

Electronic General Committee Meeting Minutes

Meeting Number: 12
September 13, 2021, 9:30 AM - 1:00 PM
Live streamed

Roll Call	Mayor Frank Scarpitti Deputy Mayor Don Hamilton Regional Councillor Jack Heath Regional Councillor Joe Li Regional Councillor Jim Jones Councillor Keith Irish	Councillor Alan Ho Councillor Reid McAlpine Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci Councillor Isa Lee
Regrets	Councillor Khalid Usman	
Staff	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Arvin Prasad, Commissioner, Development Services Claudia Storto, City Solicitor and Director of Human Resources Joel Lustig, Treasurer Bryan Frois, Chief of Staff Kimberley Kitteringham, City Clerk Martha Pettit, Deputy City Clerk Adam Grant, Fire Chief	Graham Seaman, Director, Sustainability & Asset Management Alex Moore, Manager of Purchasing & Accounts Payable Morgan Jones, Commissioner, Community Services Shane Manson, Senior Manager, Revenue & Property Taxation Mark Visser, Sr Manager Strategy Innovation & Investments Eddy Wu, Acting Director, Environmental Services Hristina Giantsopoulos, Election/Council & Committee Coordinator John Wong, Technology Support Specialist II Ned Sirry, Acting Chief Information Officer

1. CALL TO ORDER

Under the authority of the *COVID-19 Economic Recovery Act, 2020* (Bill 197) and the City of Markham's *Council Procedural By-law 2017-5*, and in consideration of the advice of public health authorities, this meeting was conducted electronically with members of General Committee, staff, and members of the public participating remotely.

General Committee convened at 9:40 AM with Regional Councillor Jack Heath presiding as Chair for all items on the agenda.

2. DISCLOSURE OF PECUNIARY INTEREST

There were none disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 MINUTES OF THE JUNE 14, 2021 GENERAL COMMITTEE (16.0)

Moved by Deputy Mayor Don Hamilton
Seconded by Councillor Karen Rea

1. That the minutes of the June 14, 2021 General Committee meeting be confirmed.

Carried

4. DEPUTATIONS

There was a deputation from Elizabeth Brown in relation to item 10.1 Lobbyist Registry.

Elizabeth Brown addressed the Committee and expressed her support for a lobbyist registry.

Moved by Councillor Andrew Keyes
Seconded by Deputy Mayor Don Hamilton

That the deputation from Elizabeth Brown and the written communication from Jae Truesdell be received.

Carried

5. COMMUNICATIONS

There were no communications.

6. PETITIONS

There were no petitions.

7. CONSENT REPORTS - FINANCE & ADMINISTRATIVE ISSUES

7.1 TAX ADJUSTMENT UNDER SEC. 357 & 358 OF THE MUNICIPAL ACT, 2001 (7.3)

Moved by Councillor Alan Ho

Seconded by Deputy Mayor Don Hamilton

1. THAT the Report for the Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the *Municipal Act, 2001* be received; and,
2. THAT taxes totalling approximately \$539,344 be adjusted under Section 357 and 358 of the Municipal Act, 2001 of which the City's portion is estimated to be \$41,040; and,
3. THAT the associated interest be cancelled in proportion to the tax adjustments; and,
4. THAT the Treasurer be directed to adjust the Collector's Roll accordingly; and further,
5. THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7.2 DELEGATION OF AUTHORITY TO CHIEF ADMINISTRATIVE OFFICER DURING THE 2021 ANNUAL SUMMER RECESS (7.0, 12.0)

The Committee requested clarification on contract 022-R-21-Consulting Eng. Services for the Detailed Design and Tender Preparation for the Reconstruction of Main Street Unionville, what the contract entails, and about the Canada Community Building Reserve Fund.

Staff advised that they will get back to Committee with details on the contract and that the Canada Community Building Reserve Fund is the updated reference for the Gas Tax.

Moved by Councillor Reid McAlpine

Seconded by Councillor Isa Lee

1. THAT the report entitled "Delegation of Authority to Chief Administrative Officer during the 2021 annual summer recess" be received; and,
2. THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8. CONSENT REPORTS - COMMUNITY SERVICES ISSUES

8.1 MARKHAM VILLAGE / UNIONVILLE STUDY COMPLETION (5.6)

The Committee discussed the following:

- The current scope of the project and whether it includes clean up of the creek area behind Rouge Street; and,
- Concerns regarding flooding of garages and the elevation of roadways in some areas.

Eddy Wu, Director of Environmental Services, addressed the Committee and advised that Environmental Services and Operations are working together on this project to undertake all aspects including the clean-up of the Rouge Street area.

The Committee requested that staff provide a presentation on this project with the focus of the outcome from the public meeting at the October 18, 2021 General Committee meeting.

Moved by Councillor Reid McAlpine

Seconded by Mayor Frank Scarpitti

1. THAT the report entitled “Markham Village & Unionville Areas Flood Control Feasibility Study Completion” be received; and,
2. THAT Council endorse the recommended solution including Sewer Upgrades, Flow Diversions, and System Optimization identified in the Markham Village & Unionville Areas Flood Control Feasibility Study; and,
3. THAT Staff expand the current watercourse inspection maintenance program to include priority watercourses for debris identification/ blockage removal in 2022;
4. **That a follow up presentation and summary be provided at the upcoming GC meeting on Oct 18 2021. and further,**
5. THAT Staff be authorized and directed to do all things necessary to give effect to this Resolution;

Carried

9. PRESENTATIONS - FINANCE & ADMINISTRATIVE ISSUES

9.1 ASSET MANAGEMENT PLAN (7.0)

Trinela Cane, Commissioner, Corporate Services, addressed the Committee and provided a brief introduction to the updated 2021 Asset Management Plan and indicated that it includes comprehensive strategies and practices in the sustainable delivery of services. Ms. Cane introduced Graham Seaman, Director, Sustainability & Asset Management and Sameem Shah, Acting Manager, Corporate Asset Management, who presented plan details.

Graham Seaman, addressed the Committee and indicated that this is the second iteration of the City's Asset Management Plan to the one issued in 2019 which includes the current value of all City assets such as underground infrastructure, roads, water and wastewater infrastructure etc. It was noted that 92% of all assets are in good condition and that those in need of repair are an indication that the system is working to identify them and plan for their appropriate maintenance. Mr. Seaman indicated that this plan can be used as a financial and risk management tool in the investment and maintenance of assets. He thanked the Asset Management Steering Committee and all departments for their support to this important cross commission work.

Sameem Shah, delivered a presentation titled, 2021 Asset Management Plan, that provided an overview of the City's updated plan, the new 5-point asset condition rating system and Ontario Regulation 588/17. Mr. Shah also indicated that most of the City assets are in very good to fair condition and that 1% are in the process of rehabilitation or replacement in adherence to the annual review of the Life Cycle Replacement and Capital Reserve Study which utilizes a rolling 25-year planning horizon. Mr. Shah presented the potential risks that can impact the City's ability in delivering approved levels of service and indicated that further enhancement to the Corporate Asset Management Program can enable the City in mitigating these risks while achieving financial optimization. He advised that the City is in alignment with Provincial Regulation, O. Reg. 588/17 and is in the process of achieving full compliance with the latest Auditor General report.

The Committee made the following inquiries:

- How does the growth number fit into the plan;
- The value of roads in relation to the total value of City assets;
- Whether bridges and culverts are allocated to the road category;
- What is the most expensive asset category;

- Consideration that this plan be referenced during the 2022 budget planning process to assist in the spending prioritization;
- That there be consideration to act on assets rated poor in addition to planning for them;
- The frequency of asset evaluation;
- The reasons contributing to the higher percentage of Information Technology and Streetlight assets being evaluated as poor and very poor with reference to their replacement costs;
- That there be consideration to progressive infrastructure investments in the future;
- Concerns regarding the increase in aging assets is understood however data gaps and inaccuracies are anticipated to reduce with the frequency of asset reviews; and,
- Whether all appropriate life cycle contributions have been identified and if anything requires additional consideration in how it may be build or acquired in the future.

The Committee thanked staff for their work on the establishment and proactive management of the assets within a zero percent property tax increase.

Staff responded to the Committee's inquiries and advised that the plan is currently working as intended. Staff noted that the plan accounts for growth as assets are managed and that they will be addressing items that are near the end of their life cycle. It was further noted by Morgan Jones, Commissioner, Community Services, that Operations perform visual and laser condition surveys of road assets on a prescribed schedule to provide evaluations and undertake necessary actions as required. Additionally, Eddy Wu, Director, Environmental Services, indicated that an update will be provided on the cause of higher percentage of poor and very poor streetlight assets to the Committee.

Sameem Shah provided the replacement value and components of the Streetlight assets that were evaluated to be in poor and very poor condition.

Joel Lustig, Treasurer, advised that asset management is accounted for in the budget process and that it includes an inflationary component. He also advised that is reported annually to City of Markham Council.

Moved by Regional Councillor Jim Jones

Seconded by Mayor Frank Scarpitti

1. THAT the presentation titled “2021 Asset Management Plan (AMP) Endorsement” be received; and,
2. THAT Council endorse the 2021 Asset Management Plan (AMP) and adopt the proposed asset management strategy and framework; and further,
3. THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

10. MOTIONS

10.1 LOBBYIST REGISTRY (9.0, 12.1)

Councillor Reid McAlpine introduced and read the motion.

The Committee thanked the deputant, Elizabeth Brown for her comments and Jae Truesdell for his written communication that were in support of a lobbyist registry.

The Committee briefly reviewed the City's history with respect to a decision on the establishment of a lobbyist registry and that it has been deferred since 2011 when it was first introduced. Additionally, it was noted that two members of the Committee have consulted with a vendor on functionality and cost.

There was a brief discussion on the following:

- The costs associated with the implementation and management of a lobbyist registry and that they may potentially be \$10,000 annually;
- That a registry may eliminate any questions about how decisions are made and that the deferral of a decision may do the opposite;
- That a registry aligns with key strategic planning and stewardship;
- The establishment of a registry may provide additional accountability with councillors and who they are meeting with;
- That current processes and policies are effective in providing accountability;
- That the City has an outstanding and proven reputation with respect to open government and integrity;
- That staff explore and evaluate all options and provide a recommendation in a report; and,

- That planning staff be involved in the development of the report and have input in the process.

Trinela Cane, Commissioner, Corporate Services, advised that staff will provide an updated lobbyist registry presentation and evaluation report to General Committee at the upcoming meeting on November 29, 2021.

Moved by Councillor Reid McAlpine
Seconded by Councillor Karen Rea

Whereas transparency and fairness are paramount with respect to all functions of the City of Markham.

Whereas on June 8, 2010 Council received a Notice of Motion including the establishment of an Integrity Commissioner and a Lobbyist Registrar's office.

Whereas on June 22, 2011 Council referred the establishment of an Integrity Commissioner and a Lobbyist Registrar's Office to early 2012.

Whereas on June 25, 2012 the General Committee of Council deferred a presentation regarding a Lobbyist Registry to a Council Workshop in September 2012.

Whereas on September 5, 2012 General Committee received a report regarding a Lobbyist Registrar and a Lobbyist Registry which recommended against a Registrar and Registry due to:

- The relative immaturity of Lobbyist frameworks in Ontario and Canada,
- The potential for changes to the relevant provincial legislation as a result of the Municipal Act Review, and
- The costs associated with establishing and maintaining a Lobbyist Registry.

Whereas on September 5, 2012 General Committee requested that a report be presented to Council in winter 2013 regarding recommendations relative to:

- Lobbying of public office holders by potential vendors
- Lobbying by former public office holders or current Markham public office holders

Whereas on September 5, 2012 General Committee requested to receive a copy of the City of Ottawa's Lobbyist Registry.

Whereas on September 5, 2012 General Committee moved that staff report in Winter 2013 relative to a proposed policy.

Whereas on November 20, 2017 the General Committee directed staff to report on the establishment of a Lobbyist Registry and the potential appointment of a Lobbyist Registrar.

Whereas on June 26, 2013 Council voted to appoint an Integrity Commissioner.

Whereas since the issue was first raised 11 years ago, Council has failed to make a decision in favour of or against the establishment of a Lobbyist Registry and the appointment of a Lobbyist Registrar.

Whereas Lobbyist frameworks in Ontario and Canada can now be considered mature.

Whereas the Municipal Act Review is complete.

Whereas Lobbyist Registries have been established and Lobbyist Registrars appointed in the City of Vaughan, the City of Toronto, the City of Ottawa, the City of Brampton, the City of Hamilton, for the Province of Ontario and for the Government of Canada.

Therefore be it resolved that:

Council directs staff to update the September 5, 2012 report regarding the establishment of a Lobbyist Registry and the appointment of a Lobbyist Registrar; that the report should include recommendations for action by Council; and that the report is to be presented to the General Committee of council no later than December 1, 2021.

Carried

11. NOTICES OF MOTION

There were no notice of motion.

12. NEW/OTHER BUSINESS

12.1 LEGAL ADVICE

Deputy Mayor Don Hamilton requested consideration to go into confidential session to obtain legal advise on a matter. The Committee unanimously consented to do so.

Moved by Deputy Mayor Don Hamilton
Seconded by Councillor Amanda Collucci

1. That the Committee waive the rules of procedure and convene into confidential session to obtain legal advice.

Carried**13. CONFIDENTIAL**

Deputy Mayor Don Hamilton requested consideration to go into confidential session to obtain legal advise on a matter. The Committee unanimously consented to do so.

Moved by Deputy Mayor Don Hamilton
 Seconded by Councillor Amanda Collucci

1. That, in accordance with Section 239 (2) of the Municipal Act, General Committee resolve into a confidential session to discuss the following matters:

Carried**13.1 LEGAL ADVICE**

**ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE,
 INCLUDING COMMUNICATIONS NECESSARY FOR THAT
 PURPOSE [Section 239 (2) (f)]**

14. ANNOUNCEMENTS

There were no announcements.

15. ADJOURNMENT

General Committee briefly convened into confidential session at 11:35 AM. The Committee reconvened at 12:09 PM to adjourn the meeting.

Moved by Deputy Mayor Don Hamilton
 Seconded by Councillor Amanda Collucci

That General Committee adjourn at 12:09 PM.

Carried