDATION

That the 2013 Annual Repayment Limit for the City of Mississauga respecting long-term debt and financial obligations in the amount of \$147.7 million, calculated pursuant to Ontario Regulation 403/02, be received for information.

10. Ground Lease Agreement with Bell Mobility Inc. for the use of portion of right of way, located on the south side of Premium Way, east of Stavebank Road, City of Mississauga (Ward 7)

Corporate Report dated April 8, 2013 from the Commissioner of Corporate Services and Treasurer with respect to a Ground Lease Agreement with Bell Mobility Inc.

RECOMMENDATION

That a by-law be enacted authorizing the Commissioner of Transportation and Works 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 the public highway known as Premium Way, for a term of five (5) years, commencing on April 1, 2013 and expiring on March 31, 2018, to permit Bell to install and operate a telecommunication cell tower, together with three (3) options to extend of five (5) years each. The subject property is located on the south side of Premium Way, east of Stavebank Road, containing an area of approximately 34.84 square metres (375 square feet), in the City of Mississauga, Region of Peel, in Ward 7.

11. Surplus Land Declaration for the Purpose of Sale to Abutting Owner Located at 199 Longside Drive (Ward 5)

Corporate Report dated April 11, 2013 from the Commissioner of Corporate Services and Treasurer with respect to a surplus land declaration for the purpose of sale to abutting owner at 199 Longside Drive.

RECOMMENDATION

1. That the City owned parcel of land located on Longside Drive, south of Derry Road and west of Martiz Drive, between Hurontario Street and McLaughlin Road, be declared surplus to the City's requirements. The subject lands contain an area of approximately 1,368 square metres (14,725 square feet) and are legally described as Block 2, Plan 43M-1447 and Part Lot 10, Concession 1, WHS (TT), designated as Part 9, Plan 43R-24266, in the City of Mississauga, Regional Municipality of Peel, in Ward 5.
2. 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 at least three weeks prior to the execution of an agreement for the sale of the subject lands under Delegated Authority.

ADVISORY COMMITTEE REPORTS

Road Safety Mississauga Advisory Committee Report 2-2013 – April 23, 2013  
(Recommendation RSM-0005-2013 to RSM-0009-2013)

Heritage Advisory Committee Report 3-2013 – April 23, 2013  
(Recommendation HAC-0026-2013 to HAC-0036-2013)

Traffic Safety Council Report 3-2013 – April 24, 2013  
(Recommendation TSC-0050-2013 to TSC-0066-2013)

COUNCILLORS' ENQUIRIESCLOSED SESSION

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

Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – A By-law to Prohibit the Consumption and Sale of Shark Fins or Shark Fin Food Products within the City of Mississauga

ADJOURNMENT





# Corporate Report

Clerk's Files

Originator's  
Files

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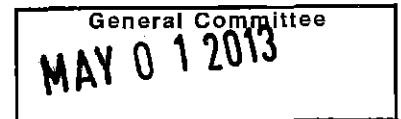
**DATE:** April 9, 2013

**TO:** Chair and Members of General Committee  
Meeting Date: May 1, 2013

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

**SUBJECT:** Mississauga Music Walk of Fame - Lease Agreement  
(Ward 1)

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**RECOMMENDATION:** That a by-law be enacted to authorize the Commissioner of Community Services to execute a license agreement between the Port Credit BIA and the City of Mississauga for installation of recognition plaques on a portion of the pathways located at the south end of Port Credit Memorial Park, in a form acceptable to the City Solicitor and including the terms outlined in the Corporate Report dated April 9, 2013 from the Commissioner of Community Services.

**REPORT  
HIGHLIGHTS:**

- The Port Credit BIA proposes to establish a program to celebrate the achievements of Mississauga musicians through a Mississauga Music Walk of Fame.
- The proposal includes installing granite plaques in a portion of the pathway located at the south end of Port Credit Memorial Park.
- Inductees into the Walk of Fame will be nominated by public process and selected by committee of knowledgeable residents based on established criteria.
- The proposal confirms the financial support for this project will come solely from the Port Credit BIA.
- Staff recommend a 5 year license agreement, with the option to renew for two more five year terms, be entered into for a nominal fee.

**BACKGROUND:**

On August 23, 2012, the Director of Culture advised Council that staff planned to accept a donation from the Port Credit BIA for the production and installation of plaques honouring local musicians.

Musicians were chosen by a group of knowledgeable residents and inductees reflected well-known names within the musical arts. The plaques were made of sand blasted granite with polished letters (Appendix 1). They were to be inlaid on a park pathway located at the south end of Port Credit Memorial Park. The unveiling of the plaques took place in September 2012 as part of the Southside Shuffle Blues and Jazz Festival. As a result of this successful venture and in acknowledgement of the rich music history of Mississauga, the Port Credit BIA wishes to enter into a license agreement with the City of Mississauga to continue this program. The program is to be known as the Mississauga Music Walk of Fame.

**COMMENTS:**

The Port Credit BIA proposes to oversee an annual process to select inductees for the Mississauga Music Walk of Fame. They have established nomination and selection criteria and other organizational details as outlined in Appendix 2. A public call for nominations will be announced by the BIA each year. Nominations will be reviewed by the selection committee who will use established criteria to determine if a candidate is eligible to receive a plaque on the Walk of Fame. The selection committee will be made up of representatives from the BIA, the local music community and other interested residents. The BIA requests a City Councillor be appointed to act as chair of the selection committee. The selection committee will operate for the same term as the BIA Board of Directors.

The BIA confirms there will be no cost to the City for this project. They will be responsible for securing the funds to fabricate, install and maintain the plaques. The role of City staff will be limited to overseeing the installation and repairs, including ensuring there are no safety concerns.

Staff recommend the license agreement be for a five year period with an option to renew for another two five year terms. A nominal rent fee of \$2.00 per year is recommended.

In addition to the above, staff recommend the following terms are included in the agreement:

- Both parties will have the right to terminate the agreement with thirty (30) days written notice for any reason whatsoever. In the event the City requests early termination, the Port Credit BIA will not have a liability or legal claim against the City for damages.
- The design of the plaques will remain as developed and approved by staff for the donated plaques installed in 2012.
- Plaques must be installed by a City approved contractor with appropriate insurance and the installation will meet City specifications.
- Agreement to obtain advance permission from the City for an appropriate date and time for installing plaques. Installation of plaques will not require a booking of the park.
- Agreement to abide by City's booking policies and guidelines when the BIA wishes to hold an induction event at the Park, including payment of required fees.
- Agreement if the program is dissolved or otherwise does not perform its obligations pursuant to the agreement, the City of Mississauga has the option to keep the plaques at their existing location, or to move them, whichever the Council of the time determines is appropriate.
- If the City of Mississauga determines during the course of the agreement the BIA's program does not support City goals and objectives, the City may terminate the agreement with notice.
- Transfer of the agreement from the BIA to another entity must be approved by the City.
- Any other conditions required by the Commissioner of Community Services, the City Solicitor or their respective designates.

**STRATEGIC PLAN:** This proposal supports a number of the City's strategic goals in the Belong pillar including Build Vibrant Communities, Create Great Public Spaces and Celebrate our Community.

**FINANCIAL IMPACT:** The Port Credit BIA will assume all costs associated with the Mississauga Music Walk of Fame including the fabrication, installation and repair of all plaques.

**CONCLUSION:**

The Port Credit BIA wishes to enter into a license agreement with the City of Mississauga to continue with a program started in 2012 to acknowledge the rich musical heritage of Mississauga. The BIA will oversee the nomination and selection process for the Mississauga Music Walk of Fame. Inductees into the Walk of Fame will have plaques honouring them installed in a portion of the pathway located in the south end of Port Credit Memorial Park. The BIA confirms the financial support for this project will come solely from them and the role of the City will be limited to approval of installation and repair requirements. Staff support this proposal and the execution of a license agreement.

Staff recommend a 5 year license agreement with the option to renew for two more five year terms be entered into for a nominal fee.

**ATTACHMENTS:**

Appendix 1: Mississauga Music Walk of Fame Plaque Design  
Appendix 2: Nomination and Selection Criteria for Mississauga  
Musician Walk of Fame



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

*Prepared By: Susan Burt, Director, Culture Division*

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## Mississauga Music Walk of Fame

### Purpose of Mississauga Music Walk of Fame

- To celebrate and acknowledge the musical talent from Mississauga and to inspire and educate youth regarding the rich musical heritage of the city.

### Nomination Process

- The nomination process it will be announced to the public via local media and on the Port Credit BIA web site at least 10 weeks in advance of the selection process.
- Nominations may be submitted by the established deadline to the head office of Port Credit BIA or via the web site, as outlined annually in the nomination process.
- Potential inductees may be nominated in a subsequent year if they are not successful with the first nomination.
- Individuals and groups may be nominated.
- Self-nominations will not be considered.

### Selection Committee

- The Selection Committee will consist of a minimum of five (5) members approved by the Port Credit BIA including:
  - 1 member of the Port Credit BIA;
  - 1 member of the media;
  - 1 member from Mississauga based music organization;
  - 1 independent local musician; and
  - 1 Councillor appointed by City Council to be the chair of the Selection Committee.
- Appointees to the Selection Committee will serve a four year term, concurrent with the term of City Council and the BIA Board of Directors, after which new members will be appointed by the BIA.
- A quorum of any Selection Committee meeting will be a minimum of 50% (i.e. 3 of 5) of the membership.
- The role of the Selection Committee is to initiate the annual selection of inductees to MMWF by overseeing the nomination process, reviewing nominations, verifying

information of selected nominees, notifying the successful nominees and arranging for the induction ceremony and fabrication of the induction plaques.

#### Selection Criteria

- Born or lived in Mississauga for a significant period of time.
- Demonstrated examples of how the nominee has positively contributed to the musical life of both Mississauga and the music world in general.
- Demonstrated examples of how the nominee has positively contributed to the non-musical life of both Mississauga and the music world in general.
- Sitting federal, provincial, regional or municipal politicians are not eligible until after retirement.

#### Selection Process

- The Selection Committee is responsible to verify the nominee information is accurate and truthful.
- Any MMWF nominee must be approved by at least 75% of the Selection Committee. The Chair may only vote in order to break a tie.
- No member of the Selection Committee or the Port Credit BIA Board of Directors or staff or anyone directly related to a member of these organizations may be nominated as an inductee to MMWF.
- The number of annual inductees per year will be based on the applications received; the final selection does not require a specific number each year.
- Inductees may be awarded posthumously.

#### Removal of Inductees

- Inductees to MMWF may have this designation revoked if the Selection Committee determine the inductee's actions have brought dishonour to the Port Credit BIA or the City of Mississauga.
- Removal of an inductee will be based on evidence and guided by the principle of fairness and shall only be made after the Selection Committee has ascertained the relevant facts relating to the case under consideration.
- An inductee of MMWF can be removed if his or her personal conduct in public departs significantly from recognized standards and is seen as undermining the credibility, integrity, or relevance of the honour, if his or her conduct is a departure from what they

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have accomplished to be inducted to MMWF, or if they have been subjected to an official sanction by an adjudicating body, professional association, or other organization.

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- The formal removal process is performed by the Selection Committee through a majority vote at a duly constituted meeting of the Selection Committee or by directive of City Council.
  - The Committee will notify the inductee in writing of the removal of their designation as an inductee on MMWF.





# Corporate Report

Clerk's Files

Originator's  
Files

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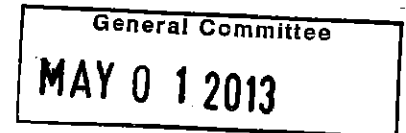
**DATE:** April 10, 2013

**TO:** Chair and Members of General Committee  
Meeting Date: May 1, 2013

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

**SUBJECT:** **Temporary Road Closure**  
**Rotary Ribfest (Ward 4)**

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**RECOMMENDATION:** That a by-law be enacted to implement the temporary road closure of Princess Royal Drive from Living Arts Drive to Duke of York Boulevard commencing at 6:00 a.m. on Wednesday, July 17, 2013 and ending at 12:00 p.m. on Monday, July 22, 2013, for the placement of a carnival in conjunction with the Rotary Club of Mississauga Ribfest.

**BACKGROUND:** The Rotary Club of Mississauga and Rotary Club of Mississauga-West will be jointly holding a Ribfest from July 17 to July 21, 2013. The organizers have received permission from the Community Services Department to use Celebration Square to stage the event.

However, with the inability to stage a carnival on Celebration Square due to weight limitations, an alternate site is required to host the carnival. The carnival itself is a key component to the success of the event.

**COMMENTS:** A temporary road closure of Princess Royal Drive from Living Arts Drive to Duke of York Boulevard has been requested for six days commencing at 6:00 a.m. on Wednesday, July 17, 2013 and ending at

12:00 p.m. on Monday, July 22, 2013. The temporary closure is necessary in order to safely accommodate various carnival rides and attractions.

The organizers have received the appropriate permits and approvals to stage the event. The organizers have met with Mississauga Fire Services and Peel Regional Police representatives, and have satisfied their requirements.

Access to the executive underground parking lot located on Princess Royal Drive will be maintained for the duration of the closure. Access to this lot will only be available via southbound Duke of York Boulevard.

The Transportation and Works Department will erect advance road closure information signs to notify the public of the closure. The organizer must pay the appropriate sign fee prior to the permit being issued.

The organizers have been informed that they must supply a damage/clean deposit of \$3,000 which will be refunded upon successful inspection of the site.

The Ward Councillor supports the temporary road closure of Princess Royal Drive.

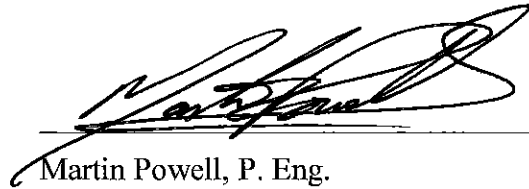
**FINANCIAL IMPACT:** Transportation and Works staff will fabricate, install and remove the required advance road closure signs. The organizer will pay the appropriate signage fee.

**CONCLUSION:** The Transportation and Works Department supports a six-day closure of Princess Royal Drive from Living Arts Drive to Duke of York Boulevard commencing at 6:00 a.m. on Wednesday, July 17, 2013 and ending at 12:00 p.m. on Monday, July 22, 2013.

**ATTACHMENTS:**

Appendix 1: Location Map: Temporary Road Closure  
Princess Royal Drive from Living Arts Drive to Duke  
of York Boulevard (Ward 4)

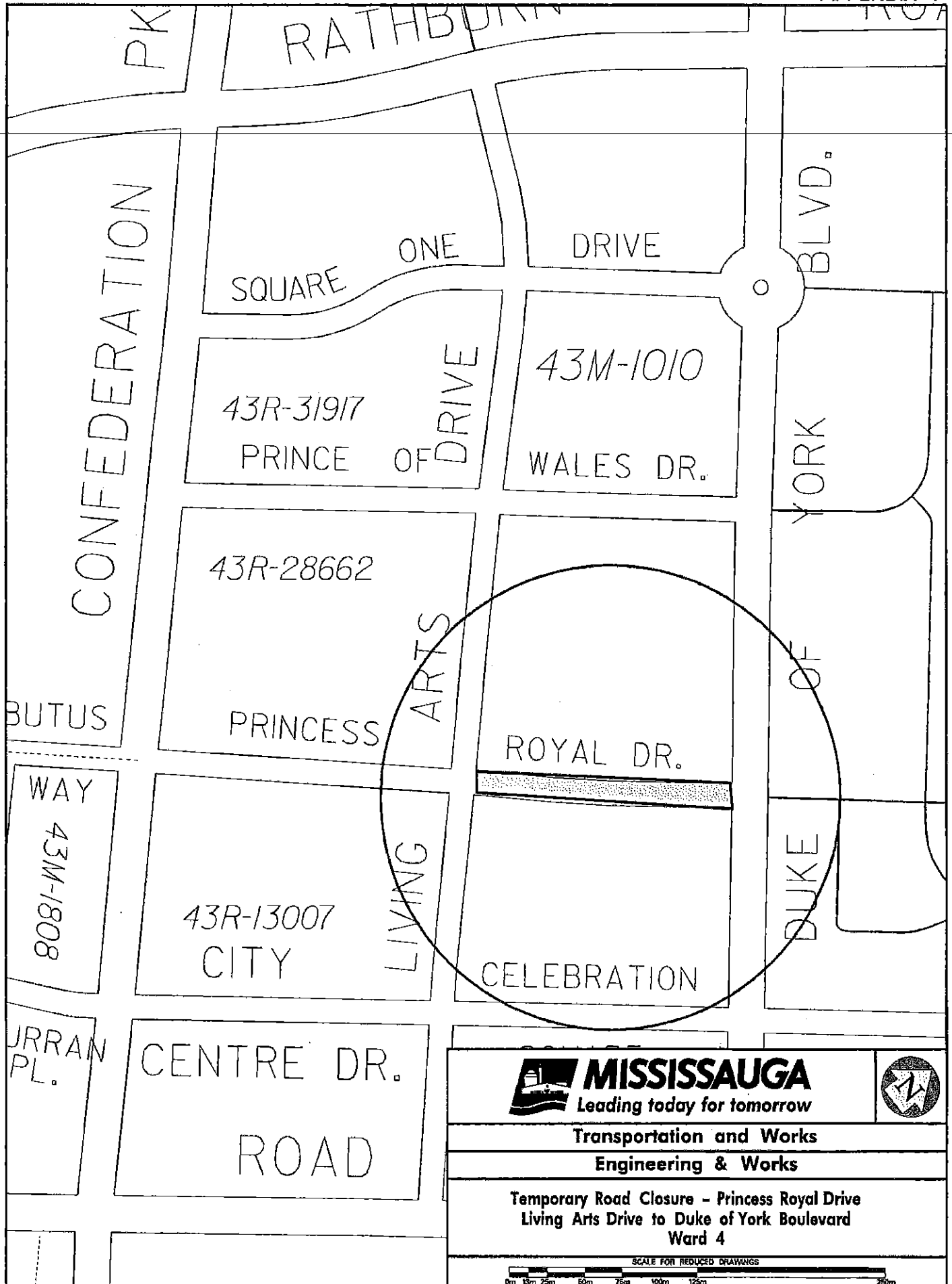
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Martin Powell, P. Eng.  
Commissioner of Transportation and Works

*Prepared By: Craig Pzytula, Traffic Operations Technologist*



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**Temporary Road Closure - Princess Royal Drive  
Living Arts Drive to Duke of York Boulevard  
Ward 4**





# Corporate Report

Clerk's Files

Originator's  
Files

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**DATE:** April 3, 2013

**TO:** Chair and Members of General Committee  
Meeting Date: May 1, 2013

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

**SUBJECT:** **Lower Driveway Boulevard Parking**  
**Karen Park Crescent (Ward 4)**

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General Committee

**MAY 01 2013**

**RECOMMENDATION:** That a by-law be enacted to amend By-law 555-2000, as amended, to implement lower driveway boulevard parking between the curb and sidewalk, at anytime, on both sides of Karen Park Crescent between Cliff Road North (south intersection) and a point 309 metres (1,014 feet) easterly thereof.

**BACKGROUND:** The Transportation and Works Department has received a completed petition from an area resident to implement lower driveway boulevard parking on Karen Park Crescent. A sidewalk is present on both sides of the road and lower driveway boulevard parking between the curb and sidewalk is currently prohibited. Three-hour parking is permitted on Karen Park Crescent.

**COMMENTS:** An investigation by the Transportation and Works Department has concluded that the driveways will only support "Parallel Boulevard Parking" on Karen Park Crescent. To determine the level of support for lower driveway boulevard parking between the curb and sidewalk, a parking questionnaire was distributed to the residents of Karen Park Crescent between Cliff Road North (south intersection) and a point 309 metres (1,014 feet) easterly thereof on March 8, 2013.

Thirty-two (32) questionnaires were delivered and 18 (56%) were returned; 16 (89%) supported the implementation of lower driveway boulevard parking and 2 (11%) were opposed.

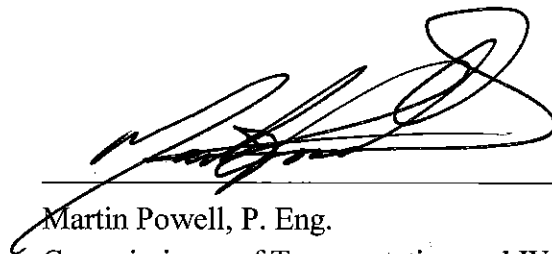
Since greater than 66% of the total respondents support lower driveway boulevard parking, the Transportation and Works Department recommends implementing lower driveway boulevard parking between the curb and sidewalk, at anytime, on both sides of Karen Park Crescent between Cliff Road North (south intersection) and a point 309 metres (1,014 feet) easterly thereof.

The Ward Councillor supports the proposal for lower driveway boulevard parking. The existing three-hour on-street parking will be maintained.

**FINANCIAL IMPACT:** Costs for the sign installations can be accommodated in the 2013 Current Budget.

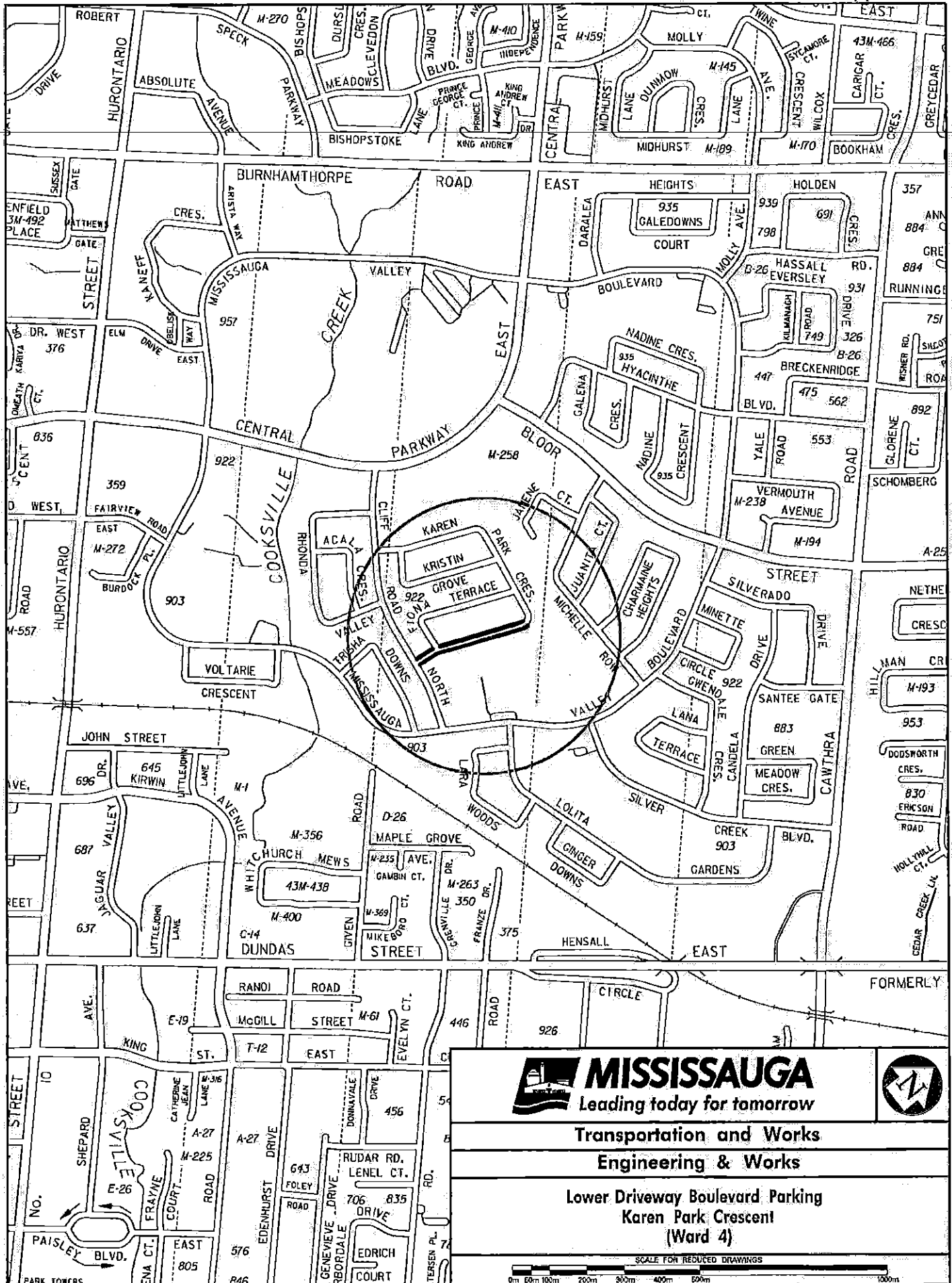
**CONCLUSION:** Based on the results of the questionnaire, the Transportation and Works Department supports lower driveway boulevard parking between the curb and sidewalk, at anytime, on both sides of Karen Park Crescent between Cliff Road North and a point 309 metres (1,014 feet) easterly thereof.

**ATTACHMENTS:** Appendix 1: Location Map: Lower Driveway Boulevard Parking Karen Park Crescent (Ward 4)



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

*Prepared By: Alex Liya, Traffic Operations Technician*



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**Lower Driveway Boulevard Parking  
Karen Park Crescent  
(Ward 4)**





# Corporate Report

Clerk's Files

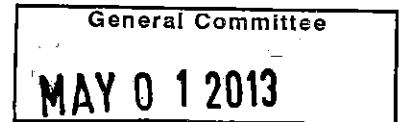
Originator's  
Files

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**DATE:** April 2, 2013

**TO:** Chair and Members of General Committee  
Meeting Date: May 1, 2013



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

**SUBJECT:** **Proposed Speed Limit Change**  
**Glenwood Drive between Kenollie Avenue and Indian Valley Trail**  
**(Ward 1)**

**RECOMMENDATION:** That a by-law be enacted to amend By-law 555-2000, as amended, to extend the 40 km/h speed limit on Glenwood Drive between Kenollie Avenue and Indian Valley Trail.

**BACKGROUND:** The Transportation and Works Department is in receipt of a request from an area resident to extend the 40 km/h speed zone on Glenwood Drive from Kenollie Avenue to Indian Valley Trail.

**COMMENTS:** Glenwood Drive is a local roadway approximately 470 metres (1,542 feet) in length. Glenwood Drive currently has a posted speed limit of 50 km/h between Kenollie Avenue and Indian Valley Trail, and is reduced to 40 km/h between Mineola Road West and Kenollie Avenue. The 40 km/h speed zone comprises the majority of Glenwood Drive. In the interest of continuity, it is recommended that the posted speed limit on Glenwood Drive between Kenollie Avenue and Indian Valley Trail be reduced from 50 km/h to 40 km/h.

The Ward Councillor supports reducing the current posted speed limit of 50 km/h to 40 km/h.



**FINANCIAL IMPACT:** Costs for the sign installation can be accommodated in the 2013 Current Budget.

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**CONCLUSION:** The Transportation and Works Department recommends extending the existing 40 km/h speed zone on Glenwood Drive from Kenollie Avenue to Indian Valley Trail.

**ATTACHMENTS:** Appendix 1: Location Map: Proposed 40 km/h Speed Limit Glenwood Drive between Kenollie Avenue and Indian Valley Trail (Ward 1)



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

*Prepared By: Magda Kolat, Traffic Operations Technician*





# Corporate Report

Clerk's  
Files  
Originator's 43M-1775  
Files

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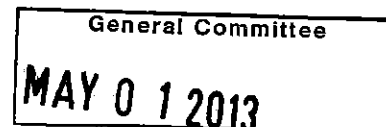
**DATE:** April 12, 2013

**TO:** Chair and Members of General Committee  
Meeting Date: May 1, 2013

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

**SUBJECT:** Assumption of Municipal Services (Ward 3)

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**RECOMMENDATION:** That the City of Mississauga assume the municipal works as constructed by the developer under the terms of the Servicing Agreement for 43M-1775, 1672735 Ontario Inc., c/o Dunpar Developments Inc., (lands located north and east of Ponytrail Drive, west of Silverplains Drive and south of Burnhamthorpe Road East, in Z-19, known as Pagehurst Residential Development) and that the Letter of Credit in the amount of \$555,059.70 be returned to the developer and that a by-law be enacted to establish the road allowances within the Registered Plan as public highway and part of the municipal system of the City of Mississauga.

43M-1775 (Ward 3)

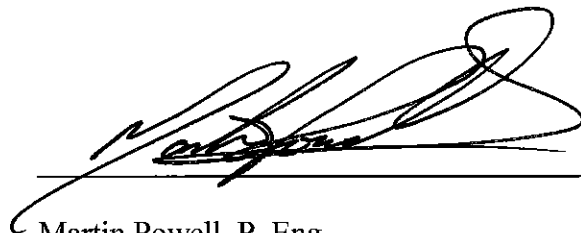
**BACKGROUND:** The developer identified on the attached Table of Assumption (Appendix 1) has complied with all the requirements of the Servicing Agreement for the installation of the municipal services.

**FINANCIAL IMPACT:** With the assumption of Pagehurst Residential Development (43M-1775), the City will now be required to provide maintenance of the newly constructed storm sewer and 0.132 lane kilometres (433 feet) of roadway.

**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 Pagehurst Residential Development (43M-1775)

A handwritten signature in black ink, appearing to read 'Martin Powell', is written over a horizontal line.

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
43M-1775	North and east of Ponytrail Drive, west of Silverplains Drive and south of Burnhamthorpe Road East, in Z-19	Dunpar Developments Inc. 105 Six Point Road Toronto, ON L8Z 2X3  Attn: Mr. Michael Savas	June 18, 2008	\$555,059.70  (Cancel Insurance)

# MISSISSAUGA

**Leading today for tomorrow**

**T&W-Engineering & Works**

**Pagehurst Residential Development**  
**1672735 Ontario Inc. c/o Dunpar Developments Inc.**  
**Registered Plan 43M-1775 (z-19, Ward 3)**

SCALE FOR REDUCED DRAWINGS

0m 50m 100m 200m 300m 400m 500m 1000m



# Corporate Report

Clerk's Files

Originator's  
Files

**DATE:** April 18, 2013

**TO:** Chair and Members of General Committee  
Meeting Date: May 1, 2013

**FROM:** Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

**SUBJECT:** Revisions to Purchasing By-law 374-06, as amended

General Committee

MAY 01 2013

- RECOMMENDATION:**
1. That the corporate report dated April 18, 2013 from the Commissioner of Corporate Services and Treasurer and entitled "Revisions to Purchasing By-law 374-06, as amended" be received for information.
  2. That the proposed changes to the Purchasing By-law 374-06, as amended, be enacted.

**BACKGROUND:** The Purchasing By-law 374-06 is the By-law which delegates purchasing authority to staff. Staff periodically reviews the By-law to ensure that it reflects best practice and provides for effective and efficient procurement processes.

**COMMENTS:** A summary of changes proposed to the By-law are as follows (detailed explanations are provided in Appendix 1):

1. Exempt the procurement of performers for Mississauga Celebration Square and the acquisition, installation, inventory, maintenance, de-accessioning and disposal of City acquired art

from the Purchasing By-law. New policies were approved by Council on April 10, 2013 (GC-0194-2013 and GC-0195-2013).

In addition, staff are recommending the exemption of court interpreters from the By-law since these are chosen from a Provincially approved list.

2. Remove section 11(2)(iv) which requires a review by buyers for medium value acquisitions over \$50,000 prior to issuing the bid request. This section is no longer necessary as it was a transitional measure put in place when the By-law was implemented. Staff have successfully transitioned into the new policies and procedures required under the by-law and this measure is redundant. This change is being proposed as a result of a review conducted in response to recommendation #3 in the Medium Value Acquisition (MVA) audit.
3. Section 12(4) which governs emergency acquisitions has been clarified to apply only to high value emergency acquisitions. Medium value acquisitions will follow the non-emergency process except that the purchase may be verbal followed by issue of a purchase order after the goods/services are received. This change was made as a result of a review conducted in response to recommendation #6 in the MVA audit.
4. The By-law requires Council approval whenever a contract value amendment exceeds 20% of the Original Commitment and greater than \$100,000, or is over \$1 million. On occasion, additional costs are incurred which were not anticipated at the time Council approves the contract value amendment. Adding section 18(2)(d.1) will allow staff to approve these additional costs up to \$100,000, without an additional Council report.
5. Section 18(2)(e)(iv) has been added to delegate approval by Council to staff for amendments to multi-year contracts where additional quantity is required as a result of changes to staffing levels, number, and/or size of City facilities or lands, consumption or usage. These are typically three to ten year agreements with a vendor and contract value increases are often required as a result of City growth. While changes are contemplated at the time of contract execution, the exact amounts are unknown.



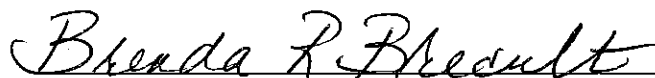
6. Schedule "A" to the By-law provides criteria to assess whether a single source procurement is appropriate. Section 1(b)(xvi) has been added to provide for procurements where funding and timelines imposed by senior governments do not allow adequate time for a competitive bidding process.
7. The balance of the changes to the By-law correct wording deficiencies, provide additional guidance or streamline procedures. The changes are outlined in Appendix 1. All changes have been reviewed by Legal Services and Internal Audit.

**FINANCIAL IMPACT:** Not applicable.

**CONCLUSION:** Changes proposed in Appendix 1 will ensure that the Purchasing By-law 374-06, as amended, will continue to reflect the best procurement practices. All proposed changes have been reviewed by Legal Services and Internal Audit.

**ATTACHMENTS:**

- Appendix 1: Summary of Proposed Changes to Purchasing By-law 374-06, as amended
- Appendix 2: Redlined version of Purchasing By-law 374-06 with proposed changes



Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

*Prepared By: Jeffrey J. Jackson, Director, Revenue, Materiel  
Management and Business Services*

Proposed Change	Reason for Change
Section 1(35) delete the words "in a result".	Duplicate wording
Section 3(1)(d)(v) add the words "and interpreters" after the words "court reporters".	Court interpreters are selected from a Provincially approved list and paid based upon a Provincial fee scale. These are generally low value acquisitions and can be exempted from the By-law with no risk to the City.
Section 3 – delete "and" in 3(1)(d)(iv) and add new section 3(1)(d)(viii) "performers for City produced event on Mississauga Celebration Square; and".	A different procurement process is required to acquire performers for Mississauga Celebration Square. Council has approved a Corporate Policy and Procedure to provide guidance for these acquisitions (GC-0194-2013).
Section 3 –add new section 3(1)(d)(ix) "acquisition, installation, inventory, maintenance, de-accessioning and disposal of City acquired art".	A different procurement process is required for corporate art. Council has approved a Corporate Policy and Procedure to provide guidance for these procurement activities (GC-0195-2013).
Section 7(g) – add the words "in a socially responsible manner and a manner" after the word "Services" and before the word "which".	Clarifies intent of the section.
Section 9 – add "and" at the end of Section 9(1)(e), add new section 9(1)(f) "prepare detailed specifications and quantity requirements with the underlying premise of encouraging full, open and fair competition." and delete Section 9(5).	Moves section 9(5) to 9(1)(f) – clarifies that specifications and quantities should be determined (although not finalized) prior to initiating an acquisition process.
Delete 11(2)(iv) "For all Medium Value Acquisitions with a dollar value of more than \$50,000, a Buyer shall review and finalize the Bid Request prior to issuance".	Section application reviewed as a result of Medium Value Acquisition (MVA) audit. This section was a transitional measure when the By-law was established in 2007 and High Value Acquisition limit increased to \$100,000. Section provided review by buyers prior to issuance of a bid request to ensure contract managers understood new By-law practices and followed them. Six years later By-law practices working well and departments routinely handle MVA processes with no need for assistance from buyer earlier in the process. Repealing the section is an efficiency measure which will streamline MVA procurements. No additional risk to the City will result.
Section 12(3)(b)(ii) add "A." between "except" and "in" and "or" after "Purchasing Agent" and add "B. for construction services provided by utilities, railway companies, or adjacent property owners required by the City as a result of City road or building construction".	Section delegates approval to staff for single source procurements to Enersource, Enbridge, CN, CP, Bell, Rogers, Telus, etc. for utility relocation during a City initiated road reconstruction. These are routine procurements and there is no choice as to vendor selection.
Section 12(4) Add brackets around "4", amend section title to "Emergency High Value Acquisitions", add new "(a) This section 12(4)	Staff reviewed the Emergency Acquisitions section of the Purchasing By-law as a result of recommendation #6 of the MVA audit (That

**Proposed Changes to Purchasing By-law 374-06, as amended**

**Appendix 1**

Proposed Change	Reason for Change
shall apply to High Value Acquisitions only. Medium Value Acquisitions during an emergency shall be governed by section (12)(2) except that the Commitment execution may occur after the Acquisition has taken place”, renumber existing (a),(b),(c),(d) to (b),(c),(d),(e).	guidelines for emergency process steps and timing of approval required be developed and posted on the Materiel management website and communicated to all departments). This review determined that Section 12(4) should only apply to High Value Acquisitions. Medium Value Acquisitions can be managed under section 12(2) as a sole sourced acquisition. This will ensure that the majority of emergency acquisitions are handled using procedures that the departments are familiar with and improves internal control over these procurements.
Section 17(7) Delete the words “and in the Materiel Management office”.	Efficiency measure. Bid results are publicly posted on Biddingo.com. Bidders no longer come to the Materiel Management office to review bid results.
Section 18 – Correct spacing at beginning of section title. Section 18(c) replace the word “reqard” with “regard”.	Correct typographical errors.
Section 18(2) Add new (d.1) “For High Value Acquisition Commitments, where Council has given approval under subsection (d), the Department Head and the Purchasing Agent may approve a further increase of up to \$100,000 to a Commitment to make a final payment on the Commitment. Council approval is otherwise required for any other amendments to the Commitment.”	Makes provision to pay additional costs that were not known at the time of Council approval of a commitment amendment without returning to Council. Requires approval of department head and purchasing agent to pay the additional amounts. This is an efficiency measure.
Section 18(2)(a) add the words “,unless the amendment is made under subsection 18(2)(e)(iv).” after the word “changed” and add new 18(2)(e)(iv) “the amendment is required to increase the value of a multi-year Acquisition where increases in quantity and/or price were contemplated in the Bid Request and Original Commitment but were not confirmed with the exact quantity and/or price. For greater clarity, this subsection (iv) shall apply only if: (A) the Commitment creates a relationship with a Vendor to provide goods and services over a multi-year supply contract but shall not include Commitments where the goods and/or services are supplied towards a single project requiring more than one year to complete (e.g. a construction project that requires more than one year to complete); and (B) additional quantity is required as a result of changes to staffing levels, number and/or size of City facilities or lands, consumption or usage; and (C) the method of determining the price has been established in accordance with the Commitment and the resulting price represents Best Value.”	The City often enters into a relationship arrangement with a vendor to supply the City with a good or service for a specific time period (generally 3 to 5 years but could be up to 10 years). These may be as a result of competitive bids or through Council approval of a sole source award. It is difficult in multi-year relationship agreements to establish a definitive award limit as the City’s needs can change over time as a result of changes to the number of staff, facilities or unanticipated requirements. In some cases, bidders are unable to provide pricing beyond a two year period. City contracts generally provide a methodology for price determination and allow the City to end the agreement if the amended terms are not to the City’s satisfaction. Relationship arrangements are controlled through the budget and the budget is approved by Council. Council is also made aware of contract amendments to relationship agreements through the monthly procurement reports. Given these controls, it is proposed as an efficiency that the approval of amendments to relationship agreements

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Proposed Change	Reason for Change
	be delegated to staff.
Section 18(3)(a)(1) Replace the word “and” between “issue and award” with “an”.	Correct typographical error.
Section 29.1(2) Replace the word “visa” with “vice” before the word “versa”.	Correct typographical error.
Schedule “A” Add new 1(b)(xvi) “Funding and project completion timelines imposed by senior government programs do not allow adequate time for a competitive bidding process” and “; or” at the end of 1(b)(xv)	Criterion added as a result of necessity to sole source certain procurements to meet timelines imposed by senior levels of government in order to maximize available funding – e.g. Infrastructure programs. Council approval of the arrangement is still required.

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## Appendix 2

### THE CORPORATION OF THE CITY OF MISSISSAUGA PURCHASING BY-LAW 374-06

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**THE CORPORATION OF THE CITY OF MISSISSAUGA  
PURCHASING BY-LAW NUMBER 374-06**

(amended by 92-10, 120-10, 65-12, 80-12, 98-12)

**WHEREAS** the *Municipal Act 2001*, S.O. 2001, c. 25, Part VI, Section 271 stipulates that municipalities and local boards shall adopt policies with respect to their acquisition of goods and services;

**AND WHEREAS** The Corporation of the City of Mississauga has hereby undertaken a comprehensive review of its purchasing processes to identify accountability, transparency, and efficiency improvements;

**AND WHEREAS** the Council of The Corporation of the City of Mississauga deems it desirable to repeal, in its entirety, By-law 613-91, as amended, and pass a new by-law with respect to the acquisition of goods and services, and the disposition of surplus goods;

**NOW THEREFORE** the Council of The Corporation of the City of Mississauga ENACTS as follows:

**SECTION 1 - DEFINITIONS**

1. In this by law, the following terms shall have the meanings indicated:
  - (1) **"Acquisition"** means the acquisition by purchase, lease, rental or exchange transaction of Goods and/ or Services. (120-10)
  - (2) **"Applicable Law"** means any applicable federal, provincial or municipal law, statutes, by laws, regulations, rules, lawful orders or lawful directives applicable in Ontario from time to time.
  - (3) **"Award"** means the selection of the Bidder and the Bidder's Goods and/or Services, as accepted by the City. (120-10)
  - (4) **"Best Value"** means the optimal value balance of efficiency, performance and cost having regard to the City's objectives in respect of the Acquisition timing, quality and quantity as well as the procurement process and evaluation criteria for the Acquisition. (120-10)
  - (5) **"Bid"** means an offer or submission from a Bidder received in response to a Bid Request.
  - (6) **"Bid Request"** means a solicitation from the City to external suppliers to submit a quotation, tender, proposal, or best and final offer.
  - (7) **"Bidder"** means any legal entity submitting a Bid.
  - (8) **"Buyer"** means a buyer in Materiel Management assigned responsibility for a particular Acquisition.
  - (9) **"City"** means The Corporation of the City of Mississauga.
  - (10) **"City Manager"** means the City Manager of the City and any person to whom the authority of the City Manager is subsequently delegated by Council and includes any person who has been authorized, in writing, to temporarily act as City Manager during absence or vacancy in that office.
  - (11) **"City Standard"** means specific Goods approved by Council that best fill a long-term City-wide need or requirement. (92-10)
  - (12) **"Commitment"** means a contract to acquire, or potentially acquire, Goods and/ or Services. (120-10)

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- (13) **"Co-operative Acquisition"** means a procurement process conducted jointly by the City and one or more Public Bodies. (120-10)
- (14) **"Council"** means the council of the City. (120-10)
- (15) **"Department"** ("Departmental") means an organizational unit of the City headed by a Department Head.
- (16) **"Department Head"** means the City Manager and any of the Commissioners appointed by Council with administrative responsibility for a Department and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office.
- (17) **"Departmental Director"** means a Divisional director in a Department and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office. (120-10)
- (18) **"Departmental Manager"** means a sectional manager in a Department who has been delegated with cost centre approval up to \$50,000 by the Department Head. (120-10)
- (19) **"Division" or "Divisional"** means a division within a Department. (120-10)
- (20) **"Emergency"** means a situation where it has been determined that a threat to public health, or life, or property or the environment exists such that the immediate Acquisition of Goods and/ or Services is essential to prevent serious delays, or damage to persons or property, or to restore or maintain essential City services. (120-10)
- (21) **"Goods"** means goods of all kinds, including both tangible and intangible goods, and shall include supplies, materials, equipment, structures and fixtures to be delivered, installed and/ or constructed, and licences. (120-10)
- (22) **"High Value Acquisition"** means an Acquisition of Goods and/ or Services having a value of more than \$100,000, and that is not a Medium Value Acquisition as approved by the Purchasing Agent or Council under section 11(2). (120-10)
- (23) **"Legal Services Division"** means the City's Legal Services Division. (120-10)
- (24) **"Low Value Acquisition"** means an Acquisition of Goods and/ or Services having a value of \$10,000 or less. (120-10, 65-12)
- (25) **"Major Irregularity"** means a deviation from a Bid Request which, as determined by the Manager is substantial and material to the Award, and which if permitted, could give the Bidder an unfair advantage over competitors. (120-10, 65-12)
- (26) **"Manager"** means the person holding the management position of Manager, Materiel Management and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office.
- (27) **"Materiel Management"** means an organizational unit of the Department of Corporate Services responsible for all Acquisitions of Goods and Services for the City.
- (28) **"Medium Value Acquisition"** means an Acquisition of Goods and/ or Services that has a value of less than \$100,000 and that is not a Low Value Acquisition or that has a value of more than \$100,000 but is otherwise approved by the Purchasing Agent or Council in accordance with section 11(2). (120-10)
- (29) **"Minor Irregularity"** means a deviation from a Bid Request which, as determined by the Manager, affects form rather than substance, with no material impact to the Award, and which if permitted, would not give the Bidder an unfair advantage over competitors. (120-10, 65-12)

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- (30) **"Original Commitment"** means the Commitment made after an Award, and does not include any amendments or interim extensions, or renewals made to the Commitment. (120-10, 65-12)
- (31) **"Public Body"** means any local board, commission, non-profit corporation or municipal or government entity and shall include any corporation of which the City is a shareholder or any one of them alone or in any combination of them acting together.
- (32) **"Publicly Advertised Bid Process"** means the advertising by the City of Bid Requests in print publications widely available to the public or on the internet. (120-10)
- (33) **"Purchasing Agent"** means the Director of Revenue and Materiel Management whose responsibility it is to supervise and carry out the Acquisition function on behalf of the City. In the absence of the Director of Revenue and Materiel Management, the responsibility shall be carried out by the Commissioner of Corporate Services. (120-10)
- (34) **"Request for Best and Final Offer"** means a multi-stage procurement process that contemplates a final stage whereby the short-listed vendors may submit a best and final offer for the City's evaluation and final selection. (120-10)
- (35) **"Request for Expression of Interest"** means a request which will be used to determine the interest of the market place to provide Goods and/ or Services which the City is contemplating purchasing and may result in a result in the determination of a short list of Bidders to respond to a Bid Request. (120-10)
- (36) **"Request for Information"** means a request which will be used as a general market research tool to determine what Goods and/ or Services are available which will meet business or operational requirements and Acquisition strategies and/or to estimate project costs for the purpose of developing a Bid Request. (120-10)
- (37) **"Request for Pre-Qualification"** means a request with specific qualification criteria which will be used to identify and pre select Bidders, where the experience and qualifications of the Bidders must be clearly established and verified prior to bidding.
- (38) **"Request for Proposal"** means a request which will be used to obtain a Bid or Bids for Goods and/ or Services in cases where the City can specify the performance requirements but the bidders must determine the optimal approach and the quantity and quality of their Goods or Services based on their particular attributes. (120-10)
- (39) **"Request for Quotation"** means a request which will be used to obtain a Bid or Bids in cases where the City has determined the quantity and quality of the Goods and/ or Services for Low or Medium Value Acquisitions or Single/Sole Source Acquisitions of any value. (120-10)
- (40) **"Request for Tender"** means a request which will be used to obtain irrevocable Bids for Goods and/ or Services for High Value Acquisition in cases where the City has determined the quantity and quality of the Goods and/ or Services. (120-10)
- (41) **"Single/Sole Source"** means an Acquisition permitted under the distinct and unique circumstances set out in Schedule "A" attached hereto.
- (42) **"Senior Buyer"** means a Buyer in Materiel Management accorded the title of Senior Buyer.
- (43) **"Services"** means services of all kinds, including labour, construction, maintenance and professional and consulting services. (120-10)



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- (44) "Unforeseen Site Condition" means a pre-existing condition of the site (in which construction work is to take place/taking place in accordance with a Commitment) that was not anticipated despite best efforts in planning for the Acquisition and that would require additional work to be conducted on the site. (120-10)
- (45) "Vendor" means a legal entity with whom the City has entered into a Commitment.

## **SECTION 2 - MONETARY REFERENCES**

2. (1) All references to dollar amounts in this by-law are to Canadian dollars.
- (2) For Bid evaluation purposes, all Bids submitted in currencies other than Canadian dollars shall be converted to Canadian dollars, at the exchange rate established by the Finance Division of the Corporate Services Department at the date of Bid closing.
- (3) All references to dollar amounts in this by-law do not include applicable taxes. (120-10)

## **SECTION 3 - APPLICABILITY**

3. (1) The provisions of this by-law shall apply to all Acquisitions of Goods and/ or Services undertaken by or on behalf of Departments, excluding: (120-10)
- (a) real estate;
- (b) consulting or professional services that are delivered in a manner which constitutes an employer/employee relationship, in accordance with City policies and procedures as amended from time to time;
- (c) Acquisitions related to reimbursable expenses incurred by employees or elected officials in accordance with City policies and procedures as amended from time to time;
- (d) professional and other services limited to: (120-10)
- (i) legal services and other professional services required for the provision of legal services, as required by the City Solicitor or designate;
- (ii) professional services related to the defence of an insurance claim made against the City, as required by the Manager, Risk and Insurance;
- (iii) arbitrators;
- (iv) realty appraisers;
- (v) court reporters and interpreters;
- (vi) honoraria; and
- (vii) committee fees;
- (viii) performers for City produced event on the Mississauga Celebration Square; and
- (ix) acquisition, installation, inventory, maintenance, de-accessioning and disposal of City acquired art.
- (e) general City expenses limited to: (120-10)
- (i) postal charges;
- (ii) any payments made by the City under statutory authority (for example licences);

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- (iii) insurance premiums for insurance procured through the City's insurance broker; and (65-12)
  - (iv) legal and insurance settlements.
- (2) No Commitment shall be entered into, no debt shall be incurred, no expenditure shall be made and no account shall be paid in respect of a Commitment for Goods and/ or Services except in accordance with the provisions of this by-law. (120-10)
- (3) City Acquisitions shall be conducted in accordance with this by-law and City policies including its policies on purchasing, employee conduct, financial matters, the environment, health and safety and records management. (120-10)
- (4) Delegation of responsibility under this by-law shall only occur as specifically provided.

#### **SECTION 4 - ETHICS IN PURCHASING**

- 4. (1) The Purchasing Agent and Materiel Management staff shall comply with the codes of purchasing ethics established by the National Institute of Governmental Purchasing, Inc. and the Purchasing Management Association of Canada in respect of all Acquisition processes.
- (2) The City adheres to and insists upon adherence to a strict ethical standard in all City Acquisitions by all Bidders and Vendors. All Bidders and Vendors shall be required to become knowledgeable with and adhere to the City's policies in this regard, as may be amended from time to time.

#### **SECTION 5 - AUTHORITIES AND DUTIES OF PURCHASING AGENT**

- 5. The Purchasing Agent shall have the authority and be responsible, either directly or through permitted delegation to Materiel Management staff, for: (120-10)
  - (a) overseeing corporate Acquisition and developing corporate standards for the City's Goods and/ or Services if such standards are practicable and will achieve better financial value for the City; (120-10)
  - (b) ensuring that responsible Departmental staff, Bidders, and Vendors are aware of the ethical standards relating to purchasing and that adherence to those standards is maintained; (120-10)
  - (c) co-ordinating Medium and High Value Acquisition services including special Acquisition initiatives involving corporate administration and governance;
  - (d) establishing standards and evaluation committees to deal with procurement processes for corporate-wide Acquisitions;
  - (e) providing training for responsible Departmental staff; (120-10)
  - (f) determining, in accordance with all related policies and procedures as may be adopted or provided from time to time, the appropriate Acquisition method by which Goods and/ or Services should be acquired, including the form of any Commitment, in consultation with the Legal Services Division, the circumstances and means for the pre-selection of equipment and materials, and the pre-qualification of Bidders; (120-10)
  - (g) developing and maintaining all policies, procedures, directives, and practices and advising Bidders and all staff involved;
  - (h) providing professional advice and guidance, including strategic advice, fairness monitoring and advice on Vendor performance and contract implementation issues, to Departments in respect of Acquisitions;
  - (i) reporting to Council as required, pursuant to the provisions of this by-law;
  - (j) monitoring Departmental compliance with this by-law; and

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- (k) the receipt, custody and safe keeping of all Acquisition Commitments, Award reports, and specified evaluation documentation for Medium Value Acquisitions and High Value Acquisition. (120-10)

#### **SECTION 6 - CONFLICTS OF INTEREST**

6. (1) Elected officials shall comply with the *Municipal Conflict of Interest Act* and officers and employees of the City shall comply with City policies on conflict of interest.
- (2) At any time during an Acquisition, beginning with the planning stage as set out in Section 9 of this by-law, through to the Award and Commitment stage, no person shall accept, directly or indirectly, from any person or organization to which any Acquisition is, or might be awarded, any thing of any value including rebates, gifts, meals, money or special privileges.
- (3) No preference will be given to providers or suppliers who provide unsolicited products or samples to the City or who demonstrate the operation of such products or samples.
- (4) With respect to the disposal of surplus items, no City employee or member of such employee's family may acquire an item if the employee was responsible for declaring the item surplus to the City's needs; or is or was otherwise involved in the disposal of such items.

#### **SECTION 7 - CITY OF MISSISSAUGA'S PURCHASING PRINCIPLES**

7. The City of Mississauga's purchasing principles are:
- (a) Acquisition processes shall be efficient, effective, objective, and accountable;
- (b) Transparency and fairness shall be ensured, and competitive value maximized, through full and open procurement processes;
- (c) The Acquisition of Goods and Services shall be conducted in an unbiased way not influenced by personal preferences, prejudices or interpretations;
- (d) Efforts shall be made to achieve the Best Value for the City; (120-10)
- (e) Acquisition processes and approvals of Awards shall not be conducted by the same individual and, at all times the Departmental Director shall ensure segregation of process and Award Functions; (120-10)
- (f) The total cost of purchasing, maintenance, continuing support, repair, staff training, operation, disposal, and other related costs shall be considered, rather than only the lowest invoice price;
- (g) Efforts shall be made to acquire Goods and Services in a socially responsible manner and a manner which will conserve energy and help to preserve and protect the ecosphere;
- (h) The Acquisition of Goods and Services shall be conducted in a manner which will promote, and incorporate whenever possible, the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005*. (120-10)
- (i) The Acquisition of Goods and Services shall be conducted in accordance with the requirements of the *Municipal Freedom of Information and Protection of Privacy Act*, the *Municipal Act, 2001*, *Business Discrimination Act*, as may be applicable;
- (j) The Acquisition of Goods and Services shall be conducted in compliance with international/interprovincial trade treaties or agreements, as applicable, including the *North American Free Trade Agreement*, the *Agreement on the Opening of Public Acquisition for Ontario and Quebec* and the *Agreement on Internal Trade*. (120-10)

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#### **SECTION 8 - FUNDING AND COMMITMENTS**

8. (1) No Commitment shall be entered into in respect of an Acquisition unless:
  - (a) funding for the Acquisition has been authorized by Council in the acquiring Department's operating or capital budget; or (65-12)
  - (b) special funding for the Acquisition has been approved by Council; or
  - (c) the Commitment is made conditional upon funding approval by Council.
- (2) Where Acquisitions are contingent upon funding from external parties, the funding arrangement shall be verified, in writing, prior to any Acquisition process being undertaken.
- (3) The form and content of the Commitment and ancillary documents and agreements shall be approved by the Purchasing Agent, the Manager or the Buyer, in accordance with Schedule "B", prior to execution of the Commitment. Form and content of all Commitments as described in Schedule C shall be drafted in concert with the Legal Services Division. The Commitment shall clearly specify any and all consideration being paid to the Vendor as a result of the Acquisition Award, including the maximum allowable upset amount where the precise requirement is not yet fixed. (120-10)
- (4) The total value on the form of Commitment shall not in any event exceed the total amount approved in accordance with this by-law.
- (5) The Departmental staff responsible for the Acquisition shall ensure that no Goods or Services are ordered, requested, delivered or performed until after a Commitment is executed in accordance with this bylaw. (120-10)
- (6) Where Council approval for an Award is required, the Purchasing Agent may specify the form and shall require the inclusion of appropriate purchasing content, including the recommendations(s), in any report. (65-12)
- (7) Commitments having a term in excess of ten (10) years shall require the approval of Council.
- (8) Repealed by 120-10

#### **SECTION 9 - PLANNING FOR ACQUISITION**

9. (1) The acquiring Department shall, prior to initiating any Acquisition process for Goods and/ or Services: (120-10)
  - (a) ensure that the Goods and/ or Services are legitimately required for City purposes; and (120-10)
  - (b) consider short and long-term requirements with respect to quantities and time lines, or total project cost considering the life span of the program; and
  - (c) consider the cost of ongoing maintenance, support, and licensing etc. requirements; and
  - (d) confirm availability of funding; and
  - (e) allow sufficient time to complete the Acquisition as may be stipulated by City policy or directive, as amended from time to time; and
  - (f) prepare detailed specifications and quantity requirements with the underlying premise of encouraging full, open and fair competition.
- (2) Where Goods and/ or Services of the same kind or type are required in connection with one project, all of those Goods and Services shall be included in determining the estimated value of the Acquisition, including all contemplated phases of the project. (120-10, 65-12)

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- (3) The Departmental Manager, in respect of competitive Acquisitions over \$10,000 and up to \$50,000, shall execute all planning documentation stipulated by the Manager. (65-12)
- (4) The Departmental Director shall be responsible for directing and overseeing all Departmental Acquisition processes and shall execute all planning documentation stipulated by the Manager for all competitive Acquisitions over \$50,000 and all High Value and Single/Sole Source Acquisitions whether planned or on an Emergency basis.
- (5) ~~With respect to Medium Value Acquisitions and High Value Acquisitions, the Department shall prepare detailed specifications and quantity requirements with the underlying premise of encouraging full, open and fair competition. (120-10)~~
- (6) Acquisitions shall not be divided to avoid the requirements of this by-law.
- (7) The Purchasing Agent shall determine, in consultation with the acquiring Department, whether the Acquisition should be conducted so as to establish a City Standard, in accordance with the applicable City policies and procedures as may be amended from time to time. (120-10)
- (8) The Purchasing Agent may require that the Department report to Council prior to undertaking an Acquisition process or an Award, based on an evaluation of potential risk to and/or opportunity for the City.
- (9) Legal advice from Legal Services Division shall be sought for Acquisitions that are of the type as provided in Schedule "C". (120-10)

#### **SECTION 10 - ACQUISITIONS FROM INTERNAL SOURCES**

- 10. (1) Goods and Services which are available from existing corporate services or supply centres, such as the print shop, central stores, etc. shall not be obtained from other suppliers unless there is a compelling requirement for an alternate source Acquisition.
- (2) Goods and Services which are available from existing corporate Commitments, such as office supplies, courier services, etc. shall not be obtained from other suppliers unless there is a compelling requirement for an alternate source Acquisition.
- (3) Internal or in-house Bids, whereby an internal Department competes with external Bidders for Acquisition opportunities, may only be considered where Council considers it appropriate to do so and has provided approval prior to the Bid process. Any and all such internal or in-house Bids shall comply with this by-law, City policies, and procedures as amended from time to time. (120-10)

#### **SECTION 11 - COMPETITIVE ACQUISITIONS**

- 11. (1) Low Value Acquisitions (\$10,000 or less) (65-12)
  - (a) General
    - (i) Low Value Acquisitions shall be conducted by staff specifically delegated with this responsibility by the Departmental Director, with the assistance of a Buyer as needed, and which Acquisition shall be conducted strictly in accordance with this by-law, City policies and procedures, as amended from time to time. (120-10)
    - (ii) The Manager or designate shall monitor Low Value Acquisitions for compliance with relevant City policies and procedures as amended from time to time, and shall:
      - A. advise Departmental Directors of any issues with respect to Low Value Acquisitions; and
      - B. make recommendations to the Purchasing Agent on the need for corporate contracts; and

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- C. advise Departmental Directors of relevant information such as existing corporate suppliers, timing, appropriate Acquisition methods, surety and insurance requirements, disqualified Vendors, etc.
- (b) Award and Commitment
  - (i) The Departmental Director shall ensure that a separate staff member, with City authority to manage cost centres, is responsible for approving the Commitment in accordance with Schedule B. (120-10)
- (2) Medium Value Acquisitions (more than \$10,000 and up to \$100,000) (65-12)
  - (a) General
    - (i) Departmental Staff members delegated with process responsibility shall consult with a Buyer when planning a Medium Value Acquisition in accordance with City policies and procedures. Buyers shall provide direction with respect to the proper Acquisition process to ensure Best Value Awards which may include direction as to existing suppliers, timing, evaluation criteria, surety and insurance requirements, disqualified Bidders, and the consideration of additional Bidders, among others.
    - (ii) Medium Value Acquisitions must be conducted by the issuance of a written Bid Request and shall be in compliance with City policies and procedures, as amended from time to time.
    - (iii) Medium Value Acquisition processes may be conducted by the Departmental staff members delegated with process responsibility by the Departmental Director, through the competitive bid process and obtaining three (3) written Bids if possible. (120-10, 65-12)
    - ~~(iv) For all Medium Value Acquisitions with a dollar value of more than \$50,000, a Buyer shall review and finalize the Bid Request prior to issuance.~~
    - ~~(v)~~(iv) Following Bid evaluation, prior to an Award being made, a Buyer shall review the Acquisition process which was undertaken to ensure that it meets the requirements of this by-law and relevant City policies and procedures, as amended from time to time.
  - (b) Approval and Award
    - (i) Following Bid evaluation and determination of the Best Value Bid, the applicable Departmental staff as provided in Schedule B shall execute the Bid Award form as set out by the Purchasing Agent to indicate that funds are available for the Acquisition, that the Acquisition process was conducted in accordance with this by-law, and that the Award is approved by the Department. (120-10)
    - ii) If despite best efforts to estimate the cost of the Acquisition, the Best Value Bid exceeds \$100,000, an Award without Council approval may be made subject to all of the following conditions: (120-10, 65-12, 98-12)
      - A. The Purchasing Agent is satisfied that all relevant considerations are taken into account throughout the planning and Acquisition phases, such that: a) the planning process and the cost estimation made prior to engaging in the Medium Value Acquisition process were appropriate; and b) that the Acquisition process itself were conducted properly. (120-10)
      - B. The total amount of the Best Value Bid is \$120,000 or less, exclusive of taxes. (120-10)
      - C. The Acquisition is in compliance with all other provisions of this by-law. (120-10)

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- iii) In addition to the signing requirements in section 11(2)(b)(i), an Award shall only be made after the applicable Materiel Management staff as provided in Schedule B confirms that the Acquisition process meets the requirements of this by-law. (120-10, 65-12)
- (c) Commitment
  - (i) The applicable Materiel Management staff as provided in Schedule B is authorized to execute Commitments in respect of Medium Value Acquisitions when: (120-10)
    - A. the Award has been approved in accordance with this by-law; and
    - B. satisfactory terms and conditions have been obtained and agreed to; and
    - C. the complete price and costing information has been identified; and
    - D. an upset limit or total as well as the basis for approving work or receipts and releasing payment are clearly established; and
    - E. there are no unresolved Bid Protests; and
    - F. confirmation from the Departmental Manager or Director (as applicable in accordance with Schedule B) that funds are available, within existing approved budgets, without detrimental impact or elimination of any other planned Acquisition; and (120-10)
    - G. verification that the Bid is the Best Value Bid from amongst the Bids submitted; and (120-10)
    - H. the form of the Commitment has been prepared in concert with the Legal Services Division if the Commitment is for an Acquisition listed in Schedule C. (120-10)
  - (ii) Where any of the conditions listed in Section 11(2)(c)(i) above have not been met, then Council approval must be obtained through submission of a report from the Department Head, which shall include the advice of the Purchasing Agent as contemplated in Section 8(6) prior to executing the Commitment. (120-10)
- (3) High Value Acquisitions (more than \$100,000)
  - (a) General
    - (i) The Buyer is responsible for determining the method, conducting and managing all High Value Acquisitions including the evaluation process and the maintenance of information and results.
    - (ii) The staff member delegated with process responsibility by the Departmental Director is responsible for developing the specifications or statement of work and quantity requirements. The Manager or the Buyer is responsible for reviewing the specifications and quantity requirements, developing appropriate Bid Request requirements, evaluation method and criteria and conducting the Bid process ensuring that the purchasing principles outlined in Section 7 are followed. (120-10)
    - (iii) A Publicly Advertised Bid Process must be initiated. The methods for calling Bids include, but are not limited to:
      - A. Request for Information;
      - B. Request for Expression of Interest;

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- C. Request for Pre-Qualification;
- D. Request for Tender;
- E. Request for Proposal;
- F. Request for Best and Final Offer; or
- G. A multi-step process which may involve a combination of the above.

(b) Approval and Award

- (i) The Manager or Purchasing Agent, as applicable in accordance with Schedule "B", is responsible for approval of the Acquisition process, which shall include confirmation of the following: (120-10)
  - A. Department Head approval of the Award; and
  - B. verification that the Acquisition, was conducted in accordance with this by-law, and
  - C. identification of complete price and costing information; and
  - D. identification of an upset limit or total expenditure as well as the basis for approving work or receipts and releasing payment; and
  - E. approval by the Department Head or designate of the operational terms and conditions; and
  - F. confirmation from the Department Head that funds are available, within existing approved budgets, without detrimental impact or elimination of any other planned Acquisition; and
  - G. verification that the Bid is the Best Value Bid from amongst the Bids submitted; and (120-10)
  - H. there are no unresolved Bidder protests.
- (ii) In addition, Council approval of the Award is required when:
  - A. funds are not available; or
  - B. the Bid is not the Best Value Bid of the Bids submitted; or (120-10)
  - C. there are unresolved Bidder protests; or
  - D. Repealed by By-law 65-12
  - E. the term of the Commitment exceeds ten (10) years; or
  - F. at the discretion of the Purchasing Agent.
- (iii) When Council approval of the award is required as outlined above, the Department Head shall report to Council as stipulated by Section 8(6). (120-10)

(c) Commitment

The Manager or Purchasing Agent, as applicable in accordance with Schedule B, shall execute Commitments in respect of High Value Acquisitions when the Acquisition has been approved in accordance with section 11(3)(b) and the form of the agreement has been prepared in concert with the Legal Services Division as required under Schedule C. (120-10)



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**SECTION 12 – NON-COMPETITIVE ACQUISITIONS (SINGLE/SOLE SOURCE AND EMERGENCY)**

12 (1) General

- (i) An Acquisition may only be conducted using a Single/Sole Source Vendor if the Acquisition meets the specific criteria set out in Schedule "A". (120-10)
- (ii) The Purchasing Agent or Manager shall have the final right of determination as to whether an Acquisition meets the relevant criteria. (120-10)
- (iii) This section applies to Medium Value Acquisitions and High Value Acquisitions only. Low Value Acquisitions are not required to meet with the Schedule "A" criteria. (120-10)

(2) Medium Value Single/Sole Source Acquisitions

(a) General

- (i) Departmental staff members delegated with process responsibility shall consult with a Buyer when planning a Single/Sole Source Medium Value Acquisition in accordance with City policies and procedures. Buyers shall provide direction with respect to the proper Acquisition process to ensure a Best Value Award which may include direction as to the appropriateness of a competitive process, existing suppliers, timing, evaluation criteria, surety and insurance requirements and disqualified Bidders. (120-10)
- (ii) A written Bid Request shall be issued, prior to any negotiations or entering into a Commitment, to clearly set out the requirements and to be used as a basis for determining terms and conditions.
- (iii) Following Bid evaluation, prior to an Award being made, a Buyer shall review the Acquisition process which was undertaken to ensure that it meets the requirements of this by-law and relevant City policies and procedures, as amended from time to time.

(b) Approval and Award

- (i) Following Bid evaluation and determination of an acceptable Single/Sole Source Bid, the applicable Departmental staff as provided in Schedule B shall execute the Bid Award form as set out by the Purchasing Agent to indicate that funds are available for the Acquisition and that the Award is approved by the Department. Justification, as specified in Schedule A, shall be cited in writing. (120-10)
- (ii) In addition to the approval process under section 12(2)(b)(i), the Manager or Purchasing Agent, as applicable under Schedule B, shall review the Acquisition process and justification to ensure that the requirements of this by-law and relevant City policies and procedures, as amended from time to time, have been met. (120-10)

(c) Commitment

- (i) The Buyer or Manager, as applicable under Schedule B, is authorized to execute Commitments in respect of Single/Sole Medium Value Source Acquisitions when: (120-10)
  - A. the Award has been approved in accordance with this by-law; and
  - B. satisfactory terms and conditions have been obtained and agreed to; and

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- C. the complete price and costing information has been identified; and
  - D. an upset limit or total as well as the basis for approving work or receipts and releasing payment are clearly established; and
  - E. the form of the Commitment has been prepared in concert with the Legal Services Division if the Commitment is for an Acquisition listed in Schedule C.
- (ii) Where any of the conditions listed in Section 12(2)(c) (i) have not been met, then Council approval must be obtained through submission of a report from the Department Head, which shall include the advice of the Purchasing Agent as contemplated in Section 8(6) prior to Commitment. (120-10)

(3) High Value Single/Sole Source Acquisitions

(a) General

- (i) The staff member delegated with process responsibility shall prepare a justification and shall obtain approval from the Manager or Senior Buyer that the proposed Acquisition meets the Schedule "A" criteria in advance of the submission of specifications to Materiel Management.
- (ii) The staff member delegated with process responsibility by the Departmental Director is responsible for developing the specifications, quantity requirements and statement of work. The Manager or the Buyer is responsible for reviewing the specifications and quantity requirements, developing appropriate Bid Request requirements, evaluation method and criteria and conducting the Bid process ensuring that the purchasing principles outlined in Section 7 are followed. (120-10)
- (iii) A Bid Request shall be issued to the selected Vendor, prior to negotiation or the entering into of a Commitment, to clearly set out the requirements and to be used as a basis for determining terms and conditions. (120-10)

(b) Approval and Award

- (i) The Purchasing Agent is responsible for approval of the Acquisition process in accordance with this subsection. Said approval shall include confirmation of the following: (120-10)
  - A. Department Head approval of the Award; and
  - B. verification that the Acquisition, was conducted in accordance with this by-law; and
  - C. identification of complete price and costing information; and
  - D. identification of an upset limit or total expenditure as well as the basis for approving work or receipts and releasing payment; and
  - E. approval by the Department Head or designate of the operational terms and conditions; and
  - F. confirmation from the Department Head that funds are available, within existing approved budgets, without detrimental impact or elimination of any other planned Acquisition; and
  - G. verification that the Bid is justified and appropriate in accordance with the criteria set out in Schedule "A".

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(ii) Council approval of the Award is required except:

- A. in the specific instance stipulated in section 1(b)(viii) of Schedule A which shall require the approval of the Purchasing Agent, or
- B. for construction services provided by utilities, railway companies, or adjacent property owners required by the City as a result of City road or building construction. (120-10)

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(iii) When Council approval of the Award is required as outlined above, the Department Head shall report to Council as stipulated by Section 8(6). (120-10)

(c) Commitment

The Manager or the Purchasing Agent, as applicable in accordance with Schedule B, shall execute Commitments in respect of Single/Sole Source High Value Acquisitions when the Acquisition has been prepared in accordance with s.12(3)(b) and the form of the agreement has been prepared in concert with the Legal Services Division as required under Schedule C. (120-10, 65-12)

**(4)- Emergency High Value Acquisitions**

(a) This section 12(4) shall apply to High Value Acquisitions only. Medium Value Acquisitions during an Emergency shall be governed by section 12(2) except that the Commitment execution may occur after the Acquisition has taken place.

(b) In an Emergency, the Departmental staff member shall, if possible, contact the Manager or the assigned Buyer for Emergencies for direction on an appropriate Acquisition process and possible sources of supply. The approval of the applicable persons as provided in Schedule B shall be obtained before any Commitment is made. (120-10)

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(bc) Where it is not possible to do so before the Emergency, the staff member shall document the detail of the Acquisition in a form set out by the Purchasing Agent as soon as possible following the Emergency. The form shall be authorized by the applicable Departmental staff as provided in Schedule B and forwarded to the Manager. (120-10)

(ed) The Commitment shall be executed by the applicable Materiel Management staff as provided in Schedule B for all Emergency Acquisitions, although such execution may occur after the Acquisition has taken place. (120-10)

(de) The Purchasing Agent shall report details of High Value Acquisition Emergencies to the Mayor and members of Council as stipulated in Section 26 as soon as is practicable. (65-12)

**SECTION 13 - CANCELLING AND REISSUING BID REQUESTS**

13. (1) Subject to other requirements in this section 13, the Manager or the Buyer (as applicable) may cancel a Bid Request, in whole or in part if: (120-10)
- (a) the Bid Request document contains errors or omissions which, in the opinion of the Manager, would result in an unfair process if an Award was made; or
  - (b) the Goods and Services are no longer needed; or
  - (c) all acceptable Bids received exceed the budget for the Acquisition or the fair market value and negotiating with the Bidder with the Best Value Bid is unlikely to yield an acceptable offer; or

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- (d) an opportunity arises and it is advantageous for the City to buy off from or tie on to another government contract; or
  - (e) a determination has been made that the bidding process has been compromised; or
  - (f) the scope of the Acquisition has changed.
- (2) In respect of High Value Acquisitions, the Manager may cancel a Bid Request, in accordance with section 13(1) with the concurrence of the Department Head. (120-10)
  - (3) In respect of Medium Value Acquisitions, the Manager or the Buyer may cancel a Bid Request in accordance with section 13(1) with the concurrence of the Departmental Director. (120-10)
  - (4) If a Bid Request has been cancelled, the Manager or the Buyer may authorize the issuance of a new Bid Request in respect of the Acquisition, by invitation to the original Bidders or by public advertisement. (120-10)

#### **SECTION 14 - NEGOTIATIONS**

- 14. (1) In the instance of Medium Value Acquisitions or High Value Acquisitions, the Manager or the Buyer, in consultation with the staff members delegated with process responsibility by the Departmental Director, may enter into negotiations with the Bidder submitting the Best Value Bid or with a Single/Sole Source supplier when such actions are in the best interests of the City and will not create an unfair situation for Bidders or Vendors. The Manager or the Buyer must maintain a record of any such negotiations. (120-10, 65-12)
- (2) In the instance of Medium Value Acquisitions or High Value Acquisitions where disclosed in the bid document, the Manager or the Buyer, in consultation with the staff members delegated with process responsibility by the Departmental Director, may enter into concurrent negotiations with more than one bidder. (65-12)

#### **SECTION 15 - COMPLAINTS AND BIDDER PROTESTS**

- 15. (1) All Bidder complaints, whether addressed to an elected official, a Department Head or any other City staff shall be referred to Materiel Management and dealt with in accordance with the applicable City policies and procedures, as may be amended from time to time. (120-10)

#### **SECTION 16 - POINT OF CONTACT**

- 16. (1) Contact for the purposes of this section relates to communications to and from City employees, consultants engaged by the City, elected officials or Council and Bidders during the time a Bid Request is in process.
- (2) For Medium Value Acquisitions, unless otherwise specified by the Buyer, the Departmental staff person delegated with process responsibility shall act as the official contact person and shall respond to all communications in respect of the Bid Request from the date of issuance, up to and including the announcement of an Award with the exception of Bidder complaints or protests which shall be forwarded to the Buyer. (120-10)
- (3) For High Value Acquisitions the Manager or the Buyer shall act as the official contact person and shall respond to all communications. The Buyer may, if appropriate, consult with a Departmental staff person in order to obtain required information to be communicated. (120-10)
- (4) If new information to a Bid Request is required, an addendum shall be issued by Departmental staff in the case of a Medium Value Acquisition, with notification to the Buyer, and by the Buyer in the case of a High Value Acquisition. (120-10)

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- (5) Any Bidder found to be in breach of this section is subject to disqualification from participating in the current Bid Request.

**SECTION 17 - RECEIPT AND OPENING OF BIDS**

17. (1) Materiel Management is responsible for the safekeeping and recording of all original vendor submissions in respect of Medium Value Acquisitions and High Value Acquisitions. (120-10)
- (2) All sealed High Value Acquisition Bids received in response to Publicly Advertised Bid Requests shall be opened at public bid openings conducted by Materiel Management staff. Any member of Council, City staff or the general public may attend public bid openings. Late submissions shall be rejected. (65-12)
- (3) Bid amounts shall be made available to the public and officially recorded, subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. Bid amounts so recorded shall not necessarily be determinative of the Award.
- (4) All High Value Acquisition Bids will be reviewed by the Manager or the Buyer to determine whether either a Major Irregularity or Minor Irregularity exists in accordance with City policies and procedures, as amended from time to time. If, in the opinion of the Manager, a Major Irregularity exists, the Bid will be rejected without further consideration. If, in the opinion of the Manager a Minor Irregularity exists, the Bidder may be permitted to correct the irregularity or the Manager may waive the irregularity and make the Award. Obvious errors in mathematical extensions, decimal point additions and/or taxes may be corrected by the Manager, and the unit prices will govern unless stipulated otherwise in the specific solicitation. (120-10, 65-12)
- (5) In the event of two or more identical or tied Bids, those Bids shall be evaluated against the principles set out in Section 7 of this by-law. In the event that two Bid Requests are tied or identical following such evaluation, the Manager or the Buyer shall, in the presence of the Departmental staff person delegated with process responsibility, toss a coin. The Award shall then be made to the winner of the coin toss. In the event that three or more tied or identical Bids remain following evaluation, the Manager or the Buyer shall, in the presence of the departmental staff person, conduct a lottery draw. The Award shall then be made to the winner of the lottery. (120-10)
- (6) Evaluation committees shall be established by the Manager or the Buyer for all High Value Acquisitions and Publicly Advertised Bid Processes. The Committee shall evaluate all Bids received against clear specifications, terms, and conditions. The Manager or the Buyer shall maintain a record of the evaluation process and results.
- (7) Results of all Publicly Advertised Bid Requests shall be posted on the City's website and in the Materiel Management office. (120-10)
- (8) The Manager or the Buyer shall notify the successful Bidder of their Award.
- (9) The Manager or the Buyer shall notify non-successful Bidders: (120-10)
- (a) if they are not selected to submit a Bid following a Request for Expression of Interest or a Request for Pre-Qualification;
- (b) if they submitted a low Bid and have not been selected; or
- (c) if their Bid was rejected.

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**SECTION 18 – AMENDMENTS, INTERIM EXTENSIONS, RENEWALS & TERMINATIONS**

18. (1) General

- (a) If the City has entered into a Commitment in respect of a Medium Value Acquisition or High Value Acquisition, any amendment to the terms and conditions of the Commitment (including any increase to its value), any interim extension to the term of the Commitment, or any renewal of the Commitment shall follow the requirements within this section 18. Amendments, interim extension or renewal of Low Value Acquisition Commitments are not required to follow the requirements of this section 18. (120-10)
- (b) Amendments, interim extension or renewals of Commitments shall only be made if: (120-10)
  - (i) the amendment, interim extension, or renewal meets the conditions of this by-law and is not contrary to the principles set out in Section 7; and
  - (ii) funding is available within existing approved budgets and without detrimental impact or elimination of any other planned Acquisition; and
  - (iii) the amendment, interim extension, or renewal is within the scope of the Original Commitment.
- (c) Notwithstanding sections 18(2) and 18(3), the applicable Material Management staff (as authorized in Schedule B) may extend the term on an interim basis or amend the value of a Commitment for sanding, salting, ploughing, snow removal, or water, electricity or fuel without regard regard to the percentage or dollar increase of the Commitment if: (120-10)
  - (i) the basis for determining fees and charges is not being changed; and
  - (ii) the interim extension of the term or amendment is required due to operations or maintenance requirements; and
  - (iii) the weather or market conditions at any time during the term of the Commitment are/were worse than expected such that an interim extension of the term or the total value of the Commitment needs to be amended.

(2) Amendments

- (a) In addition to subsection 18(1)(b), amendments of Commitments shall only be made if the basis for determining fees and charges is not being changed, unless the amendment is made under subsection 18(2)(e)(iv). (120-10)
- (b) All amendments to Medium Value Acquisition Commitments and High Value Acquisition Commitments shall be approved and executed by the applicable person in accordance with Schedule B. (120-10)
- (c) No amendments may be made to Medium Value Acquisition Commitments if the total amount of the Original Commitment, all prior amendments, and the requested amendment exceeds \$120,000. (120-10, 65-12)
- (d) For amendments to High Value Acquisition Commitments, Council approval is required if the amendment is of a value that, on its own or if added together with any and all previous amendments made to the Original Commitment, the cumulative value of all amendments are: (120-10, 65-12)
  - (i) greater than 20% of the Original Commitment and greater than \$100,000; or
  - (ii) over \$1,000,000.

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(d.1) For High Value Acquisition Commitments where Council has previously given approval under subsection (d), the Department Head and the Purchasing Agent may approve a further increase of up to \$100,000 to a Commitment to make a final payment on the Commitment. Council approval is otherwise required for any other amendments to the Commitment.

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(e) Notwithstanding subsections (d) and (d.1), no Council approval for amendments to a High Value Acquisition is required if: (120-10, 65-12)

- (i) the amendment is for work required to address an Unforeseen Site Condition, in which case, the Purchasing Agent may execute the amending Commitment if the City Manager approves it; or
- (ii) the amendment is requested by and paid for by other Public Body/Bodies with which the City has entered into the Co-operative Acquisition in which the City holds the contract with the Vendor on behalf of itself and other Public Body/Bodies. Council approval is still required if the amendment is a result of additional work requested by the City; or
- (iii) Council has provided direction otherwise on the procurement at issue; or

(iv) the amendment is required to increase the value of a multi-year Acquisition where increases in quantity and/or price were contemplated in the Bid Request and Original Commitment but were not confirmed with the exact quantity and/or price. For greater clarity, this subsection (iv) shall apply only if:

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A. the Commitment creates a relationship with a Vendor to provide goods and services over a multi-year supply contract but shall not include Commitments where the goods and/or services are supplied towards a single project requiring more than one year to complete (e.g. a construction project that requires more than one year to complete); and

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B. additional quantity is required as a result of changes to staffing levels, number, and/or size of City facilities or lands, consumption or usage; and

C. the method of determining the price has been established in accordance with the Commitment and the resulting price represents Best Value.

### (3) Interim Extension

(a) An interim extension of a Commitment may be required if: (120-10)

- (i) further opportunity is required to comprehensively and accurately complete a procurement process and issue an Award; and/or
- (ii) additional time is required to fulfill all the obligations in progress at the time of the Commitment's expiry and to make final payments; and/or
- (iii) the market conditions, including timing and specifications (relating to either the procurement of the Goods and Services or the particular industry), are in flux and that it would be more advantageous for the City to wait before proceeding with the issuance of a Bid Request.

(b) An Award may be made to extend a High Value Acquisition Commitment under section 18(3)(a) on an interim basis if: (120-10)

- (i) the Purchasing Agent and the Manager are jointly of the opinion that it is advantageous to extend the Commitment on an interim basis; and

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- (ii) a new procurement process is being prepared or is underway; and
  - (iii) the term of the interim extension does not exceed one year; and
  - (iv) the requirements under section 12(3)(b) are complied with, except that no Council approval is required if the Award of the interim extension is in compliance with all the requirements of this section 18(3)(b)
- (c) No interim extension under this section 18(3) may be made for Medium Value Acquisition Commitments, except as determined in section 18(3)(a)(ii). (65-12)
- (d) Section 12(3)(c) shall apply to the execution of any interim extension to an existing Commitment if all the requirements of this section 18 for the interim extension are met. (120-10)

(4) Renewals

The Manager may renew a Commitment only when the terms and condition of the Bid Request, Award report, and original Commitment provide for the renewal. Said renewal may not occur unless the conditions set out in section 18(1)(b) have been met. Where the terms and conditions of the original Commitment do not provide for renewal, a new Acquisition shall be conducted. (120-10)

(5) Termination

If the City has entered into a Commitment in respect of an Acquisition and the Department(s) for which the Goods and/or Services are acquired wishes to terminate the Commitment prior to the end of the term of the Commitments as a result of non-performance by the Vendor or that the Goods and/or Services contemplated under the Commitment are no longer required, the Department(s) shall consult with Materiel Management and the Legal Services Division to determine the appropriate course of action in terminating the Commitment. Commitments may be terminated upon the joint approval of the Department Head, the Purchasing Agent, and the City Solicitor, or their respective designate, or as otherwise authorized by Council. (120-10)

**SECTION 19 - UNSOLICITED QUOTATIONS, TENDERS OR PROPOSALS**

19. (1) No Award may be made based on unsolicited proposals. (120-10)
- (2) If it is determined that there is a legitimate need for the Goods or Services offered by way of an unsolicited offer, then an Acquisition process shall be conducted in accordance with this by-law.

**SECTION 20 - CO-OPERATIVE ACQUISITION**

20. (1) The City may participate with a Public Body in Co-operative Acquisition initiatives where it is in the best interest of the City to do so and where: (120-10)
- (a) combining the volume of Goods and Services to be purchased by the City and a Public Body would result in a better value; or
  - (b) operational costs would be contained or reduced; and
  - (c) the Acquisition and Commitment are in substantial compliance with the provisions of this by law.
- (2) The Manager or a Buyer shall conduct all Co-operative Acquisition initiatives on behalf of Departments. Legal Services Division shall be consulted to determine the appropriate agreements required to conduct such initiatives with other Public Bodies. (120-10)



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- (3) The Public Body initiating the Acquisition may determine the Award. In the event that the Award is not in the best interests of the City, the Manager may decline acceptance of the Award subject to any agreements that the City may have with the Public Body/Bodies involved in the Co-operative Acquisition. Where the City is initiating the Acquisition, the Acquisition process will be conducted in accordance with this by-law, and all requirements including approval and Commitment requirements according to the dollar value of the Acquisition must be met. (120-10)

#### **SECTION 21 - SPECIAL RELATIONSHIPS**

21. (1) In cases where the Acquisition of Goods and Services is involved, the City may enter into agreements with the private sector including but not limited to joint ventures, co-marketing agreements, public benefit planning agreements, public private partnerships, shared-use agreements, sponsorship arrangements, corporate and individual donation agreements, and advertising, subject to Council approval.
- (2) The Manager may conduct an Acquisition process, according to the dollar value of the Acquisition. All requirements of this by-law must be met, except that the Award must be approved by Council.
- (3) Council approval of the Award shall be obtained by the Department Head. All such reports shall be as stipulated by Section 8(6). (120-10)

#### **SECTION 22 - VENDOR COMPLAINTS AND VENDOR PERFORMANCE**

22. (1) The Departmental staff person who has been assigned responsibility for managing Commitments by the Departmental Director shall be responsible for dealing with Vendor inquiries and resolving Vendor disputes.
- (2) The Manager or the Buyer in consultation with appropriate Departmental, technical, Legal Services Division and risk management staff, shall resolve Vendor disputes not otherwise resolved by the Departmental staff person. (120-10)
- (3) Repealed by 120-10
- (4) Repealed by 120-10
- (5) Departmental and Materiel Management staff shall maintain records of poor Vendor performance on all Commitments, which shall be used to ensure contract compliance, to supplement a pre qualification process review or to justify rejecting a Bid or disqualifying a Bidder.

#### **SECTION 23 - DISQUALIFICATION OF BIDDERS**

23. (1) The Purchasing Agent may exclude a Bidder from eligibility to submit a Bid for a period the later of two years or until after the next Bid opportunity has occurred where there is documented evidence of poor performance or non performance in respect of the fulfillment of a Commitment, or there is documented evidence that the Bidder either violated a provision of this by-law or the Request or submitted an improper Bid, as determined by the Purchasing Agent. (65-12)
- (2) The Purchasing Agent may exclude a Bidder from a current Bid Request process if the Bidder is found to be in violation of section 16 (Point of Contact). (65-12)
- (3) Prospective bidders shall be notified of their exclusion from eligibility and shall have the right to protest in accordance with applicable City policies and procedures. (65-12)

#### **SECTION 24 - BIDDER REGISTRATION**

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24. Repealed by By-law 65-12

#### **SECTION 25 - DISPOSITION OF SURPLUS GOODS**

25. (1) Departmental staff may recommend that items including material, equipment, furnishings and vehicles owned by the City are surplus to the City's needs and have a cash value or are refuse items.
- (2) The manager of the Departmental operating area may declare such items to be surplus and shall then advise the Buyer of any items including materials, equipment, furnishings and vehicles owned by the City which in his or her opinion are surplus and have a cash value.
- (3) Items declared surplus and having a cash value may be disposed of by the Buyer by the most advantageous means, which may include:
- (a) redistribution throughout the City; or
  - (b) a recognized charitable organization in Mississauga registered as such with the Canada Revenue Agency (Charities Directorate); or
  - (c) public auction; or
  - (d) the issuance of a Bid Request; or
  - (e) trade in at fair market value as part of the Acquisition of other similar items or items required by the City; or
  - (f) as Council may otherwise authorize.
- (4) Refuse items shall be disposed.
- (5) Funds received from the disposal of surplus items shall be credited to the appropriate accounts, as determined by the Finance Division of the Corporate Services Department.

#### **SECTION 26 - INFORMATION REPORTS**

26. (1) The Manager shall provide information reports, on a monthly basis, to the Purchasing Agent, in respect of all Acquisitions in the previous month, or as otherwise required by this by-law.
- (2) The Purchasing Agent shall provide information reports, on a monthly basis, to the Mayor and members of Council in respect of all High Value Acquisitions, which shall include the names of all successful Bidders and the dollar amount of any Award. In addition, the Purchasing Agent shall provide information reports, on a monthly basis, to the Mayor and members of Council in respect of all contract amendments, interim extensions, and renewal for all High Value Acquisitions that have been approved in the previous month, which shall include the names of all Vendors and details of the applicable amendments, extensions, and renewals. (120-10, 65-12)
- (3) Repealed by By-law 65-12

#### **SECTION 27 - RECORDS**

27. (1) The Manager shall be responsible for the care, custody and control of records in respect of all Medium Value Acquisition and High Value Acquisition Commitments.
- (2) All records retained pursuant to this by-law shall be retained in accordance with the City's Records Retention By-law.

#### **SECTION 28 - REVIEW COMMITTEES**

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28. The Purchasing Agent, in consultation with Department Heads and the City Manager, shall undertake a comprehensive review of this by law at least once every five years.

**SECTION 29 - SEVERING**

29. Should any provisions, clauses, sections, phrases or parts of this by-law, or the application thereof, be held by a court or tribunal of competent jurisdiction to be invalid, the remainder of this by-law, or the application of such provisions, clauses, sections, phrases or parts of this by-law shall not be affected.

**SECTION 29.1 INTERPRETATION**

- 29.1 (1) A reference to the singular number shall be deemed to refer to the plural, and vice versa, as the context may require. (120-10)
- (2) A reference to the masculine gender shall be deemed to refer to the feminine gender, and visa-vice versa, as the context may require. (120-10)

**SECTION 30 - GENERAL**

30. (1) This by-law comes into force on January 1, 2007.
- (2) By-law 613-91, as amended is repealed as of the date this by-law comes into force.
- (3) Commitments in effect on January 1, 2007 shall continue until the expiration of their term or other termination.
- (4) The short title of this By-law is the "Purchasing By-Law". (120-10)

**ENACTED AND PASSED this 13 day of September, 2006,**  
**Signed by: Acting Mayor, Katie Mahoney and City Clerk, Crystal Greer**

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#### SCHEDULE "A"

### CRITERIA FOR NON-COMPETITIVE ACQUISITIONS (SINGLE/SOLE SOURCE AND EMERGENCY) (amended by 92-10, 120-10, 65-12)

1. Pursuant to Section 12 Non-competitive (Medium Value Acquisitions and High Value Acquisitions), Acquisitions may be conducted using a Single/Sole Source supplier only if one or more of the conditions listed in either (a) or (b) below apply, the Purchasing Agent or Manager having the right of final determination, and a process is undertaken to obtain the Best Value under the circumstances for the City:
  - (a) The Goods and/or Services are only available from one supplier by reason of:
    - (i) a statutory or market based monopoly; or
    - (ii) scarcity of supply in the market; or
    - (iii) the existence of exclusive rights such as patent, copyright or licence; or
    - (iv) the complete item, service, or system is unique to one vendor and no alternative or substitute exists within Canada.
  - (b) The Goods and/or Services are available from more than one source, but there are good and sufficient reasons for selecting one supplier in particular, as follows:
    - (i) An attempt to acquire the required Goods and/or Services by soliciting competitive Bids has been made in good faith, but has failed to identify a willing, capable and compliant supplier; or
    - (ii) The Goods and/or Services are required as a result of an Emergency which would not reasonably permit the solicitation of competitive Bids; or
    - (iii) The confidential nature of the requirement is such that it would not be in the public interest to solicit competitive Bids; or
    - (iv) The solicitation of competitive Bids would not be economical to the City; or
    - (v) Construction, renovations, repairs, maintenance etc. in respect of a building leased by the City may only be done by the lessor of the building, in accordance with a lease agreement; or
    - (vi) The Goods are purchased under circumstances which are exceptionally advantageous to the City, such as in the case of a bankruptcy or receivership; or
    - (vii) It is advantageous to the City to acquire the Goods and/or Services from a supplier pursuant to the procurement process conducted by another Public Body; or
    - (viii) It is advantageous to the City to acquire the Goods and/or Services directly from another Public Body or public service body; or
    - (ix) Another organization is funding or substantially funding the Acquisition and has determined the supplier, and the terms and conditions of the Commitment into which the City will enter are acceptable to the City; or
    - (x) The Acquisition is for a particular brand of Goods and/or Services that are intended solely for resale to the public and no other brand is desirable and the brand is not available from any other source; or
    - (xi) A need exists for compatibility with, or for the maintenance and support of a City Standard and there are no reasonable alternatives, substitutes, or accommodations; or
    - (xii) A need exists to avoid violating warranties and guarantees where support or Service is required for a City Standard; or
    - (xiii) Instructors, coaches, trainers and other specialized services for recreation programs for which Bids cannot readily be called; or
    - (xiv) The Acquisition is an interim extension contemplated under section 18(3); or
    - (xv) The Acquisition is for entertainment at a major City Event; or

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(xvi) Funding and project completion timelines imposed by senior government programs do not allow adequate time for a competitive bidding process.

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**SCHEDULE "B"**

**METHODOLOGY AND APPROVAL REQUIREMENTS  
(UNLESS OTHERWISE SPECIFIED IN THE BY-LAW)**

(amended by 65-12, 80-12)

Original Commitment Value	Acquisition Method/ Section Reference	Departmental Approval	Process Approval	Commitment Execution
<b>Low Value</b> Up to \$10,000	PCard or Cheque Requisition [sections 11(1)]	Supervisors with Cost Centre Authority	As per Departmental Approval	In accordance with City policies and procedures
<b>Medium Value</b> \$10,001 up to \$50,000	Competitive [sections 11(2), 18(2)] <sup>A</sup>	Departmental Manager	Buyer	Buyer
	Non-competitive (Single/Sole Source) [section 12(2)]	Departmental Director	Manager	Buyer
	Emergencies [section 12(4)]	Departmental Director	Departmental Director	Senior Buyer
<b>Medium Value</b> \$50,001 up to \$100,000 (unless otherwise approved under section 11(2)(b)(ii), in which case the Medium Value Acquisition may be up to \$120,000)	Competitive [sections 11(2), 18(2)] <sup>A</sup>	Departmental Director	Senior Buyer	Senior Buyer
	Non-competitive (Single/Sole Source) [section 12(2)]	Department Head	Purchasing Agent	Manager
	Emergencies [section 12(4)]	Department Head	Department Head	Manager
<b>High Value</b> \$100,001 or more	Competitive [sections 11(3), 18(2)] <sup>B</sup>	Department Head	Manager up to \$500,000  Purchasing Agent if over \$500,000	Manager up to \$500,000  Purchasing Agent if over \$500,000
	Non-competitive (Single/Sole Source) [sections 12(3), 18(2)]	Council, upon recommendation of Department Head	Purchasing Agent	
	Emergencies [section 12(4)]	City Manager	City Manager	Purchasing Agent

<sup>A</sup> The same approval process for the Original Commitment would apply to an amendment of the Commitment, except that no amendments may be made if the total amount of the original Commitment, all prior amendments, and the requested amendment exceeds \$120,000. (See section 18(2)(c)).

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<sup>B</sup> This approval process for a competitive High Value Acquisition would also apply to an amendment of any High Value Acquisition Commitment, the value of which amendment plus all other previous amendment to that Original Commitment, is less than \$100,000, or 20% of the Original Commitment and does not exceed \$1,000,000. For any other amendment of a High Value Acquisition Commitment, the approval process for a non-competitive High Value Acquisition would apply.

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**SCHEDULE "C"**

**LEGAL REVIEW REQUIREMENTS**

(amended by 65-12)

The following types of Acquisitions shall be conducted with legal advice provided by the Legal Services Division and the Commitments executed for these types of Acquisitions (including any amendments thereof) shall be prepared in concert with the Legal Services Division:

1. Any Acquisition with a value of \$500,000.00 or more;
2. Co-operative Acquisitions;
3. Acquisitions for a Commitment with a term of 5 or more years;
4. Acquisitions in relation to money handling and financial services;
5. High Value Acquisitions involving technology;
6. Special relationship arrangements under section 21 of the by-law;
7. Acquisitions where personal information will be collect, accessed or maintained by the City, or by a vendor on behalf of the City; and
8. Any other Acquisitions at the discretion of the Manager or designate, or the Departmental Director or designate.





# Corporate Report

Clerk's Files

Originator's  
Files

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**DATE:** April 18, 2013

**TO:** Chair and Members of General Committee  
Meeting Date: May 1, 2013

**FROM:** Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

**SUBJECT:** 2012 Annual Report on Investments

General Committee

MAY 01 2013

**RECOMMENDATION:** That in compliance with Provincial legislation governing municipal investment practices, the 2012 Annual Report on Investments dated April 18, 2013 from the Commissioner of Corporate Services and Treasurer be received for information.

**REPORT  
HIGHLIGHTS:**

- The City's investment portfolio earned a 4.51% yield, for total gross investment income of \$44.1 million.
- The revenue allocated to the Operating Fund was \$14.5 million, while Reserve Funds received \$29.6 million.
- Some Canadian banks experienced credit rating downgrades; the portfolio was adjusted to higher graded investments.
- Economic growth forecast downshifted toward end of 2012, and for 2013.

**BACKGROUND:** Regulation 438/97, amended to 373/11, of the *Municipal Act, 2001*, requires a municipality to adopt a statement of investment policies and goals and requires the Treasurer to submit to Council, at least annually, an investment report. This report is being tabled in compliance with the Regulation.

As permitted by legislation, the City maintains an operating fund, a number of reserves and reserve funds, and trust funds for various purposes. These funds are invested in accordance with the *Municipal Act* and Ontario Regulation 438/97, as amended, the *Cemeteries Act*,

the *Trustee Act* and the City's Corporate Policy on Investments (No. 04-06-02, effective date March 27<sup>th</sup>, 2013).

The four major priorities of the City's Investment Policy are:

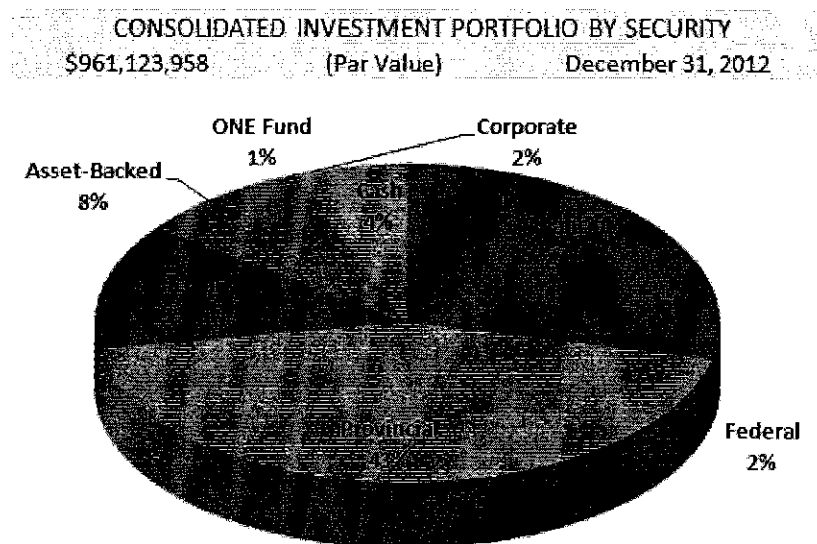
1. Legality of investments – conforming to legislative constraints;
2. Preservation of principal – avoiding the loss of monies which may result from the default of a debt issuer in the payment of principal or interest;
3. Maintenance of liquidity – the ease by which an investment can be sold and cash received; and
4. Competitive rate of return – maximizing the return on investments while conforming to other objectives.

This report outlines the implementation of these priorities and includes a summary of investment results and analysis for the City of Mississauga.

The City's investment practices and procedures are subject to ongoing review by both the City's Internal Auditor and the Corporation's external auditors, KPMG.

#### COMMENTS:

As at December 31, 2012 the City had \$961 million, par value<sup>1</sup>, (2011: \$976 million) invested in various securities, in conformity with the City's Investment Policy, as follows:



<sup>1</sup> The Book Value of the Consolidated Investment Portfolio, as at Dec 31<sup>st</sup>, 2012, is \$861 million. The Par Value of the portfolio identifies what the entire value of the portfolio would be worth, were each security held to its final maturity date.

A more detailed list of the City's investment portfolio mix is shown in Appendix 1.

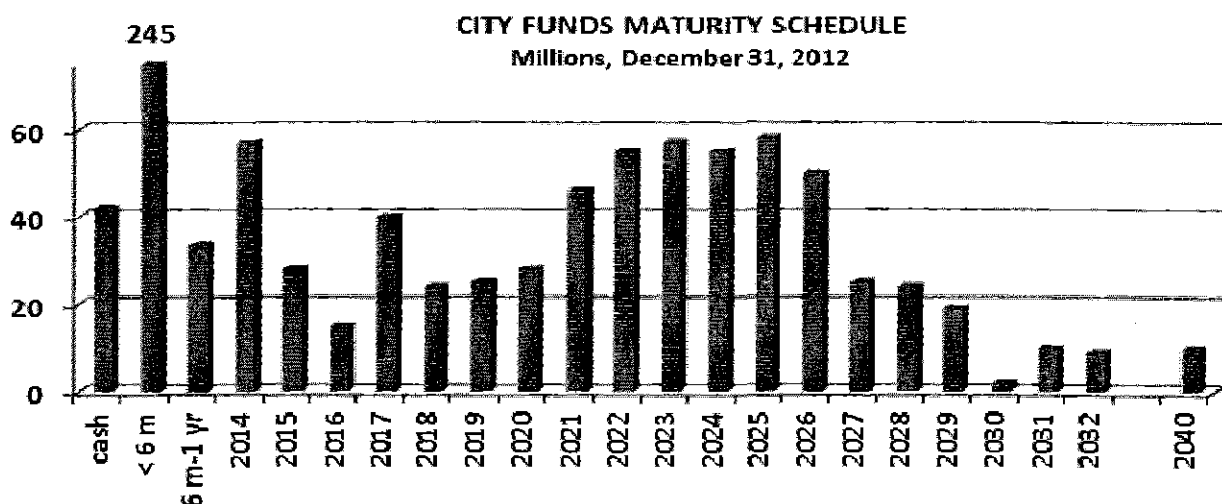
In 2012, the City earned a total of \$44.1 million in gross investment income<sup>2</sup> (2011 - \$49.4 million; 2010 - \$52.4 million) with an average yield of 4.51% (2011 - 5.03%; 2010: 5.22%) as shown below:

#### Investment Income

	Average Daily Investments (Book Value) (\$)	Total Gross Investment Income (\$)	Yield Gross (%)	Yield Net of Costs (%)
2012	977,192,523	44,060,901	4.51%	4.48%
2011	978,997,413	49,425,595	5.05%	5.03%
2010	999,716,981	52,396,454	5.24%	5.22%

Within the largest portfolio holding of Provincial securities, the bulk of investment continues to be in Medium to Long Term Province of Ontario securities (39%), followed by Canadian banks (27%) (Appendix 1). Of note throughout 2012, Investments rotated away from Subordinated Debt securities of Canadian banks in favour of Senior Deposit Notes, providing a deeper credit rating buffer in the event of further downgrades (analysis below).

The City Funds investment maturity schedule, as of December 31<sup>st</sup>, 2012, is as follows:



<sup>2</sup> Total investment income, on a net basis for 2012, was \$43.8 million.

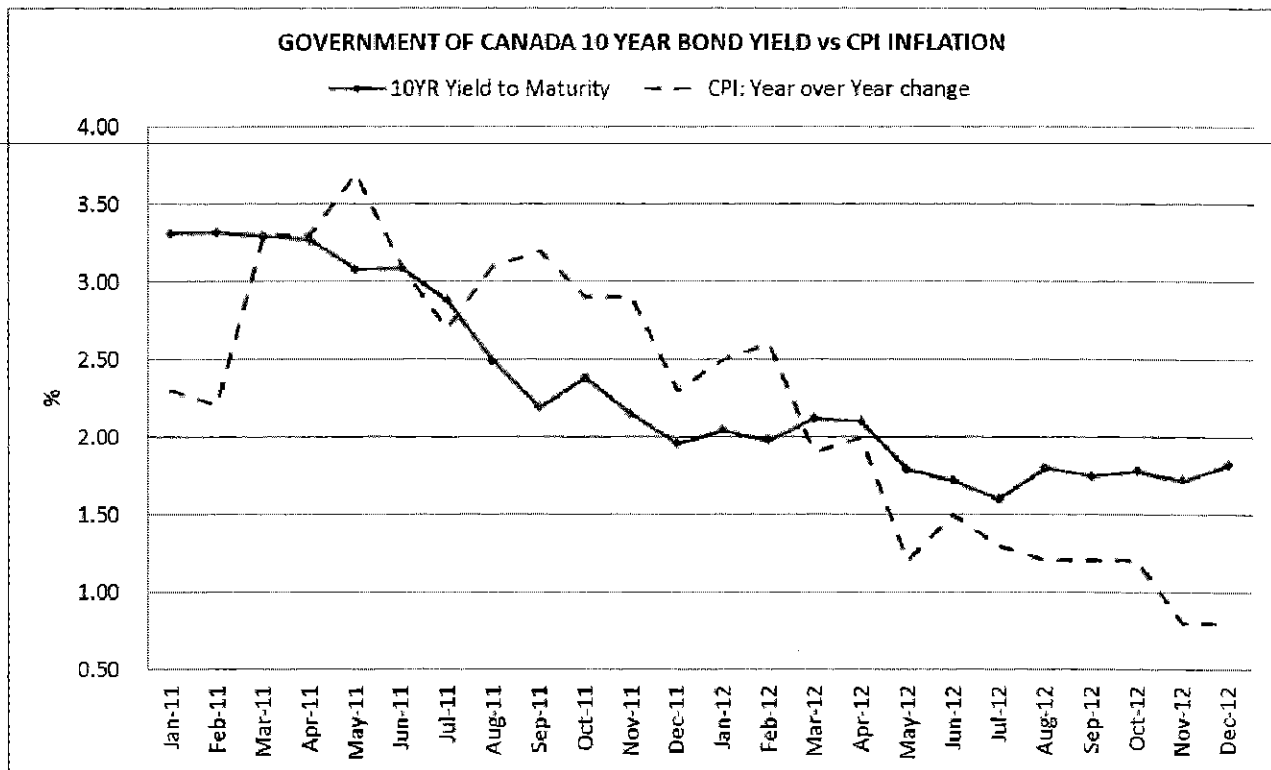
**Financial Markets: 2012 Year in Review**

The year was characterised by a negative change in perception to both Canadian economic growth and bank credit risk. Deteriorating credit ratings for Canadian banks, coupled with abrupt changes in expectations regarding Canadian economic performance, were front and centre.

During the first half of 2012, economic growth, inflation and escalating housing prices pointed to accelerating economic growth, with an increasing risk of rising inflation. Canadian CPI inflation was running around 2.5%, having almost hit 3% at the end of 2011. Commentary from the Bank of Canada (BOC) implied that the Bank was considering an end to its low interest rate policy, perhaps as early as by year-end. In response to this change in monetary policy tone, Canadian interest rates drifted higher during the first quarter, with the 10 year Government of Canada (GOC) benchmark yield briefly spiking to over 2.3% during March (from below 2% early in the year).

The Federal Minister of Finance also indicated that the government was considering stepping in to cool off an overheated housing market, most likely through changes in mortgage regulations. Additionally, the rating agency Standard and Poor's (S&P) was commencing a far ranging review of Canadian financial institutions, based on new risk measurement standards enacted during 2011. S&P was concerned about whether or not escalating Canadian consumer debt levels would jeopardise Canadian bank balance sheets, in the event of a housing market correction.

While the BOC's April *Monetary Policy Report* captured this scenario, nevertheless by the July *Report*, this outlook had been turned upside down. Even before the introduction by the Federal government of new mortgage rules on June 22<sup>nd</sup>, which were effectively geared to rein in the Canadian housing market, general economic growth had begun to slow. Whereas the BOC had forecast real GDP growth for 2012 of 2.4% in April, by July, that forecast had been cut to 2.1%. Moreover, the running year-over-year inflation rate had declined from 2.6% in February to 1.6% in May, a clear signal that economic slack had emerged in the economy. Throughout the second quarter, Canadian financial markets sensed this 180 degree economic turnabout, with the 10 year GOC bond yield tumbling 70 basis points (2.40% to 1.70%) from mid-March until the end of June. Continuing to defy the majority of economic forecasts, the GOC 10 Year bond yield stayed below 2.00% throughout the balance of 2012.



On July 30<sup>th</sup>, Standard and Poor's announced a "warning" on the ratings of most Canadian banks, indicating that the outlook for credit ratings movement was negative, and under review. This news event had been telegraphed to financial markets by one of the major chartered banks during Q2, as they announced to an investor conference that they were in discussions with the credit rating agency.

Given the changing credit conditions surrounding Canadian bank paper, and to ensure compliance with the Corporate Policy, the Investments unit rotated away from eligible lower rated bank paper throughout 2012 which, if downgraded, would place it below minimum policy thresholds. As investments were subsequently made in the senior paper of Canadian banks, the higher credit quality came with a lower interest yield. Yields on the higher rated paper were as much as 40 basis points below the lower rated paper, depending on the bank and the term.

On December 13<sup>th</sup>, 2012, S&P downgraded a variety of credit ratings on the corporate paper of 6 Canadian banks, with Moody's conducting their own downgrade on January 28<sup>th</sup>, 2013. While Canadian banks are still cited as "the soundest banks in the world", these downgrades have nevertheless moved the rating of certain types of bank paper below both what the Municipal Act, and the City's Corporate Policy, allows.

**Investment Income Analysis:**

During 2012, the City Funds portfolio generated total investment income of \$44.1 million, on average daily balances of \$977 million, which translated into an investment yield of 4.51%<sup>3</sup>. Of the total return, \$31.8 million was generated from net interest income, while \$12.3 million was attributable to realized capital gains.

The City Fund's portfolio returns outperformed a composite benchmark representation during 2012, resulting in incremental investment income to the City of \$22.7 million (actual investment income returns: 4.51% or \$44.1 million vs. an implied passive investment index<sup>4</sup> of 2.20%, generating \$21.4 million).

**Securities Lending:**

The City has a Securities Lending Agreement with its investment custody bank, CIBC Mellon, and in 2012 received \$49,073 from the lending of City owned securities. This arrangement is secured by eligible securities as collateral and fully indemnified by CIBC Mellon.

**The ONE Fund:**

Section 420(1) of the Municipal Act, 2001, also permits a municipality to enter into an agreement with other municipalities for the joint investment of funds. By Council resolution, the City is a minor participant in the "ONE Money Market Fund". The ONE-Fund investment pools are jointly owned and operated by the Municipal Finance Officers Association and the Association of Municipalities of Ontario. The investment guidelines of the Local Authority Service Limited and the CHUMS Financing Corporation comply with the City's policy.

In 2012, the City's average monthly investment in the ONE Money Market Fund was \$6.3 million, with a return of 1.03%. As the City's in-house investments yield superior results, the Investments unit is monitoring the returns of the ONE fund and assessing the possibility of moving to better yielding investments.

**Investments Management:**

The Investment Unit is responsible for day-to-day operating cash management, City cash flow forecasting and monitoring, investment

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<sup>3</sup>Included in this total is the DCA Portfolio return of \$78,217(1.21%) on an average daily balance of \$6.5 million.

<sup>4</sup>Using a 50/25/25 weighted return index comprised of the One Funds Money Market Fund annual yield; and the average monthly Yield-to-Maturity of both the DEX Index of Canadian Government Bonds and the DEX Index of High Grade Corporate Bonds.

portfolio management, the coordination of the annual credit rating review and, when necessary, the management of cash proceeds from both temporary borrowing and as well as long term debenture issuance.

The Investment unit, comprised of two full-time staff, continues to demonstrate strong value to the City, with costs running well below those of an externally managed public fund. For example, management fees for the ONE Fund are 19 basis points (0.19%) for the money market fund, and 40 basis points (0.40%) for the bond fund, which is significantly higher than the 2.6 basis points (0.026%) cost being incurred by the City for 2012.

Calculated against average daily balances, this difference between the City's investment management costs and the ONE Fund's represents an overall net saving of \$2.7 million in 2012. Moreover, these operating cost-savings have been augmented by superior investment returns by in-house investment management staff.

The Corporate Policy on Investments was reworked during 2012, to reflect some changes to the Municipal Act and to reflect current investment practices. The new Policy was subsequently presented to Audit Committee on March 4<sup>th</sup>, 2013, and passed by Council on March 27<sup>th</sup>, 2013.

### **2013 Investments Outlook:**

Looking ahead, the end of 2013 is expected to see an upward drift in medium and long term interest rates, as inflation and GDP growth rates normalise from early 2013. Notwithstanding a modest yield curve steepening of perhaps 0.5% percentage points, the City Funds portfolio will not experience the full benefit of any increase in rollover yields before 2014.

Returns in the City Funds portfolio will be significantly lower during 2013 as opportunities to book capital gains are virtually eliminated in a stable, or rising, interest rate environment<sup>5</sup>. Less than 2/3<sup>rd</sup> of the 2012 capital gains are expected during 2013. Therefore, the 2013 return estimate for the City Funds portfolio is forecast to be in the \$33 million range, with an effective yield return of between 3.50% and 4.00%.

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<sup>5</sup> N.B. Prices for fixed income securities move inversely with changes in interest rates. As interest rates go down, bond prices go up and vice versa.

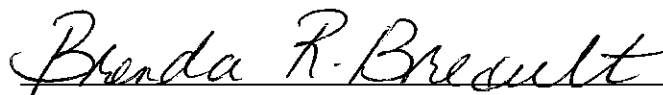
**FINANCIAL IMPACT:** The City earned \$44.1 million in investment income during 2012, of which, \$14.5 million was allocated to the 2012 Operating Budget, and \$29.6 million was allocated to Reserve Funds.

**CONCLUSION:** In compliance with Provincial Regulation 438/97, amended to 373/11, all investment transactions during 2012 were made by the City of Mississauga, in accordance with the existing Investment Policy.

As at December 31, 2012, the City had \$861 million (book value) invested in various investment securities and cash. A total of \$44.1 million (\$43.8 net) in investment portfolio income was generated during 2012, translating into an investment yield of 4.51% (4.48% net) to the City. Proceeds were distributed between the Operating Budget (\$14.5 million) and Reserve Funds (\$29.6 million).

For 2013 and beyond, Investments is assuming stable to slowly rising longer term interest rates. The long term portfolio is not expected to experience the magnitude of capital gains achieved in recent years. New investment rates are still much lower than those of securities rolling out of the portfolio. Investment income is forecast to run at a materially lower annual rate (\$27 to \$33 million) over the next several years.

**ATTACHMENTS:** Appendix 1: Total Investment Portfolio (as at December 31, 2012)



Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

*Prepared By: Mark Waugh, Investment Portfolio Manager*



ISSUER/GUARANTOR OF SECURITIES	INVESTMENT POLICY LIMITS		CITY FUNDS INVESTMENTS			DCA FUNDS	
	(%)	(\$000)	PAR VALUE (%)	PAR VALUE (\$000)	BOOK VALUE (\$000)	PAR VALUE (\$000)	BOOK VALUE (\$000)
<b>SCHEDULE I</b>							
BANK OF MONTREAL	20%	192,225	13.01	125,000	126,264		
CIBC	20%	192,225	0.36	3,500	3,574	1,500	1,577
ROYAL BANK	20%	192,225	5.67	54,500	55,267		
TORONTO DOMINION BANK	20%	192,225	1.04	10,000	10,276		
BANK OF NOVA SCOTIA	20%	192,225	6.97	67,000	68,650		
NATIONAL BANK	20%	192,225					
MANULIFE BANK	20%	192,225					
	70%	672,786	27.05	260,000	264,031	1,500	1,577
<b>SCHEDULE II</b>							
HSBC BANK CANADA	10%	96,112					
<b>SCHEDULE III (each)</b>	5%	48,056					
TRUST, CREDIT UNIONS (each)	2%	19,222					
<b>NON-SCHEDULE I INSTITUTIONS</b>	40%	384,449	0.00	0	0	0	0
<b>TOTAL FINANCIAL INSTITUTIONS</b>	<b>70%</b>	<b>672,786</b>	<b>27.05</b>	<b>260,000</b>	<b>264,031</b>	<b>1,500</b>	<b>1,577</b>
<b>GOVERNMENT OF CANADA</b>	NONE	961,123	1.87	18,000	18,382		
<b>PROVINCE OF ONTARIO</b>	NONE	961,123	39.34	378,150	262,175		
ALBERTA	20%	192,225					
BRITISH COLUMBIA	20%	192,225					
MANITOBA	20%	192,225	0.65	6,200	8,138		
NOVA SCOTIA	20%	192,225					
NEW BRUNSWICK	20%	192,225	1.32	12,700	13,395		
QUEBEC	20%	192,225	0.42	4,000	2,687		
SASKATCHEWAN	20%	192,225					
NEWFOUNDLAND	20%	192,225	2.13	20,500	22,132		
PEI	20%	192,225	0.18	1,700	2,403		
<b>TOTAL OTHER PROVINCES</b>	NONE	961,123	4.69	45,100	48,755	0	0
<b>TOTAL CANADA &amp; PROVINCES</b>	<b>30% min</b>	<b>288,337</b>	<b>45.91</b>	<b>441,250</b>	<b>329,312</b>		
<b>PEEL REGION</b>	10%	96,112	1.50	14,413	14,564		
<b>HALTON REGION</b>	10%	96,112	0.57	5,436	5,433		
<b>TORONTO</b>	10%	96,112	3.61	34,700	35,956		
<b>OTHER ONTARIO MUNICIPALITIES</b>	20%	192,225	4.00	38,482	39,759		
<b>NON ONTARIO MUNICIPALITIES</b>	5%	48,056	2.19	21,019	22,210		
<b>B.C. MUNICIPAL FINANCE</b>	5%	48,056	0.78	7,500	8,465		
<b>TOTAL MUNICIPALITIES</b>	<b>20%</b>	<b>192,225</b>	<b>12.65</b>	<b>121,550</b>	<b>126,387</b>		
<b>ASSET-BACKED SECURITIES</b>							
GLOUCESTER CC TRUST	5%	48,056	3.85	37,000	37,965		
BROADWAY CC TRUST	5%	48,056	2.60	25,000	25,742		
SCORE CC TRUST	5%	48,056	1.35	13,000	13,422		
<b>TOTAL ASSET-BACKED</b>	<b>20%</b>	<b>192,225</b>	<b>7.80</b>	<b>75,000</b>	<b>77,129</b>		
<b>CORPORATE</b>	5%	48,056	1.56	15,000	15,778		
<b>ONE MONEY MARKET FUND</b>	10%	96,112	0.66	6,326	6,326		
<b>ONE BOND FUND</b>	10%	96,112					
<b>ONE EQUITY FUND</b>	5%	48,056					
<b>TOTAL 'ONE' FUNDS</b>	<b>20%</b>	<b>192,225</b>	<b>0.66</b>	<b>6,326</b>	<b>6,326</b>		
<b>TOTAL INVESTMENTS</b>			<b>95.63</b>	<b>919,126</b>	<b>818,963</b>	<b>1,500</b>	<b>1,577</b>
<b>CASH BALANCE</b>			4.37	41,997	41,997	932	932
<b>TOTAL PORTFOLIO</b>			<b>100.00</b>	<b>961,123</b>	<b>860,960</b>	<b>2,432</b>	<b>2,509</b>



# Corporate Report

Clerk's Files

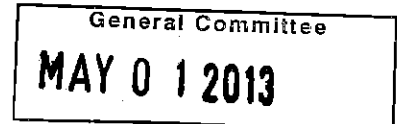
Originator's  
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**DATE:** April 18, 2013

**TO:** Chair and Members of General Committee  
Meeting Date: May 1, 2013

**FROM:** Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

**SUBJECT:** Living Arts Centre - Operating Loan Extension



**RECOMMENDATION:** That a By-law be submitted to Council for enactment:

1. Amending By-law No. 177-97, to provide for an extension of the operating loan facility to March 31, 2014.
2. Authorizing the City Manager or designate and the City Clerk or designate to execute such agreements, documents and instruments as may be required to effect an extension of the Operating Loan Agreement dated September 30, 1997 with the Living Arts Centre.

**BACKGROUND:** The City has provided an operating loan facility to the Living Arts Centre (LAC) since 1997. This facility meets the LAC's working capital requirements which vary throughout the year. In 2007, the operating loan facility was reduced from \$6 million to \$1 million in total. The previous operating loan agreement expired on March 31, 2012 and was not renewed due to a LAC and City oversight. The LAC has not required a cash advance or loan since the last expiration date.

For the immediate future, both the City and LAC feel this operating loan facility extension should be available to support LAC operations in a cash shortage situation. LAC will continue to review this arrangement annually to determine if this loan extension agreement is

necessary for the future.

**COMMENTS:**

The LAC has requested an extension of the agreement and the operating loan facility of up to \$1 million in total until March 31, 2014.

The last time the LAC drew upon the City's loan agreement was in 2005 for a total of \$650,000. This advance was eventually paid back to the City in 2006. There have not been any requests for a loan advance since 2005. As a result, the LAC Finance staff along with the City's Finance and Legal Services staff will be meeting during the summer of 2013 to discuss the need for this loan agreement, the loan amount, and whether there is a way to restructure the loan agreement to avoid annual by-law loan extension renewals.

LAC management indicated that they wish to provide Council with an updated three year operating plan during the fall of 2013, in conjunction with their 2014 Budget presentation.

**FINANCIAL IMPACT:**

There was no operating loan (i.e. cash advances) outstanding with the City as of April 1, 2013. The LAC has not drawn on the operating loan facility since 2005.

**CONCLUSION:**

It is recommended that the operating loan facility provided by the City to the Living Arts Centre for \$1 million be extended to March 31, 2014.



Brenda R. Breault, CMA, MBA

Commissioner of Corporate Services and Treasurer

*Prepared By: Mark Beauparlant, Manager, Corporate Financial Services*



# Corporate Report

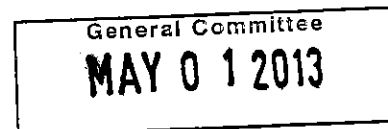
Clerk's Files

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**DATE:** April 16, 2013

**TO:** Chair and Members of General Committee  
Meeting Date: May 1, 2013



**FROM:** Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

**SUBJECT:** 2013 Annual Repayment Limit For Long-Term Debt and  
Financial Obligations

**RECOMMENDATION:** That the 2013 Annual Repayment Limit for the City of Mississauga respecting long-term debt and financial obligations in the amount of \$147.7 million, calculated pursuant to *Ontario Regulation 403/02*, be received for information

**BACKGROUND:** On an annual basis, the Ministry of Municipal Affairs and Housing (MMAH) issues municipalities their Annual Repayment Limits. This amount establishes the maximum amount annually that a municipality may commit to payments relating to debt and other long term financial obligations. Other long term financial obligations include liabilities and contractual commitments extending beyond the term of Council, including leases and financial commitments to universities and hospitals.

The 2013 Annual Repayment Limit is calculated based on 25% of municipal own source net revenues for 2011 and is compared to estimated debt charges for any authorized debt and payments relating to other long term financial commitments. Municipal own source net revenues include tax levies, fees and other income but not include federal or provincial grants, or funding received from other

municipalities.

**COMMENTS:**

The 2013 Annual Repayment Limit, as provided by MMAH, is based on Mississauga's 2011 Financial Information Return and is \$147.7 million.

The annual repayment limit represents the maximum amount a municipality can commit on an annual basis to pay for long term borrowing and other long term financial obligations, including leases extending beyond the term of Council, without first seeking Ontario Municipal Board (OMB) approval.

The City has annual commitments on leases that extend beyond the existing term of Council totalling approximately \$2.3 million which primarily relate to leasing of facilities or office space such as 201 City Centre Drive or Meadowvale Library. This amount also includes any leases associated with land such as parking lots, open space or park facilities on hydro corridors. Council has approved the issuance of \$60.5 million in debentures for the 2012 and 2013 Capital Budgets. The estimated annual debt servicing costs for these debentures is \$6.5 million. Therefore, the City's total estimated annual debt repayment commitments are \$8.8 million, or 1.5% of own source revenues, as compared to an annual repayment limit of \$147.7 million or 25% of own source revenues. The uncommitted portion of the Annual Repayment Limit is \$138.9 Million. Based on a 15 year term and an interest rate of 5.0%, the City could issue an additional \$1,442.0 million of debt before reaching its Annual Repayment Limit as calculated pursuant to *Ontario Regulation 403/02*. The City's Debt Policy establishes a debt limit of 10% of own source revenues for tax supported debt, therefore, the City could issue an additional \$522.0 million before reaching the City's Debt Policy limit.

**FINANCIAL IMPACT:** Not applicable.

**CONCLUSION:**

Mississauga's 2013 Annual Debt Repayment Limit, as calculated pursuant to *Ontario Regulation 403/02*, is \$147.7 million or 25% of Mississauga's own source net revenues. The City has estimated annual repayment obligations of \$8.8 million or 1.5% of Mississauga's own

source net revenues which is well within the limit. The City's Debt Policy sets a debt limit of 10% of own source revenues for tax supported debt, therefore annual repayment obligations are also well within the City's Debt policy limit.

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Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

*Prepared By: John Murphy, Manager, Policy*



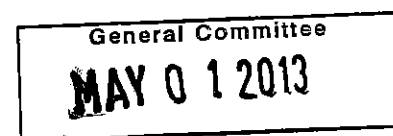
# Corporate Report

Clerk's Files

Originator's Files **PO.13.PRE**

**DATE:** April 8, 2013

**TO:** Chair and Members of General Committee  
Meeting Date: May 1, 2013



**FROM:** Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

**SUBJECT:** **Ground Lease Agreement with Bell Mobility Inc. for the use of portion of right of way, located on the south side of Premium Way, east of Stavebank Road, City of Mississauga (Ward 7)**

**RECOMMENDATION:** That a by-law be enacted authorizing the Commissioner of Transportation and Works 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 the public highway known as Premium Way, for a term of five (5) years, commencing on April 1, 2013 and expiring on March 31, 2018, to permit Bell to install and operate a telecommunication cell tower, together with three (3) options to extend of five (5) years each. The subject property is located on the south side of Premium Way, east of Stavebank Road, containing an area of approximately 34.84 square metres (375 square feet), in the City of Mississauga, Region of Peel, in Ward 7.

**BACKGROUND:** In April 2010, Bell submitted an application to the City's Planning and Building Department for permission to erect a telecommunication cell tower on private lands located on Stavebank Road, and it was decided the site was not suitable. Bell was asked to investigate an alternative location in the neighbourhood of Premium Way and Stavebank Road.

A suitable site was found on the south side of Premium Way, east of Stavebank Road. The site forms part of the untravelled portion of Premium Way, containing an area of approximately 34.84 square metres (375 square feet).

**COMMENTS:**

The proposed improvements on the leased lands include a telecommunication cell tower in a form of a monopole approximately 36 metres (118 feet) high, and an equipment cabinet approximately 8.08 square metres (87 square feet) in area. It is similar to the digital generated image shown on Appendix 2.

Negotiations were conducted with representatives of Bell and Bell has agreed to a Ground Lease Agreement, with the terms and conditions summarized as follows:

- Term: five (5) years from April 1, 2013;
- 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;
- Utilities: The Tenant shall be solely responsible for all charges for utilities and services used;
- Permitted Use: Telecommunication cell tower;
- Early Termination: The Tenant may, at its sole discretion, terminate the lease by giving the Landlord at least 180 days prior written notice and the Tenant shall ensure the improvements are removed and the lands restored to the satisfaction of the Landlord, acting reasonable;
- Relocation: The Landlord 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 Landlord 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, the Tenant shall be responsible all relocation costs.
- The Tenant 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 Landlord, which consent may not be unreasonably withheld. If the Landlord 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 to do so, the Tenant shall supply sufficient space for the Landlord to locate its services on the Tenant's improvements, rent free, provided the Landlord's use does not interfere with Tenant's use.

Transportation and Works staff had significant input in the negotiations and discussions with Bell in establishing mutually agreeable terms for the proposed Ground Lease Agreement, and subsequently have no objection to it.

**FINANCIAL IMPACT:** Under the terms of the Ground Lease Agreement, rent is \$18,000 per annum, plus all applicable taxes.

**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: Approximate location of the Leased Lands.

Appendix 2: Image of the Telecommunication Tower



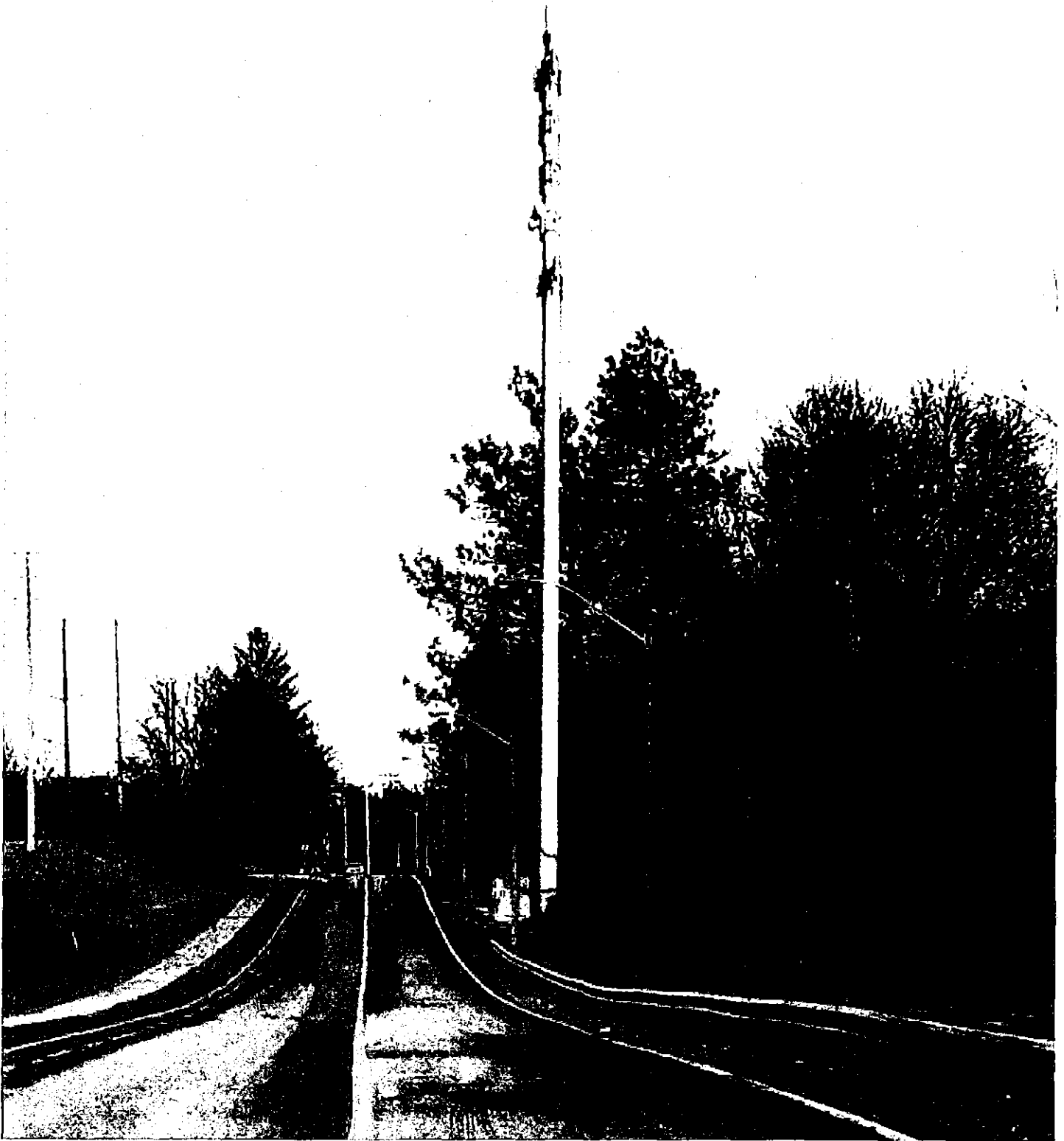
Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

*Prepared By: Stephen Law, Project Leader*



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Appendix 2  
PO.13.PRE



**Bell**

Photographic Simulation  
W2358-Stavebank Road and Premium Way, Mississauga, Ontario



# Corporate Report

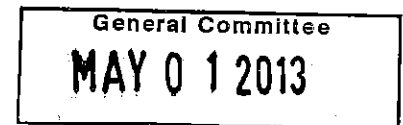
Clerk's Files

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PO.11.LON

**DATE:** April 11, 2013

**TO:** Chair and Members of General Committee  
Meeting Date: May 1, 2013



**FROM:** Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

**SUBJECT:** **Surplus land declaration for the purpose of sale to abutting owner  
located at 199 Longside Drive (Ward 5)**

- RECOMMENDATION:**
1. That the City owned parcel of land located on Longside Drive, south of Derry Road and west of Martiz Drive, between Hurontario Street and McLaughlin Road, be declared surplus to the City's requirements. The subject lands contain an area of approximately 1,368 square metres (14,725 square feet) and are legally described as Block 2, Plan 43M-1447 and Part Lot 10, Concession 1, WHS (TT), designated as Part 9, Plan 43R-24266, in the City of Mississauga, Regional Municipality of Peel, in Ward 5.
  2. 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 at least three weeks prior to the execution of an agreement for the sale of the subject lands under Delegated Authority.

**BACKGROUND:**

The subject lands are vacant and contain an area of approximately 1,368 square metres (14,724 square feet). These lands were dedicated to the City pursuant to a Servicing Agreement for the purpose of securing future access to the developable table lands located at 199 Longside Drive.

NC Warehouse Inc., the registered owner of 199 Longside Drive abutting the subject lands, has expressed interest in acquiring the lands in order to provide access to its proposed development.

**COMMENTS:**

The NC Warehouse Inc. proposal has been circulated within all City departments, and no objections to the subject lands being declared surplus were received.

The eventual sale price of the subject lands to the abutting owner will be \$150,000, based on an in-house analysis of vacant industrial land. The City will be retaining an easement over the entire lands for the purpose of pedestrian access and any utility easement protection that may be required.

Prior to completion of this proposed transaction under Delegated Authority, public notice will have been given by the posting of a notice of the 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 said lands. This notice satisfies the requirements of the City Notice By-law 0215-2008 as amended by By-law 0376-2008.

**FINANCIAL IMPACT:**

The proposed sale will generate revenue in the amount of \$150,000 (plus HST, if applicable).

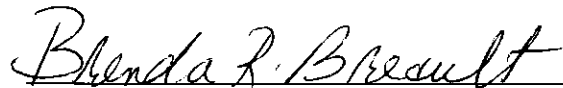
**CONCLUSION:**

It is reasonable to declare the lands surplus for sale at fair market value to NC Warehouse Inc. for the purpose of providing access to the adjoining lands and, to generate additional revenue for the City. The sale of the subject lands will be subject to a pedestrian access easement in favour of the City and any easement protection that may be required.

**ATTACHMENTS:**

Appendix 1: Copy of Reference Plan 43M-1447 (Ward 5)

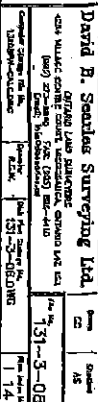
Appendix 2: Approximate location of the proposed lands to be declared surplus, located on Longside Drive, south of Derry Road West (Ward 5)

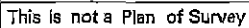


Brenda R. Breault, CMA, MBA

Commissioner of Corporate Services and Treasurer

*Prepared By: Susy Costa, Project Leader*





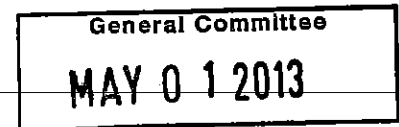


**ROAD SAFETY MISSISSAUGA  
ADVISORY COMMITTEE**

**April 23, 2013**

**REPORT 2-2013**

**TO: CHAIR AND MEMBERS OF GENERAL COMMITTEE**



The Road Safety Mississauga Advisory Committee presents its second report for 2013 from its meeting on April 23, 2013:

**RSM-0005-2013**

That Peter Hamilton-Smith, Citizen Member from Road Safety Mississauga Advisory Committee (RSM) attend the Ontario Traffic Conference being held on June 2-4, 2013 and that \$1500.00 be allocated from the 2013 RSM budget to attend the event.  
(RSM-0005-2013)

**RSM-0006-2013**

That Councillor Saito, Zia Hanif, Rick Carew and Gargi Guhathakurta be appointed to the Road Watch Subcommittee.  
(RSM-0006-2013)

**RSM-0007-2013**

That the petition requesting to lower speed limit in Orchard Heights to 40km/hr be received and staff report back at the next Road Safety Mississauga Advisory Committee (RSM) meeting.  
(RSM-0007-2013)

**RSM-0008-2012**

That the Mississauga Road Watch program statistics for the month of February 2013 be received.  
(RSM-0008-2013)

**RSM-0009-2012**

That the letter dated April 2, 2013 from Mayor Hazel McCallion, regarding Steer It, Clear It Initiatives be received.  
(RSM-0009-2013)

REPORT 3-2013

General Committee

MAY 01 2013

TO: MEMBERS OF GENERAL COMMITTEE

The Heritage Advisory Committee presents its third report for 2013 and recommends:

## HAC-0026-2013

That the Bowie Medical Hall, located at 264 Queen Street South, be designated under the *Ontario Heritage Act* for its physical/design, historical/associative and contextual value.

Ward 11

(HAC-0026-2013)

## HAC-0027-2013

That the request to alter the Bowie Medical Hall, located at 264 Queen Street South, as outlined in the Corporate Report dated March 26, 2013 from the Commissioner of Community Services entitled "Proposed Heritage Designation and Request to Alter, Bowie Medical Hall, 264 Queen Street South, Ward 11," be deferred until Councillor George Carlson, Ward 11, and Heritage staff conduct a site visit of the property with the property owner and/or the property owner's representatives to discuss the request to alter and overall plans for the property.

Ward 11

(HAC-0027-2013)

## HAC-0028-2013

1. That the PowerPoint presentation, dated April 23, 2013 and entitled "Meadowvale Village HCD Plan Review: Project Update to the Heritage Advisory Committee," by Laura Waldie, Heritage Coordinator, Special Projects, to the Heritage Advisory Committee on April 23, 2013 be received; and
2. That the Corporate Report dated March 25, 2013 from the Commissioner of Community Services entitled "Project Status Update, Meadowvale Village Heritage Conservation District Plan Review, Ward 11" be received.

Ward 11

(HAC-0028-2013)

## HAC-0029-2013

That the request to alter the Parker (Chappell) House, as described in the Corporate Report dated March 26, 2013 from the Commissioner of Community Services, be approved.

Ward 6

(HAC-0029-2013)

## HAC-0030-2013

That the property at 25 Queen Street South, which is listed on the City's Heritage Register, is not worthy of designation, and consequently, that the owner's request to demolish proceed through the applicable process.

Ward 11

(HAC-0030-2013)

HAC-0031-2013

That the property at 29 Cotton Drive, which is listed on the City's Heritage Register, is not worthy of designation, and consequently, that the owner's request to demolish proceed through the applicable process.

Ward 1

(HAC-0031-2013)

HAC-0032-2013

That the property at 250 Pinetree Way, which is listed on the City's Heritage Register, is not worthy of designation, and consequently, that the owner's request to demolish proceed through the applicable process.

Ward 1

(HAC-0032-2013)

HAC-0033-2013

That the property at 1296 Woodland Avenue, which is listed on the City's Heritage Register, is not worthy of designation, and consequently, that the owner's request to demolish proceed through the applicable process.

Ward 1

(HAC-0033-2013)

HAC-0034-2013

That the Memorandum dated March 19, 2013 from Paula Wubbenhorst, Acting Senior Heritage Coordinator, entitled "Heritage Impact Statement Addendum, 1162 Vesta Drive, Ward 1," be received.

Ward 1

(HAC-0034-2013)

HAC-0035-2013

That the Memorandum dated April 2, 2013 from Paula Wubbenhorst, Acting Senior Heritage Coordinator, and Gavin Longmuir, Manager, Forestry, entitled "Heritage Trees and Trees of Significance," be received.

(HAC-0035-2013)

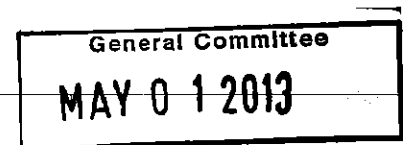
HAC-0036-2013

That the chart dated April 23, 2013 from Julie Lavertu, Legislative Coordinator, Heritage Advisory Committee, with respect to the status of outstanding issues from the Heritage Advisory Committee, be received.

(HAC-0036-2013)

REPORT 3 - 2013

TO: CHAIR AND MEMBERS OF GENERAL COMMITTEE



The Traffic Safety Council presents its third report for 2013 and recommends:

## TSC-0050-2013

1. That a crossing guard be installed at the intersection of Kennedy Road and Grand Highland Way/Wilderness Trail in September 2013 at the beginning of the school year when bussing is to be removed for 194 students in kindergarten to grade 8 residing east of Kennedy Road on a temporary basis as a proactive measure as the traffic warrants have been met for the students attending Barondale Public School and San Lorenzo Ruiz Catholic School.
2. That the Site Inspection Subcommittee of Traffic Safety Council be requested to conduct two (2) site inspections at the intersection of Kennedy Road and Grand Highland Way/Wilderness Trail in September 2013 to determine if sufficient student pedestrians are crossing the intersection to meet the pedestrian warrants for retention of the crossing guard.
3. That Transportation and Works be requested to paint zebra stripes around the intersection of Kennedy Road and Grand Highland Way/Wilderness Trail and ensure that the traffic control signals are set at slow walking speed crossing Kennedy Road.
4. That Traffic Safety Council notify the principals at Barondale Public School and San Lorenzo Ruiz Catholic School that the subject crossing guard is being placed at the intersection of Kennedy Road and Grand Highland Way/Wilderness Trail on a trial basis and that should the warrants for the crossing guard not be met at the site inspections conducted in September 2013, Traffic Safety Council may recommend that the crossing guard be removed and further Traffic Safety Council will request that the principals notify the parents of the decision of Traffic Safety Council.

(TSC-0050-2013)

## TSC-0051-2013

1. That the Site Inspection Subcommittee of Traffic Safety Council re-inspect the intersection of Central Parkway East and Bud Gregory Boulevard for the students attending St. Pio of Pietrelcina Catholic School in May 2013 and in September 2013 when bussing is removed as turning traffic is light and the traffic control signals provide protection for crossing pedestrians.
2. That Transportation and Works be requested to review the feasibility of a countdown timer at the intersection of Central Parkway East and Bud Gregory Boulevard and report back to Traffic Safety Council.

(TSC-0051-2013)

TSC-0052-2013

That the Commissioner of Planning and Building be advised that with respect to the Site Plan Approval for Fairview Public School, that Traffic Safety Council has reviewed the site plan and would recommend the changes as marked on the site plan received on April 9, 2013 at the Site Plan Review Subcommittee of Traffic Safety Council meeting on April 16, 2013.

(TSC-0052-2013)

TSC-0053-2013

That the Commissioner of Planning and Building be advised that with respect to the Site Plan Approval for Northstar Montessori School, that Traffic Safety Council has reviewed the site plan and would recommend the changes as marked on the site plan submitted on March 11, 2013 at the Site Plan Review Subcommittee of Traffic Safety Council meeting on April 16, 2013.

(TSC-0053-2013)

TSC-0054-2013

That the School Zone Safety (Kiss and Ride) Report from March 2013 – April 2013 be received.

(TSC-0054-2013)

TSC-0055-2013

That the Principal at St. Gertrude Catholic School be advised that the unloading of buses should take place at the north end of the school driveway and the unloading of cars should take place on the curb side of the driveway with the second lane utilized as the drive through lane.

(TSC-0055-2013)

TSC-0056-2013

That up to three (3) Traffic Safety Council members be authorized to attend the Ontario Traffic Conference 63<sup>rd</sup> Annual Convention, scheduled for June 2-4, 2013 in Sarnia and that the funds for their attendance at the Convention be allocated in the 2013 Traffic Safety Council budget to cover the costs for registration and mileage.

(TSC-0056-2013)

TSC-0057-2013

That the memorandum dated April 2, 2013 from the Manager of Parking Enforcement with respect to parking enforcement in school zones, be received for information.

(TSC-0057-2013)

TSC-0058-2013

That the minutes from the Peel District School Board Maintenance meeting on April 9, 2013, be received.

(TSC-0058-2013)

## TSC-0059-2013

That the matter regarding the Traffic Safety Council Terms of Reference be deferred to the May Traffic Safety Council meeting and that it include the adopted recommendations that pertain to the committee as a result of the City Committees Structure Review.

(TSC-0059-2013)

## TSC-0060-2013

That the email dated April 5, 2013 from Tom Howe, Manager, STOPR providing comments with respect to the recommendations for Traffic Safety Council from the City Committees Structure Review be received and that a response be provided to Mr. Howe following the committee's review of the recommendations from the City Committees Structure Review in May 2013.

(TSC-0060-2013)

## TSC-0061-2013

1. That Parking Enforcement be requested to enforce the parking infractions on Plum Tree Crescent between 8:45 am – 9:15 am and 3:30 pm – 4:00 pm for Plum Tree Park Public School.
2. That the Principal at Plum Tree Park Public School be requested to advise the parents dropping off students on Plum Tree Crescent to utilize the Kiss and Ride in front of the school which is currently underutilized.
3. That the Chairman for Traffic Safety Council send a letter to the Ward Councillor to outline the following concerns:
  - a) That Traffic Safety Council has attended at the school on numerous occasions in response to the complaints from residents on Plum Tree Crescent and our observations have remained consistent in that parents dropping off their children are parking/stopping and blocking driveways and in the No Stopping zones in the morning and afternoon causing an unsafe scenario.
  - b) That Traffic Safety Council has recommended through the Principal that parents be requested to use the newly renovated Kiss and Ride at Plum Tree Park Public School, as the Kiss and Ride functions well and can accommodate more vehicles.
  - c) That Traffic Safety Council has no other reasonable remedies available to offer which will address the existing situation.

(TSC-0061-2013)

## TSC-0062-2013

1. That a crossing guard be installed at the intersection of Heatherleigh Avenue and Winterton Way for the students of St. Valentine Catholic School in September 2013 at the start of the school year when bussing is to be removed for 28 students in grade 2 to grade 5 residing south of Winterton Way on a temporary basis as a proactive measure as the traffic warrants have been met.

2. That the Site Inspection Subcommittee of Traffic Safety Council be requested to conduct two (2) site inspections at the intersection of Heatherleigh Avenue and Winterton Way in September 2013 to determine if sufficient student pedestrians are crossing the intersection to meet the pedestrian warrants for retention of the crossing guard.

(TSC-0062-2013)

TSC-0063-2013

That the request for a crossing guard at the intersection of Rupert's Gate and Duncairn Drive for the students attending Divine Mercy Catholic School be denied as the warrants have not been met.

(TSC-0063-2013)

TSC-0064-2013

That the Action Items List from the Transportation and Works Department for the month of March 2013, be received for information.

(TSC-0064-2013)

TSC-0065-2013

The Traffic Safety Council is advising Council that two members have been absent for three or more consecutive meetings and Traffic Safety Council is requesting that Council review their membership on the Committee and further that the Legislative Coordinator provide the Committee's attendance records to Council for their information.

(TSC-0065-2013)

TSC-0066-2013

That a site inspection be scheduled for Sts. Peter and Paul Catholic School to review the fire route.

(TSC-0066-2013)