
General Committee

Date: June 9, 2021
Time: 9:00 AM
Location: Online Video Conference

Members

Mayor Bonnie Crombie	
Councillor Stephen Dasko	Ward 1
Councillor Karen Ras	Ward 2
Councillor Chris Fonseca	Ward 3
Councillor John Kovac	Ward 4
Councillor Carolyn Parrish	Ward 5
Councillor Ron Starr	Ward 6
Councillor Dipika Damerla	Ward 7 (CHAIR)
Councillor Matt Mahoney	Ward 8
Councillor Pat Saito	Ward 9
Councillor Sue McFadden	Ward 10
Councillor George Carlson	Ward 11

Participate Virtually and/or via Telephone

Advance registration is required to participate and/or make a comment in the virtual meeting. Questions for Public Question Period are required to be provided to Clerk's staff at least 24 hours in an advance of the meeting. Any materials you wish to show the Committee during your presentation must be provided as an attachment to the email. Links to cloud services will not be accepted. Comments submitted will be considered as public information and entered into public record.

To register, please email dayna.obaseki@mississauga.ca and for Residents without access to the internet via computer, smartphone or tablet, can register by calling Dayna Obaseki at 905-615-3200 ext. 5425 **no later than Monday, June 7, 2021 before 4:00PM**. You will be provided with directions on how to participate from Clerks' staff.

Contact

Dayna Obaseki, Legislative Coordinator, Legislative Services
905-615-3200 ext. 5425
Email: dayna.obaseki@mississauga.ca

Find it Online

<http://www.mississauga.ca/portal/cityhall/generalcommittee>
Meetings of Council streamed live and archived at Mississauga.ca/videos

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. DECLARATION OF CONFLICT OF INTEREST

4. PRESENTATIONS - Nil.

5. DEPUTATIONS

5.1. Item 9.1 - Matteo Fusillo and Frank Fusillo, General Manager, Mastercrete Construction Inc.

Item 11.1

5.2. Item 9.2 - Patricia McCarney, President & CEO and James Patava, Vice President, World Council on City Data (WCCD)

5.3. Item 9.4 - Dan Skilleter, Manager of Strategic Initiatives and Jeff Longhurst, Director of Licensing and Regulation, Alcohol and Gaming Commission of Ontario (AGCO)

5.4. Item 9.4 - Tony Priolo, Vice President, Education - Strategic Engagement & Community Outreach, Executive Office and Lowell Rubin-Vaughan, Senior Manager - Strategic Engagement, Stakeholder Engagement, Ontario Cannabis Store

5.5. Item 9.4 - Aaron Denhartog, Senior Manager, Government Relations, Aurora Cannabis

5.6. Item 9.4 - Deepak Arnand, Vice President, NORML Canada

5.7. Item 9.4 - Matt Hradsky, President, CannaBank Holdings

6. PUBLIC QUESTION PERIOD - 15 Minute Limit

Public Comments: Advance registration is required to participate and/or to make comments in the virtual public meeting. Any member of the public interested in speaking to an item listed on the agenda must register by calling 905-615-3200 ext. 5425 or by emailing dayna.obaseki@mississauga.ca by **Monday, June 7, 2021 before 4:00PM.**

Pursuant to Section 42 of the Council Procedure By-law 0139-2013, as amended:

General Committee may grant permission to a member of the public to ask a question of General Committee, with the following provisions:

1. Questions shall be submitted to the Clerk at least 24 hours prior to the meeting;
2. A person is limited to two (2) questions and must pertain specific item on the current agenda and the speaker will state which item the question is related to;
3. The total speaking time shall be five (5) minutes maximum, per speaker, unless extended by the Mayor or Chair; and
4. Any response not provided at the meeting will be provided in the format of a written

response.

7. MATTERS PERTAINING TO COVID-19

8. CONSENT AGENDA

9. MATTERS TO BE CONSIDERED

- 9.1. Formal Bid Protest by Mastercrete Construction Inc. Regarding Procurement No. PRC002941 Construction of Concrete Sidewalks at Various Locations
- 9.2. ISO 37122 Smart City Certification by the World Council on City Data (WCCD)
- 9.3. 2020 Smart City Annual Report
- 9.4. Cannabis Retail Sales Update
- 9.5. Ninth Line from Eglinton Avenue West to Derry Road West – Municipal Class Environmental Assessment Study (Ward 10)
- 9.6. Dog Waste Demonstration Pilot - Results and Recommended Next Steps
- 9.7. Regulation of Parking at City of Mississauga Transitway Stations
- 9.8. Cross-Boundary Transit Service Integration Pilot Project
- 9.9. Cities Changing Diabetes Programme
- 9.10. Infrastructure Canada - Green and Inclusive Community Buildings Program
- 9.11. Public Tree By-Law Update
- 9.12. Open Data Policy Revision
- 9.13. Data Handling Policy
- 9.14. Housekeeping Matters Related to Roads – All Wards
- 9.15. Single Source Designation for the Supply and Delivery of City Standard Intelight Traffic Signal Controllers from Tacel Ltd.
- 9.16. Migration to the Microsoft 365 Cloud Platform and Acquisition of Related Products & Services and Microsoft City Standard Recommendation; File Ref: FA.49.322-13, FA.49.328-13, FA.49.308-15, PRC000951, PRC002979

10. ADVISORY COMMITTEE REPORTS

- 10.1. Road Safety Committee Report 5-2021 - May 25, 2021
- 10.2. Environmental Advisory Committee Report 4-2021 - June 1, 2021

11. CORRESPONDENCE

- 11.1. A Letter dated Tuesday, June 1, 2021 including]additional documentation from Mastercrete Construction Inc. regarding the Formal Bid Protest (No. PRC002941)

Item 5.1

- 11.2. An Email dated Sunday, May 30, 2021 from Charles Vella, Resident regarding the Public Tree By-law Update

Item 9.11

12. MATTERS PERTAINING TO REGION OF PEEL COUNCIL

13. COUNCILLORS' ENQUIRIES

14. OTHER BUSINESS/ANNOUNCEMENTS

15. CLOSED SESSION

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

- 15.1. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board: Progress Update on District Energy at Lakeview Village Community
- 15.2. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose: Delegation of Authority to Execute an Off-Site Costs Agreement with Port Credit West Village Partners Inc. (Ward 1)

16. ADJOURNMENT

THE WORLD COUNCIL ON CITY DATA



WCCD

WCCD ISO 37122

Certification Ceremony

City of Mississauga

June 9, 2021

<http://www.dataforcities.org/>

Twitter: @WCCityData

Facebook: WCCityData

Patricia McCarney
President and CEO

James Patava
Vice President

ISO 37122



**WORLD COUNCIL
ON CITY DATA**

The City of Mississauga is being awarded the WCCD ISO 37122 Early Adopter Certification today – demonstrating a commitment to high calibre data and data driven planning, management and governance for a smart, sustainable and prosperous future.



WCCD

WORLD COUNCIL
ON CITY DATA

INTERNATIONAL STANDARD
ISO 37122

**Sustainable cities
and communities**
Indicators for smart cities

First edition
2019-05

Reference number ISO 37122:2019(E)
© ISO 2019



ISO 37122

Indicators for Smart Cities

Mississauga is one of the first cities globally to be certified by the WCCD for ISO 37122.

Mississauga is an Early Adopter and a global leader, demonstrating that data is the essential starting point for Smart Cities



WCCD

WORLD COUNCIL
ON CITY DATA

ISO 37122 contains in total:

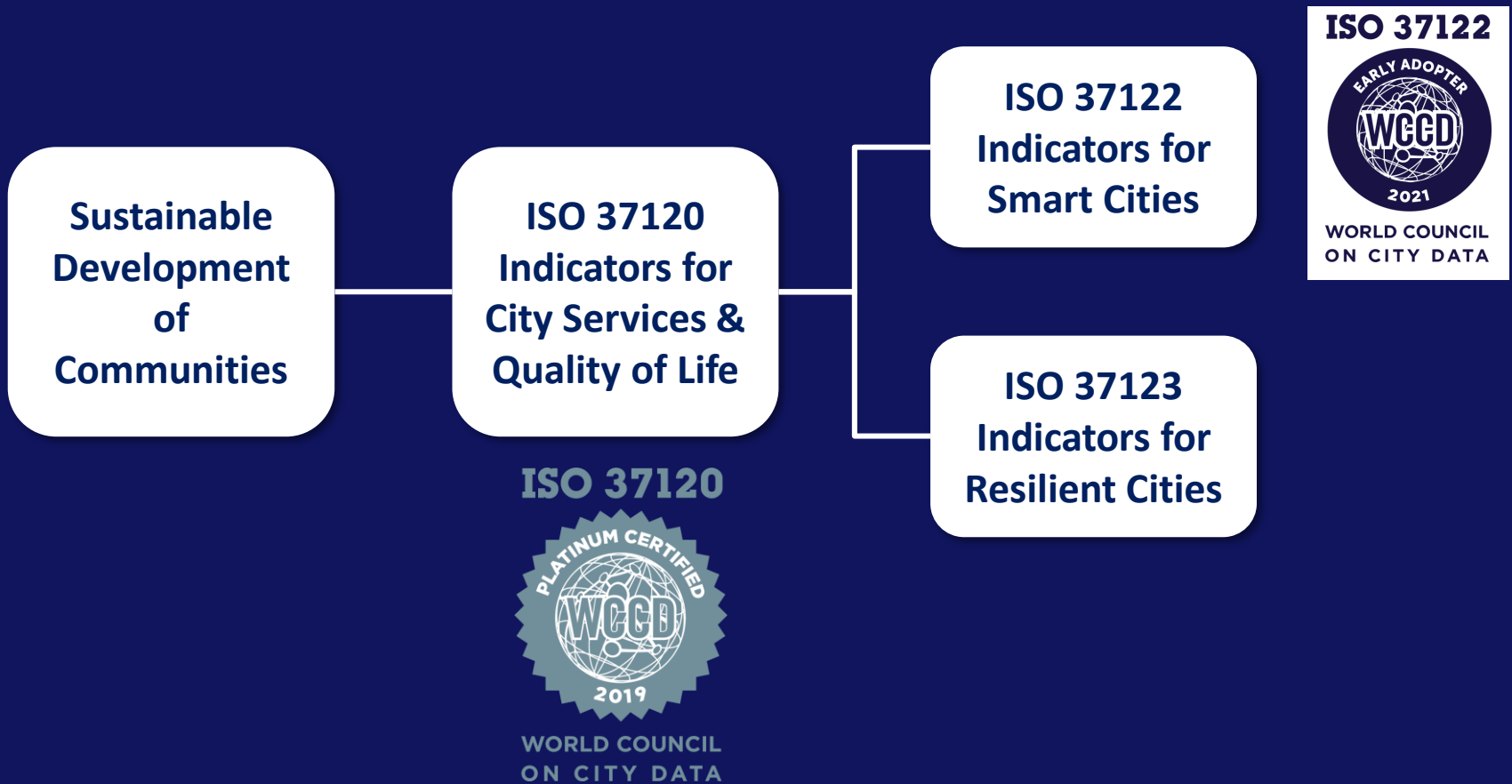
19 themes

80 indicators



THE WCCD ISO FAMILY OF STANDARDS

THE ISO 37120 SERIES



Data that is:

- ✓ Globally Standardized (ISO 37120 + ISO 37122 + ISO 37123)
- ✓ Regularly Reported (Annual Reporting)
- ✓ “Trusted” – Independent/Third Party Verified

Data that helps to:

- ✓ Create Data-driven Municipalities and incentivize performance
- ✓ Direct and Monitor Strategic Planning & Smart City Development
- ✓ Inform and Direct National Infrastructure Spending in Cities
- ✓ Drive Job Creation And Economic Development and enable cities to attract investment with globally comparative data
- ✓ Track progress by cities on the climate agenda and inform resilient city development recovery
- ✓ Embrace the United Nations SDGs at a local level and support UNDRR MCR2030 Resilient Cities Agenda



*Congratulations
to
the City of Mississauga!*



CITY OF MISSISSAUGA

WCCD ISO 37122

WCCD

EARLY ADOPTER CERTIFICATION



ISO 37122



WORLD COUNCIL
ON CITY DATA

ISO 37122**WORLD COUNCIL
ON CITY DATA**

Certificate Of Registration

ISO 37122 Sustainable Cities and Communities -
Indicators for Smart Cities

The World Council on City Data certifies that:

MISSISSAUGA

Has reported indicators in conformity
with ISO 37122 as an

Early Adopter - ISO 37122

And has been added to the WCCD Global Cities Registry™

Reporting Year: **2020**

Certificate Registration Number: **S22-2020-E-0003**

Certificate Expiry Date: **May 31 2022**

A handwritten signature in black ink, appearing to read "P. McCarney", positioned above a horizontal line.

Patricia McCarney
President and CEO
World Council on City Data



WCCD | WORLD COUNCIL
ON CITY DATA



WCCD | WORLD COUNCIL
ON CITY DATA

THE WORLD COUNCIL ON CITY DATA



WCCD

*Congratulations to the
City of Mississauga!*

<http://www.dataforcities.org/>

Twitter: @WCCityData

Facebook: WCCityData

Patricia McCarney
President and CEO

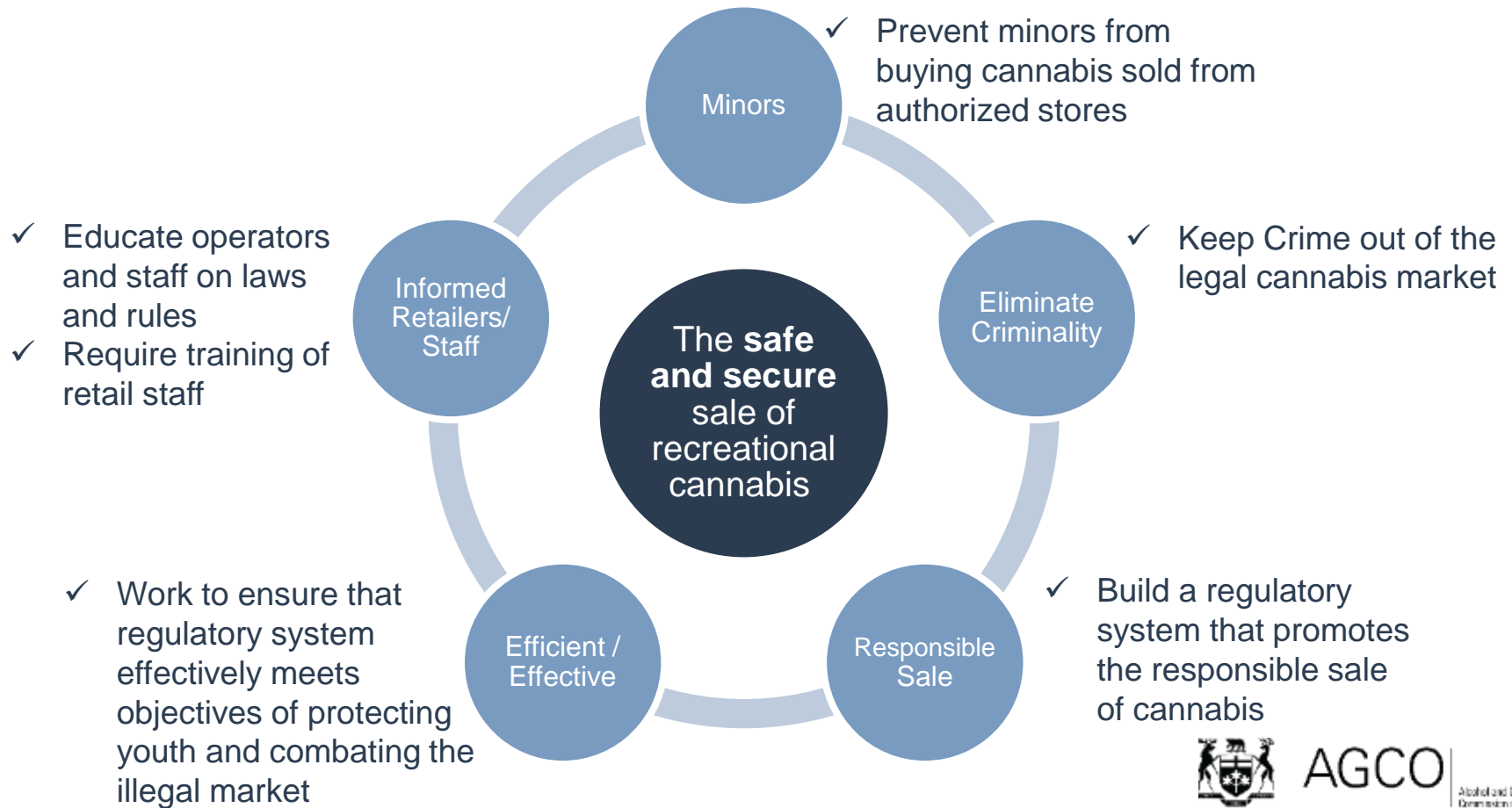
James Patava
Vice President

AGCO's Approach to Cannabis Regulation

Mississauga City Council – June 2021



AGCO Cannabis Retail Regulatory Objectives



Types of Licenses and Authorizations



Due Diligence Processes

- All Retail Operator Licence (ROL) applicants undergo thorough due diligence and background checks
 - Checked for compliance with the law, regulatory history, financial responsibility and historical infractions
 - The OPP performs criminal background checks on all individuals and entities
 - More thorough investigations conducted when any concerns identified



The Registrar's Standards

The *Cannabis Licence Act, 2018* and Regulation 468/18 provide the Registrar with authority to establish standards and requirements.

Standards that fall within **8 areas**:

1. General Requirements
2. Physical Store Requirements
3. Destruction of Cannabis
4. Secure Transportation
5. Minors and Prohibited Individuals
6. Advertising and Promotion
7. Responsible Use
8. Record Keeping Requirements

- Holders of a **Retail Operator Licence** are responsible for meeting all Standards.
- Where not specified otherwise, Standards also apply to holders of a **Retail Manager Licence**.
- The *Registrar's Standards for Cannabis Retail Stores* are reviewed and revised on a regular basis to ensure that they are effective in mitigating risks as the cannabis retail sector matures.



AGCO

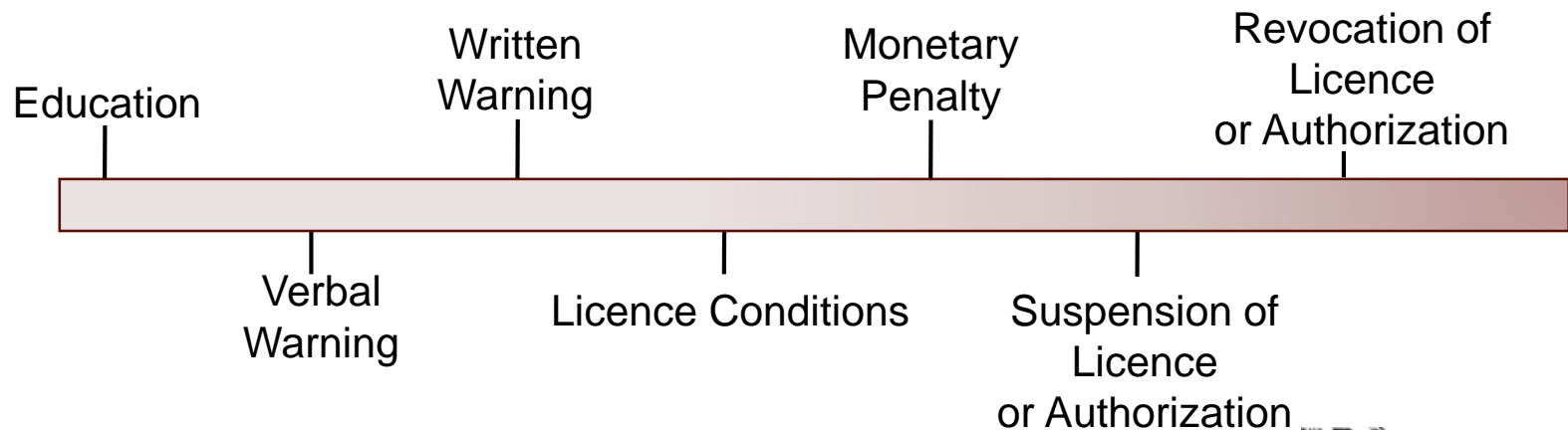
Alcohol and Gaming
Commission of Ontario

The AGCO's Compliance Approach

The AGCO's regulatory objective with respect to cannabis is to ensure the retail sale of cannabis in Ontario is carried out with **honesty, integrity and in the public interest**

Key compliance objectives include:

- Preventing access to cannabis by minors
- Preventing diversion to, or participation of, the illicit cannabis market



AGCO

Alcohol and Gaming
Commission of Ontario

Retail Store Location Requirements


The *Cannabis Licence Act, 2018* and its regulations require that each **retail store** meet certain requirements.

- Must be located in a municipality or reserve that permits cannabis retail stores.
- A cannabis retail store cannot be located near a school or private school, as defined in the *Education Act*, if the proposed retail store is less than 150 metres away from the property line of the school. This will be determined as follows:
 - May only operate between the hours of 9:00 am – 11:00 pm (Monday to Sunday) unless otherwise governed by provincial retail and / or local retail by-laws.
 - Must be the only business that will operate at the proposed retail store and must only sell permitted **items**, that is, cannabis, accessories and items related to cannabis



Public Notice Process

- The municipality, along with its residents, have an opportunity to provide written submissions to the AGCO on matters of public interest (as set out in the regulations) before a proposed cannabis retail store location is authorized.
- Notification of applications for Retail Store Authorizations will be made available to the public.
 - AGCO Tweets each new application
 - Automatic email notification available by region
- The applicant will be required to post a notice for **15 calendar days** at the proposed retail store location.
- Applications for a Retail Store Authorization are posted to and searchable on the AGCO website.



Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue East, Suite 200
Toronto ON M2N 0A4
Tel.: 416-326-8700 or 1-800-522-2876 toll free in Ontario
Website: www.agco.ca

Application for a Cannabis Retail Store Authorization

Store Name
ADDRESS
CITY, PROVINCE, POSTAL CODE
File Number: 123456
Deadline for submissions:
January 31, 2019

A Cannabis Retail Store Authorization may be issued to this applicant unless the Registrar finds it is not in the public interest, as defined by the *Cannabis Licence Act, 2018*.

For the purposes of the *Cannabis Licence Act, 2018*, the following are matters of public interest:

1. Protecting public health and safety
2. Protecting youth and restricting their access to cannabis
3. Preventing illicit activities in relation to cannabis

Written submissions regarding this application may be made online at www.agco.ca/iAGCO by the following:

- A resident of the municipality in which the proposed store is located
- The municipality representing the area in which the proposed store is located. If the municipality is a lower-tier municipality, then the upper-tier municipality of which it forms a part may also make a submission.

Written submissions will be considered by the Registrar and the Registrar's decision to issue or refuse this retail store authorization is final.

Submissions must be received by the AGCO on or before the date set out in this Public Notice. In your submission, please include the file number noted above. The AGCO may provide copies of any submissions to the applicant. Anonymous submissions will not be considered.

Questions about this application should be directed to the AGCO, quoting the file number noted above:

- Online: www.agco.ca/iAGCO
- Telephone: 416-326-8700 or toll free in Ontario 1-800-522-2876

Information about the application contained in this notice is released pursuant to the *Freedom of Information and Protection of Privacy Act*.

This Public Notice must be posted in a place where members of the public can easily read the contents without having to enter the proposed premises.

14010E (2018/11)
© Queen's Printer for Ontario, 2018

Municipal Role

Municipalities may:

- Determine whether they want to have cannabis stores operating in their local community.
- Choose to implement additional restrictions on smoking and vaping through the use of municipal bylaws.

The *Cannabis Licence Act* does not allow for municipalities to:

- Create a licensing system respecting the sale of cannabis.
- Pass a by-law that distinguishes land or building use for cannabis from any other kinds of use.



AGCO

Alcohol and Gaming
Commission of Ontario



Ontario Cannabis Store

June 2021





Who We Are

A crown corporation of the Government of Ontario reporting into the Minister of Finance

Sole wholesaler to Ontario's private cannabis retailers

Online retailer of recreational cannabis in Ontario

What We Do

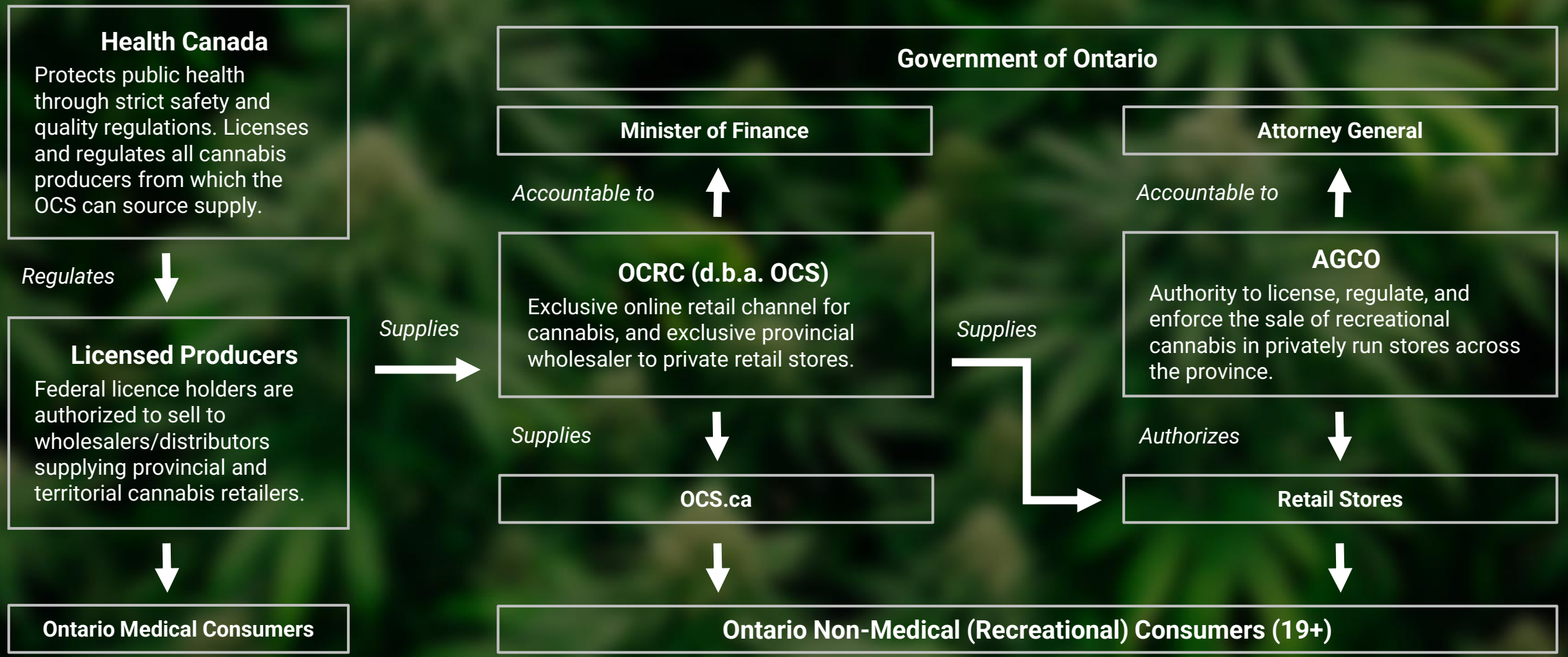
Provide Ontario adults (19 and older) with access to legal, strictly regulated and tested cannabis products

Provide non-biased and evidenced-based socially responsible education to both new and experienced consumers

Reinvest profits back to the people of Ontario



Multi-level Regulated System





Why Legal Cannabis?

Protect public health and safety

Protect youth and restrict their access to cannabis

Reduce the illegal market



Protect Public Health & Safety

The Ontario Cannabis Store

Provides cannabis consumers with quality controlled and tested products

Provides consumers with relevant non-biased and evidenced-based education to inform responsible shopping and consumption behaviour

Supports and promotes social responsibility in connection with cannabis





Protect Public Health & Safety

Cannabis sold on the illegal market does not adhere to strict Health Canada requirements and may contain high levels of pesticides, incorrect THC percentages, and other harmful ingredients

Illegal market edibles (gummies) often look like regular candy — posing a real risk to kids

The OPP continues to report illegal cannabis is not grown by the average Ontarian in their backyard - but by large sophisticated groups tied to organized crime

'Stoner patch' candy, gummies among cannabis-laced items seized by police from Markham convenience store



By [Gabby Rodrigues](#) · Global News

Posted February 23, 2021 1:11 pm · Updated February 23, 2021 1:13 pm



OPP target grow ops, have seized \$143M in cannabis since July

Police say they've arrested 195 people while taking down several criminal enterprises from July 1 to Oct. 15

Oct 22, 2020 9:24 AM By: OrilliaMatters Staff



The OPP have seized over 122,000 illegal cannabis plants across Ontario since the beginning of July.



Protect Public Health & Safety

Articles on OCS.ca educate customers and non-customers alike on the importance of cannabis safety


ONTARIO CANNABIS STORE

HOME / CANNABIS BASICS / KEEPING CANNABIS AWAY FROM KIDS

CANNABIS BASICS

Keeping Cannabis Away from Kids

Cannabis formats like edibles, beverages and topicals can look appealing to children. Keeping cannabis out of their reach is crucial. Here are some safeguarding tips for keeping cannabis products away from kids.




ONTARIO CANNABIS STORE

HOME / CANNABIS BASICS / HOW MUCH IS TOO MUCH? A GUIDE TO RESPONSIBLE CONSUMPTION

CANNABIS BASICS

How Much is Too Much? A Guide to Responsible Consumption

Let's get this out of the way: the best thing to do is start low and go slow when you're new to using cannabis or trying edibles.




ONTARIO CANNABIS STORE

SHOPPING FOR LEGAL CANNABIS | PUTTING CANNABIS 2.0 PRODUCTS TO THE TEST

SHOPPING FOR LEGAL CANNABIS

Putting Cannabis 2.0 Products to the Test

Some people hate surprises — and our quality assurance department is full of those people. Together with Health Canada and Licensed Producers, they work hard to ensure all the products we sell, including new ones such as edibles and vapes, are consistent, reliable and free of harmful ingredients.





Why Legal Cannabis?

Protect public health and safety

Protect youth and restrict their access to cannabis

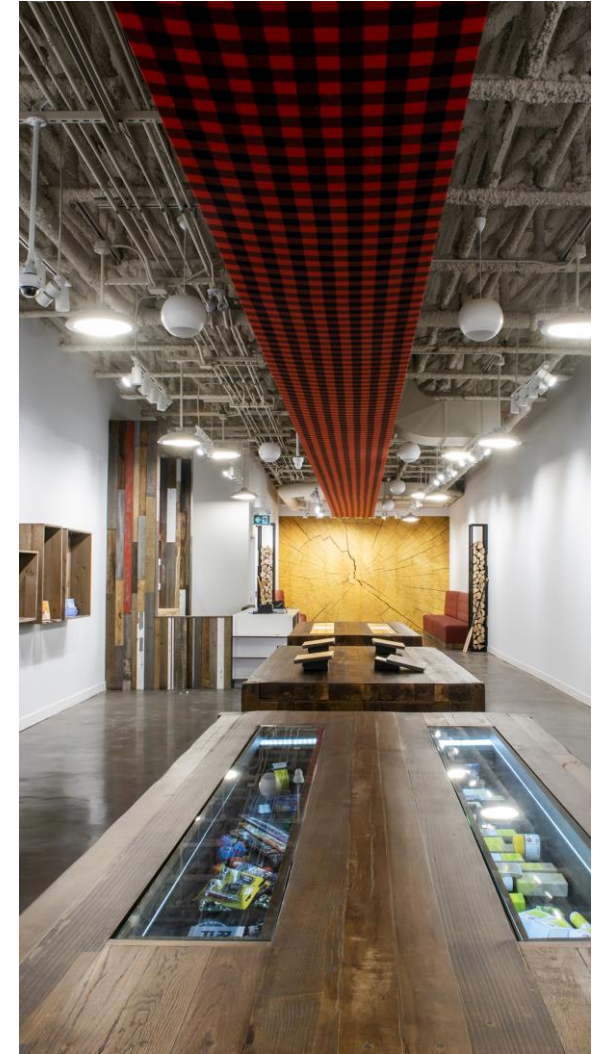
Reduce the illegal market

Protecting Youth

Stores are age-gated restricting access to those only 19 and older

Strict packaging and advertising restrictions to ensure cannabis product is not appealing to youth

Disseminate evidence-informed public education with an emphasis on youth, parents and vulnerable populations





Why Legal Cannabis?

Protect public health and safety

Protect youth and restrict their access to cannabis

Reduce the illegal market

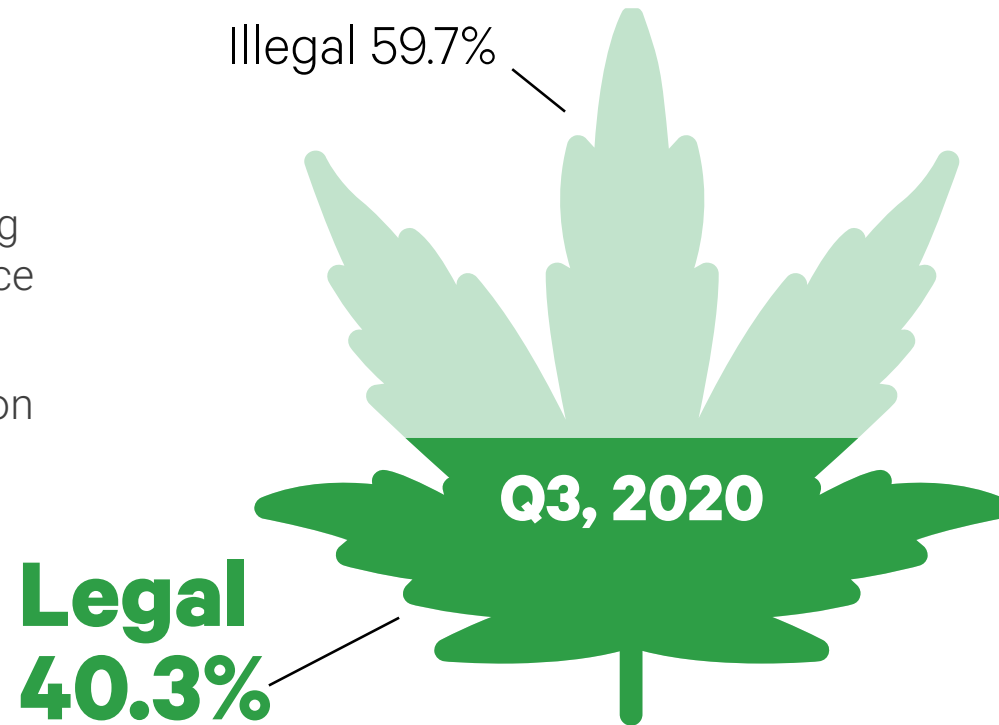


Reducing the illegal market

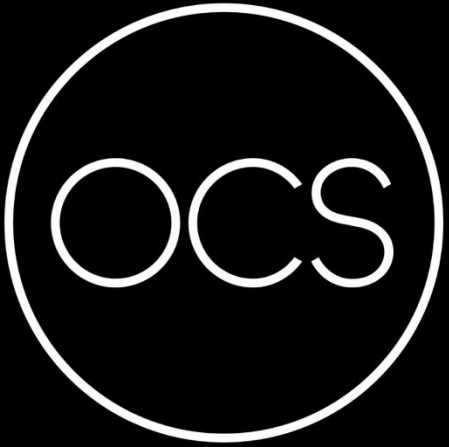
Ontario's legal market share has grown consistently since legalization - with hundreds of products and stores coming to the market in 2021 across the province

Increasing legal market share helps everyone achieve the goals of legalization

Through rigorous processes and negotiation, we ensure product selection and pricing are competitive with the illegal market



Q4, 2018 4.6%	Q1, 2019 14.1%
Q2, 2019 20.7%	Q3, 2019 21.4%
Q4, 2019 24.7%	Q1, 2020 25.1%
Q2, 2020 36.2%	



OCS is working with municipalities, public health, police services and community stakeholders to:

Restrict youth access

Increase public health, awareness and education

Drive down the illegal market



AURORA[®]

Presentation to the City of Mississauga

Presented by Aaron Denhartog, Senior Manager,
Government Relations, Aurora Cannabis Inc.

June 9, 2021

About Aurora Cannabis

Aurora Cannabis is a leading licensed producer of cannabis products, leveraging cutting edge technologies to provide premium, innovative products to patients and consumers globally.

Aurora's Ontario footprint includes approximately 500 employees across two EU-GMP production facilities in Markham and Bradford and a Distribution Centre in Brampton.

According to Statistics Canada, the licensed cannabis sector added \$4.9 billion to Canadian GDP in July 2020 (seasonally adjusted annual rates).

By 2023, the Government of Ontario is projected to receive \$565 million in cannabis related revenues and excise taxes.



City of Mississauga Cannabis Survey

Concerns of Residents Align with Public Policy Goals of Legalization

On behalf of the City of Mississauga, Forum Research was commissioned to conduct a random / representative telephone survey among residents of the City regarding their thoughts and opinions surrounding the recent legalization of cannabis. 68% of respondents supported Mississauga allowing licensed cannabis retail stores*.

The most common concerns were:

- Protecting Children and Youth
- Driving under the influence

Primary Goals of Legalization

- Keep cannabis out of the hands of children
- Combat the illicit market
- Protect public health

Overview – Ontario Rules for Cannabis Retail Stores

Must be 19+ to purchase or possess cannabis in Ontario

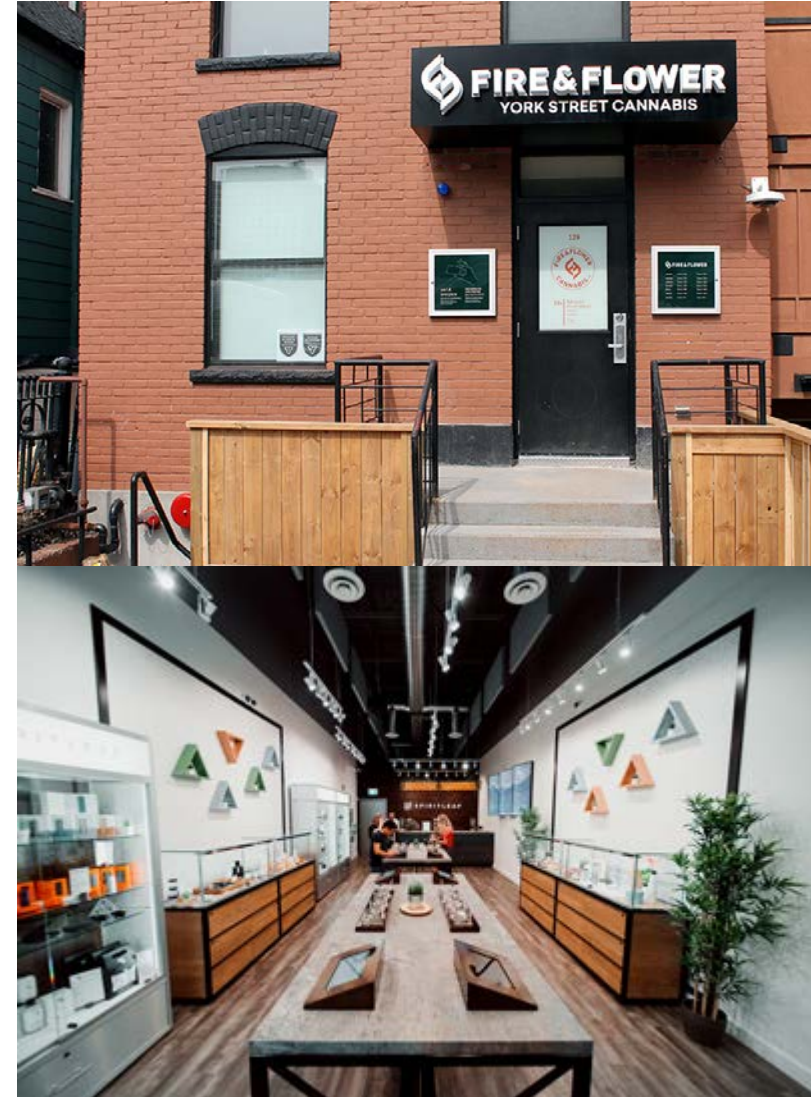
Licensees must obtain criminal background checks from employees as part of the hiring process

Cannabis sold in retail stores can only be purchased from the government-owned Ontario Cannabis Store (OCS)

Cameras and lighting must be positioned to clearly capture 24-hour coverage of the interior of the premises and immediately outside the premises. Video recordings must be made and retained for a minimum of 30 days and be made available to the AGCO upon request

All cannabis must be stored securely at all times and be accessible only by staff from receipt of product to point of sale, destruction, or return to the Ontario Cannabis Retail Corporation (OCRC) or the Licensed Producer

Licensees must ensure that cannabis and accessories are not visible from the exterior of the premises



Source: <https://www.agco.ca/cannabis/registrars-standards-cannabis-retail-stores>

Overview – Protecting Youth

Under the *Cannabis Act* it is prohibited to sell cannabis or a cannabis accessory that has an appearance, shape or other sensory attribute or a function that there are reasonable grounds to believe could be appealing to young persons.



Legal/Regulated Products



CBC NEWS

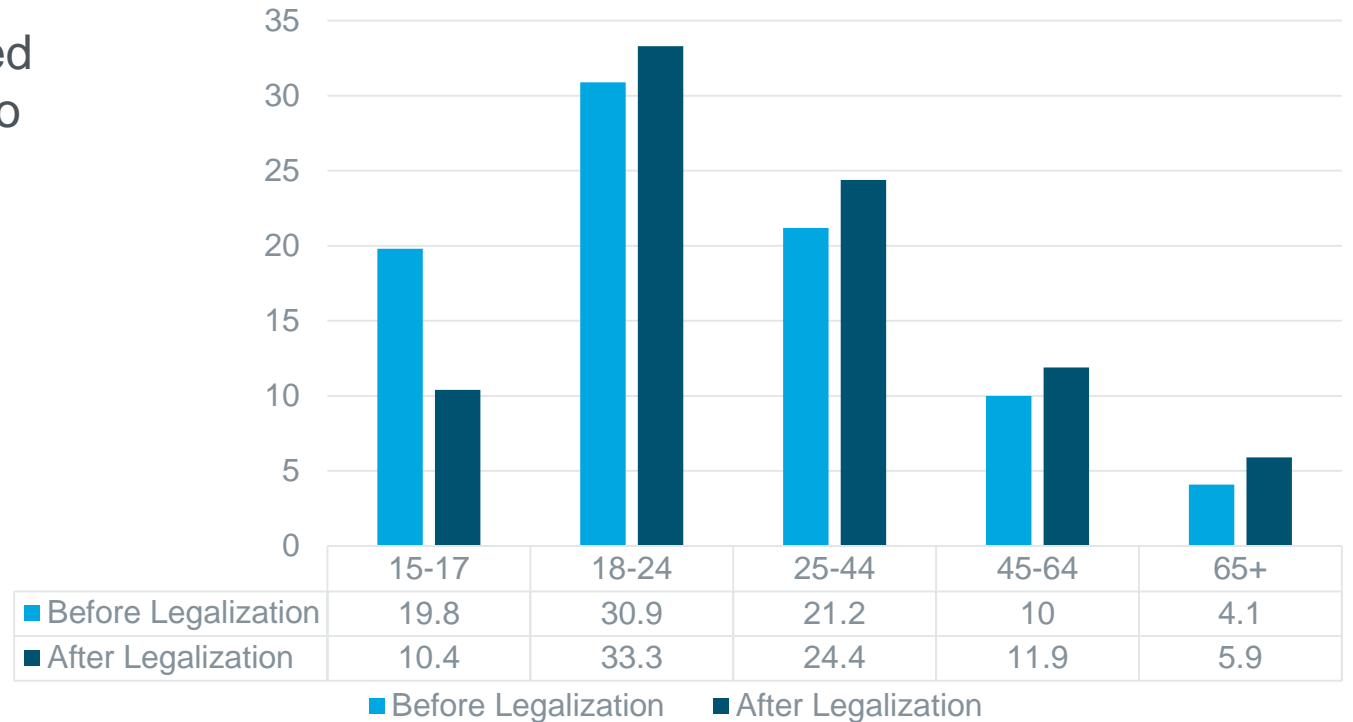
Illegal/Unregulated Products

Protecting Youth

Cannabis use among 15-17 year-olds has been nearly cut in half from 19.4% before legalization to 10.4% after legalization. The average age to initiate cannabis use has risen from 18.9 in 2018 to 20.0 in 2020

- Legal cannabis products can only be purchased in provincially licensed, age-gated (19+) cannabis stores or through the Ontario government online store.
- Cannabis products and accessories cannot be sold in a manner that may be seen by a young person.
- While there is much work to do, progress is being made to protect children and youth.

Cannabis Use (Any) in the Past 3 Months



Source: Statistic Canada: Prevalence of cannabis use and daily or almost daily use in the past 3 months, by before or after legalization and selected demographics, household population aged 15 or older, Canada (provinces only), 2018 and 2019

Cannabis and Driving

Peel Regional Police reported 44 Impaired by Cannabis driving charges in 2020, up from 36 charges in 2019. Since the legalization of cannabis, there has been a significant investment into roadside testing training programs

Under Ontario's cannabis laws, "no person shall consume cannabis in any manner in a vehicle or boat while the person is driving or has care or control of the vehicle or boat, regardless of whether [it] is in motion."

Aurora has partnered with The Centre for Addiction and Mental Health (CAMH) for research studies on Cannabis, Alcohol & Driving.

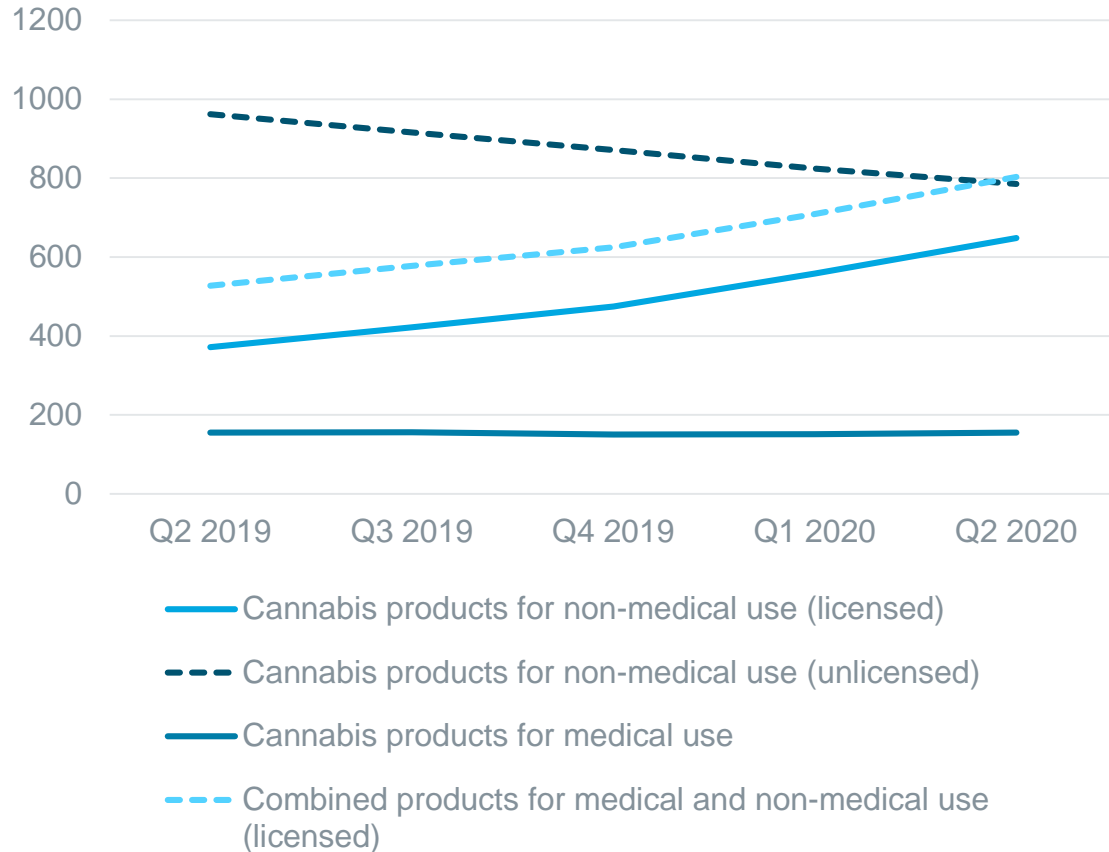
Prior to legalization, cannabis producer Tweed partnered with MADD and Uber for a national awareness campaign focused on educating Canadians on the dangers of impaired driving.

There continues to be a need for public education and awareness about the impact of cannabis use on driving.

Illicit Market Conversion

Several data points show a positive trend in favour of the regulated market; but tracking illicit market conversion is not an exact science.

Statistics Canada Detailed Household Consumption Expenditure,
Quarterly, Canada, (x1,000,000)



- Statistics Canada reports in Q2 2020 that, for the first time, Canadians spent more on licensed medical and non-medical cannabis (\$803M) vs. unregulated cannabis (\$785M).
- The Ontario Cannabis Store (OCS) reported in March 2020 that 40.3% of recreational cannabis sales in Ontario are now occurring through legal channels while in Sept 2020 the SQDC estimated it had transitioned more than 40% of the unregulated market in Quebec to legal channels.
- In July 2020, 51% of British Columbian cannabis consumers say that all of their product was acquired at a licensed retailer to compared to 31% in October 2019.

Why Are Retail Stores Important?

Aurora has invested heavily in data-driven market research to better understand our current and future consumers. A large portion of this research is aimed at consumers who currently purchase from the illicit market and developing products to suit their needs and behaviors.

Our research shows that 71% of consumption (legal and illicit) comes from heavy consumers who used cannabis before and after legalization. For these consumers, most of their cannabis is sourced from illegal channels primarily due to price and convenience.

According to the Ontario Cannabis Store data, approximately 87% of legal sales are at brick-and-mortar retail stores compared to 13% of sales at the ocs.ca

Permitting brick and mortar cannabis retail stores is a key tool towards converting consumers from the illegal market.

Closing

Canadians are among the most prolific consumers of cannabis in the world, even prior to legalization.

Public health risks are reduced through good manufacturing and harm reduction practices such as: product testing and information on ingredients and potency.

Regulated cannabis products provide a higher quality and safer alternative to the illicit market through hardware and ingredient testing and the ability for product recalls should the need ever arise.

Strict regulations ensure legal regulated cannabis products are kept out of the hands of children.

Allowing licensed cannabis retail stores is a key tool to combat the illicit market and to protect children and youth.



Date: June 2, 2021	Originator's files:
To: Chair and Members of General Committee	
From: Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer	Meeting date: June 9, 2021

Subject

Formal Bid Protest by Mastercrete Construction Inc. Regarding Procurement No. PRC002941 Construction of Concrete Sidewalks at Various Locations

Recommendation

1. That the report dated June 2, 2021 from the Commissioner of Corporate Services and Chief Financial Officer titled "Formal Bid Protest by Mastercrete Construction Inc. Regarding Procurement No. PRC002941 Construction of Concrete Sidewalks at Various Locations" be received.
2. That the bid received from Mastercrete Construction Inc. continue to be disqualified on the grounds of unsatisfactory references.

Executive Summary

- A Request for Tender (RFT) was issued for 2021 Construction of Concrete Sidewalks at Various Locations.
- Mastercrete Construction Inc. submitted the lowest priced bid.
- The references submitted by Mastercrete are not comparable to the City's contract and are unsatisfactory, resulting in rejection of the bid.
- Mastercrete is making a Formal Bid Protest in accordance with City Policy 03-06-08 - Bid Awards and Bid Protest to dispute the City's rejection of their bid.

Background

Construction of concrete sidewalks at various locations is an annual program for the City, managed by the Capital Works Delivery Section of the Transportation & Works Department. The 2021 program includes construction of approximately 3700 metres (12000 ft.) of sidewalk.

A Request for Tender was posted on April 5, 2021 and closed on April 20, 2021.

We received nine bids as follows:

Bidder	Bid Amount
Mastercrete Construction Inc.	\$1,178,000.00
Associated Paving & Materials Ltd.	\$1,183,705.00
Aqua Tech Solutions Inc.	\$1,382,223.80
Royal Ready Construction Limited	\$1,537,825.00
Serve Construction Ltd.	\$1,540,675.00
DIG-CON International Limited	\$1,572,890.00
PTR Paving Inc.	\$1,603,223.60
Pave-Tar Construction Ltd.	\$1,918,560.00
Neptune Security Services Inc.	\$1,971,517.00

Mastercrete, the lowest priced bid received, provided references.

Reference requirements were for the three scopes of work included in the contract: sidewalk installation, road resurfacing and concrete vehicle lane pavement, and that the reference projects should be not less than \$1,300,000 for each contract and completed within the past three years. The references are required for projects completed by Mastercrete, who is the Bidder.

Mastercrete provided three references. The references are not satisfactory, as summarized below:

- **Project 1 - 2016 Intersection Improvements, City of Mississauga**
 - The project experienced delays and the City was not satisfied with Mastercrete's performance.
 - There were delays on large portions of the project work. As a result, the City issued a claim for liquidated damages to Mastercrete in October 2017.
 - This project was in 2016/17.
- **Project 2 – Watermain Project, City of Toronto**
 - This reference project was a watermain project and not similar to Mississauga's sidewalk project. It did not include sidewalk and road resurfacing as is required for Mississauga's contract.
 - This project was in 2015.
- **Project 3 – Appleby Mall Plaza Project, Embee Properties**
 - The reference from Embee Properties provided project details verbally. They did not fill out the reference form.

- This reference project was not similar to the requirements of Mississauga's contract. It was a plaza site servicing project, mainly construction of a new stormwater sewer, sanitary sewer and asphalt pavement in the plaza. It is not a municipal road project and only 152 metres (500 ft.) of sidewalk inside the plaza is included in the work scope.
- This project was in 2015/16.

Mastercrete was notified that their bid was rejected on May 6, 2021 and they were provided with the standard three-day period to raise questions or concerns. Mastercrete objected and were provided with further information in response to their concerns on May 13, 2021. Staff met with Mastercrete on May 18, 2021 but were unable to resolve the matter.

Present Status

The procurement process is currently on hold, pending resolution of Mastercrete's bid protest.

Comments

Mastercrete is disputing the rejection of their bid and has asserted that:

1. The RFT did not state that references had to be within the past 3 years and that not stating this upfront was unfair.

The RFT stated that the Bidder must, on request, provide references satisfactory to the City, demonstrating its ability to perform the work and, if applicable, that of its subcontractors and/or suppliers. The City will consider the size, scope, nature and complexity of the Bidder's contract with each reference provided and its comparability with the City's requirements.

The RFT also includes Reserved Rights (Item 14 of the Standard Instructions), which states that the City, without liability, cost or penalty, and in its sole discretion, may disqualify and reject any Bid at any stage of the Bid Request process in any of the following circumstances: (d) the references submitted by the Bidder are deemed unacceptable by the City.

References are important to the City in determining contract awards. In staff's view, when the City is contemplating the award of a million dollars plus contract, the bidder should demonstrate good, current references that are relevant to the contract at hand.

2. A representative of Mastercrete, who will be assigned to the contract, has significant experience working for the City on previous contracts held by Con-Ker Construction, which should be sufficient for the City.

Mastercrete is the bidder; a track record of successful performance by the bidder helps to mitigate project risks. In staff's view, references of the bidder are relevant and not those of

related companies or persons. Mastercrete's lack of recent, relevant references exposes the City to risk of non-performance issues.

3. The reference projects are relevant. Project 2 – Watermain Project, City of Toronto, is the most relevant.

The references provided by Mastercrete are not comparable to the City's contract. In staff's experience and professional opinion, the references are unacceptable as they do not correspond with "the size, scope, nature and complexity" of the City's contract. The City's own experience with Mastercrete was unfavourable, and they have not produced references for the period of time since then which would give staff confidence that Mastercrete is better positioned for success now.

The City of Toronto reference form indicates that this was a watermain project. The City of Toronto's award report, posted on their website also describes a watermain project. These documents are Appendix 1 to this report. The scope of work for this project did not include sidewalk construction or road resurfacing.

4. Mastercrete was not notified of previous issues or formally excluded from bidding.

The City awarded a contract to Mastercrete for the City's 2016 Intersection Improvement Program, as noted above. There were delays to completion and the City was not satisfied with Mastercrete's performance.

The City notified Mastercrete of its concerns, and issued a claim for liquidated damages; a clear indication of performance issues. Mastercrete was not formally excluded from bidding; had they been, the ban would have been for two years and lifted by now.

Financial Impact

There is no financial impact associated with the recommendations in this report.

Conclusion

Mastercrete Construction Inc. submitted the lowest priced bid in response to PRC002021 for Construction of Concrete Sidewalks at Various Locations. The bid was rejected due to unsatisfactory references. The references provided by Mastercrete are not comparable to the City's contract and do not demonstrate recent, relevant experience. The City's own experience with Mastercrete in 2016/17 was not favourable. Given Mastercrete's lack of recent, similar project experience and the City's experience with Mastercrete, staff are not confident that Mastercrete is better positioned for success now and are concerned that there is a risk of non-performance issues. Staff in their professional opinion continue to assert that the bid should be rejected.

Attachments

Appendix1: City of Toronto Reference Form (redacted) and Contract Award Report



Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Erica Edwards, Manager, Materiel Management – External Services



BID COMMITTEE CONTRACT AWARD

Award of Tender Call No. 239-2015 to Mastercrete Construction Inc. for Watermain construction on Chapel Road, South Kingsway and Maynard Avenue; and Road and Laneway Reconstruction on Chapel Road, Alton Laneway and Howland Laneway

Date:	August 26, 2015
To:	Bid Committee
From:	Director, Purchasing and Materials Management

RECOMMENDATIONS

The Director of Purchasing and Materials Management recommends that the Bid Committee grant authority to award the following contract:

Call No:	Tender Call No. 239-2015
Description:	Contract No. 15ECS-LU-27SU for Watermain construction on Chapel Road, South Kingsway and Maynard Avenue; and Road and Laneway Reconstruction on Chapel Road, Alton Laneway and Howland Laneway.
Recommended Bidder:	Mastercrete Construction Inc.
Contract Award Value:	<p>\$3,592,425.50 net of all applicable taxes and charges \$4,059,440.82 including all applicable taxes and charges \$3,655,652.19 net of HST recoveries</p> <p>Contract is expected to commence on date of award and end on December 31, 2017.</p>

Financial Impact:

The contract award identified in this report is \$4,059,440.82 including all applicable taxes and charges. The cost to the City is \$3,655,652.19 net of HST recoveries.

Funding in the amount of \$3,305,953.95 is included in the 2015 Approved Capital Budget and 2016-2024 Approved Capital Plan for Toronto Water. Funding in the amount of \$42,830.78 is included in

the 2015 Approved Operating Budget for Transportation Services. Funding in the amount of \$306,867.46 is included in 2015 Approved Capital Budget and 2016-2024 Approved Capital Plan for Transportation Services. Funding details are provided below:

WBS Element/Cost Centre	Description	Date of Award to December 31, 2015	January 01, to December 31, 2016	January 01, to December 31, 2017	Total (net of HST Recoveries)
CPW542-17-19	District Watermain Replacement – 2015, former 15ECS-LU-25SU	\$284,814.36	\$356,017.95	\$71,203.58	\$712,035.89
CPW542-18-05	Watermain Upgrades – 2015 former 15ECS	\$705,015.54	\$881,269.43	\$176,253.89	\$1,762,538.86
CPW544-13-25	2015 Water Service Replacement - SOGR	\$332,551.68	\$415,689.60	\$83,137.92	\$831,379.20
	<i>Sub-total: T.W. Capital</i>	<i>\$1,322,381.58</i>	<i>\$1,652,976.98</i>	<i>\$330,595.39</i>	<i>\$3,305,953.95</i>
TP0163	Roadway Cut Repair	\$23,000.00			\$23,000.00
TP0358	Roadside Repair	\$19,830.78			\$19,830.78
	<i>Sub-total: Transportation Operating</i>	<i>\$42,830.78</i>			<i>\$42,830.78</i>
CTP315-07-126	Local Road Rehabilitation	\$112,241.28			\$112,241.28
CTP315-05-101	Laneways	\$174,884.74			\$174,884.74
CTP815-01-102	TTC	\$ 2,442.24			\$ 2,442.24
CTP315-09-106	Major SOGR	\$ 17,299.20			\$ 17,299.20
	<i>Sub-total: Transportation Capital</i>	<i>\$306,867.46</i>			<i>\$306,867.46</i>
	Total				\$3,655,652.19

The engineering estimate for this project is \$2,542,144.50 net of all applicable taxes and charges.

CALL SUMMARY

Ward No:	Ward 6 (Etobicoke-Lakeshore), Ward 13 (Parkdale-High Park), Ward 14 (Parkdale-High Park) and Ward 30 (Toronto-Danforth)	
Call Dates:	Issued: July 15, 2015, Closed: July 29, 2015	
# of Addenda Issued:	One (1)	
Number of Bids: Four (4)	Firm Name	Bid Price (Incl. HST)
	Mastercrete Construction Inc.	\$4,059,440.82*
	IL Duca Contracting Inc.	\$4,349,683.74
	Rabcon Contractors Ltd.	\$5,759,637.12*
	Drainstar Contracting Ltd.	\$6,993,364.34
	*Tender prices were corrected for mathematical errors. Purchasing and Materials Management has verified that the mathematical errors were corrected.	
Division Contacts	PMMD Contact Joanne Kehoe Manager Construction Services Purchasing & Materials Management Telephone: (416) 392-7323 e-mail: jkehoe@toronto.ca	Divisional Contact John P. Kelly Director, Design & Construction Linear Underground Infrastructure Engineering & Construction Services Telephone: (416) 392-0867 e-mail: JKelly@toronto.ca

COMMENTS

For the recommended contract award, the following requirements have been met:

- (a) The firm recommended for award is the lowest bidder meeting specifications or to the highest scoring proponent based on the evaluation criteria included in the call and meeting the requirements of the call;
- (b) the appropriate Division has reviewed submissions and found the price to be reasonable, within available budget and concurs with the recommendation;
- (c) the total contract value is less than \$20 million dollars (excluding applicable taxes) and the contract term is:
 - i. for a contract funded by the operating budget, 5 years or less including any option years; or
 - ii. for a contract funded by the capital budget, within the projected term of the capital funding for the project as set out in the capital budget,

being within the authority of the Bid Committee;

- (d) there are no material written objections to the award;
- (e) the call document was advertised on the City's internet website and bids or proposals were opened publicly; and
- (f) the Fair Wage Office confirms the recommended firm understands the Fair Wage Policy and Labour Trades requirements and has agreed to comply fully.

Additional details and information for the above calls are on the file in the Purchasing and Materials Management Division.

Michael Pacholok
Director, Purchasing and Materials Management Division



Contractor Reference Check Form

City of Mississauga Project Name: 2021 Construction of Concrete Sidewalks at Varous Locations

City of Mississauga Procurement No.: PRC002941 – CONTRACT #: P.N. 21-165

Name of Reference: [REDACTED]

Organization: City of Toronto

The contractor, Mastercrete Construction Inc., has given your name as a reference in their bid submission. Please complete this evaluation and email it back to the attention of Linda Bai (linda.bai@mississauga.ca). **The City will keep this reference check result confidential.**

Referenced Project Name:	15ECS-LU-27SU
Referenced Project Value (Please note the Project Value should be the work that Mastercrete Construction Inc. performed in the reference project, rather than the overall project cost):	\$3.3M
Reference Person's Position in this Project	Senior Project Manager
Year of Project Completion	2015
Address of the project	Various roads
Approximate Length of the Sidewalk Installed in this Project	watermain contract
Approximate Length of Road Resurfacing in this Project	watermain contract
Approximate Length of Concrete Pavement (Vehicle Lane) in this Project	watermain contract

Criteria	Excellent	Good	Sufficient	Inadequate	Additional Comments
Quality: Vendor's workmanship, compliance with specifications	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
Safety: measure of vendor's commitment & compliance to required safety regulations and procedures, traffic control, public, etc.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
Schedule: Vendor's ability to complete the project and any interim deadlines on time	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
Budget: Vendor's capability to finish the work on budget	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	

Date: May 21, 2021	Originator's files:
To: Chair and Members of General Committee	
From: Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer	Meeting date: June 9, 2021

Subject

ISO 37122 Smart City Certification by the World Council on City Data (WCCD)

Recommendation

That the corporate report dated May 21, 2021 from the Acting Commissioner, Corporate Services Department and Chief Financial Officer entitled, "ISO 37122 Smart City Certification by the World Council on City Data (WCCD)", be received for information.

Executive Summary

- The City of Mississauga has received the International Organization for Standardization (ISO) 37122 "Early Adopters" certification – Indicators for Smart Cities from the World Council on City Data (WCCD)
- The City of Mississauga first received certification for WCCD's Standard - [ISO 37120 – Indicators for City Services and Quality of Life](#) - in 2018, a prerequisite for ISO 37122 Certification
- The City of Mississauga reported on 71 out of 80 indicators, moving forward into its second year of reporting, this will earn the City of Mississauga Platinum level certification, however, for year one, all certified cities will receive "WCCD ISO 37122 Early Adopter Certification"
- The City of Mississauga is amongst a cohort of approximately 10 cities globally to become a part of the WCCD's ISO 37122 Early Adopters Scheme. The only Canadian city to be awarded this certification within the first cohort
- Harnessing globally standardized and independently verified city data will help to continue to showcase Mississauga locally, nationally and globally as an innovative and attractive place in which to live, work and play

Background

The World Council on City Data (WCCD) was founded in 2014, and exists to help communities of all sizes - in Canada and across the globe - to embrace standardized, independently verified, and globally comparable city data to become more sustainable, resilient, prosperous, inclusive and smart. Since its founding, the WCCD has been working with 100 cities worldwide and has helped these cities to adopt ISO 37120, the first international standard for city data. The WCCD and ISO 37120 are a truly “Made in Canada” initiative – with their ultimate creation primarily spearheaded by Canadian urban thinkers and city leaders. The standard includes 104 indicators across 19 themes and standardizes a set of city services and quality of life. ISO 37120 provides cities with quantitative, globally comparable and independently verified local-level data enabling any city, of any size, to measure and compare its social, economic, and environmental progress internally year-over-year, and also in relation to other peer cities locally and globally.

In 2017, KPMG was engaged to assess the current maturity of performance measures across the corporation. There were a few projects that emerged as a result of their findings, one of which was the introduction of [World Council of City Data \(WCCD\)](#).

On November 9th, 2018, the City of Mississauga was certified as ISO 37120 at the Platinum level by the World Council on City Data (WCCD) ([Read More: Mississauga Joins Global Network of Data-Driven Cities](#)). Mississauga reported 96 out of the 100 indicators, earning platinum-level ranking and is one of ten Canadian municipalities to receive the certification. The City joined more than 60 municipalities that are part of the WCCD global network.

In 2021, WCCD is now also operationalizing two new standards: [ISO 37122 Indicators for Smart Cities](#) and [ISO 37123 Indicators for Resilient Cities](#) across its rapidly growing network. The WCCD has led the development of this “ISO 37120 Series” of three global standards to support cities in Canada and globally in building a global framework for city data that allows cities to drive measurable progress for sustainable, resilient and smart futures. A prerequisite for both certifications is having certification in ISO 37120.

Mississauga became eligible for the second certification ISO 37122 and was positioned to lead in smart city development globally with ISO standardized, comparative, and independently verified city data – the essential starting point for smart city development. The City of Mississauga reported on 71 out of 80 indicators, moving forward into its second year of reporting, this will earn the City of Mississauga Platinum level certification, however, for year one, all certified cities will receive “WCCD ISO 37122 Early Adopter Certification.” On May 8, 2021 WCCD confirmed that the City of Mississauga had received the ISO 37122 certification, the only city in Canada to be awarded this certification.

Comments

The concept of a smart city is being embraced by cities globally. Many national governments and international organizations have also adopted smart city development as a key policy priority. Until now, there has been a lack of global coherence around this concept, in particular two fundamental items:

1. A general lack of clarity on the definition of what a “smart city” truly is
2. A lack of internationally-standardized indicators to measure progress, drive smart city investment, drive city-to-city learning and create tools for year-over-year benchmarking

To address this urgent need, the WCCD globally operationalized ISO 37122 Indicators for Smart Cities. The development of this global first has been driven by the WCCD, which is coordinating the effort to build open, high-calibre, independently verified and globally comparable city data.

As accelerating improvements in city services and quality of life is fundamental to the definition of a smart city, ISO 37122 is intended to provide a complete set of indicators to measure progress towards a smart city. Indicators are used to measure progress, drive smart city investment, drive city-to-city learning and create tools for year-over-year benchmarking. It demonstrates how the City of Mississauga is doing compared to other cities, but also serves as a benchmark within the City’s planning process.

Standardized data facilitates city-to-city learning, encourages global adoption of city solutions and fosters smart city innovation. It is particularly important for evaluating new smart infrastructure solutions, which can produce multiple financial, economic, social and environmental benefits.

Standardized data can also play a major role in building the investment case for mobilizing funding and securing citizen support, demonstrating impact and progress over time, and assisting other cities to understand the benefits of these solutions through data-driven city-to-city comparators.

Financial Impact

There are no financial impacts resulting from the recommendations in this report.

Conclusion

The WCCD Global Cities Registry is the internationally recognized list of cities that are certified against ISO in accordance with the WCCD certification system. The City of Mississauga has been added to the WCCD Global Cities Registry and is now recognized alongside other “Early Adopter” cities and be part of a global effort to build open, high-caliber, independently verified and globally comparable city data.

As accelerating improvements in city services and quality of life is fundamental to the definition of a smart city, ISO 37122 is intended to provide a complete set of indicators to measure progress towards a smart city. Leading cities building WCCD ISO-certified city data are driving progress towards local, national and global agendas through more sustainable, resilient, smart, prosperous and inclusive cities.

Harnessing globally standardized and independently verified city data will help to continue to showcase Mississauga locally, nationally and globally as an innovative and attractive place in which to live, work and play.

Attachments

Appendix 1: Mississauga ISO 37122 Certificate



Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Steve Czajka, OLS, OLIP, Manager, Smart City

ISO 37122**WORLD COUNCIL
ON CITY DATA**

Certificate Of Registration

**ISO 37122 Sustainable Cities and Communities -
Indicators for Smart Cities**

The World Council on City Data certifies that:

MISSISSAUGA

Has reported indicators in conformity
with ISO 37122 as an

Early Adopter - ISO 37122

And has been added to the WCCD Global Cities Registry™

Reporting Year: **2020**

Certificate Registration Number: **S22-2020-E-0003**

Certificate Expiry Date: **May 31 2022**

A handwritten signature in black ink, appearing to read "P. McCarney", is written over a horizontal line.

Patricia McCarney
President and CEO
World Council on City Data



WCCD | WORLD COUNCIL
ON CITY DATA

Date: May 21, 2021	Originator's files:
To: Chair and Members of General Committee	
From: Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer	Meeting date: June 9, 2021

Subject

2020 Smart City Annual Report

Recommendation

That the corporate report entitled, "2020 Smart City Annual Report", dated May 21, 2021, from the Acting Commissioner of Corporate Services Department and Chief Financial Officer, be received for information.

Executive Summary

- The [Smart City Master Plan](#) was endorsed by Council on July 3, 2019. The Smart City Master Plan directed staff to develop a Smart City Annual Report along with the creation of a Smart City Policy. The 2020 Smart City Annual Report identifies the progress of implementing the Smart City Master Plan
- The City of Mississauga has received the following awards and certifications: ISO 37122 Smart City Early Adopter Certification, Smart 21 Global Award, Ranked #8 in North America for the Open Cities Index, and Ranked #10 in North America for the Geospatial Maturity Index
- The City has created an inventory of over 80 Smart City asset classes that can be visualized and downloaded from the Open Data Portal under the Official Smart City Asset Registry link
- Part of Mississauga's Smart City Program is engaging with the public through our [Centre for Civic Curiosity](#). The Centre is a virtual and physical space where the public can explore, learn, connect, and contribute to the future of Mississauga
- The Smart City Policy is in the early stages of development. This policy is designed to enable digital in the physical realm with the trust of our citizens. The City is initiating a citizen engagement phase that will empower co-creation of the Smart City Policy. This engagement is planned to launch during the summer of 2021

- In addition, the City of Mississauga is planning to work with other cities across Canada by developing a Canadian Smart City Network, a sub-committee of the Public Safety Broadband Network (PSBN)

Background

The [Smart City Master Plan](#) was endorsed by Council on July 3, 2019. The Master Plan focuses on how technology will continue to enhance the quality of life for everyone in Mississauga. The Master Plan directed staff to develop a Smart City Annual Report along with the creation of a Smart City Policy, both of which are highlighted in this report.

Since the endorsement of the Smart City Master Plan, the team's focus has been on pivoting in response to COVID-19. This pandemic was the largest disrupter to daily life that our world will likely see for many generations to come. Through this pandemic, we have had to pivot the way we deliver services to our citizens. To learn about how we have adapted to this new world, please read our [COVID-19 Corporate Report to City Council](#).

Comments

The [2020 Smart City Annual Report](#) identifies areas of progress towards the implementation of the Smart City Master Plan. This includes: project accomplishments, certifications, awards, description of existing smart city assets, progress on significant policies and future-proofing Mississauga.

Smart City Awards / Certifications

The following awards and certifications are evidence that the City of Mississauga in many ways is already a Smart City. These awards and certifications include:

- [ISO 37122 Smart City Early Adopter Certification](#) - Issued by the World Council on City Data (WCCD)
- [Smart21](#) - The Intelligent Communities Forum (ICF) selects 21 finalists to receive this recognition, based on a survey of communities from around the world
- [Open Cities Index](#) - The Public Sector Digest (PSD) measures municipal open data programs and policies amongst Canada and the United States to formulate the Open Cities Index. The City of Mississauga ranked #8 in North America
- [Geospatial Maturity Index](#) - The Public Sector Digest (PSD) measures public sector organizations comparing GIS departments and program maturity amongst their peers. This City of Mississauga ranked #10 in North America

Innovation Corridor

Mississauga is located in the Toronto-Waterloo Innovation Corridor and is leading the way in innovation by investing in people and driving long-term economic success. Focused on having the right infrastructure in place for innovation and growth, Mississauga has the potential to become one of the world's top innovation ecosystems. For example, Mississauga is home to the [Xerox Research Centre Canada](#), a 27,000 sq. foot innovative Centre at the Sheridan Science

and Technology Campus that houses the [Research Innovation and Commercialization \(RIC\) Centre](#) & [Green Centre of Canada](#) and the [Ontario Centre of Excellence \(OCE\)](#), who are dedicated to helping start-ups bring their concept to commercialization and for engineers to test and develop advanced technologies to address climate change, medical devices, advanced manufacturing and connectivity.

Official Smart City Asset Registry

The following list of key programs are described in the report. These key programs illustrate the City's commitment to Smart City investments:

- Business to Business (B2B) Platform
- Digital Main Street
- Public Sector Network (PSN)
- Wireless Network
- Home Internet Speed Measuring Program
- 5G
- Advanced Traffic Management System (ATMS)
- Smart LED Streetlight
- iParks
- Lakeview, Bright Water and Oxford Developments

The City has created an inventory of over 80 Smart City asset classes that can be visualized and downloaded from the Open Data Portal under the Official Smart City Asset Registry link. These Smart City asset classes include the:

- Title of the asset
- Brief description
- Lead department
- Category of the asset
- Links to additional resources
- Identification of pilot projects and the
- Vertical application areas

Each asset class is considered a grouping such that one asset class may contain many individual assets. For example, the Automated Traffic Management System (ATMS) is an asset class comprised of roughly 800 intersections with multiple assets contained within each intersection. This registry will be updated annually and made available to all citizens.

Data is the Foundation of a Smart City

Data is at the core of a Smart City used to provide evidence and drive decision making. Data provides insights, historical context, allows for prediction, unravels relationships between different business elements, discovers patterns, and enables storytelling campaigns to drive meaningful change. Data and Data Governance efforts are of key importance to the Smart City Program.

Centre for Civic Curiosity

Part of Mississauga's Smart City Program is engaging with the public through our [Centre for Civic Curiosity](#). The Centre is a virtual and physical space where the public can explore, learn, connect, and contribute to the future of Mississauga. In 2020, the [Smart City Open Data Challenge](#) was launched, the City's first virtual hackathon. To learn more about this event and to see the winners, please go to the [Smart City Open Data Challenge](#).

Future-Proof Mississauga

The next 10 years are going to be about disruptive change and Mississauga is preparing for those changes. The current research, focus areas, and work lays the foundation for a prosperous future for the City of Mississauga.

Engagement and Consultation

In addition to the engagements noted through the 'Center for Civic Curiosity', as directed by the Smart City Master Plan, City of Mississauga staff will be embarking on a citizen engagement initiative to co-create the Smart City Policy. The Smart City Policy is designed to enable digital in the physical realm with the trust of our citizens. This engagement is planned to launch during or prior to the summer of 2021. Engagement events will be published on our Smart City website smartcity.mississauga.ca.

In addition, the City of Mississauga is planning to work with other cities across Canada by developing a Canadian Smart City Network, a sub-committee of the Public Safety Broadband Network (PSBN). The sub-committee was launched in 2021 and is building awareness and membership.

Financial Impact

There are no financial impacts resulting from the recommendations in this report.

Conclusion

The 2020 Smart City Annual Report summarizes how the City of Mississauga in many ways is already a Smart City. The report illustrates key initiatives where citizens and businesses can learn about the modernization of our city. The report also identifies various awards and certifications that provide evidence that the City of Mississauga is already a Smart City.

The current focus of the Smart City program is on co-creating the Smart City Policy through a Citizen Engagement initiative.



Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer
Prepared by: Steve Czajka, OLS, OLIP, Manager, Smart City

Date: May 27, 2021

To: Chair and Members of General Committee

From: Paul Mitcham, P.Eng, MBA, City Manager and Chief
Administrative Officer

Originator's files:

Meeting date:
June 9, 2021

Subject

Cannabis Retail Sales Update

Recommendation

That the Corporate Report entitled "Cannabis Retail Sales Update", dated May 27, 2021, from the City Manager and Chief Administrative Officer, be received for information.

Executive Summary

- City staff brought a report to General Committee in April 2020 to provide an update on the status of retail cannabis, but the report was deferred due to Committee only considering matters pertaining to COVID-19 at that time. Council has directed staff to bring an information update report to the June 9, 2021 General Committee meeting;
- Since Council passed its resolution in December 2018 to prohibit cannabis retail stores from operating in Mississauga, the legal landscape has changed in two significant ways: (1) cannabis edibles can now be sold and (2) the Province has lifted the cap on the number of licences that can be issued by the Alcohol and Gaming Commission of Ontario ("AGCO");
- Since the cap was lifted on March 2, 2019, the number of cannabis stores across Ontario has increased from 30 to 772 at the time of writing this report.
- According to the AGCO's website, the Provincial regulator is approving approximately 30 new locations across Ontario each week.
- The AGCO has the sole authority to licence and regulate the sale of cannabis in privately run stores in Ontario;
- Other than deciding to permit or prohibit retail sale, municipalities still have a limited role to play in regulating cannabis in Ontario. Municipalities cannot require that cannabis retail stores obtain a business licence nor can they designate cannabis retail as a separate land use from retail or commercial;

- Municipalities are permitted to provide comment to the AGCO regarding its licensing system, but the decision to licence is made by the AGCO alone. The AGCO has never denied a licence because a municipality objected to a particular location.
- From an enforcement perspective, the AGCO and Peel Regional Police are responsible for ensuring the operators of retail cannabis stores are compliant with applicable legislation. Currently, any complaints received by City staff are directed to Peel Regional Police for investigation;
- At its April 23, 2021 meeting, the Peel Police Services Board received a report entitled “Illicit Cannabis in Peel Region”. The report included a summary of cannabis related enforcement trends and concluded that legal cannabis retail stores are safer than illegal ones and the number of brick and mortar locations are decreasing (up to 75%) while mobile dispensaries are on the rise;
- Staff canvassed 8 municipalities that currently licence retail stores (Toronto, Brampton, London, Kitchener, Hamilton, Guelph, Burlington and Ajax) regarding their experience with legal retail cannabis stores. Many shared concerns with location clustering, however not from an enforcement perspective. These locations for the most part remain legally compliant.
- According to the Ontario Cannabis Store, legal cannabis has had an impact on the illegal market. In 2020, the average price of legally purchased dried cannabis fell below the average price in the illegal market for the first time. Currently, legal retail represents 40% of all cannabis sales in Ontario. This could suggest that over time, the legal market could overtake the illegal market; and
- Given how relatively new legal retail cannabis is in Canada, new information pertaining to its impact becomes available on a regular basis. As a result, some of the data in this report may be outdated by the time this report is received.

Background

On November 14, 2018, the Provincial Government enacted the Cannabis Licence Act, which requires persons to obtain a licence from the Alcohol and Gaming Commission of Ontario (“AGCO”) in order to operate a “brick and mortar” cannabis retail store in Ontario.

Despite introducing this licensing regime, the Provincial Government gave municipalities the opportunity to prohibit cannabis retail stores from being located in the municipality by passing a resolution no later than January 22, 2019. On December 12, 2018, Council passed a resolution to ban cannabis retail stores from being located in the City of Mississauga.

The City of Mississauga may by resolution, lift the prohibition and permit cannabis retail stores to be located in the municipality. However, this resolution would be final and cannot be reversed.

At the October 2, 2019 General Committee meeting, staff was directed to report back to General Committee with an update on cannabis retail use in Ontario. Due to the pressures and priorities related to COVID-19, the staff report was deferred in April 2020 to a future committee meeting. At its May 19, 2021 meeting, Council directed staff to bring a report to the June 9, 2021 GC meeting for discussion.

Present Status

Cannabis use (including production, sale and consumption) is regulated by all three levels of government in Canada, although the role that municipalities play is minimal. The following section of this report provides a legislative outline of the role of the federal, provincial and municipal governments in regulating cannabis.

The Role of the Federal Government - Production

Health Canada regulates the cultivation and processing of cannabis. Any person that wishes to produce cannabis for commercial purposes must obtain a licence from Health Canada. Licensed producers can only sell their product to the Ontario Cannabis Store, the sole wholesaler of cannabis owned by the Provincial Government. For personal production, persons are permitted to grow up to four cannabis plants per residence.

The Federal Cannabis Act has established criminal offences related to the possession, distribution and production of cannabis in Canada:

- Possession over the limit – up to 5 years in jail
- Illegal distribution or sale – up to 14 years in jail
- Producing cannabis beyond personal cultivation limits – up to 14 years in jail
- Taking cannabis across Canadian borders – up to 14 years in jail
- Giving or selling cannabis to a person under 18 years of age – up to 14 years in jail

The Role of the Provincial Government – Smoking and Retail Sale

According to the *Smoke Free Ontario Act*, smoking cannabis is prohibited in a number of places including: enclosed workplaces, enclosed public places, restaurants and bar patios, schools, and any indoor common areas in a condominium, apartment building or university or college residence.

The retail sale of cannabis is also regulated by the Provincial Government. The Ontario Cannabis Store is a Crown corporation and is the only legal supplier of cannabis for retail stores in Ontario. According to the *Cannabis Control Act*, no licensed person shall sell cannabis to:

- Someone in excess of 30 grams;
- To a person under 19 years of age; or
- To a person who appears under 25 years of age or intoxicated.

(a) Issuing Licenses

In accordance with the Ontario Cannabis Licence Act, the AGCO has the sole authority to licence the sale of cannabis in privately run stores in Ontario. A licence is required to open a retail store (“Operator Licence”), to open up a store at a particular location (“Retail Store Licence”) and to manage a particular location (“Retail Manager Licence”). The table below outlines some of the examples where the AGCO will not issue a licence to an applicant:

Circumstances where an <u>Operator Licence</u> will not be issued	Circumstances where a <u>Retail Store Licence</u> will not be issued
<ul style="list-style-type: none"> • The applicant is under 19 years of age • The applicant has been convicted of a cannabis related offence • The applicant is in default of filing a tax return 	<ul style="list-style-type: none"> • The location is less than 150 metres from a public or private school • The applicable municipality has opted out of permitting the sale of cannabis • The applicant doesn’t have an Operator Licence • The issuance is not in the public interest of the municipality • The location is not enclosed by walls separating it from other businesses, is not equipped with a surveillance system, cannabis is visible for people passing by on the street.

(b) Municipal Guidelines

Municipalities have the ability to provide feedback to the AGCO related to pending licences. Municipalities have 15 days to provide comments to the AGCO having regard to “protecting health and safety, protecting youth and preventing illicit activities in relation to cannabis”. Although municipalities can provide input, the decision to licence is made by the AGCO alone. The AGCO has never denied a licence because a municipality objected to a particular location.

To assist the AGCO in considering the public's interest, some municipalities (including the City of Burlington and the City of Hamilton) have developed policy guidelines that are made available to the AGCO. Attached as Appendix 1 is the City of Hamilton's Cannabis Policy Statement which advocates for cannabis retail stores to be located at least 300 metres away from sensitive areas such as schools, parks and mental health/addiction centres.

On March 8, 2021, Hamilton staff introduced a report entitled "Cannabis Retail Store Locations" to provide a cannabis update to its City Council. This report indicated that staff have objected to a total of 29 locations, primarily based on concerns of clustering and close proximity to schools and parks. Despite these objections, the AGCO issued all 29 licences.

Should Council choose to lift the prohibition to permit cannabis retail stores, staff recommend that the City first develop cannabis retail store guidelines to inform the AGCO of the broader community interests for stores located in the City of Mississauga including identifying sensitive areas where cannabis retail stores should not be permitted.

A cannabis policy could include the following:

- Project Lead - Identifying one staff person who will be designated to be responsible for coordinating with other Divisions to provide comment to the AGCO within the 15 day deadline.
- Identifying Sensitive Areas - Discourage the placement of stores in "sensitive areas" related to youth or other vulnerable populations which could include libraries, community centres, parks, universities and colleges, day cares, mental health/addiction centres or other retail cannabis stores.
- Despite municipalities having the ability to provide feedback, the AGCO has issued licences for retail cannabis stores even where a municipality has objected to a particular location.
- Hamilton - Retail cannabis stores have been approved in certain areas despite the City's objections made pursuant to its Cannabis Policy Statement. This policy states that cannabis retail stores should not be permitted in areas that already have a high concentration of cannabis stores.
- Guelph - In July 2020, a retail licence was approved in downtown Guelph, near the Guelph Community Health Centre, despite the City's policy statement, which considers addiction and health centres to be sensitive areas.
- Orillia - In September 2020, a location was approved despite the City's objection that the proposed location was in close proximity to medical clinics and addiction treatment services.

On November 25, 2020, the Ontario NDP introduced Bill 235 – *Cannabis Licensing Amendment Act*. If passed, this legislation would permit municipalities to submit Council resolutions to the AGCO, instead of relying on written submissions or cannabis policies alone. A Council resolution could address a particular retail application, an area of the municipality or the entire municipality. It is important to note that even if this Bill passes, the AGCO will continue to have full control over whether a particular location is approved. At present, the Bill has not moved past first reading.

Members of the public are also permitted to file submissions related to pending licences. On the AGCO's website, persons can fill out an electronic form related to a current application to provide details of their objection.

(c) Enforcement by the AGCO

Inspectors designated by the AGCO are permitted to inspect any place, other than a dwelling, to ensure persons who sell cannabis are in compliance with the Cannabis Licence Act. An inspector may examine, remove and/or make copies of records related to an inspection. An inspector may also seize anything that the inspector reasonably believes is not in compliance with the Act. Police officers are also empowered to enforce the provisions of the Cannabis Licence Act.

If a licenced operator does not comply with the *Cannabis Licence Act*, the AGCO may revoke or suspend their licence. For example, if a licenced person does not comply with the rules in place related to the surveillance and security of store premises, their licence can be revoked. A suspension or revocation can be appealed to the Licence Appeal Tribunal.

The City of Mississauga has found the AGCO an effective and cooperative partner in the enforcement of liquor laws.

The Role of Peel Regional Police

Local police forces such as Peel Regional Police are responsible for ensuring persons are selling cannabis in accordance with applicable legislation. According to the Cannabis Control Act, a police officer has the ability to:

- Seize anything, including cannabis, remove or arrest a person, if there are reasonable grounds to believe the Act is being contravened;
- Close a premises and bar entry if a charge is laid for a contravention of this Act; or
- Lay an obstruction charge

These enforcement powers that police have are more comprehensive than the powers afforded to municipal officers under the Municipal Act, 2001. In July 2019, Toronto Police Services relied on the powers under the Cannabis Control Act to place concrete blocks outside the entrance of an illegal retail shop to ensure the store would not re-open.

Upon conviction under the Cannabis Control Act, an individual is liable to a fine of not more than \$100,000 and a corporation is liable to a fine of not more than \$250,000. A court that convicts a person under this Act is permitted to close the premises for a period not exceeding two years or to order a person not to do anything for a specific period of time.

Report from Peel Regional Police

At its April 23, 2021 meeting, the Peel Police Services Board received a report entitled “Illicit Cannabis in Peel Region” from Deputy Chief Nick Milinovich (Appendix 2). This report highlights the current cannabis trends from the perspective of Peel Regional Police including:

- **Safety** - Legal cannabis retail stores are safer than illegal ones (fewer police reports and non-violent crimes);
- **Illegal Dispensaries** – The number of brick and mortar illegal dispensaries is decreasing (75% of illegal dispensaries have been shut down). At the time of writing their report, there were less than five (5) illegal cannabis dispensaries in the Region of Peel, compared to 2 years ago when there were approximately twenty (20) in operation;
- **Mobile Dispensaries** - The number of mobile illegal dispensaries are increasing. Mobile dispensaries deliver cannabis to the doorstep, similar to food delivery services. At the time of writing their report, Peel Police note that there are approximately 100-150 mobile dispensaries in the Region of Peel; and
- Cannabis related driving offences are increasing.

In addition, the report highlights Peel Regional Police’s current enforcement challenges related to illegal dispensaries:

- Limited Federal and Provincial enforcement powers;
- Dispensaries that are successfully shut down sometimes re-open in a new location;
- Penalties do not act as a deterrent. Fines tend to range from \$75 to \$2000. Some illegal dispensaries can make up to \$35,000 per day; and
- The closure of a Mississauga dispensary in 2019 required six search warrants and cost Peel Police approximately \$20,000 to enforce.

The report does not indicate if or how the legal retail market has impacted these trends or enforcement challenges.

Municipal Role

Other than deciding to permit or prohibit retail sale, municipalities have a very limited role to play in regulating cannabis in Ontario. For retail sale, municipalities are not permitted to license these businesses. From a zoning perspective, municipalities are not permitted to designate cannabis retail as a separate land use from retail or commercial, however, a cannabis retail store must comply with the City's Zoning By-law related to retail use.

Comments

Legislative Update

In the time since Council opted out of retail stores in December 2018, the Provincial Government has updated the legislative framework for retail cannabis use in Ontario as follows:

- **Edibles** - Cannabis edibles (including cookies, chocolates and gummies), extracts and topicals became legal in Ontario as of October 17, 2019. These items are sold online through the Ontario Cannabis Store or through licensed retail stores, similar to dry forms of cannabis. Over the years, there have been reports of children consuming cannabis edibles because of their resemblance to candy. Health Canada requires the packaging of legal edibles to be child resistant and the labelling cannot be designed in a way that appeals to children. Evidence suggests that illegal retailers do not follow the same standards.
- **Number of Licences** – Whereas previously the number of cannabis retail stores was set at 75, as of March 2, 2020, there is no longer a cap on the number of cannabis retail stores that are permitted to operate in Ontario. At the time of writing this report, there are 772 cannabis locations that are permitted to open in the province. According to the AGCO, it is approving approximately 30 new locations across Ontario each week.
- **Licensed producers of cannabis can now obtain a licence to sell cannabis** – called “farmgate stores” - allowing them to open a store at one of their production facilities. According to the AGCO, two farmgate stores have been authorized to open at the time of writing this report. Mississauga is home to two licenced producers who could potentially operate farmgate stores if cannabis retail was permitted.
- **Cannabis Lounges and Special Occasion Permits** - In July 2020, a representative for Ontario's Attorney General released a statement that the Province would not be making any changes to cannabis legislation to permit cannabis lounges or allow for special occasion permits to consume cannabis publicly in locations such as festivals.

Current Landscape of Licensed Retail Stores in Ontario

In March 2020, before the Province lifted the cap on the number of retail cannabis stores permitted, there were 30 licensed retail shops in Ontario including one location operating in Brampton and 10 operating in Toronto. Since the cap was lifted and at the time of writing this report, the number of licensed retail shops in Ontario has increased to 772 with 18 operating in Brampton and 231 operating in Toronto. As noted above, the AGCO is approving on average 30 new retail stores each week, so these numbers have or will likely change.

The following comparative chart highlights the increase in the number of cannabis retail shops permitted to open, across a period of approximately seven months, according to the AGCO's website at the time of writing this report:

Municipality	Locations Permitted to Open (as of October 15, 2020)	Locations Permitted to Open (as of May 31, 2021)	Pending Applications (as of May 31, 2021)
Ajax	1	2 (increase of 1)	7
Aurora	1	5 (increase of 4)	6
Barrie	4	12 (increase of 8)	16
Brampton	2	18 (increase of 16)	22
Burlington	7	16 (increase of 9)	17
Cambridge	3	10 (increase of 7)	7
Guelph	3	8 (increase of 5)	13
Hamilton	7	47 (increase of 40)	57
Kitchener	1	17 (increase of 16)	27
London	10	21 (increase of 11)	25
Milton	1	6 (increase of 5)	6
Oshawa	3	12 (increase of 9)	16
Toronto	76	231 (increase of 155)	229

There are currently 69 municipalities in Ontario that have opted out of allowing retail cannabis stores. Since January 22, 2019 (the opt-out deadline for municipalities), eight municipalities have reversed their initial decision to opt-out in order to permit retail cannabis sale, including the town of Milton and City of Pickering. Mississauga is the largest municipality in Ontario that has opted out, followed by Markham and Vaughan. Caledon is the only other municipality in the Region of Peel that has also decided to opt-out.

Impact of Retail Sale on the Illegal Market

Since the cap on retail stores was lifted in March 2019, the Ontario Cannabis Store has reported that the legal market continues to make inroads on the illegal market. The table below demonstrates the notable impact legal retail has had on the illegal market over the last two years according to the Ontario Cannabis Store.

	Q1, 2019	Q3, 2020
Share of the cannabis market	Legal: 14.1% Illegal: 85.9%	Legal: 40.3% Illegal: 59.7%
Average price per gram for dried cannabis flower	Legal: \$10.80 Illegal: \$8.13	Legal: \$6.24 Illegal: \$7.76

The sale price for legal cannabis is now less expensive than the price for illegal cannabis.

After Toronto, Mississauga remains the top municipality in Ontario in terms of the number of illegal cannabis delivery services promoted on illegal websites. While demand is being increasingly satisfied by the legal market, the illegal market in Mississauga continues to be significant. According to Peel Police in their April 23, 2021 report (Appendix 2), there are between 100-150 illegal mobile cannabis retailers in Peel Region. It is unknown whether the number of illegal delivery services in Mississauga will decrease over time if Council decides to opt-in. Although Toronto opted-in over two years ago, the illegal websites continue to persist for that municipality.

City's Recovery Plan Framework

On May 7, 2020, Council adopted the City's Recovery Plan Framework, which contains four pillars for recovery including "Economic". As part of this recovery effort, the City has set a number of strategic goals, which include supporting local businesses and job creation.

In September 2020, Council passed the Economic Recovery Plan for small business. The plan included a number of recommendations to support small retail establishments in our City. Allowing Cannabis retail in Mississauga is aligned with the Economic Recovery Plan for Small Business. New retail establishments would create jobs and potentially occupy vacant storefront retail spaces. At the present time, residents spend this money outside of the City. The Ontario

Cannabis store estimates that consumers would spend \$74 million on legal cannabis if retail cannabis stores were permitted to open in Mississauga.

City's Role in Regulating Cannabis

Below is a table setting out the City's role in regulating cannabis:

	Zoning	Licensing	Nuisance
Cannabis Production	Permitted use: medicinal product manufacturing facility	Licence required for the production of medical cannabis. Ensure compliance with the Building and Fire Code.	N/A
Cannabis Retail *requires the City to opt-in	Permitted use: retail sale. No different from any other form of retail.	Licensing scheme not permissible.	N/A
Cannabis Consumption	N/A	N/A	Can't smoke cannabis in parks or on other City property such as Celebration Square

The City requires commercial producers of medical cannabis to obtain a licence in accordance with the City's Medical Marihuana Licensing By-law 57-15. Currently, there are two licensed production facilities in Mississauga. The applicable legislation does not explicitly prohibit municipalities from licensing cannabis production in the same way as it does with cannabis retail sale. According to the City's Parks By-law 0197-2020, no person shall smoke cannabis in a City park.

Any complaints received from the City's Compliance and Licensing Division or through 3-1-1, are directed to Peel Regional Police for response. In 2020, the City's Compliance and Licensing Division received five complaints about the illegal sale of cannabis. The Compliance and Licensing Division will continue to respond to cannabis related complaints captured through zoning, licensing or property standards by-laws.

To assist with coordinating an enforcement approach across the Region, the Regional Cannabis Enforcement Working Group was established comprised of the City of Brampton, Town of Caledon, Region of Peel and Peel Regional Police. Staff believe that this approach is the most effective way to address illegal cannabis retail stores and to assist with deterring future illegal retailers from operating in the City of Mississauga.

Benchmarking

Enforcement staff have been in contact with neighbouring municipalities that permit cannabis retail stores to learn more about their experience to date. Staff received responses from eight municipalities including Toronto and Brampton. The following can be surmised from the feedback that was received:

- Enforcement – Complaints received by municipalities related to cannabis retail stores are forwarded to the AGCO and to local police for investigation.
- Location Clustering – Some municipalities including the City of Hamilton and Toronto have noted that cannabis retail stores are being approved by the AGCO in proximity to other cannabis stores.

Financial Impact

In December 2020, the monthly retail sales in Ontario was approximately \$94 million dollars. According to data received by the Ontario Cannabis Store, it is projected that businesses in the City of Mississauga would see approximately \$74 million per year in cannabis retail sales if Council decides to opt-in.

Conclusion

Since Council passed its resolution to prohibit cannabis retail stores from operating in Mississauga, the legal landscape has changed in two significant ways: (1) cannabis edibles can now be sold in retail stores and (2) the Province has lifted the cap on the number of licences that are issued.

Based on the update provided by staff in this report, Council may choose to continue to prohibit cannabis retail stores within Mississauga or to pass a resolution lifting the prohibition. A resolution to lift the prohibition would be final and may not be reversed. The resolution would need to be made available to the AGCO within three business days of its enactment.

There are some factors that Council may want to take into consideration with respect to a decision to remain opted out or to opt in:

EFFECTS OF OPTING IN	EFFECTS OF OPTING OUT
<p>Impact on Illegal Market</p> <ul style="list-style-type: none"> • Brick and mortar locations are decreasing (up to 75%) while mobile dispensaries are increasing • As of Q3 2020, the legal market had a 40% share on the market. Up from 18% in 2019 • Average price of legal cannabis fell below the average price of illegal cannabis for the first time in 2020 	<p>Lack of Municipal Oversight</p> <ul style="list-style-type: none"> • Municipalities still cannot zone or licence. AGCO is responsible for licensing • A location has never been denied by the AGCO based on an objection presented by a municipality. Hamilton has objected 29 times to date • Cannot opt out once you opt in
<p>Aligns with the City's Economic Recovery Plan</p> <ul style="list-style-type: none"> • New opportunities for small businesses, particularly given the impact COVID has had on businesses • \$74 million per year in revenue for businesses if Council opts in 	<p>Lack of Proximity Considerations</p> <ul style="list-style-type: none"> • The only legal requirement is that stores cannot be located within 150 metres of schools
<p>Enforcement</p> <ul style="list-style-type: none"> • Peel Police has noted that legal locations are safer than illegal ones • Cannabis related driving offences are increasing • AGCO enforces legal retailers stringently to ensure compliance. 	<p>No Cap on Locations</p> <ul style="list-style-type: none"> • Municipalities have reported concerns with clustering of stores • AGCO is approving 30 licences a week.

Attachments

Appendix 1: City of Hamilton's Cannabis Policy Statement

Appendix 2: Peel Police Board Report on Illicit Cannabis, April 23, 2021



Paul Mitcham, P.Eng, MBA, City Manager and Chief Administrative Officer

Prepared by: Robert Genoway, Municipal Legal Counsel



Hamilton

City of Hamilton Cannabis Policy Statement

For the purposes of this Policy Statement, a Cannabis Retail Store shall mean a store licensed by the Alcohol and Gaming Commission of Ontario (AGCO).

1. Cannabis Retail Stores and Sensitive Activities:

In order to help ensure public health and safety, protect youth and reduce illegal sales, Retail Cannabis Stores should generally not be located within 300 metres of:

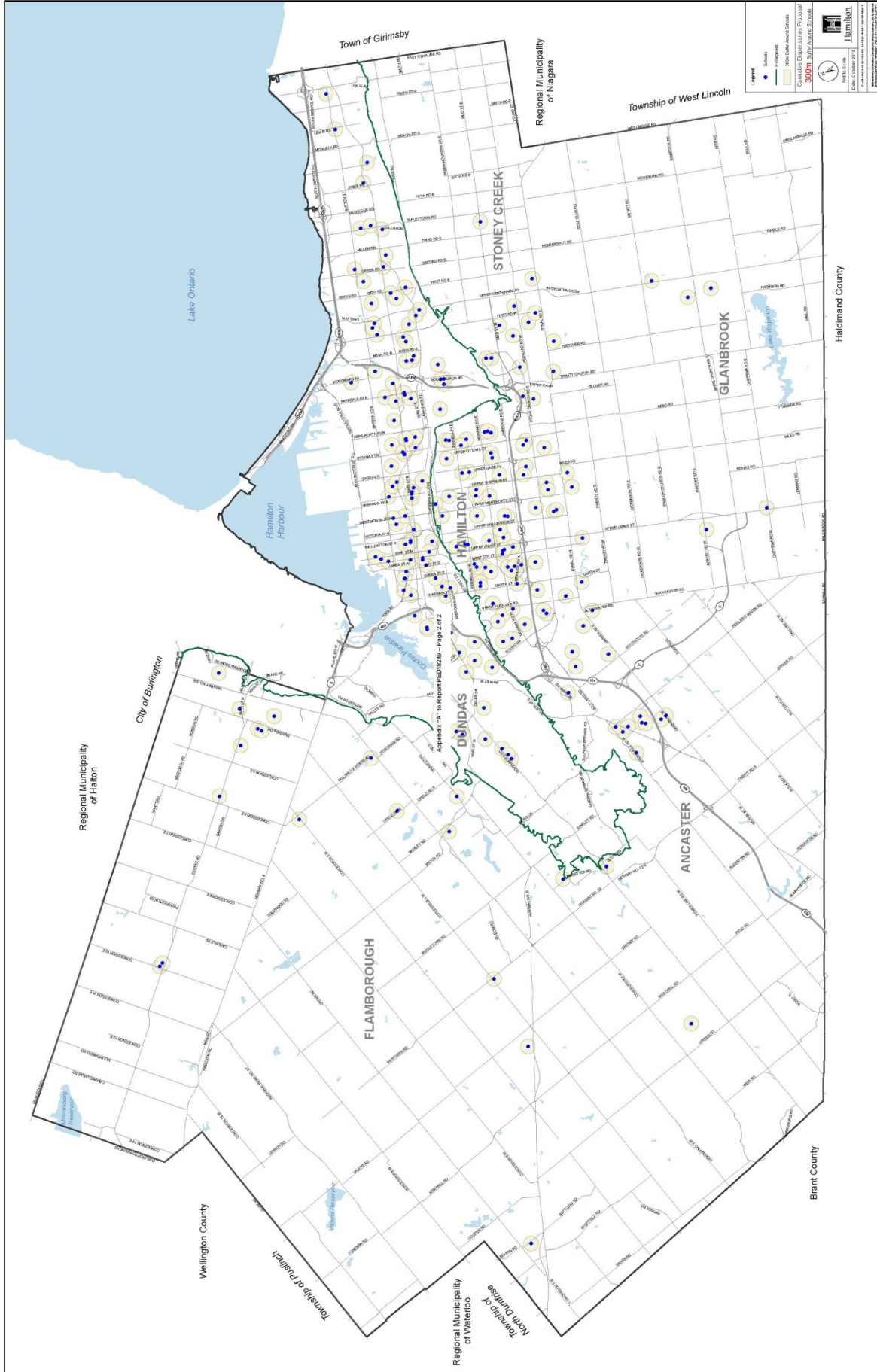
- Schools
- Parks and Open Spaces
- Alcohol and Detox Centres
- Day Nurseries/Child Care Centres
- Libraries
- Community Centres
- Mental Health/Addiction Centres

2. Cannabis Retail Stores should not be permitted in:

In the interest of public health and safety, Cannabis Retail Stores should not be permitted in the following:

- Areas that already have a high concentration of Cannabis Retail Stores (i.e. the "clustering" of stores should be avoided)
- Locations that have insufficient parking or transit access
- Locations that are in predominantly residential areas

3. Attached is a map showing the retail/commercial zones of the municipality and that would be prohibited with a 300 metres radial separation from schools:





FORWARDED TO
POLICE SERVICES BOARD
DATE MARCH 30, 2021
[Signature]
CHIEF OF POLICE

REPORT
Police Services Board

For Information

PSB REC: MAR 17 21
LOG# 13-21
FILE CLASS: P01

File Class: 1-02-02-03

Cross-Reference File Class: _____

DATE: March 16th, 2021
SUBJECT: **Illicit Cannabis in Peel Region**
FROM: Deputy Chief Nick Milinovich, Investigative and Emergency Services Command

RECOMMENDATION

IT IS RECOMMENDED THAT, this report be received by the Regional Municipality of Peel Police Services Board for information purposes.

REPORT HIGHLIGHTS

- Legal cannabis dispensaries are safer than illegal ones.
- Cannabis related driving offences are increasing.
- Management of illicit dispensaries.
- Recommended that this report be provided to PSB as an information item.

DISCUSSION

1. Background:

In October of 2018, the Federal Government legalized recreational cannabis use throughout Canada and created the Cannabis Act outlining federal laws associated to cannabis. In addition, the Ontario Government generated the Cannabis Control Act. As part of legalizing cannabis, the federal government turned to the provinces to determine how they wanted to regulate cannabis utilizing the Cannabis Act as a guide.

The Ontario Government created the online Cannabis Store to legally obtain cannabis. On April 1, 2019, the provincial government authorized the sale of cannabis by 24 private retail stores across the province, one of which was located in the City of Brampton. The provincial government has since authorized the opening of additional storefronts. To date, there are seven legal cannabis dispensaries operating within the City of Brampton. There are no legal cannabis dispensaries operating within the City of Mississauga.

RECEIVED
MAR 16 2021
21-201
OFFICE OF THE CHIEF

This report will provide an overview of cannabis related enforcement trends, the management by law enforcement of these trends and resulting challenges. The information in this report points towards a challenging long-term enforcement position.

2. Trends:

Legal cannabis dispensaries are safer than illegal ones.

There is more criminal activity and criminal activity of greater violence occurring with respect to illegal dispensaries when compared to legal dispensaries. For example, two long-standing legal and illegal dispensaries were compared in the Region. An analysis of calls for service was conducted with Ganjika House located at 186 Main Street, Brampton (the longest running legal dispensary) and North Cloud Dispensary located at 2563 Hurontario Street, Mississauga (the longest running illegal dispensary). For the year of 2020, Ganjika House had 20 calls for service and of these, five (25%) of these calls resulted in a police report which included topics such as Breach of Court Order, Assault Level 1, ATM Fraud, minor Possession of a Narcotic and Uttering Threats (to an animal).

For the same period of time, the North Cloud Dispensary had 28 calls for service and 19 of these calls (68%) resulted in a police report, which included a stabbing, shooting and multiple possession of weapons occurrences. Peel Regional Police, Specialized Enforcement Bureau (SEB) executed four warrants on the premise during this timeframe and the storefront was shut down in December 2020; however, the operators transitioned to a mobile delivery service and are still in operation.

The number of brick-and-mortar illegal dispensaries are decreasing.

From 2016 to 2018 the Region of Peel saw a 95% increase in illicit cannabis dispensaries. Strong enforcement and a proactive educational strategy have eliminated 75% of these illegal storefronts. Today there are less than five in the Region.

The number of mobile illegal dispensaries are increasing.

From 2018 to 2019, there was a 21% increase in illegal mobile cannabis dispensaries in the Region. These illegal mobile dispensaries are cannabis dealers who deliver marijuana to a customer's location, rather than incur the overhead and associated costs of a retail store location. The numbers of illegal cannabis dispensaries are continuing to grow with approximately 100 to 150 mobile dispensaries currently operating within the Region of Peel.

Cannabis related driving offences are increasing.

Between 2018 – 2020, there has been an 86% increase in the number of Impaired by Cannabis charges laid. These statistics are outlined in the chart below and are a measure of the negative impact that cannabis is having on general public safety when the drug is combined with operating a motor vehicle. (*86% increase refers to last entry on chart below. Specific Substance - Impaired by Cannabis Charges)

Charge	2018	2019	2020	2021	TOTAL
253(1)(a)	20	2	1		23
Care or Control While Impaired by Drugs	9	1	1		11
Operating while impaired (alcohol and drugs)	1	1			2
Operating While Impaired by Drugs	10				10
254(5)	1				1
Failure to Provide Blood, Oral Fluid, Urine Sample - Drugs	1				1
320.14(1)(a)	3	113	155	22	293
Operation While Impaired - Alcohol and Drugs		26	12	2	40
Operation While Impaired - Drugs	3	87	143	20	253
320.14(1)(c)			3	1	4
Operation While Impaired - Blood Drug Concentration			3	1	4
320.14(2)		1			1
Operation While Impaired Causing Bodily Harm (Drugs)		1			1
320.14(3)			4		4
Operation While Impaired Causing Death (Drugs)			4		4
320.15(1)		7	17	3	27
Failure or Refusal to Comply With Demand (alcohol and drugs)		2	2		4
Failure or Refusal to Comply With Demand (Drugs)		5	15	3	23
TOTAL	24	123	180	26	353

Specific Substance	2018	2019	2020	2021	TOTAL
Impaired by Cannabis charges	6	36	44	2	88

3. Management of Illicit Dispensaries:

Data Tracking

The Specialized Enforcement Bureau (SEB) maintains a Cannabis Enforcement Tracking Log, which compiles a list of Crime Stopper Tips and community complaints with respect to illicit storefront and mobile dispensaries operating within the Region.

Education

When cannabis was legalized in 2018, the SEB Narcotics Team focused on educating the public and those operating these illicit storefronts, including property owners. Unfortunately, this technique was not successful in decreasing the numbers of illicit cannabis dispensaries and SEB transitioned their efforts towards enforcement.

Enforcement

History

When the Cannabis Control Act was first enacted, a section of the Act authorized any police officer to enter a premise, which they believed on reasonable grounds was operating as an illegal cannabis dispensary. This authority allowed the police to seize any marijuana found in plain view and charge those responsible accordingly. This section of the Act has since been

repealed and now a Judicial Authorization (search warrant) is required to enter and legally search and seize any illicit dispensary.

Techniques

As a result of these changes, the enforcement of illegal cannabis dispensaries requires several techniques beginning with hours of surveillance on storefronts and on persons responsible for operating the dispensary. Further evidence is required to support the authorization of a search warrant. When a warrant is sought, a team of officers is required for surveillance prior to the execution of the warrant. A search team and/or full tactical support is required depending on the threat level, level of fortification and a risk assessment must be completed to identify organized crime associated to the premise. Police are required to deal with customers located within the premise, who may or may not be charged. Those found operating the dispensary are charged accordingly. Finally, an extensive search of the premise is conducted for evidence in support of both Federal and Provincial charges.

4. Challenges:

Limited Federal and Provincial Enforcement Powers

Due to the limited provisions within the Cannabis Act and Cannabis Control Act that aid in shutting down these dispensaries, SEB Investigators are finding that once the enforcement is completed, these illicit dispensaries will often re-open immediately after police vacate the area. When interim closure orders are initiated against the illegal dispensary and police change the locks, operators have locksmiths attend, change the locks back and reopen for business. This is cyclical as there are currently no provisions within either the Federal and/or Provincial legislation that allow police to enforce the interim closure of the premise. Therefore, the investigation is initiated once again and yet another search warrant would be required to gain entry. Despite these challenges, since October 17, 2018, 822 charges have been laid under the Cannabis Control Act and under Federal legislation 361 charges have been laid and 32 search warrants have been executed under the Cannabis Act.

Penalties are not deterrents

Legislation: Cannabis Control Act

According to the Cannabis Control Act (CCA), any individual who contravenes section 6 (sale of cannabis) or section 13 (knowingly permit premise to be used in relation to prohibited activity) on a first conviction, is subject to a fine of at least \$10,000 and not more than \$250,000 or a term of imprisonment of not more than two years less a day, or both. Typically, for the employees of an illicit dispensary, when charged under section 6 of the CCA, they are generally receiving fines at court anywhere from \$75 to \$500. These fines vary depending on their role in the dispensary and how many previous convictions they have. Property owners have received fines of approximately \$1000 to \$2000. On average, enforcement has revealed that these illegal dispensaries can make up to \$35,000 per day in operation. The penalties being assessed hardly put a dent into these one-day earnings and act as no deterrent to stop the illegal activity.

Legislation: Cannabis Act Canada

This legislation offers an opportunity to lay federal charges for Cannabis Act violations. The SEB has previously charged under this Federal legislation however, these charges were reduced at the Public Prosecution Services Canada (PPSC) level and sent back down to the

provincial court level to be dealt with. Currently there are federal charges from the last enforcement of an illicit dispensary at PPSC. Investigators have been liaising with PPSC on this matter however; it is unknown what the suspected outcome will be. Dropping federal charges to the provincial level is also not a deterrent to stop illegal activity.

Lack of funding for enforcement

The Region of Peel received \$944,450 in funding from the Ontario Cannabis Legalization Implementation Fund. In 2019, Peel Regional Police received \$472,225 in funding to offset \$1.6 million in expenses incurred in 2018 and 2019. Staff were recently advised that there is still \$367,000 in unallocated funding remaining in that fund. Discussions are underway with Region of Peel staff to have this funding allocated to Peel Regional Police to further offset PRP's expenses.

Investigative costs exceed these resources. For example, to dismantle the North Cloud Dispensary mentioned above, six search warrants were conducted each costing approximately \$20,000. In addition, two weeks of Paid Duty officers were required to maintain security after the last search warrant to ensure the occupants did not change the locks again and reopen for business. These paid duties totaled approximately \$83,240.64. The total cost of investigating the North Cloud Dispensary was approximately \$203,240.64. To understand this number compared to the 2019 monies indicated, the cost to dismantle one illegal dispensary was 45% above the total additional funding amount that was approved for SEB enforcement in 2019 and it is 43% of the money that the Provincial Cannabis Fund gave to the PRP in 2019.

CONCLUSION

Cannabis related crime poses a public safety risk particularly through illegal dispensary activities and driving offences. While legislation exists, it contains limited enforcement powers, which drive up the costs of conducting investigations. Combined with low funding and increasingly mobile criminal dispensary methods; these all indicate an ongoing challenge to law enforcement in this area.

Approved for Submission:



Nick Milinovich - Deputy Chief,
Investigative and Emergency Services Command

For further information regarding this report, please contact Inspector Todd Custance #1742 at extension 3515 or via email at todd.custance@peelpolice.ca

Authored by: Det. Paul MacLeod #2192 & Sgt. Sheamus Neher #3186

Date: May 25, 2021

To: Chair and Members of General Committee

From: Geoff Wright, P.Eng, MBA, Commissioner of
Transportation and Works

Originator's files:

Meeting date:
June 9, 2021

Subject

Ninth Line from Eglinton Avenue West to Derry Road West – Municipal Class Environmental Assessment Study (Ward 10)

Recommendations

1. That the report titled “Ninth Line from Eglinton Avenue West to Derry Road West – Municipal Class Environmental Assessment Study (Ward 10)”, dated May 25, 2021, from the Commissioner of Transportation and Works be received;
2. That the draft Environmental Study Report and the preferred solution for the Ninth Line Municipal Class Environmental Assessment Study (Eglinton Avenue West to Derry Road West), dated June 2021, be endorsed by Council;
3. That staff be directed to publish the “Notice of Study Completion” for the study in the local newspaper and to place the Environmental Study Report on the public record for a 45-day review period in accordance with the Municipal Class Environmental Assessment process; and
4. That all necessary by-laws be enacted.

Executive Summary

- Staff has carried out, with support from its consultant, HDR, Phases 1 to 4 of the Schedule ‘C’ Municipal Class Environmental Assessment (EA) process for the Ninth Line corridor from Eglinton Avenue West to Derry Road West.
- Through the EA, consultation was undertaken with the public, specific stakeholders, and various government and technical agencies, including two (2) public information centres.
- The preferred design alternative is to improve Ninth Line from Eglinton Avenue West to Derry Road West from two (2) lanes to four (4) lanes of travel, with active transportation (AT) facilities and localized intersection improvements throughout the corridor.

- The estimated cost to implement the preferred design alternative is \$51.6 million and funding requirements will be identified in a future Business Plan and Budget. Currently, the Ninth Line Widening Project is identified within the Roads Service Area's 10-Year Capital Program forecast.
- A copy of the executive summary of the Environmental Study Report (ESR) has been appended to this report.
- Subject to Council endorsement, the ESR will be posted on the public record for a 45-day review period.

Background

Municipalities in Ontario follow the Municipal Class Environmental Assessment (October 2000, amended 2007, 2011, and 2015) process under the *Environmental Assessment Act* for most transportation, water and wastewater projects. The Municipal Class EA process is a phased planning approach that includes five (5) main study phases and public consultation. The complexity and extent of the environmental impacts of a specific project determines the number of phases to be completed in order to comply with the Class EA process.

The five (5) phases are as follows:

Phase 1 – Problem or Opportunity: The completion of this phase requires the proponent to document the factors that led to the conclusion that an improvement or change is warranted.

Phase 2 – Alternative Solutions: In this phase, alternative solutions to the problem or opportunity are identified and evaluated, taking into account the existing environment (including socio-economic, natural and built environment). A recommended preferred solution can be developed with input from the public, review agencies and other stakeholders. The nature of the solution will determine if the proponent is required to complete additional phases of the Municipal Class EA process.

Phase 3 – Alternative Design Concepts for Preferred Solution: If required, this phase examines alternative methods of implementing the preferred solution, again considering environmental impacts and public and review agency input.

Phase 4 – Environmental Study Report (ESR): Schedule C projects are required to follow Phases 1 through 4 and include the preparation of an ESR that documents the rationale and the planning and consultative processes undertaken for the project, as well as the publication of the report for public review. The ESR is filed with the Municipal Clerk's Office and placed on the public record for a minimum of 30 calendar days for review by the public and review agencies. At the time of filing the ESR, the public and review agencies are notified via the Notice of Study Completion of the ESR, which is mailed out to area residents and advertised in local newspapers and online at mississauga.ca. Any outstanding comments and concerns must be provided to the proponent during this time. Through Bill 197, the COVID-19 Economic Recovery Act, 2020, the Ministry made changes to the *Environmental Assessment Act*, by limiting Part II

Order (Bump-up) Requests to projects that have an adverse impact on existing Aboriginal and treaty rights. If concerns regarding this project cannot be resolved through discussion with the proponent, a person or party may request that the Minister of the Environment, Conservation and Parks order the project to undertake a higher level of study, or that conditions be imposed, only on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests on other grounds will not be considered. If no request is received by the Minister within the review period, the ESR is deemed approved and the proponent may proceed to Phase 5 – the implementation of the project.

Phase 5 – Implementation: This is the implementation phase of the Municipal Class EA process. This phase allows for detailed design and construction of the items as planned in earlier phases and monitoring for compliance with those planning principles.

Present Status

City staff has worked with their consultant HDR to complete Phases 1 to 4 of a Schedule 'C' Class EA Study for the Ninth Line corridor from Eglinton Avenue West to Derry Road West. The Executive Summary of the ESR is provided in Appendix 1.

The major objectives of the EA were to:

- Confirm and document the need for road improvements, vehicular and non-vehicular;
- Address existing and potential safety issues along the corridor;
- Establish a preferred alignment and right-of-way requirements;
- Prepare a preliminary design;
- Determine active transportation requirements (pedestrian and cyclist); and
- Prepare an ESR.

Study Area

The Ninth Line Class EA study area extends from Eglinton Avenue West to the south to Derry Road West to the north, running parallel to Highway 407 to the west (as shown in Figure 1). Ninth Line currently exists as a two-lane north-south road with a semi-rural cross-section, with a posted speed limit of 70 km/h. There are above-ground hydro lines on the east side and streetlighting on the west side. There are currently no dedicated cycling facilities and limited pedestrian sidewalk facilities near some signalized intersections.

The existing roadway network serves the established low-density residential Lisgar and Churchill Meadows neighbourhoods and parks. There are several active and ongoing site plan applications on the west side of the Ninth Line corridor, as anticipated by the Shaping Ninth Line Study. The west side of Ninth Line will be transformed to include a variety of land uses that will support a range of housing choices from a mix of townhouses to low/mid-rise residential to a mix of employment and transit-supportive developments, including community open spaces and the future 407 Transitway.



Figure 1: Ninth Line Study Area

Existing Conditions

Existing conditions of the study area were collected and reviewed, including the following:

- Various background studies and reports (e.g., stormwater management reports, etc.);
- Data provided by various City Departments (e.g., traffic data, tree survey data, etc.);
- Investigations undertaken as part of this Class EA Study;
- Meetings with the Project Team;
- Meetings and correspondence with agencies including Ministry of the Environment, Conservation and Parks (MECP), Conservation Halton, Region of Peel, and Halton Region;
- Consultation with members of the public; and
- Site visits.

Comments

Problems and Opportunities

Under existing conditions, several intersections within the study area are experiencing congestion and delays leading to significant queuing along Ninth Line. These poor traffic conditions are anticipated to worsen in the future as vehicle demand on Ninth Line increases.

There is an opportunity to improve Ninth Line to accommodate not only existing and future vehicle demand, but also active transportation. The improvements to Ninth Line will provide choice, increase capacity and accommodate future travel demand for all road users including pedestrians, cyclists, transit users and motorists.

The Ninth Line improvements will support the City's vision to implement the Shaping Ninth Line Study by transforming the last remaining greenfield into a sustainable, transit-supportive, connected and distinct neighbourhood. A context-sensitive design approach will ensure that the improved road fits in well with its surroundings, including the existing residential neighbourhoods on the east side, while supporting new medium-density mixed-use blocks on the west side. Current and future residents will have access to a linked natural heritage system, active transportation facilities, parks and open spaces.

Evaluation of Alternative Solutions

The Class EA process for municipal roads in Ontario requires consideration and evaluation of all reasonable alternative solutions to accommodate future travel demand. Alternative solutions have been assessed from a traffic perspective and identified as possible alternative solutions:

- Alternative 1 – Do Nothing (used for comparative purposes only);
- Alternative 2 – Limit Development;
- Alternative 3 – Improve Other Roads;
- Alternative 4 – Operational Improvements (including localized intersections);
- Alternative 5 – Multimodal Improvements (including improved streetscaping opportunities);
- Alternative 6 – Widen from 2 Lanes to 4 Lanes; and
- Alternative 7 – Combination of Alternatives 4, 5 and 6.

Each alternative solution was evaluated based on the following criteria:

- Transportation and Transit Accessibility;
- City Building;
- Natural Environment;
- Socio-Economic Environment;
- Cultural Heritage; and
- Engineering Considerations, Construction Complexity and Implementation.

Based on the analysis and evaluation of alternative solutions and feedback received from the public and stakeholders, **the preferred planning solution is Alternative 7** – Combination of Alternatives 4 (operational improvements), 5 (multimodal improvements) and 6 (widen from two (2) lanes to four (4) lanes).

Alternative 7 addresses the problems and opportunities by:

- Supporting the creation of an urban environment that meets planning objectives, network connectivity and access;
- Fully addressing the City's transportation objectives, including City Building and accommodating existing and planned developments;
- Providing dedicated and continuous active transportation facilities for pedestrians and cyclists, with improvements to safety and comfort;
- Providing redundancy in the road network for all road users; and
- Increasing capacity, accommodating goods movement and potential to improve emergency response times.

Evaluation of Alternative Design Concepts – Road Widening

Based on the screening of the Alternative Solutions noted above, methods of implementing the preferred alternative solution were developed for the improvement of Ninth Line between Eglinton Avenue West and Derry Road West.

Three (3) alternative design concepts were considered to widen Ninth Line from two (2) to four (4) lanes, as follows:

- Alternative 1 – Widen to West;
- Alternative 2 – Widen about the Centreline; and
- Alternative 3 – Widen to East.

Based on the evaluation of alternative design concepts and feedback received from the public and stakeholders, **Alternative 1 – Widen to the West** (refer to Figure 2) was selected as the preliminary preferred alternative design. Widening to the west minimizes impact to existing properties on the east side of Ninth Line and planned developments on the west side can be accommodated through future development applications.

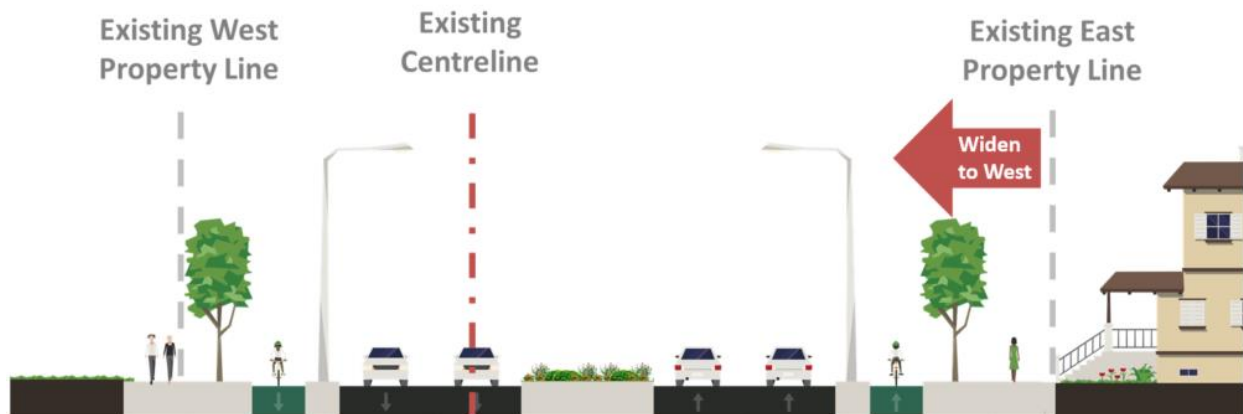


Figure 2: Preferred Alternative Design Concept – Road Widening

Evaluation of Alternative Design Concepts – Active Transportation

The following alternative design concepts were considered to implement active transportation facilities along Ninth Line between Eglinton Avenue West and Derry Road West:

- Alternative 1 – On-Street Bike Lanes with Buffer (both sides);
- Alternative 2 – Separated Boulevard Cycle Tracks and Sidewalk (both sides); and
- Alternative 3 – Multi-use Paths (both sides).

Based on the evaluation of alternative design concepts and feedback received from the public and stakeholders, **Alternative 2 – Separated Boulevard Cycle Tracks and Sidewalks** (refer to Figure 3) was selected as the preliminary preferred alternative design. By implementing these active transportation facilities, it separates cyclists from vehicles and cyclists from pedestrians. These facilities will be continuous and landscaping opportunities will be provided between the cycle tracks and sidewalks.

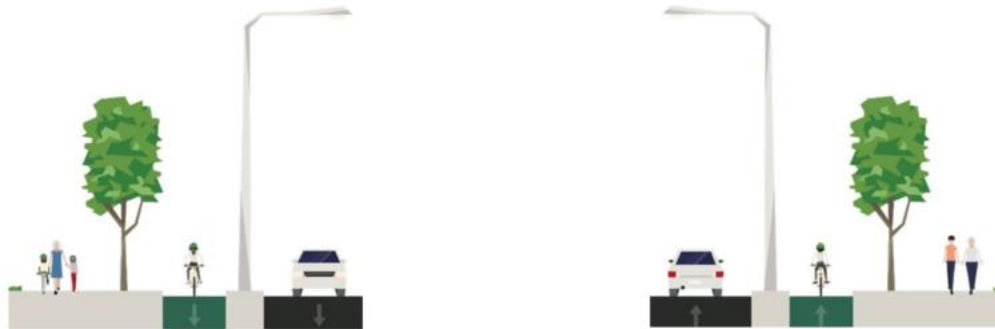


Figure 3: Preferred Alternative Design Concept – Active Transportation

Elements of the Preferred Alternative Design include:

- Widening to four through-lanes within the Official Plan 35 metre (115 foot) right-of-way width;
- In-boulevard cycle tracks and sidewalks on both sides of the road;
- New signalized intersections at Skyview Street, Tacc Drive, McDowell Drive and Beacham Street;
- New pedestrian signal adjacent to Cordingley Park (between Foxwood Avenue and Doug Leavens Boulevard);
- Localized intersection improvements throughout the study corridor;
- Intersection treatments such as crossrides will be provided at all signalized and unsignalized intersections;
- Upgraded and new transit stops, including bus pads, to be coordinated with MiWay during detailed design;
- Posted speed to be decreased from 70 km/h to 60 km/h;
- Intersection design compliance with Accessibility for Ontarians with Disabilities Act (AODA); and
- Opportunities for centre median plantings and enhanced streetscaping features (i.e. privacy fencing, to be confirmed during detailed design).

Typical Cross-Section

The typical cross-section for the Preferred Alternative Design is illustrated in Figure 4. The cross-section was developed based on a 60 km/h posted speed limit (70 km/h design speed). The features provided in the typical cross-section include the following:

- 35 metre (115 foot) wide right-of-way;
- Two 3.5 metre (11.5 foot) wide curbside through-lanes and two 3.35 metre (11.0 foot) wide inside through-lanes;
- 2.0 metre (6.6 foot) wide cycle track on both sides;
- 2.0 metre (6.6 foot) wide sidewalk on both sides; and
- 5.0 metre (16.4 foot) wide centre median (where space permits).

In areas where available space within the right-of-way is constrained (e.g., St. Peter's Church and Cemetery), the cross-section has been modified to avoid impacts to private property.

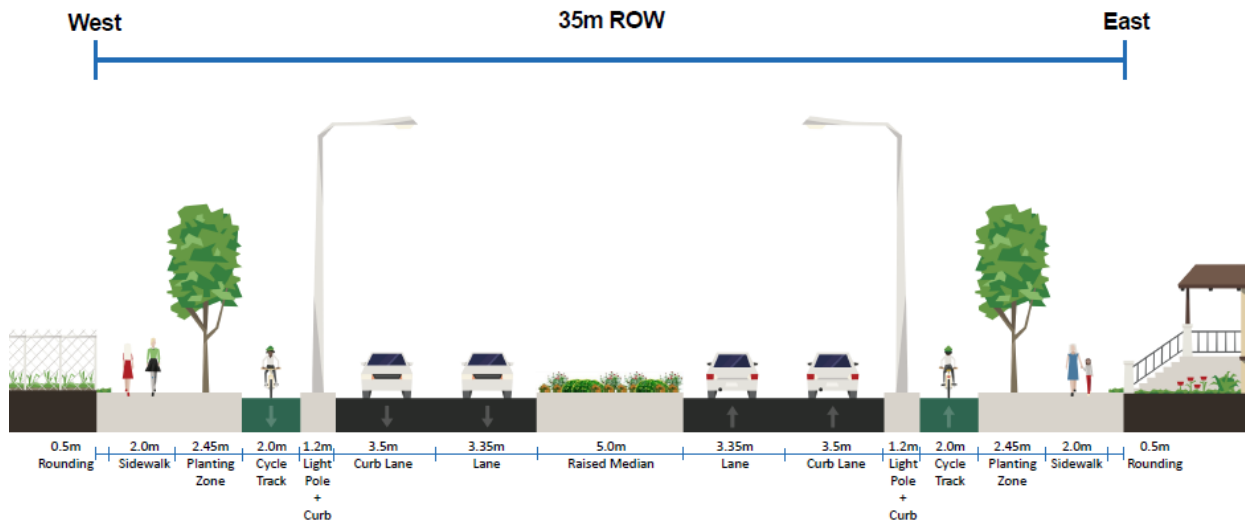


Figure 4: Ninth Line Typical Cross-Section

Public Consultation

Public consultation is a key feature of an EA planning process and therefore was a principal component of the Ninth Line from Eglinton Avenue West to Derry Road West – Municipal Class EA Study. Key features of the consultation program undertaken as part of this study included:

- Combined Notice of Study Commencement and Introductory Open House published in the local newspaper on February 13 and 20, 2020, mailed to approximately 3,000 area-property owners, Indigenous groups and technical agencies;
- Introductory Open House held in-person at Osprey Wood Public School (6135 Lisgar Drive) on February 20, 2020;
- Public Information Centre #1 held virtually on June 25, 2020 to July 17, 2020;
- Public Information Centre #2 held virtually on January 13, 2021 to February 3, 2021;
- More than 470 comments were received from area property owners and agencies; and
- Meetings held with technical agencies including Ministry of Transportation of (MTO), 407 ETR, Region of Peel, Halton Region, Conservation Halton, and Credit Valley Conservation were held on June 4, 2020 and December 7, 2020.

Subject to Council endorsement, a Notice of Study Completion will be published in the local newspaper and mailed to area property owners and technical agencies.

The following are statistics and general comments from area residents that were received and noted by the project team regarding the information that was presented at Public Information Centre #2:

- 731 people visited the project website (between January 13, 2021 and February 3, 2021);
- 83% of respondents indicated they agree with the Road Widening Alternative Design Concept – Widen to the West;
- 89% of respondents indicated they agree with the AT Alternative Design Concept – Boulevard Cycle Tracks and Sidewalks (both sides);
- 90% of respondents indicated they generally agree with the Preferred Preliminary Design;
- Support for preservation of green space and natural areas;
- Mixed opinions that there is too much development occurring in the area; and
- Support for ensuring safety for pedestrians and cyclists.

Implementation

It is recommended that the preferred alternative design along Ninth Line be constructed in coordination with the future development to minimize the impact to surrounding residents. The necessary funding to initiate the detailed engineering design and construction has been identified in the Roads Service Area's 10-Year Capital Program forecast and will be included in a future Business Plan and Budget for Council's consideration and approval.

Property Requirements

As the lands on the east side of the Ninth Line corridor are already developed, all of the property requirements to establish the Official Plan's 35 metre (115 foot) wide right-of-way have been identified on the west side of Ninth Line. The preferred alternative design is to be implemented in coordination with future development applications, subject to funding approval. Property impacts will be confirmed during the preliminary design phase.

Next Steps

Should this study ESR and the preferred alternative design be endorsed by Council and no Part II Order requests be filed with the MECP during the public notification period, this project will be deemed approved. As the Notice of Study Completion for this ESR will be posted over the summer season, a 45-day review period will be provided.

Financial Impact

There are no financial impacts resulting from the adoption of the recommendations in this report.

The fees associated with publishing the "Notice of Study Completion" for this study in the local newspaper and placing the ESR on the public record for a 45-day review period are nominal, with funding available in the existing capital project #19-104 "Ninth Line Widening - Eglinton Avenue West to Derry Road West" for this project.

The estimated cost to implement the preferred design alternative is \$51.6 million and will be identified in a future Roads Service Area Capital Plan.

Conclusion

Staff recommends that the preferred alternative design for Ninth Line from Eglinton Avenue West to Derry Road West be endorsed by Council and that staff be directed to publish the Notice of Study Completion for this study in the local newspaper and to place the ESR on the public record for a 45-day review period. The preferred design includes widening from two to four lanes, intersection and active transportation improvements, as outlined in this report.

Attachments

Appendix 1: Ninth Line Improvements Municipal Class Environmental Assessment Study - Draft Environmental Study Report: Executive Summary



Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

Prepared by: Jeffrey Reid, LET, C.E.T, Transportation Project Engineer



**APPENDIX 1 – DRAFT ENVIRONMENTAL
STUDY REPORT: EXECUTIVE SUMMARY**



Executive Summary

Schedule 'C' Class Environmental Assessment for Ninth
Line from Eglinton Avenue West to Derry Road West

City of Mississauga

June 2021

DRAFT





Disclaimer

The material in this report reflects HDR's professional judgment considering the scope, schedule and other limitations stated in the document and in the contract between HDR and the client. The opinions in the document are based on conditions and information existing at the time the document was published and do not consider any subsequent changes. In preparing the document, HDR did not verify information supplied to it by others. Any use which a third party makes of this document is the responsibility of such third party. Such third party agrees that HDR shall not be responsible for costs or damages of any kind, if any, suffered by it or any other third party resulting from decisions made or actions taken based on this document.

In preparing this report, HDR relied, in whole or in part, on data and information provided by the Client and third parties that was current at the time of such usage, which information has not been independently verified by HDR and which HDR has assumed to be accurate, complete, reliable, and current. Therefore, while HDR has utilized its best efforts in preparing this report, HDR does not warrant or guarantee the conclusions set forth in this report which are dependent or based upon data, information or statements supplied by third parties or the client, or that the data and information have not changed since being provided in the report. Any use which a third party makes of this document is the responsibility of such third party. Such third party agrees that HDR shall not be responsible for costs or damages of any kind, if any, suffered by it or any other third party resulting from decisions made or actions taken based on this document.

Introduction

The City of Mississauga has completed a Schedule ‘C’ Municipal Class Environmental Assessment (Class EA) Study for Ninth Line Improvements between Eglinton Avenue West and Derry Road West. This Environmental Study Report (ESR) documents the study consultation and decision making rationale, following the planning and design process for Schedule ‘C’ projects as outlined in the Municipal Engineers Association (MEA), Municipal Class Environmental Assessment (October 2000, as amended in 2007, 2011, and 2015).

Ninth Line is a north-south arterial road in the City of Mississauga. The study area spans approx. 6.2 km from Eglinton Avenue West to Derry Road West and consists of a 2 lane semi-rural road cross-section with a centre two-way left-turn lane. Ninth Line is adjacent to the last remaining greenfield land in Mississauga, which is planned to be sustainable, transit-supportive, connected and distinct. Current and future Ninth Line residents will have access to a linked natural heritage system, multi-use trails, parks and open spaces. Higher-order transit, community use and facilities, a variety of housing choices, and employment opportunities are also anticipated to realize this vision for the emerging neighbourhood, as outlined in the Shaping Ninth Line Study.

Study Purpose

The purpose of this study was to confirm the need for multi-modal improvements to Ninth Line that support new development and improved mobility for all road users. The study explored alternative solutions and identified a preferred solution. Alternative designs were developed to address the preferred solution, evaluated and a preferred design was selected striking a balance between transportation engineering and environmental protection principles. The Preferred Preliminary Design was developed to a 30% design level of detail, and incorporated feedback from stakeholders and identified opportunities to support the City’s vision for “everyone and everything to have the freedom to move safely, easily, and efficiently to anywhere at any time”.

Study Area

Ninth Line is a north-south arterial road in the western part of the City of Mississauga in the Region of Peel. It connects Highway 403 to the south and Highway 401 to the north. The City of Mississauga’s Ninth Line jurisdiction begins at Highway 407, continuing north across Highway 401 where it terminates at Steeles Avenue in Halton Region. The study area spans the segment of Ninth Line between Eglinton Avenue West and Derry Road West.

Within the study limits, Ninth Line currently has a posted speed limit of 70 km/h and a 2-lane semi-rural road cross-section (one lane in each direction) with a centre two-way left-turn lane. Sidewalks are discontinuous and cycling facilities do not exist for the majority of the study area. The total length of roadway for the project is approximately 6.2 km, as shown in **Exhibit ES- 1**.

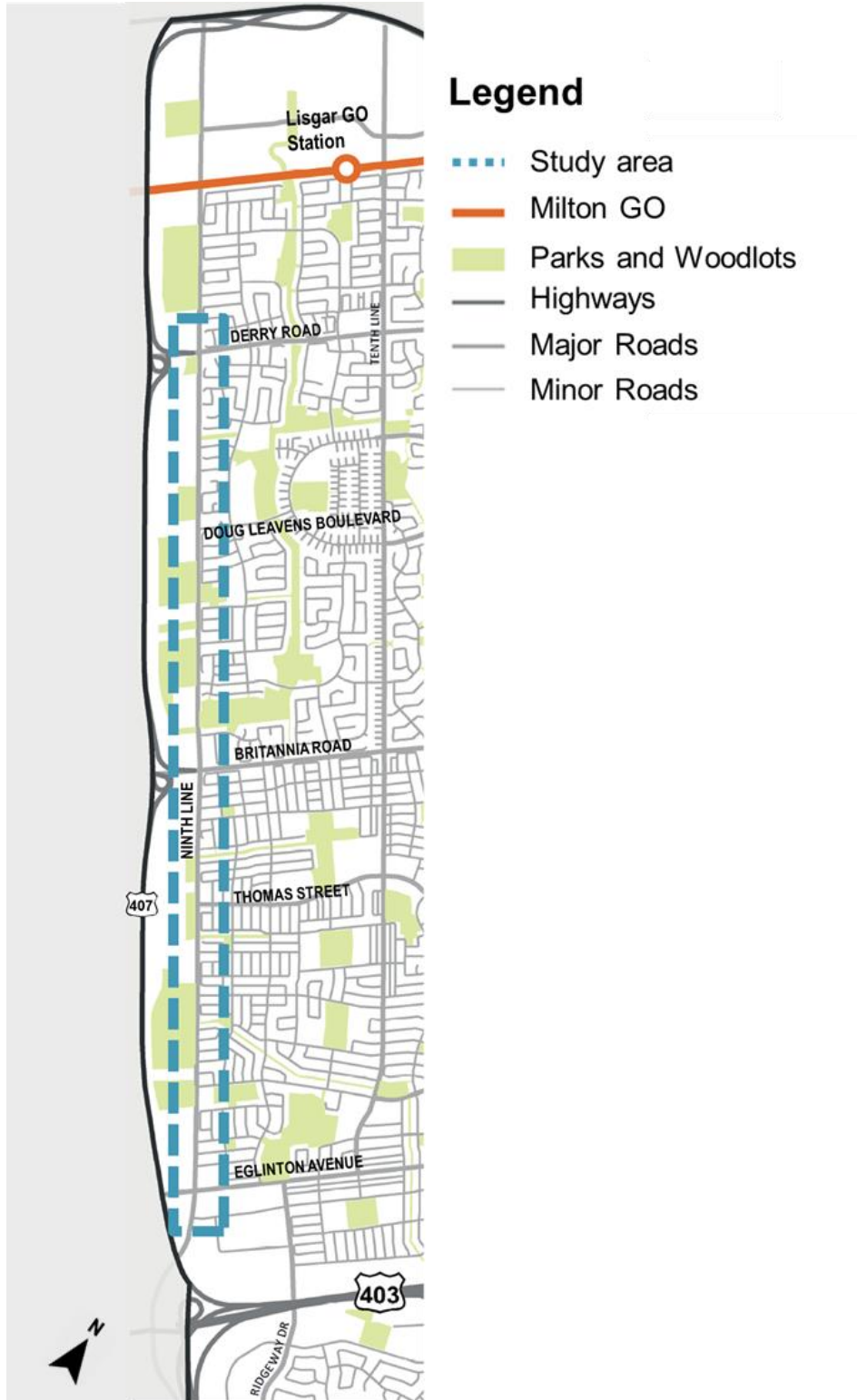


Exhibit ES- 1: Study Area



Problems and Opportunities

There are opportunities to improve Ninth Line between Eglinton Avenue West and Derry Road West for all travel modes – cyclists, pedestrians, transit users, and motorists. Improvements to the Ninth Line corridor are needed to accommodate increased traffic volumes and active transportation facilities. The improved transportation corridor will serve the needs of the transportation system and area growth to 2041.

A summary of the problems and opportunities identified for the study corridor are provided in Error! Reference source not found..

Table ES- 2: Summary of Problem and Opportunities within the Study Corridor

	Problem		Opportunity
	Existing road and intersections cannot accommodate future traffic volumes.		Improve Ninth Line's capacity to accommodate projected traffic demand and maximize person carrying capacity
	Lack of continuous pedestrian and cycling facilities creates unfavourable conditions for non-drivers.		Providing enhanced active transportation infrastructure to improve pedestrian and cycling conditions and encourage travel choices that can reduce reliance on the single occupant automobile
	Transit service is impacted by congestion resulting in delays, especially during peak periods		Improve the efficiency and reliability of transit through increased roadway capacity and intersection improvements
	Inconsistent roadway typology and transitions from urban to rural cross-section		Consider a continuous urban roadway to create a corridor with consistent drainage infrastructure

	Problem	Opportunity
	Under existing conditions, Ninth Line is unable to service future growth, does not recognize its role as a gateway to the City and is not consistent with the future vision for the area and adjacent developments	
		Design Ninth Line as a complete street to serve study area residents and visitors alike, people of all ages and abilities and commuting and recreational users. Acknowledging Ninth Line's role as a gateway to the City of Mississauga

Existing Conditions

Existing conditions of the study area were collected and reviewed, including the following:

- Various background studies and reports (i.e. stormwater management reports, etc.);
- Data provided by the City of Mississauga (i.e. traffic data, tree survey data, etc.);
- Investigations undertaken as part of this Class EA Study;
- Meetings with the Project Team;
- Meetings and correspondence with agencies including Ministry of Transportation and Halton Region;
- Consultation with members of the public; and
- Site visits.

The existing conditions of the study area are discussed below:

Socio-Economic Environment

In July 2018, the City of Mississauga Official Plan Amendment 90 created a new Neighbourhood Character Area for the Ninth Line Lands, west of the study area, and removed the Special Study Area identification over those lands. Following the completion of the Shaping Ninth Line Study in 2018, the Official Plan ratified area policies and Zoning By-law amendments for the Ninth Line Lands.

The Ninth Line Lands are Mississauga's last remaining greenfield lands. They are approximately 350 hectares (870 acres) in size and bound by Highway 407 to the west, Ninth Line to the east, Highway 401 to the north and the Highway 403/407 interchange to the south. These lands became part of the Region of Peel and the City of Mississauga on January 1, 2010 as a result of a municipal boundary realignment with Halton Region and the Town of Milton.

The plans for the Ninth Line Lands are in line with the vision of the Provincial Growth Plan and the regional and municipal Official Plans for compact, vibrant and complete communities that

support healthy, active living. The development form is intended to be compact and efficient to better support walking, cycling and transit services.

Natural Environment

A Natural Environment Assessment was conducted to document existing conditions, assess potential impacts to any natural heritage features present within the study area and provide recommendations and supporting documentation for the study.

Natural features are located on the west side of the Ninth Line corridor and are primarily open cultural meadow, stormwater management ponds and anthropogenic land uses, with smaller areas of woodlands and wetlands.

Significant Vegetation

A total of 17 regionally rare vegetation species were inventoried within the Ninth Line Lands during the Subwatershed Study. The study also identified Provincially Significant Kentucky Coffee-Tree but these plants were not considered significant as they were not naturally occurring. Ten (10) regionally rare species were identified in the Ninth Line Corridor Study (NSE 2012, AFW 2015). The locations were not mapped and therefore cannot be confirmed if adjacent or within the EA study area.

During the EA study area field surveys, no federally or provincially significant species were inventoried. However, the EA study area field surveys inventoried eleven regionally significant species. Of which one species, White Spruce, although listed as regionally significant, is considered non-significant where it is located in the study area. The remaining ten regionally significant species were identified closer to the road.

Significant Woodlands

Based on the City of Mississauga's Natural Heritage and Urban Forest Strategy Report's criteria for woodland significance, the following woodlands within the Ninth Line EA study area are considered significant:

- Fresh-Moist Sugar Maple Harwood-Deciduous Forest (FOD6-5), located opposite Erin Centre Boulevard, immediately west of Ninth Line,
- Mineral Cultural Woodland/Fresh-Moist Green Ash-Hardwood Lowland Deciduous Forest (FOD7-2), located opposite Osprey Boulevard, immediately west of Ninth Line, and
- Fresh-Moist Sugar Maple-White Elm Deciduous Forest (FOD6-4), comprised of three adjacent mapped units, south of Derry Road West and immediately west of Ninth Line.

No woodlands exist on lands to the immediate east of Ninth Line that could be impacted by changes to the Ninth Line cross-section.

Wetlands

Several wetland features were mapped within the Ninth Line Lands, some of which fall within the EA study area. No Ontario Ministry of Natural Resources and Forestry (MNR) wetlands

occur within the EA study area to the east of Ninth Line. No Provincially Significant Wetlands occur within the study area. However, the Ninth Line Corridor Study (North-South Environmental 2012) identified all wetlands within the Ninth Line Lands to be locally significant due to the scarcity of wetland cover within Mississauga Watercourses and Fish Habitat.

According to the Mississauga Official Plan criteria for wetland significance, certain wetlands within the study area would be deemed significant due to their size being >0.5ha. Within or immediately adjacent to the ROW, this only includes the Graminoid Mineral Meadow Marsh located opposite Doug Leavens Boulevard, whereas the other City-significant wetlands are further removed from the road right-of-way and are less likely to be impacted.

Wetlands immediately west of Ninth Line that may be impacted by the undertaking comprise meadow marsh features that have originated from past land use activities, such as where they have formed along narrow agricultural drainage swales, or where surface water collects over relatively low-pervious soils in idle/former agricultural fields. These features have low levels of biological diversity and provide relatively poor quality wetland habitat.

Watercourses and Fish Habitat

The aquatic features within the study area consist of two non-regulated drainage features (Drainage Feature B and C) and one regulated watercourse (NLT-1). The three (3) drainage features, all within Conservation Halton jurisdiction, exist within the Ninth Line study area:

- Crossing 1 (SWM Pond B): Unregulated watercourse, located approximately 1.2 km south of Britannia Road, to the East Lisgar Branch.
- Crossing 2 (SWM Pond C): Unregulated watercourse, located approximately 630 m south of Britannia Road West, to the East Lisgar Branch.
- Crossing 3 (Osprey Marsh): Regulated watercourse, located approximately 335m north of Britannia Road, previously referred to as NLT-1 (AFW 2017) to the East Lisgar Branch.

Watercourse NLT-1 provides a corridor for fish movement between the East Lisgar Branch and the Osprey Marsh stormwater management complex, and is managed as warmwater fish habitat. No Species at Risk (SAR) fish are identified. As fish habitat, this watercourse also falls under the protections of the federal Fisheries Act. Under the Act, actions that would cause the Harmful Alteration, Disruption or Destruction of fish habitat (HADD) are prohibited.

The existing culvert at watercourse NLT-1 provides for the passage of small to medium wildlife, and it is recommended to maintain this continuous ecological linkage with the road improvements.

Wildlife and Wildlife Habitat

Ninety (90) bird species were recorded within 10km of the study area. Of the forty-one (41) bird species recorded during the bird surveys, thirty-seven (37) species displayed evidence of breeding. Three bird Species At Risk (SAR) were identified during the surveys within the study area: Barn Swallow (*Hirundo rustica*), Bobolink (*Dolichonyx oryzivorus*), and Eastern

Meadowlark (*Sturnella magna*). One bird Species, Eastern Wood-Pewee of Conservation Concern (SCC) was recorded during the surveys.

Twenty-six (26) reptile and amphibian species were recorded within 10km of the study area. No herpetofauna species were observed incidentally during site investigations.

Thirty-one (31) mammal species were recorded within 10km of the study area. Five (5) species were observed during site investigations. Potential SAR habitat was identified for Bats in four trees. No significant mammal species were documented in the earlier survey work within the study area (AFW 215, NSE 2012, Savanta 2020, LGL 2020b).

Sixty-three (63) butterfly species and forty-two (42) odonate species are known within 10 km of the study area. No butterfly or ordante species were recorded during the site visit. One SCC butterfly, Monarch (*Danaus plexipus*) was documented in the Ninth Line Lands during earlier surveys (AFW 2015, NSE 2012) and observed foraging within open meadows and considered likely breeding in areas containing milkweed. No SAR or SCC odonates were identified in earlier studies (AFW 2015, NSE 2012).

Species at Risk (SAR)

Previous field studies identified the presence of three SAR within the study area: Barn Swallow (*Hirundo rustica*), Bobolink (*Dolichonyx oryzivorus*), and Eastern Meadowlark (*Sturnella magna*).

- Barn Swallow –Barn Swallow was observed during the EA study surveys and through previous studies with evidence of possible nesting habitat within agricultural structures on the Ninth Line Lands that are well removed from the Ninth Line ROW and are not anticipated to be impacted. The study area also contains foraging habitat for Barn Swallows that nest in the immediate vicinity of the Ninth Line study area. Barn Swallow foraging habitat that is located within 200 m of a nest is defined as part of the general habitat for the species and is protected by the Endangered Species Act. However, the planned road improvement undertaking is anticipated to have negligible to no impact on available Barn Swallow foraging habitat in the vicinity. Impacts to Barn Swallow habitat are therefore not anticipated. Nonetheless, due to the atypical but periodic occurrences of Barn Swallow nesting within culverts, inspections of these culverts for nesting evidence must be completed prior to culvert works or replacements.
- Bobolink and Eastern Meadowlark – have been documented as breeding in large open field habitats within the Ninth Line Lands. The planned undertaking is not expected to have any impact on these breeding habitats due to the negligible amount of field edge that may be impacted along the road ROW boundaries. Construction disturbances would be temporary and should be designed to mitigate impact to the species

Potential SAR and Species of Conservation Concern (SCC) Habitat

- Bat Species at Risk – detailed surveys of potential bat roosting or maternity colony habitat have not been completed throughout the entirety of the study area to date. However, the woodlands that fall within the study area were previously noted as containing suitable habitat for bats due to the presence of several large tree snags. These woodlands may therefore provide habitat for SAR bats. Following a conservative approach four potential bat habitat trees were identified in the EA study area that may provide suitable bat roosting habitat. As the habitat is assumed for Species at Risk, impact to these trees is prohibited unless permitted/ authorized by MECP under the Endangered Species Act (ESA).
- Suitable habitat for Species at Risk Chimney Swift was confirmed within the study area based on the presence of houses with chimneys adjacent to the road right-of-way. However, no Chimney Swifts were observed during the EA site visits. Road improvements are not anticipated to impact hose chimney structures and as such habitat impacts are not anticipated.
- Breeding habitat for the Species of Conservation Concern (SCC) Eastern Wood-Pewee was confirmed within the Fresh-Moist Sugar Maple-Hardwood Deciduous Forest (FOD6-5) during both the subwatershed studies field investigations (AFW 2015) as well as during the EA fieldwork. However, there is no anticipated impact to their breeding territories from the narrow encroachment, and construction-stage disturbances can be mitigated if removals are done outside of the bird nesting period.

Phase One Environmental Site Assessment

A Phase One Environmental Site Assessment (ESA) was completed to identify evidence of actual and/or potential contamination within the study area which may pose implications on the management of materials generated during the improvement of works. A review was conducted of available historical records and a reconnaissance of the study area to identify properties with potentially contaminating activities (PCAs) on the Site and the surrounding properties that may be contributors to areas of potential environmental concern (APECs) at the Site.

Based on the information from the records review and Site Reconnaissance, the Phase One Property has been used for the Ninth Line Right-of-Way (ROW) since at least 1946. In general, the surrounding area was used for agricultural lands until approximately the 1990s when urbanized residential development occurred on the east side of the road. A natural gas compressor station was initially observed in 1992 (aerial photograph) in the northwest portion of the Phase One Study Area. Community plazas with gas stations and dry cleaners were identified on the east side of the Site following the urban development. A number of contractors' yards were randomly located on rural properties that existed adjacent to the agricultural fields to the west of the Site.

The findings of the Phase One ESA identified both on-Site PCAs and off-site PCAs that may contribute to APECs within the Site limits. The on-Site PCAs included roadway associated activities such as fill materials, vehicle fluid spills and de-icing salt applications. The identified off-Site PCAs that contribute to APECs included dry cleaners, gas stations, a release from a private fuel storage tank, an excavation and landscaping contractor, a pesticides operator, a

pesticides vendor, and a natural gas compressor station.

On this basis, 10 APECs were identified on the Phase One Property. A subsurface investigation (i.e. Phase Two ESA) involving sampling and analysis of soil and groundwater within the excavation depths for the proposed construction works would be required to confirm or refute the potential for contamination from the identified PCAs and associated APECs on the Site that may impose implications on the management of materials generated during construction of the proposed works. The soil and groundwater analytical program for the Phase Two ESA should be based on the locations of the APECs, as well as the corresponding contaminants of potential concern.

Cultural Environment

Stage 1 Archaeological Assessment

A Stage 1 Archaeological Assessment (AA) was conducted to determine the potential for archaeological resources within the study area. The review of existing conditions entailed the investigation of past and present land use, the settlement history and any other relevant historical and geographical information pertaining to the study area.

The Stage 1 background study determined that 46 previously registered archaeological sites are located within one kilometre of the Study Area, four of which are within the Study Area but do not exhibit cultural heritage value or interest (CHVI). The property inspection determined that some portions of the study area exhibit archaeological potential and will require Stage 2 Archaeological Assessment. It was also identified that a Stage 3 Cemetery Investigation will be required on any lands impacted by the project within 10 metres of the cemetery property (St. Peter's Catholic Cemetery) to confirm the presence or absence of unmarked graves. Prior to undertaking Stage 3 investigations, Stage 2 survey should be conducted within areas of impact to locate any near-surface finds.

The remainder of the study corridor contains no archaeological potential due to previous disturbance by past earth-moving construction activities. At these locations, since the study corridor does not contain archaeological potential, further assessment is not required.

Built Heritage and Cultural Landscape

A Cultural Heritage Resource Assessment (CHRA) was prepared to identify cultural heritage resources in the study area. The purpose of the assessment is to inform the existing conditions review for the Ninth Line Class EA and present a built heritage and cultural landscape inventory of above-ground cultural heritage resources. The assessment summarizes legislation and municipal heritage policy context, the historical development within the study area including Indigenous and European land use and settlement, and reviews historical mapping and existing heritage inventories.

The findings from background historical research and secondary source material indicate a study area with a rural land use history dating back to the late nineteenth century. One built heritage resource (BHR) and four cultural heritage landscapes (CHL) were identified within and/or adjacent to the Ninth Line study area from Eglinton Avenue West to Derry Road West.

Three (3) cultural heritage landscape resources are listed in the Heritage Register for Mississauga and one built heritage resource (1) is designated under Part IV of the Ontario Heritage Act. The City of Mississauga confirmed that CHL 2 was removed from the Heritage Register for Mississauga as of March 21, 2021. The identified cultural heritage resources are historically, architecturally, and contextually associated with land use patterns in the City of Mississauga.

Drainage and Stormwater Management

Conservation Halton (CH) has jurisdiction with respect to drainage and stormwater management of the Sixteen Mile Creek Watershed within the Ninth Line Class EA project limits. A small portion of the study corridor is located within the Credit Valley Conservation's (CVC) Sawmill Creek Subwatershed; however, since there are no watercourses/tributaries to Sawmill Creek within this portion, the CH criteria for stormwater management is applied to the entire study corridor. The study area also falls under the jurisdiction of the Ministry of Natural Resources and Forestry (MNRF) Aurora District.

A hydraulic assessment of the existing crossings was conducted to determine the hydraulic performance under existing conditions and were undertaken in accordance to City of Mississauga Storm Drainage Design Requirements. The one regulated watercourse crossing C-3 (NLT-1) and two unregulated watercourses crossings C-1 and C-2 (Drainage Features B and C respectively) were assessed. The results indicate that the 100 year and Regional Storm events do not overtop the road at Crossings C-1 and C-2. The Regional Storm event overtops the roadway at Crossing C-3 by 0.68 m, because of the large flows from NLT-1 and the high tailwater levels at the downstream East Lisgar Branch.

Noise Assessment

A Noise Assessment was completed, based on the Ontario Ministry of Transportation (MTO)/Ministry of the Environment, Conservation and Parks (MECP) Noise Protocol, where an existing roadway is proposed to be modified/widened adjacent to a Noise Sensitive Area (NSA). MECP requires that the future noise levels without the proposed improvements be compared to the future noise level with the proposed improvements. The assessment is completed at the Outdoor Living Area (typically backyards) of each NSA. The provision of noise mitigation is to be investigated should the future noise level with the proposed improvements result in a greater than 5 dBA increase over the future noise level without the proposed improvements. If noise mitigation is provided, the objective is a minimum 5 dBA reduction. Mitigation will attempt to achieve levels as close to, or lower than, the objective level as is technically, economically and administratively feasible.

In total, 23 receiver locations located adjacent to Ninth Line were selected to represent the potential noise impact to noise sensitive areas in proximity to Ninth Line between Eglinton Avenue and Derry Road.

Based on analysis using approved simulation techniques and software, the potential change in noise levels are predicted to be less than 5 dBA for all receiver locations on the east side of

Ninth Line between Eglinton Avenue and Derry Road, as a result of the proposed improvements to Ninth Line when compared to the future without roadway improvements condition.

It should be noted that any future new residential subdivision development (west side) along the Ninth Line corridor will have to carry out noise analyses in accordance with MECP requirements as part of the development application process under the Planning Act. These studies would recommend the provision of outdoor and indoor noise attenuation measures and the inclusion of noise warning clauses on title of affected properties; these are outside the scope of the Ninth Line EA Study.

Therefore, the consideration of noise mitigation is not warranted based on MTO/MECP Noise Protocol.

Utilities

The Ninth Line corridor includes a number of existing utilities within the study area.

- Hydro – overhead hydro lines are located along the east side of Ninth Line between Eglinton Avenue and Derry Road for most of the study area. Approximately 250 m north of Doug Leavens Boulevard, the hydro corridor crosses over Ninth Line to the west side for a short segment before reverting back to the east side of the street.
- Gas – there are two pressure gas mains crossing Ninth Line between Beacham Street and Baggins Court. Additionally, underground gas pipelines in the north-south direction are between Derry Road West and Elgin Avenue West, Doug Leavens Boulevard and 30m south of Foxwood Avenue, and Britannia Road West and Tacc Drive. In there are some service gas mains crossing Ninth Line.
- Sun Canadian Pipeline – there are two existing high-pressure oil pipelines that are 200mm and 300mm in size, crossing Ninth Line 50m north of Janice Drive.
- Telecom – There are existing buried telecommunication conduits and aerial lines that run along the east side of Ninth Line.
- Water – Region of Peel operates an extensive and mature water distribution system in northwestern Mississauga. Along Ninth Line the existing watermain facilities include a 400-mm watermain spanning from Britannia Road to Eglinton Avenue, a 300mm watermain spanning Parkgate Drive to Foxwood Avenue, and a 300mm watermain between Beacham Street and 100m north of Beacham Street. There is one 50mm watermain crossing that is located north of Beacham Street that services the Enbridge/Union Gas/TransCanada Joint Operating Facility.
- Wastewater – the existing sanitary sewers below Ninth Line includes a 1050mm dia. pipe from Erin Centre Boulevard to Britannia Road West, 900mm dia. pipe from Britannia Road West to Parkgate Drive, and a 450mm dia. pipe from 30m south of Foxwood Avenue to 65m north of Foxwood Avenue.
- Stormwater - A single-storm sewer pipe runs along Ninth Line from Eglinton Avenue West to Erin Centre Boulevard and 300m north of Foxwood Avenue to Derry Road West. A two-storm sewer system runs along Ninth Line from Erin Centre Boulevard to 300m north of Foxwood Avenue

Alternative Solutions

A variety of Alternative Solutions were developed for the study area. These alternatives vary in complexity, construction cost and their potential ability to address the study area issues. **Table ES-** presents the list of alternative solutions considered to address the problems and opportunities identified for the Ninth Line study corridor.

Table ES-3 List of Alternative Solutions Considered

Alternative Solution	Description
1. Do Nothing	Existing conditions will be maintained, and the study area (Ninth Line) remains unchanged.
2. Limit Development	Limit land development within and adjacent to the study area to curb growth and transportation demand in the study area.
3. Improve Other Roads	Improve other roads outside of the study area to address future transportation demand. No changes would be made to the study area (Ninth Line).
4. Operational Improvements (including localized intersections)	Localized improvements within the study area, for example at intersections, where dedicated turn-lanes are provided to improve traffic operations.
5. Multimodal Improvements including improved streetscaping opportunities	Implement improvements for transit, cyclists, and pedestrians only. No road widening to Ninth Line corridor to be implemented for this stand-alone alternative.
6. Widen from 2 Lanes to 4 Lanes	Widen Ninth Line from 2 lanes to 4 lanes. No cycling or pedestrian improvements to be implemented for this stand-alone alternative.

Alternatives 1, 2, and 3 were not recommended to be carried forward as they do not address the current and future transportation needs of the corridor. A combination of **Alternatives #4 – Operational Improvements (including localized intersections), Alternative #5 – Multimodal Improvements (including improved streetscaping), and Alternative #6 – Widen from 2 Lanes to 4 Lanes**, was recommended to be carried forward to address the needs of all travel modes while also considering the contextual aspect of the Ninth Line corridor.

The preferred solution, presented in **Exhibit ES- 4**, is consistent with the City of Mississauga Transportation Master Plan and the Shaping Ninth Line Study and will help manage growth and facilitate the transportation system’s essential role in city-building. The preferred solution supports:




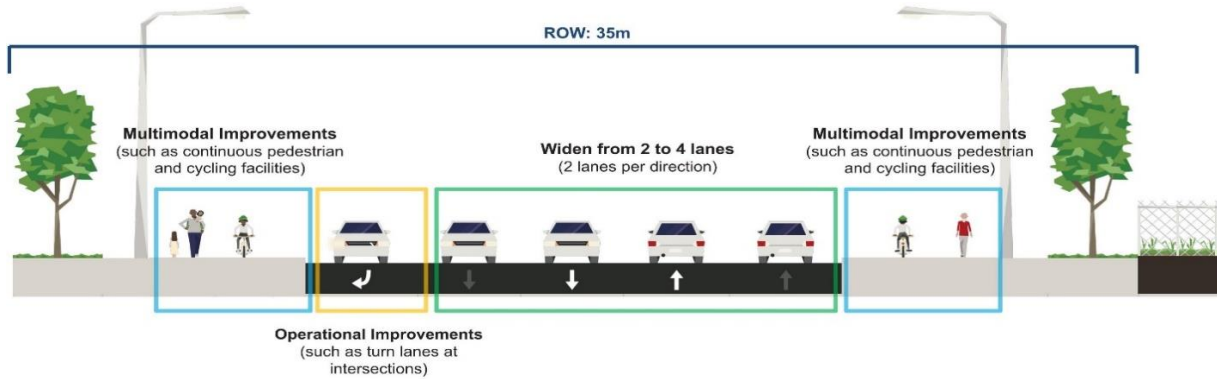
-  Widening Ninth Line from 2 to 4 lanes
-  Improving pedestrian and cycling facilities
-  Operational improvements at intersections

Exhibit ES- 4: Summary of Preferred Alternative Solution



Alternative Designs

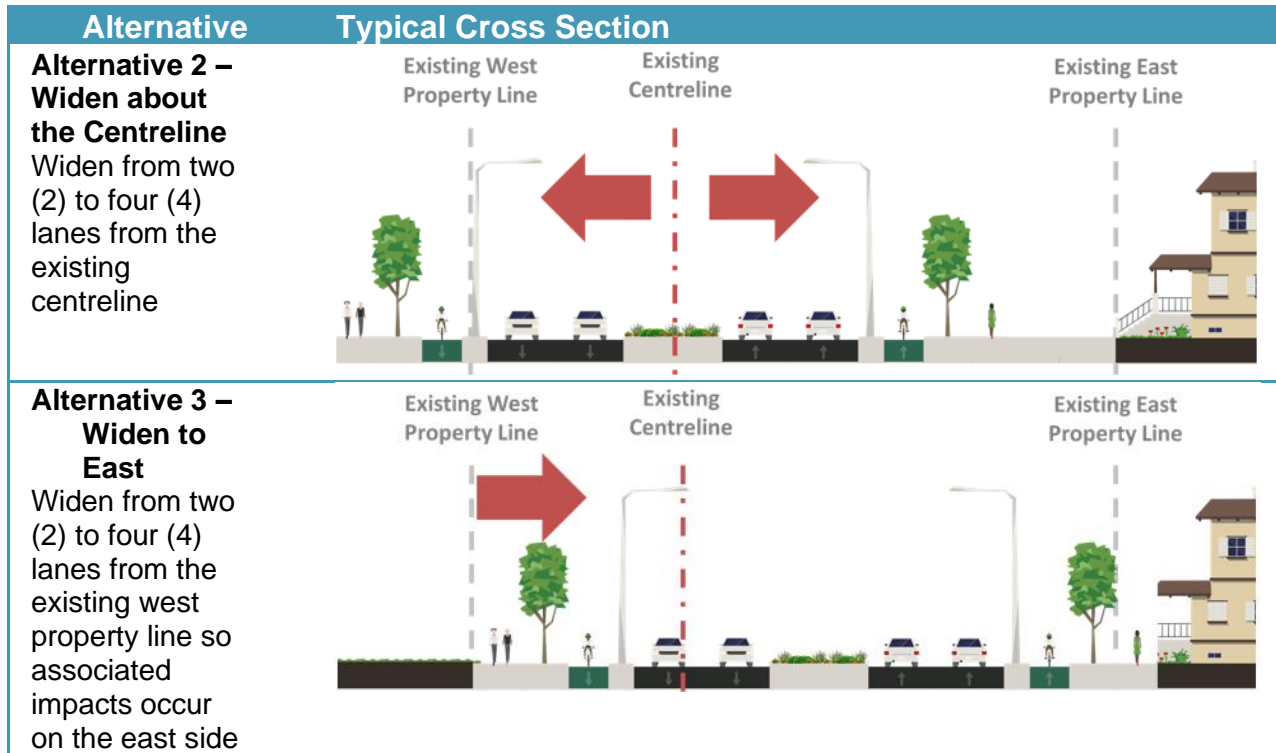
The development and evaluation of Alternative Designs was undertaken to address the Preferred Solution. The Alternative Designs considered, and findings from the screenings, evaluations and recommendations are outlined.

Road Widening Alternatives & Evaluation:

The Road Widening alternatives considered to widen Ninth Line from two to four lanes and to obtain the City of Mississauga’s Official Plan 35m right-of-way (ROW) are presented in **Table ES-5**.

Table ES- 5: Road Widening Alternatives

Alternative	Typical Cross Section
<p>Alternative 1 – Widen to West</p> <p>Widen from two (2) to four (4) lanes from the existing east property line so associated impacts occur on the west side</p>	

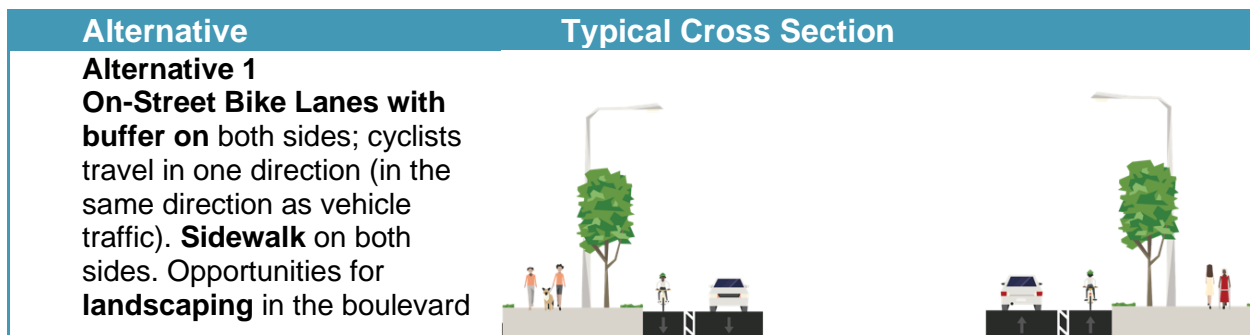


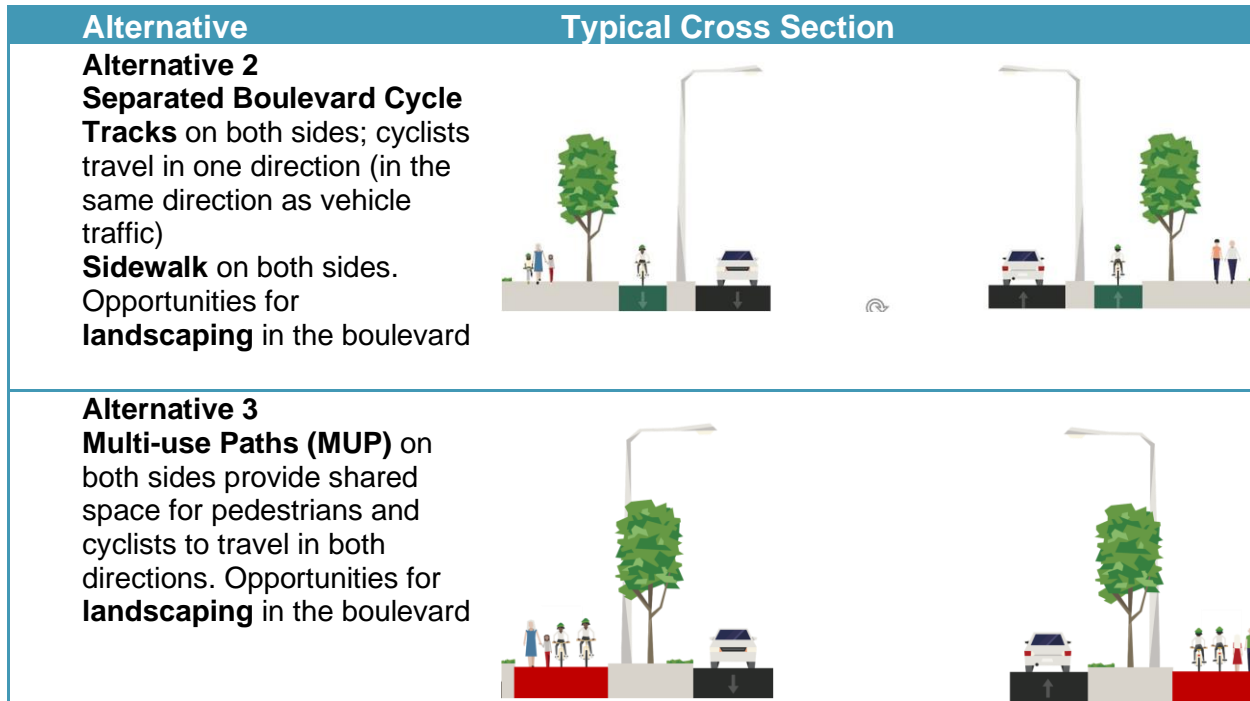
Alternative 1: Widen to the West was recommended as this option achieves the transportation, economic, environmental, and social objectives of the study. There will be only minor impacts to existing and planned developments on the west side of Ninth Line, as well as a moderate shift of the roadway to the east side. In addition, planned developments on the west can accommodate property impacts through development applications, and this alternative was strongly supported by the public at PIC 1.

Active Transportation Alternatives & Evaluation:

The Active Transportation (AT) alternatives carried forward for consideration are outlined in **Table ES- 6**.

Table ES- 6: Active Transportation Alternatives





Alternative 2: Separated boulevard cycle track and sidewalk (both sides) was recommended as this AT facility separates pedestrians from cyclists within the boulevard to minimize conflicts. This alternative provides the greatest physical separation between all users, including cyclists from vehicular traffic.

Roundabout Screening

All existing and proposed signalized intersections along the Ninth Line corridor were considered for roundabouts. A roundabout is an intersection at which traffic moves in one direction around a central island to reach one of the adjacent roads. Where roundabouts are installed, traffic signals are not required. There are several safety benefits such as lower speeds, fewer conflict points, reduction in likelihood for serious collision and injury, etc.

The roundabout screening included two stages:

- Stage 1: Screening Phase
- Stage 2: Assessment Phase

Both stages consisted of a suitability check and feasibility check. Based on the preliminary screening criteria (Stage 1) both the suitability and feasibility criteria were not met for all existing and proposed signalized intersections, except for the Regional intersections at Britannia Road and Derry Road. As a result, both Regional intersections were analyzed at an assessment Phase (Stage 2).

The Stage 2 Assessment was completed for the Britannia Road and Derry Road intersections and concluded that roundabouts are **not recommended** along the Ninth Line corridor for the following reasons:

- Requires a large (multi-lane) physical footprint for the roundabout, resulting in property impacts
- Intersection spacing (with and without traffic signals) are too close to each other
- Future traffic queue spilling back from Highway 407 ramps onto roundabouts (at Britannia Road and Derry Road)

Consultation Plan

Public input was an important part of the Ninth Line EA Study. The project team engaged the general public, agencies and Indigenous Communities, through mail and email notifications, as well as in-person (Open House) and virtual (PIC) meetings to ensure opportunities for participation in the planning process. Key consultation milestones are listed in Error! Reference source not found.7.

Table ES- 7: Key Consultation Events

Consultation Event	Date
Notice of Study Commencement and Introductory Open House	February 13, 2020
Introductory Open House (<i>in-person</i>)	February 20, 2020
Notice of Public Information Centre #1	June 10 and June 17, 2020
Public Information Centre #1 (<i>virtual</i>)	June 25 to July 17, 2020
Notice of Public Information Centre #2	December 31, 2020 and January 7, 2021
Public Information Centre #2 (<i>virtual</i>)	January 13 to February 3, 2021
Notice of Study Completion	June 2021 (TBC)

Communication with agencies, stakeholders, Indigenous Communities and the public took place through:

- Letters
- Emails
- Meetings
- Phone calls
- Notices and Postcards
- Online surveys
- Mobile Road Signs
- Open House/PIC's
- Newspaper advertisements (Mississauga newspapers)
- Project website (<http://www.mississauga.ca/NinthLineEA>)
- City of Mississauga website (<http://www.mississauga.ca>)
- Social Media (Mississauga Facebook, Mississauga Twitter)

Residents living along the study corridor directly received mailed notices. Following the study commencement, individuals who expressed interest in the project and as requested, were added to the project mailing list (mail or email) to receive regular updates on the study progress.

To maximize public awareness, efforts such as mobile roadside signage, social media posts (Facebook and Twitter), newspaper advertisements, and regular updates to the project website

provided information. Online feedback forms (online surveys) were available on the project website, which allowed individuals to remotely participate in the study.

A Technical Advisory Committee (TAC) was formed comprising representatives from the City of Mississauga, Region of Peel, Halton Region, Conservation Halton, Credit Valley Conservation, Peel District School Board, Peel EMS, Dufferin-Peel Catholic District School Board, 407 ETR, Ontario Provincial Police, Ministry of Transportation, Ministry of the Environment, Conservation and Parks (MECP), and Ministry of Natural Resources and Forestry (MNRF). TAC meetings were held to discuss input, concerns, and technical details at various decision-making points throughout the study. TAC meetings took place on June 4, 2020 and December 6, 2021. Individual agency meetings were held as required throughout the project.

Indigenous Communities were engaged throughout the study and were provided with electronic study notices and communicated through email. They were invited to participate in the study by providing input and feedback and review Open House/PIC materials available on the project website.

Introductory Open House

The City held an Introductory Open House at the beginning of the study on February 20, 2020 from 7 to 8:30 p.m. at Osprey Woods Public School at 6135 Lisgar Drive. The purpose of the Open House was to:

- Introduce the project to the community
- Receive initial feedback on issues and opportunities
- Provide background on the EA process being followed for this study
- Obtain public input and answer questions
- Provide information on how the public can be involved throughout the study
- Discuss next steps

Public Information Centre #1

The first PIC (PIC #1) was held online, and community members participated by:

- Viewing materials on the City website from June 25 to July 17, 2020
- Completing the online comment form
- Emailing additional comments to the City

The purpose of PIC#1 included the following:

- Present background information on the study and findings to date
- Provide information and receive input on alternative solutions to address problems and opportunities along Ninth Line
- Receive input on how many travel lanes Ninth Line should have in the future
- Receive input on how cyclists and pedestrians should be accommodated along Ninth Line
- Receive additional comments and suggestions for the City to consider
- Provide information on how the public can continue to be involved throughout the study

- Discuss next steps

Public Information Centre #2

The second PIC (PIC #2) was held online, and community members participated by:

- Viewing the materials on the City website from January 13 to February 3, 2021
- Completing the online comment form
- Emailing additional comments to the City

The purpose of PIC #2 included the following:

- Share key feedback received on the project
- Present the design approach, alternatives considered, evaluations and preliminary recommendations for Ninth Line improvements
- Present the Preferred Preliminary Design
- Receive input regarding the project and recommendations
- Discuss next steps

Recommended Design Concept

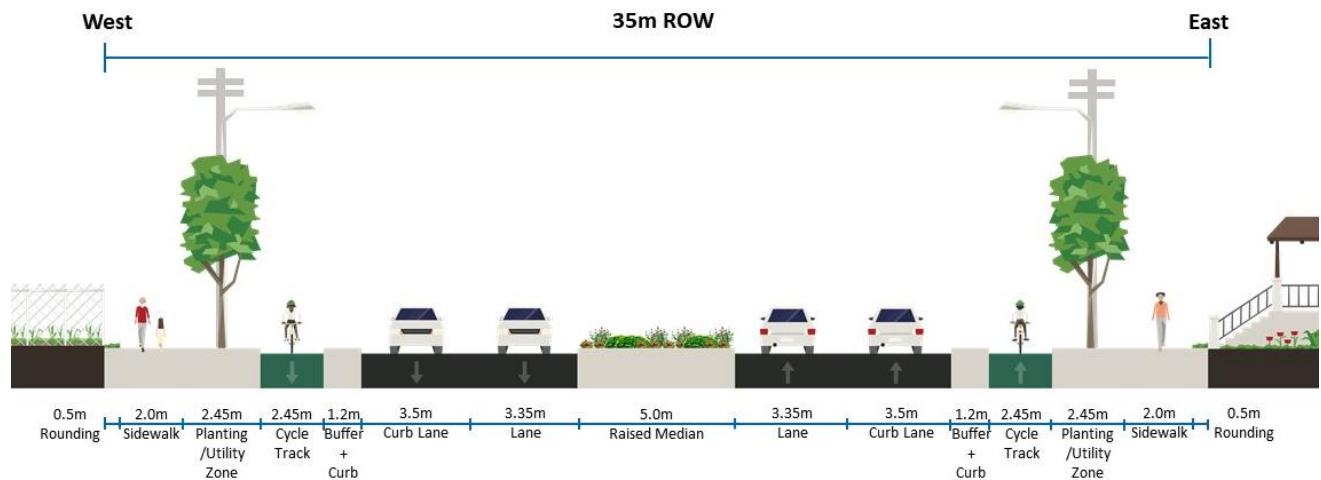
The preferred design for Ninth Line was identified in consideration of multi-modal improvements for all road users (pedestrians, cyclists, transit riders and motorists) and potential impacts to the natural environment, community, cultural heritage, operations, aesthetics, driveway access, property requirements, and capital construction and maintenance costs. The preferred design best meets the goals of the project with regards to transportation service improvements, while also considering the overall impact of the project and mitigation measures. The preferred design was selected, developed, and refined through consultation with agencies, stakeholders, impacted property owners and the public. Key features of the recommended design concept include:

- A design speed of 70km/h with a posted speed of 60km/h
- Horizontal alignment for a 70km/h design speed of Ninth Line as an urban cross-section generally following the existing centreline with localized shifts east and west to minimize impacts to adjacent properties and features
- Vertical alignment with a 70km/h design speed matches the existing road profile where possible
- Four general purpose lanes (two in each direction). Through lanes will be 3.35m and curb lanes will be 3.5 metres.
- Separated 2.0m boulevard cycle tracks (traveling in the same direction as the road) and 2.0m sidewalks on both sides of the roadway
- 5.0m centre median (either painted or raised with landscaping). The median width also accommodates left turns at intersections
- Landscaping within the boulevard and median as feasible, allowing for space to accommodate utilities and bus pads
- 0.5m curb and gutter with 0.5m rounding buffer
- Accessibility for Ontarians with Disabilities (AODA) compliant intersections

- New traffic signals proposed at Skyview Street, Tacc Drive, McDowell Drive and Beacham Street
- Crossrides at intersections for pedestrians and cyclists.
- Culvert extension at Osprey Marsh culvert
- Illumination throughout the corridor
- Integrated Halton Region’s Ninth Line Class EA design from Highway 407 to Eglinton Avenue West
- Potential transit stop locations and transit infrastructure in consultation with Mi-Way
- Property requirements with grading generally contained within the proposed right-of-way on the east side where feasible. Temporary and permanent easements for construction, maintenance, and grading purposes
- Utility relocations

The typical section for the corridor for the designated 35.0m official plan ROW is presented in **Exhibit ES-8**.

Exhibit ES- 8: Ninth Line Typical Section



The preliminary design plan plates are presented at the end of this Executive Summary.

Renderings

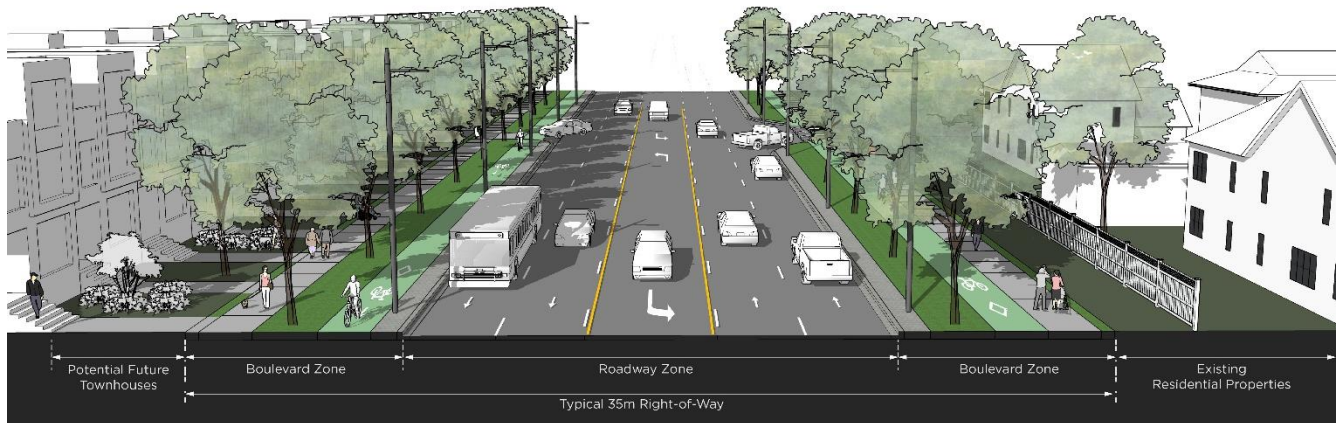
Three (3) renderings were developed, based on the preferred preliminary design concepts at different locations along the Ninth Line corridor, presented in **Exhibits ES-9 to ES-11**.

Exhibit ES- 9: Rendering A (Between Deepwood Heights and Brinwood Gate, looking north)



- Four lanes (two lanes in each direction)
- Raised centre median with low-lying shrubs and/or grass
- Separated boulevard cycle tracks and sidewalks (both sides)
- Landscaping between cycle tracks and sidewalks (both sides)

Exhibit ES- 10: Rendering B (between Manatee Way and Freeman Terrace, looking north)



- Four lanes (two lanes in each direction)
- Centre left-turn lane to maintain access to side streets and driveways
- Separated boulevard cycle tracks and sidewalks (both sides)

- Landscaping between vehicular lane and boulevard cycle tracks (east side)
- Landscaping between cycle tracks and sidewalks (west side)

Exhibit ES- 11: Rendering C (Between Osprey Boulevard and Foxwood Avenue, looking north)



- Four lanes (two lanes in each direction), with a dedicated left-turn lane
- Raised concrete median beside the left-turn lane transitioning into a raised centre median with low-lying shrubs and/or grass
- Separated boulevard cycle tracks and sidewalks (both sides)
- Landscaping between cycle tracks and sidewalks (both sides)

Preliminary Cost Estimate

Based on preliminary estimates, the cost of the recommended improvements is estimated to be approximately \$51.6M. This preliminary cost estimate includes costs for road work, utility relocation, addition of streetlights and traffic signals, culvert modifications, landscaping, traffic control, and engineering services; however, property acquisition costs are not included in the estimate.

Environmental Impacts and Mitigation

Anticipated impacts to the natural, socio-economic, and cultural environments, together with proposed mitigation measures, were identified to address the implementation of the preferred design. Anticipated impacts and proposed mitigation are provided for the following factors:

- Land Use and Socio-Economic Impacts
- Archaeology and Cultural Heritage
- Noise
- Property Requirements
- Climate Change
- Air Quality

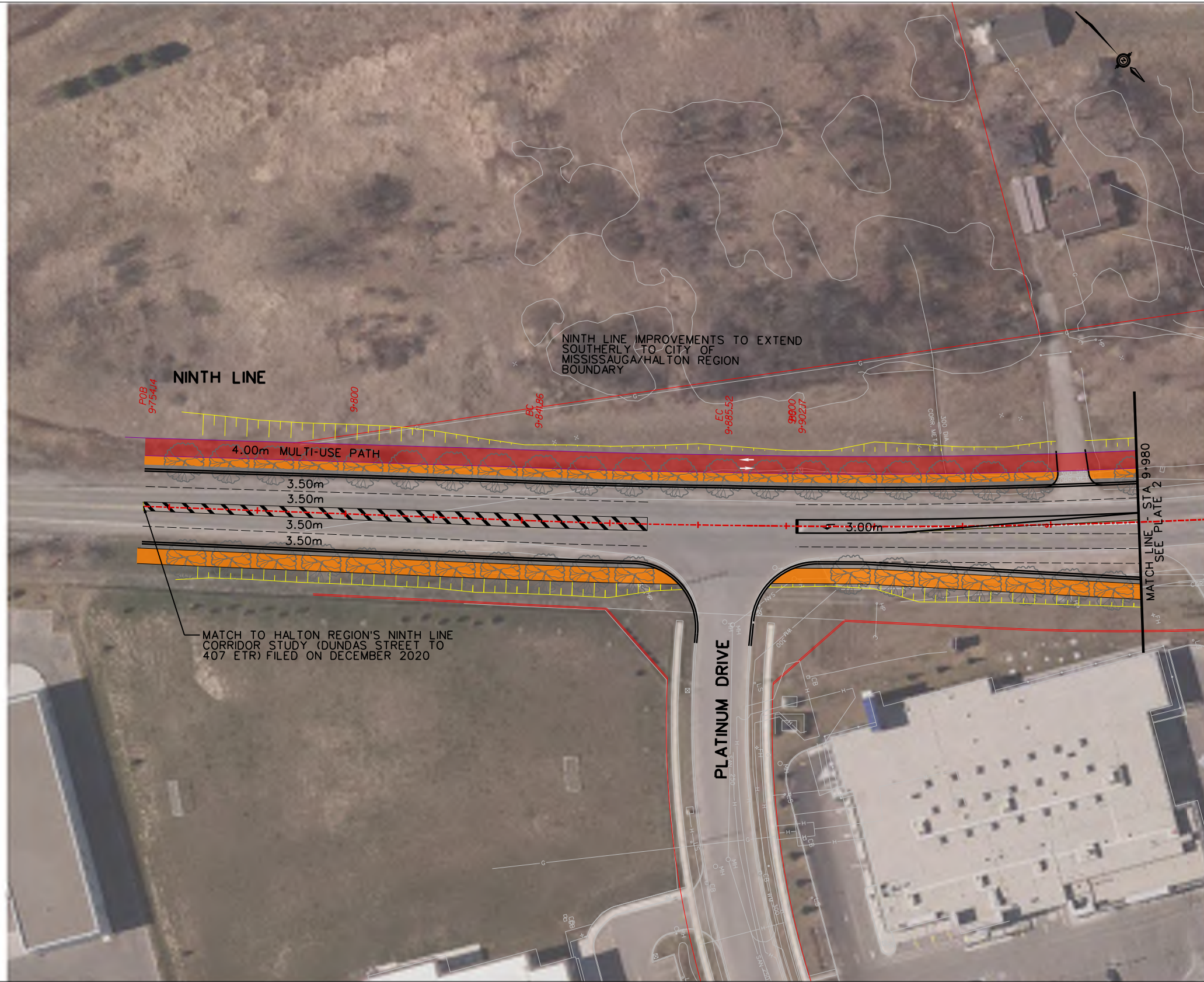
- Source Water Protection
- Streetscaping / Urban Design
- Utilities
- Construction
- Vegetation and Vegetation Communities
- Fisheries and Aquatic Habitat
- Wildlife and Wildlife Habitat
- Groundwater
- Surface Water
- Soil Removal and Contaminants

Commitment of Future Work

This Environmental Study Report (ESR) identifies specific items to be reviewed and confirmed during the Detailed Design phase. Some of these commitments will address specific concerns raised by property owners and review agencies during the EA process. Items to be addressed during Detailed Design phase, include but are not limited to, resolution of outstanding concerns and any permits and approvals.

Timing of Improvements

Timing of improvements will be confirmed during Detailed Design. The Development Charges Background Study (2019) identified the need to widen Ninth Line between Eglinton Avenue West and Derry Road West from two (2) to four (4) lanes, with an estimated timing year of implementation in 2023 – 2024. Start of construction timing is subject to annual Council review and prioritization.



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

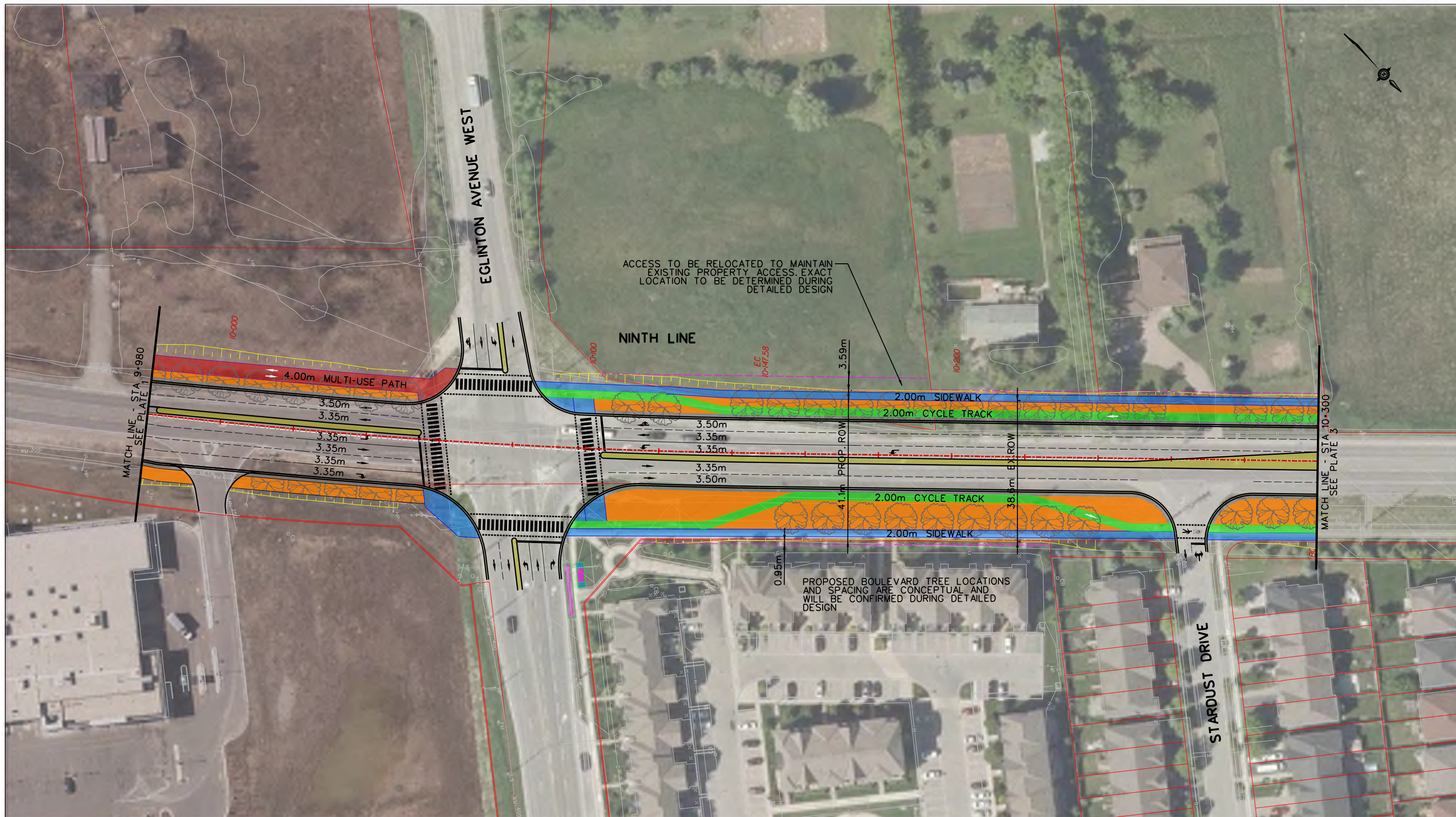
9+754 TO 9+980

PLAN NO.

P-01

SCALE
H 1:1000

DATE
JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

9+980 TO 10+300

PLAN NO.

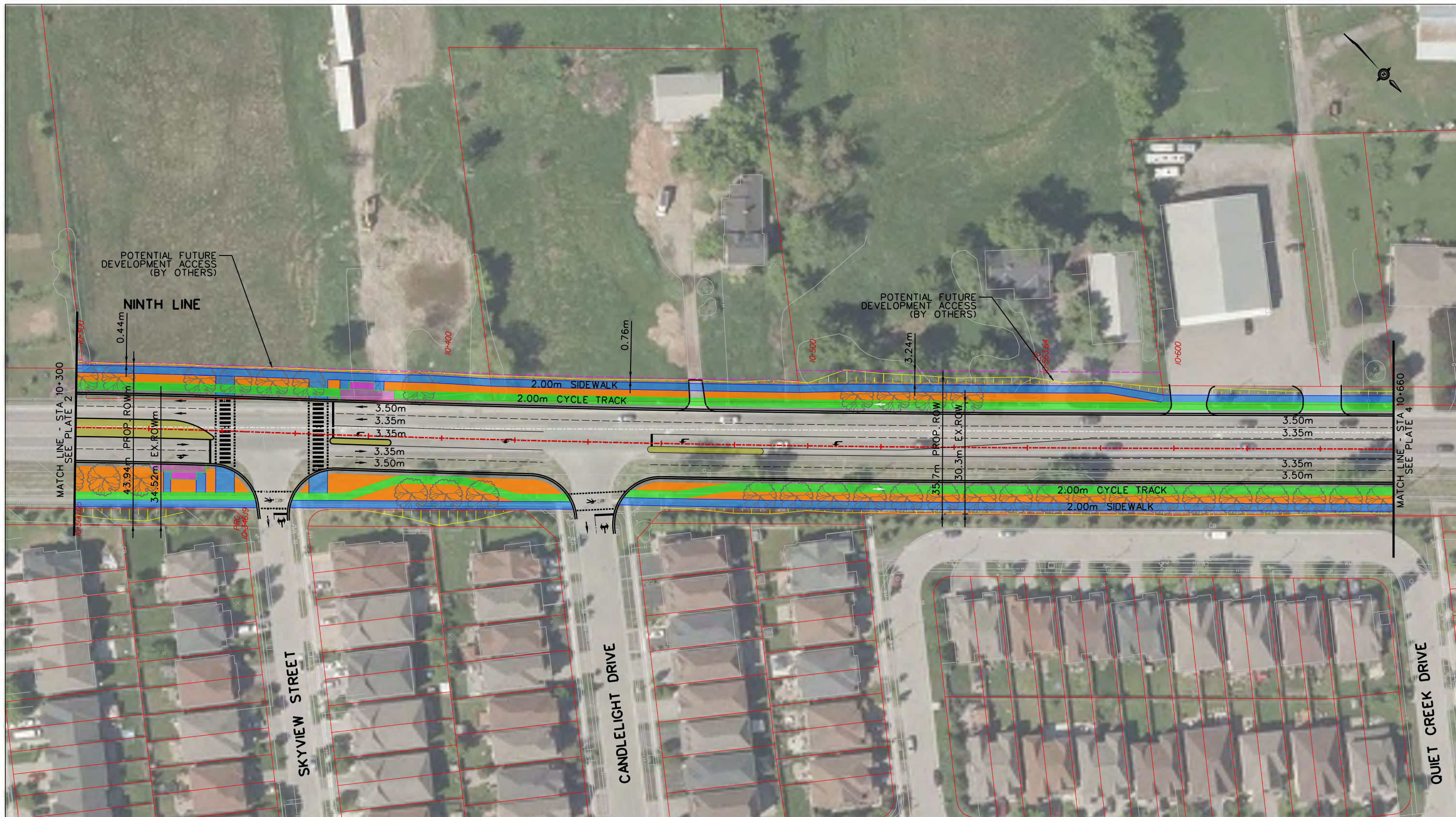
P-02

SCALE

H 1:1000

DATE

JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

10+300 TO 10+660

PLAN NO.

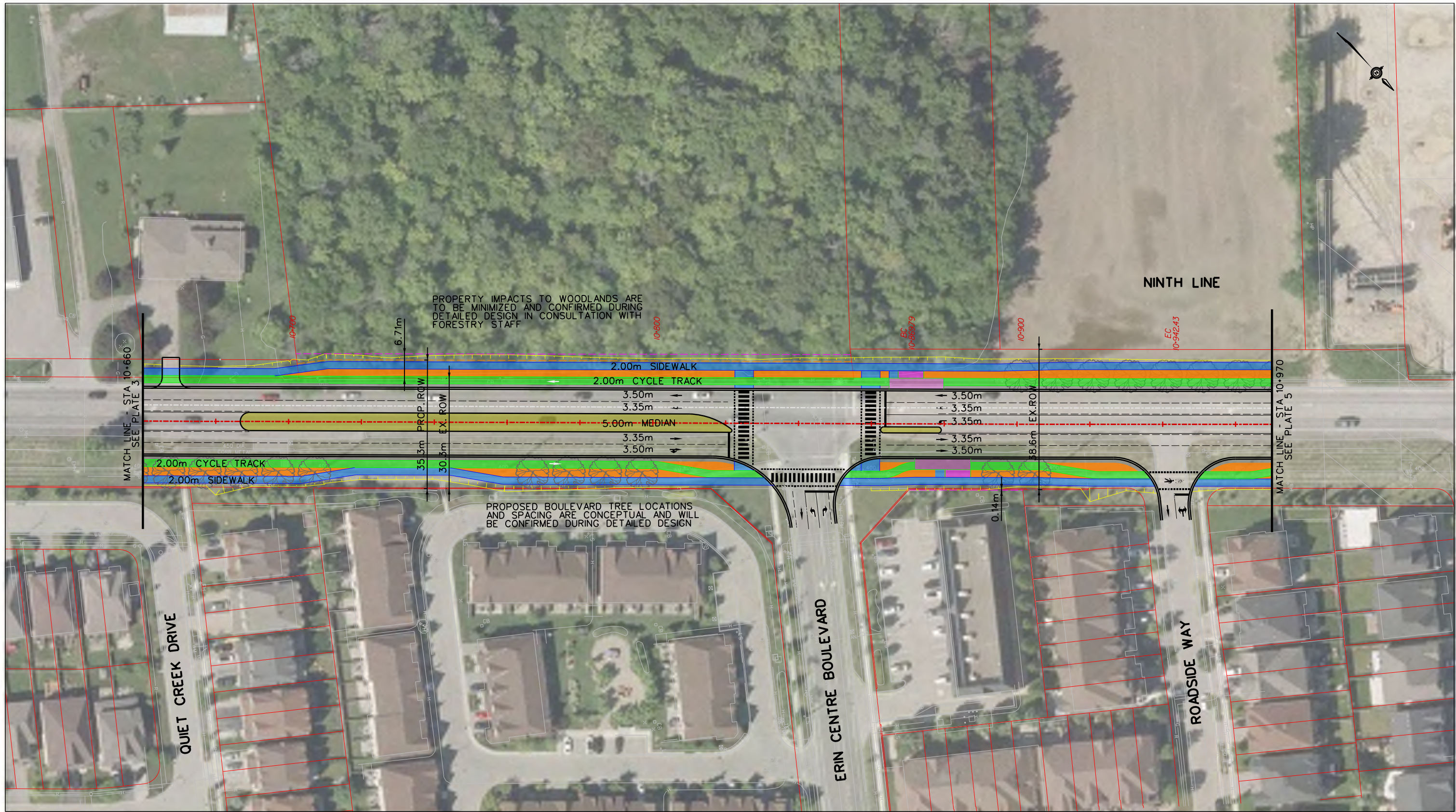
P-03

SCALE

H 1:1000

DATE

JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

10+660 TO 10+970

PLAN NO.

P-04

SCALE
H 1:1000

DATE
JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

10+970 TO 11+280

PLAN NO.

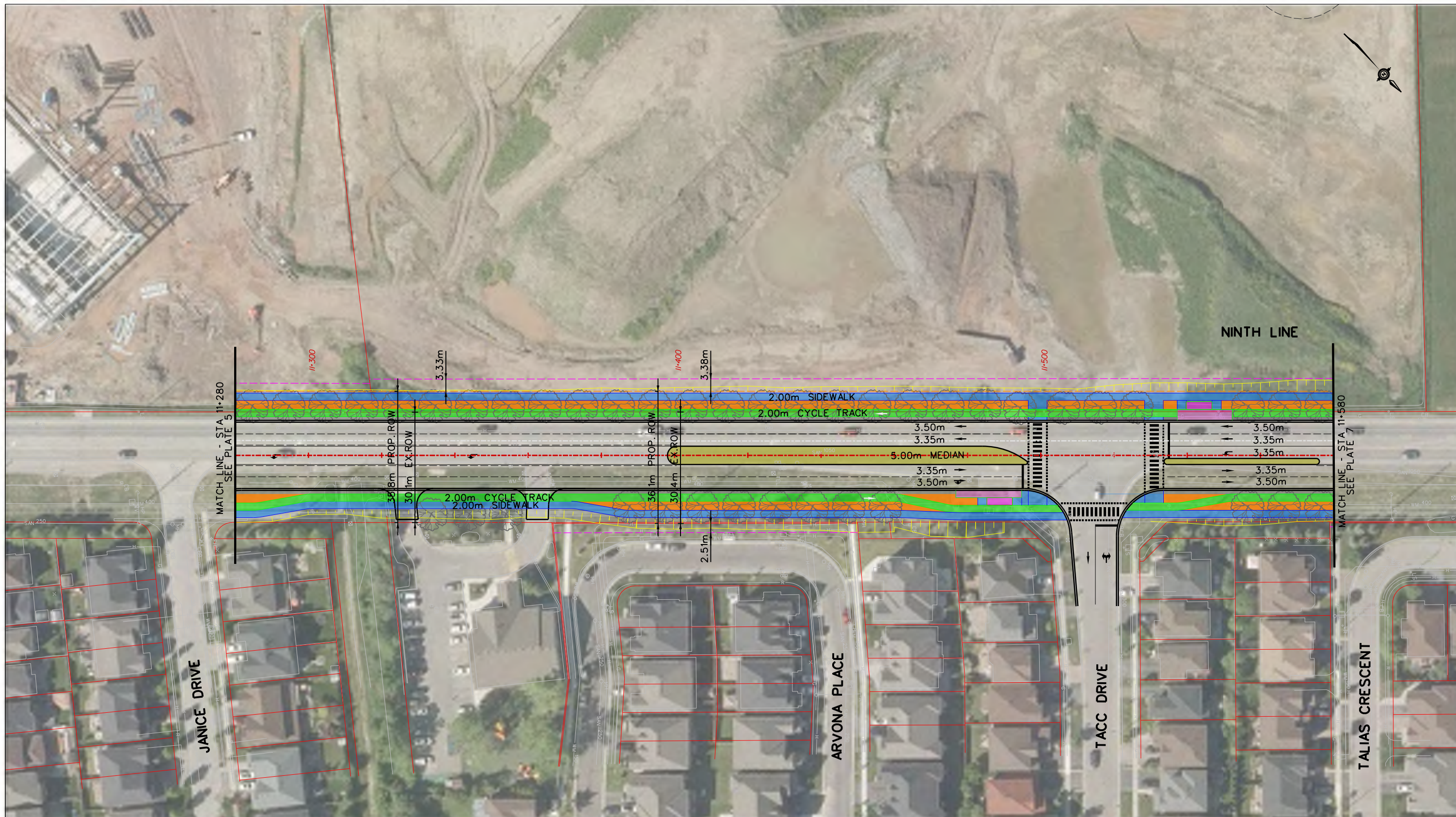
P-05

SCALE

H 1:1000

DATE

JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

11+280 TO 11+580

PLAN NO.

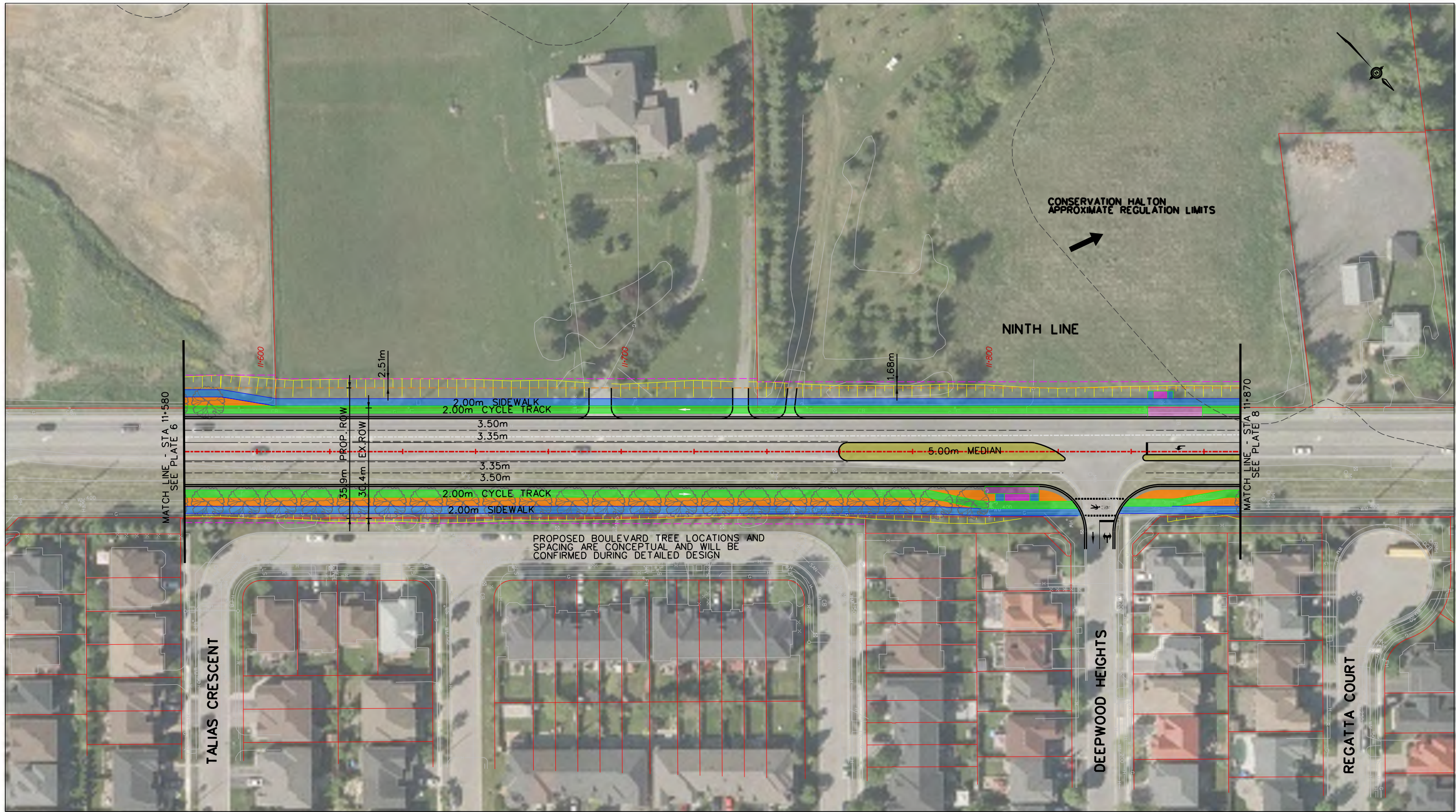
P-06

SCALE

H 1:1000

DATE

JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

11+580 TO 11+870

PLAN NO.

P-07

SCALE
H 1:1000

DATE
JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

11+870 TO 12+250

PLAN NO.

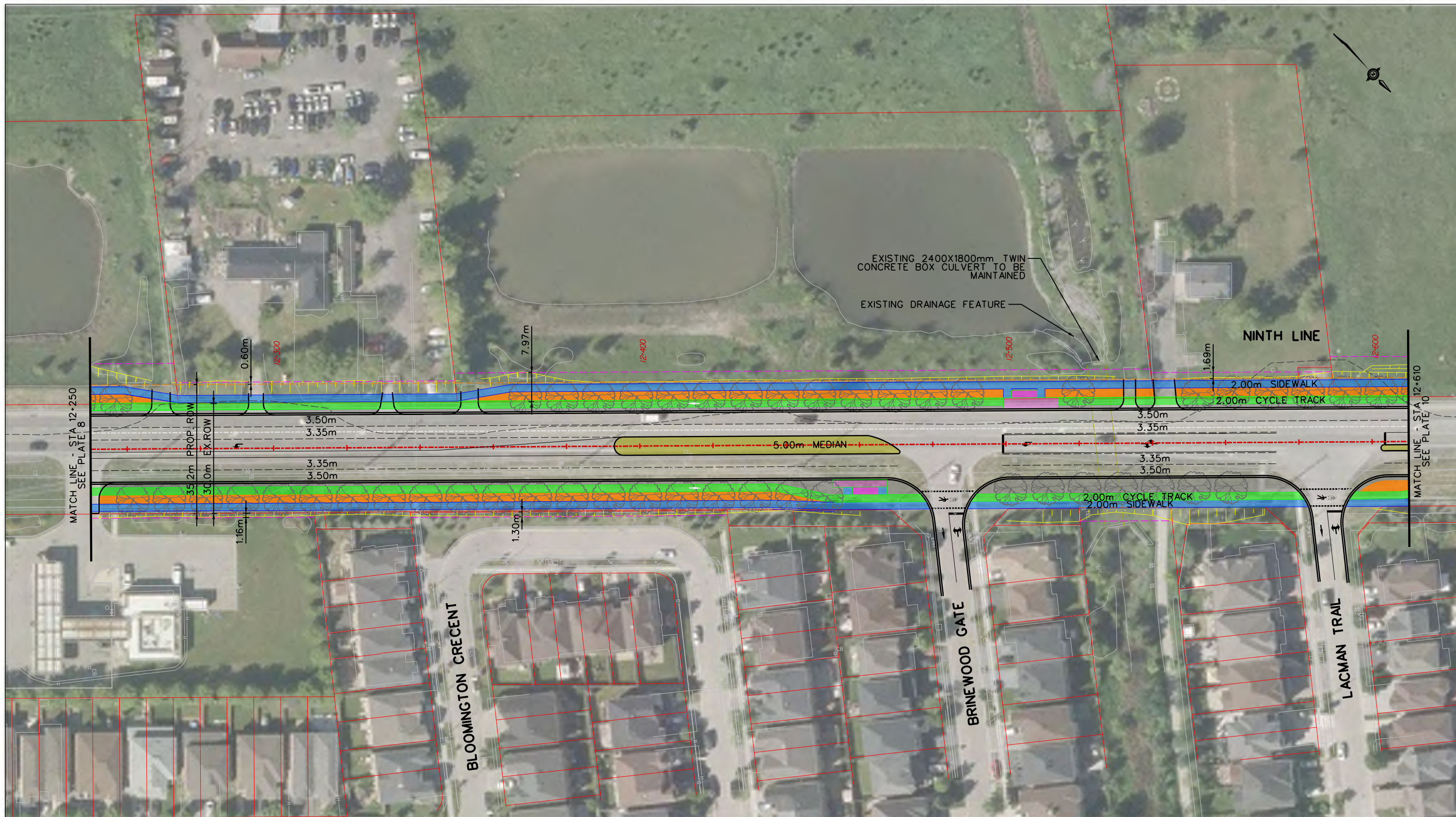
P-08

SCALE

H 1:1000

DATE

JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

12+250 TO 12+610

PLAN NO.

P-09

SCALE

H 1:1000

DATE

JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

12+610 TO 12+990

PLAN NO.

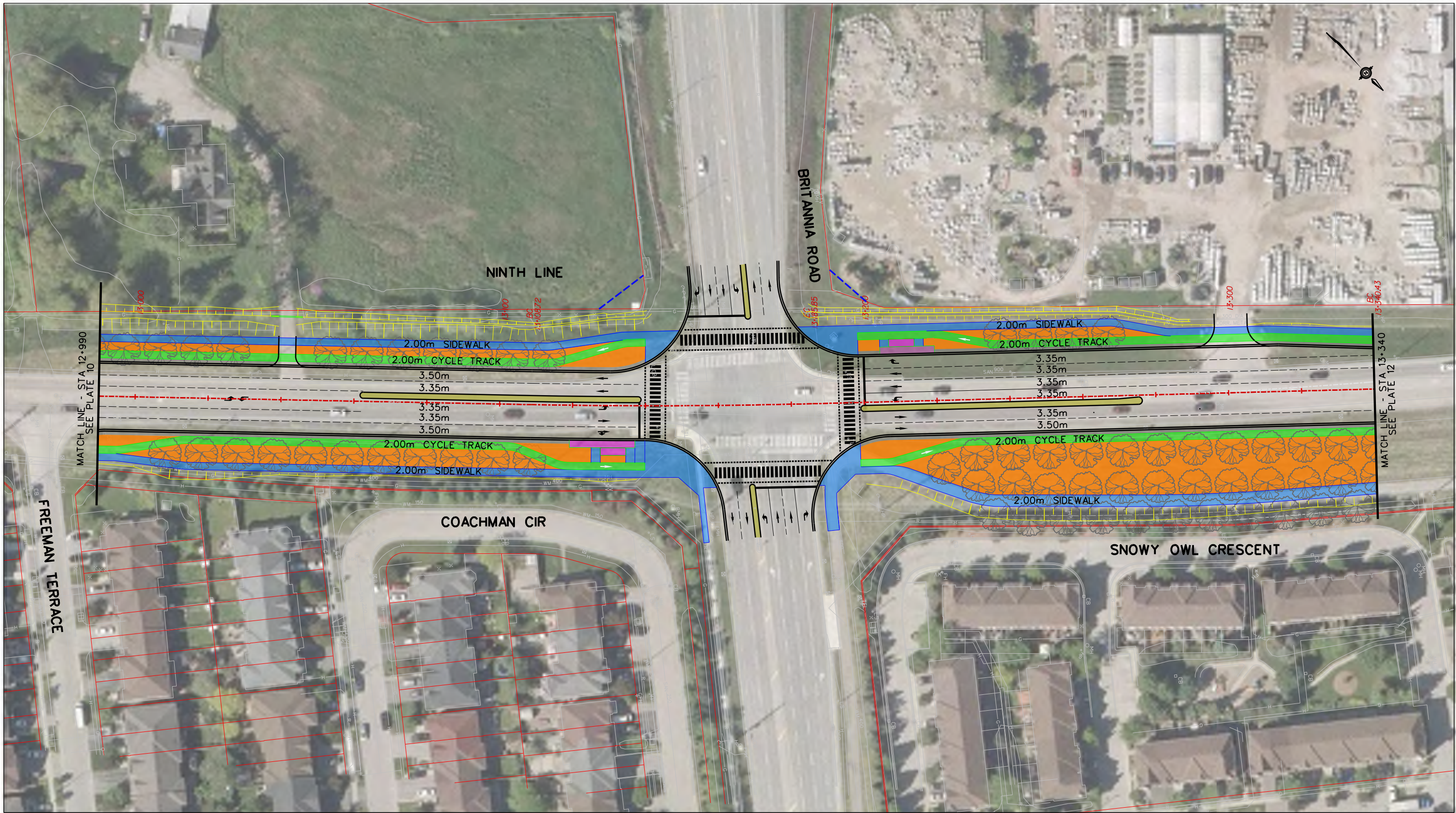
P-10

SCALE

H 1:1000

DATE

JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

12+990 TO 13+340

PLAN NO.

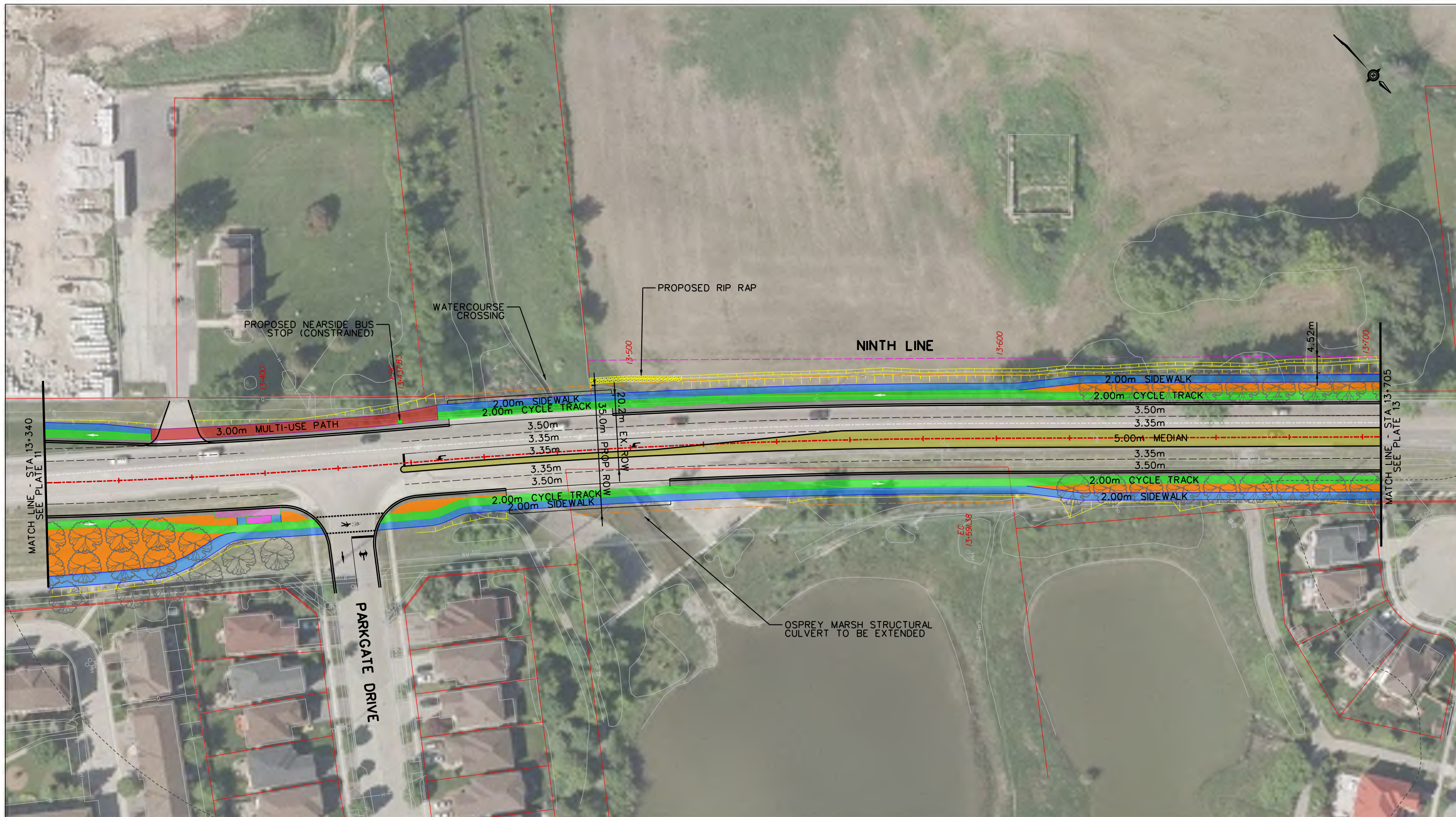
P-11

SCALE

H 1:1000

DATE

JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

13+340 TO 13+705

PLAN NO.

P-12

SCALE

H 1:1000

DATE

JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

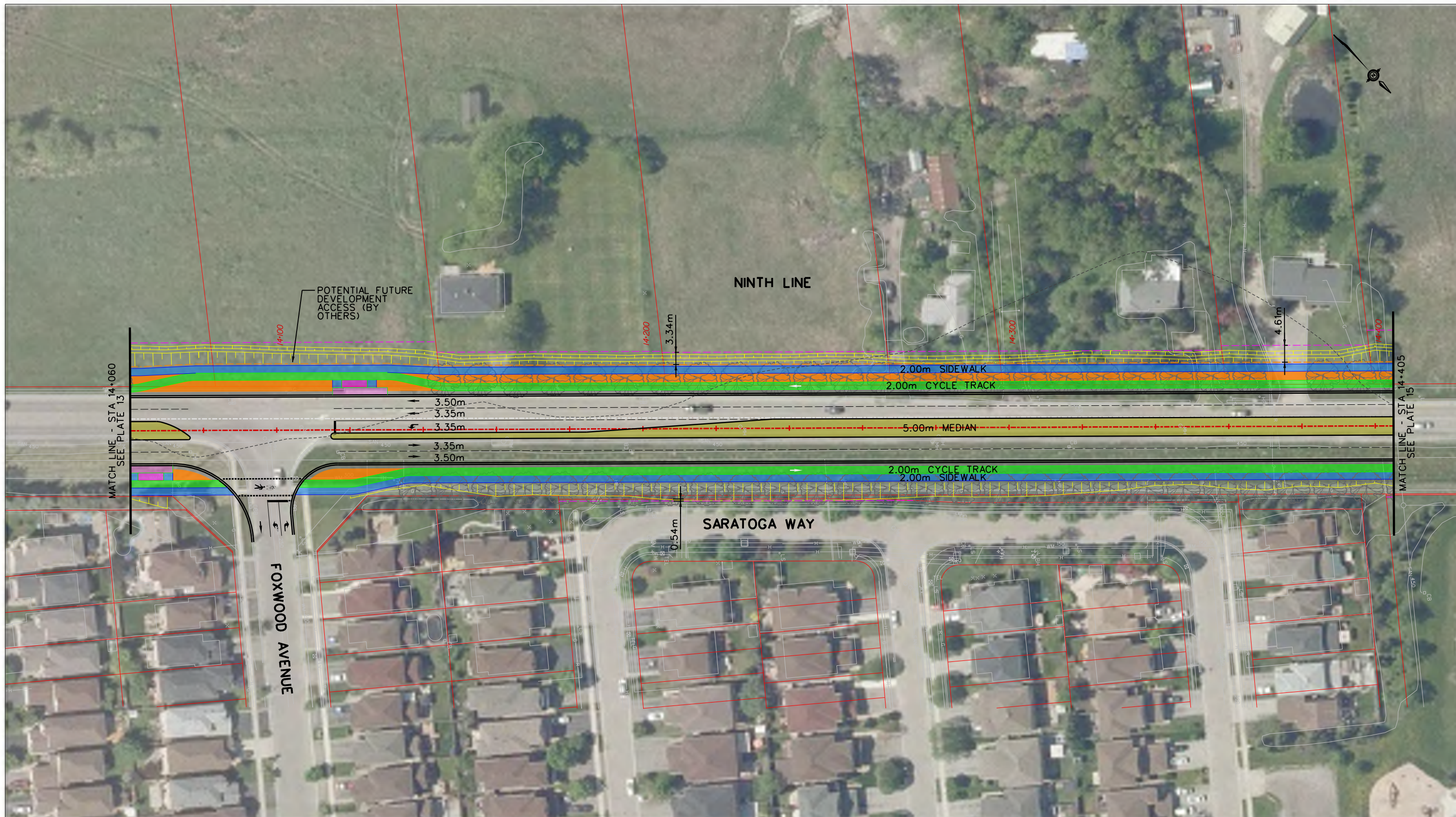
13+705 TO 14+060

PLAN NO.

P-13

SCALE
H 1:1000

DATE
JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|---------------------------------|----------------------------|----------------------------|
| --- PROPOSED CENTRELINE | --- PROPOSED GRADING LIMIT | ■ PROPOSED BUS STOPS |
| --- PROPOSED RIGHT-OF-WAY (ROW) | --- PROPOSED GRADING | ■ PROPOSED RAISED MEDIAN |
| ■ PROPOSED SIDEWALK | --- PROPOSED CURB | --- EXISTING CENTRELINE |
| ■ PROPOSED CYCLE TRACK | --- PROPOSED DAYLIGHTING | --- EXISTING PROPERTY LINE |
| ■ PROPOSED MULTI-USE PATH (MUP) | ■ PROPOSED BOULEVARD | --- EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

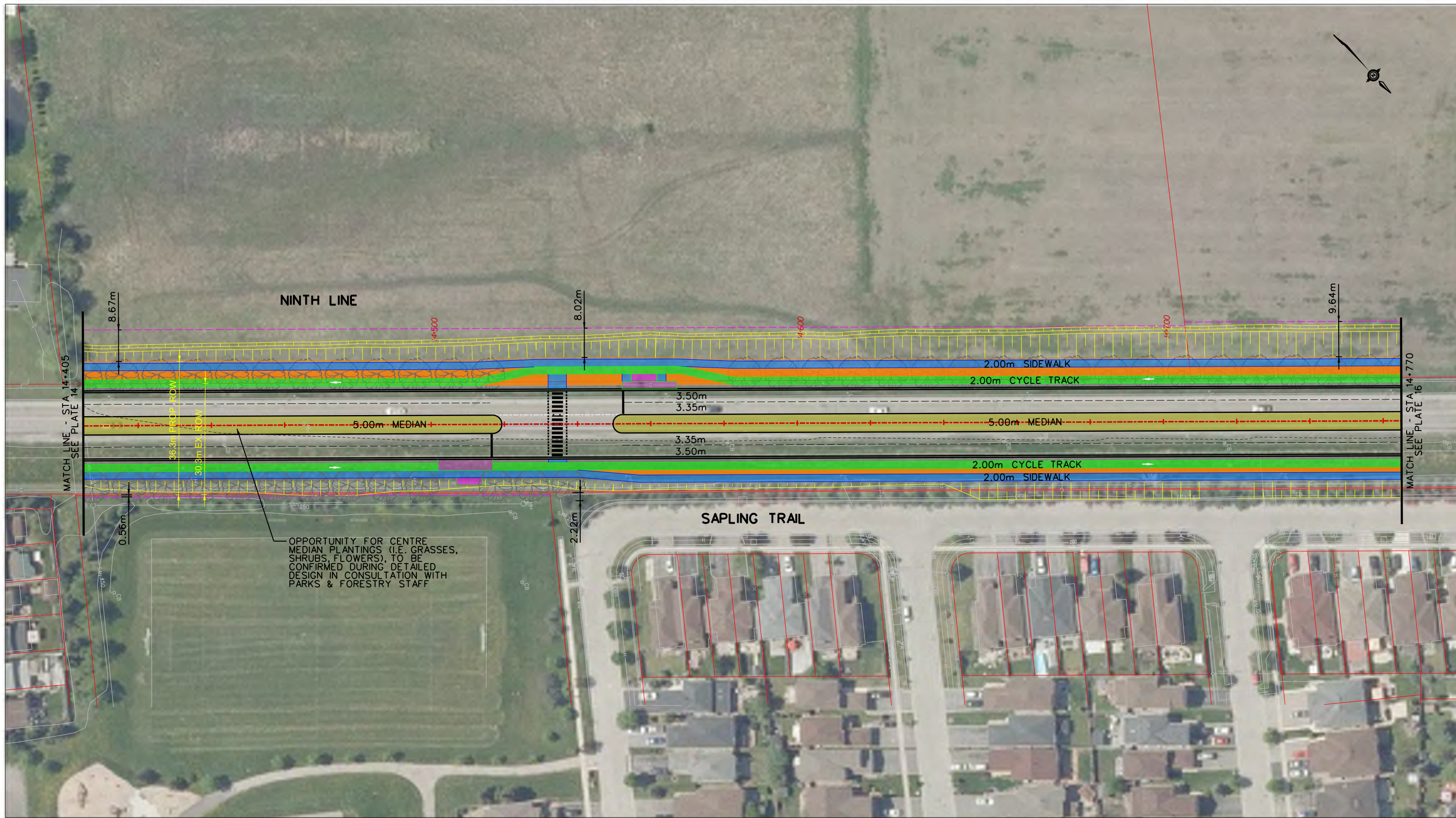
14+060 TO 14+405

PLAN NO.

P-14

SCALE
H 1:1000

DATE
JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

14+405 TO 14+770

PLAN NO.

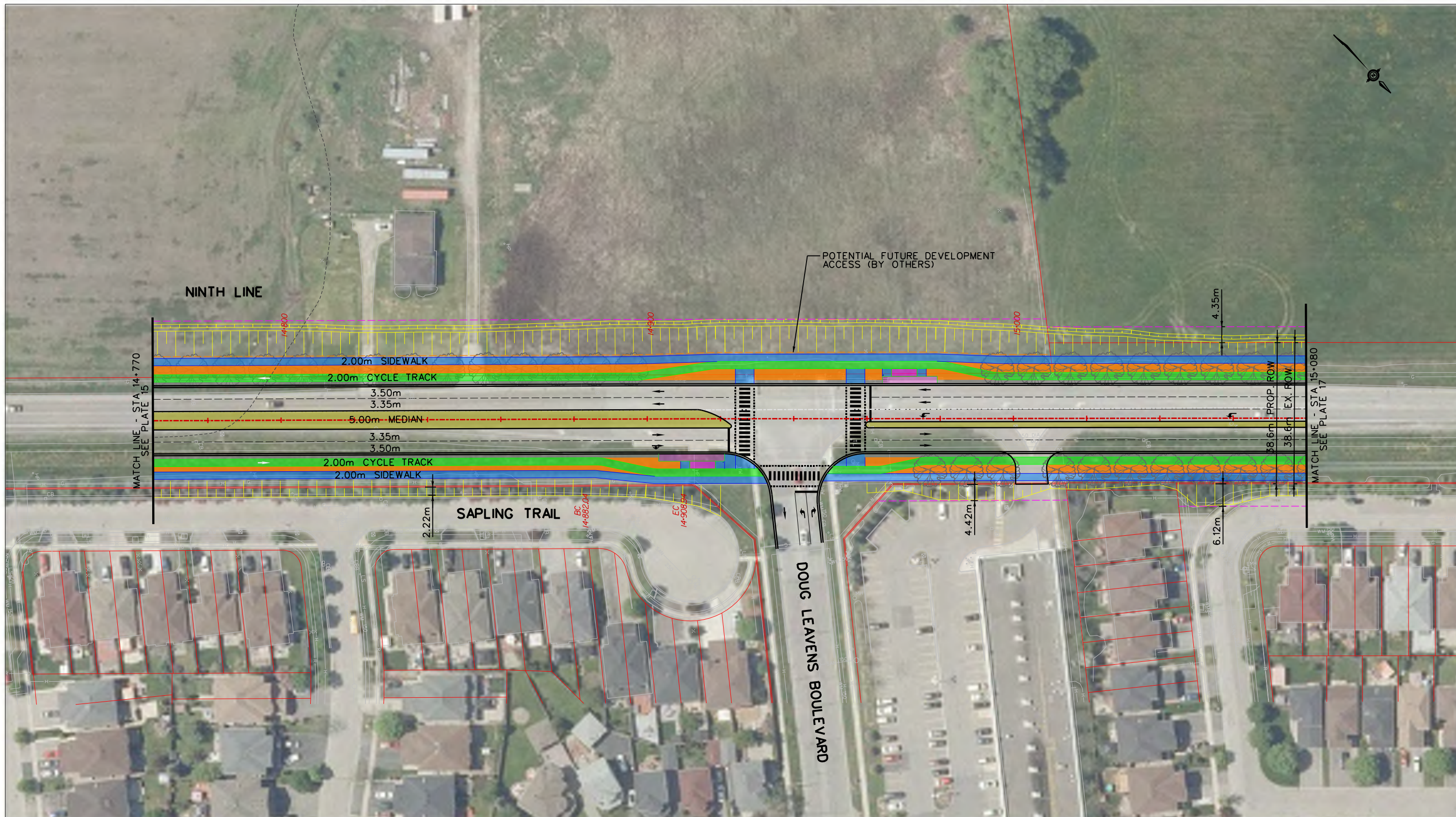
P-15

SCALE

H 1:1000

DATE

JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

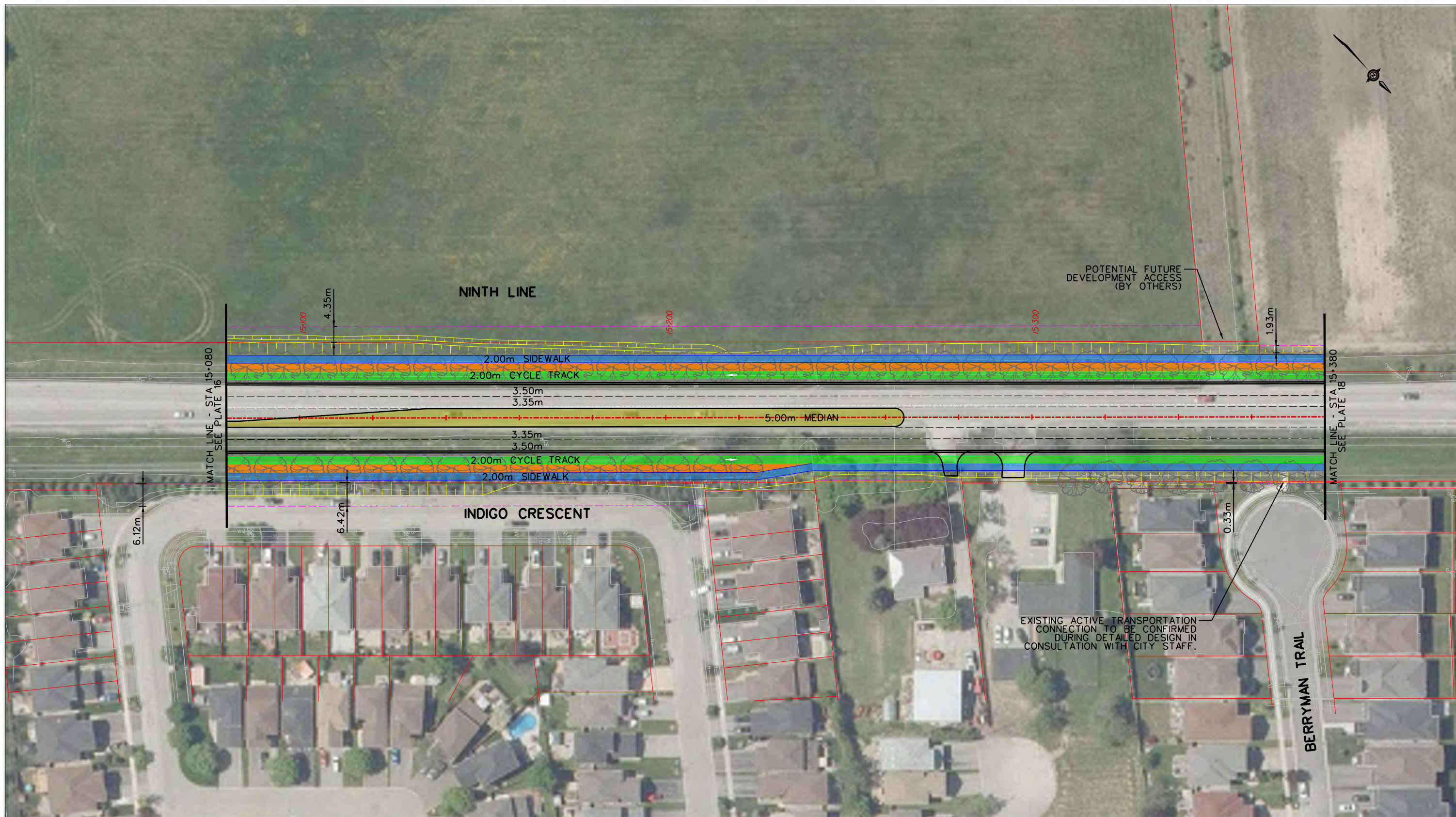
14+770 TO 15+080

PLAN NO.

P-16

SCALE
H 1:1000

DATE
JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

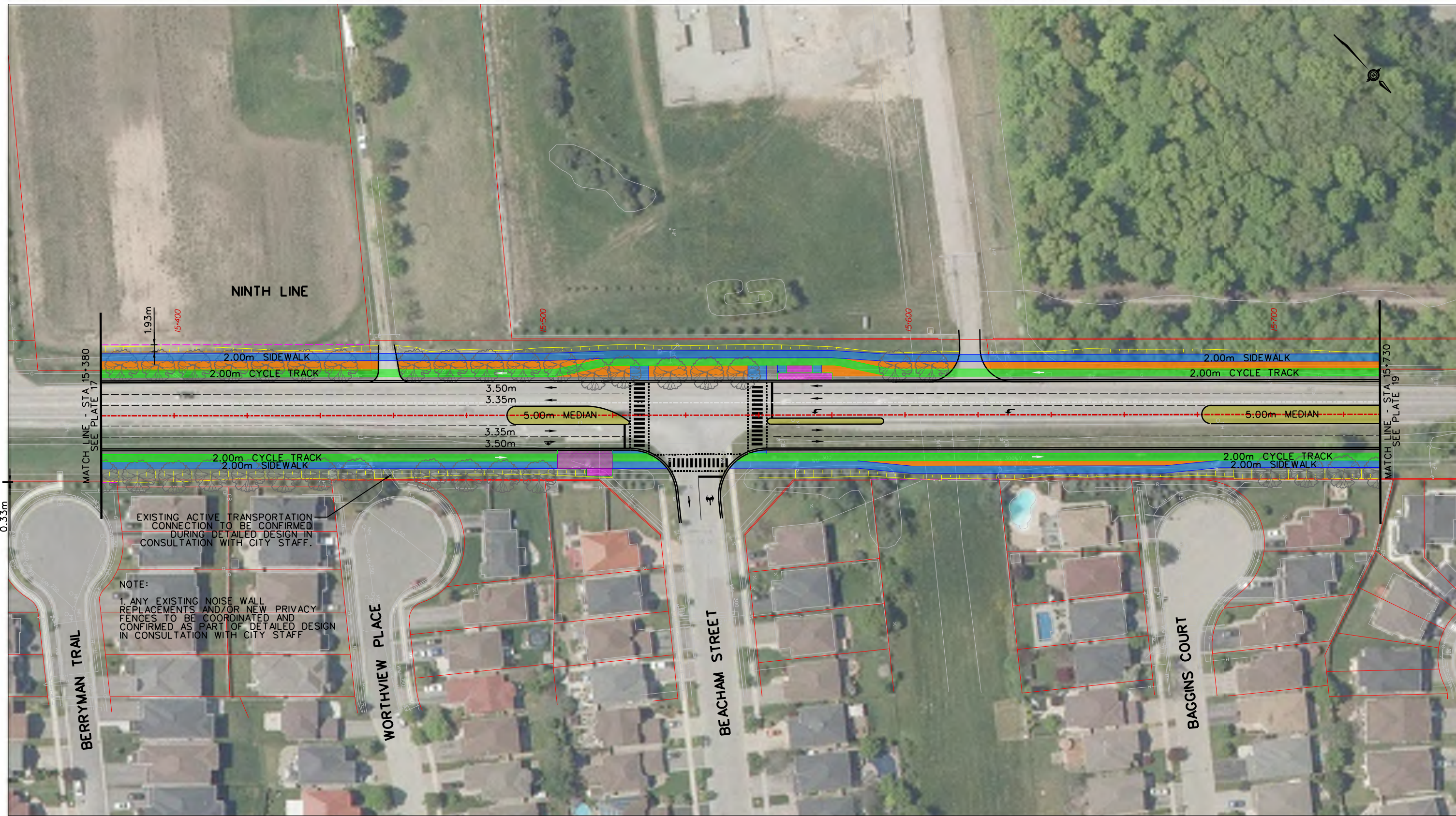
15+080 TO 15+380

PLAN NO.

P-17

SCALE
H 1:1000

DATE
JUNE 2021



EXISTING ACTIVE TRANSPORTATION CONNECTION TO BE CONFIRMED DURING DETAILED DESIGN IN CONSULTATION WITH CITY STAFF.

NOTE:
 1. ANY EXISTING NOISE WALL REPLACEMENTS AND/OR NEW PRIVACY FENCES TO BE COORDINATED AND CONFIRMED AS PART OF DETAILED DESIGN IN CONSULTATION WITH CITY STAFF

NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND			
	PROPOSED CENTRELINE		PROPOSED BUS STOPS
	PROPOSED RIGHT-OF-WAY (ROW)		PROPOSED RAISED MEDIAN
	PROPOSED SIDEWALK		EXISTING CENTRELINE
	PROPOSED CYCLE TRACK		EXISTING PROPERTY LINE
	PROPOSED MULTI-USE PATH (MUP)		EXISTING WATERCOURSE
	PROPOSED GRADING LIMIT		
	PROPOSED GRADING		
	PROPOSED CURB		
	PROPOSED DAYLIGHTING		
	PROPOSED BOULEVARD		



NINTH LINE IMPROVEMENTS
 (EGLINTON AVE W TO DERRY RD W)
 ENVIRONMENTAL ASSESSMENT
 PLAN

15+380 TO 15+730

PLAN NO.	P-18
SCALE	H 1:1000
DATE	JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND					
	PROPOSED CENTRELINE		PROPOSED GRADING LIMIT		PROPOSED BUS STOPS
	PROPOSED RIGHT-OF-WAY (ROW)		PROPOSED GRADING		PROPOSED RAISED MEDIAN
	PROPOSED SIDEWALK		PROPOSED CURB		EXISTING CENTRELINE
	PROPOSED CYCLE TRACK		PROPOSED DAYLIGHTING		EXISTING PROPERTY LINE
	PROPOSED MULTI-USE PATH (MUP)		PROPOSED BOULEVARD		EXISTING WATERCOURSE



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

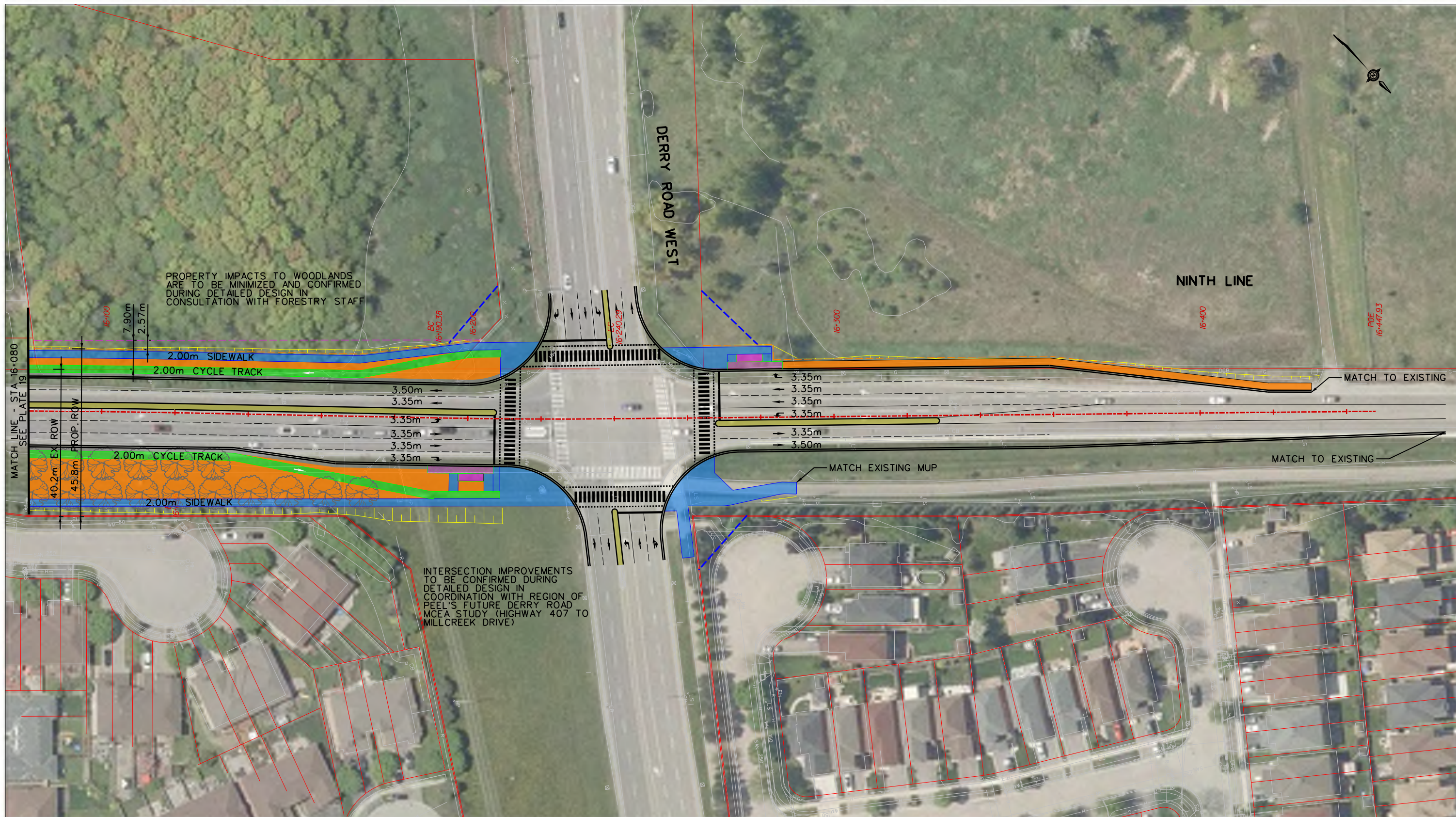
15+730 TO 16+080

PLAN NO.

P-19

SCALE
H 1:1000

DATE
JUNE 2021



NOTE: PROPOSED BOULEVARD TREE LOCATIONS AND SPACING ARE CONCEPTUAL AND WILL BE CONFIRMED DURING DETAILED DESIGN

LEGEND

- | | | |
|-------------------------------|------------------------|------------------------|
| PROPOSED CENTRELINE | PROPOSED GRADING LIMIT | PROPOSED BUS STOPS |
| PROPOSED RIGHT-OF-WAY (ROW) | PROPOSED GRADING | PROPOSED RAISED MEDIAN |
| PROPOSED SIDEWALK | PROPOSED CURB | EXISTING CENTRELINE |
| PROPOSED CYCLE TRACK | PROPOSED DAYLIGHTING | EXISTING PROPERTY LINE |
| PROPOSED MULTI-USE PATH (MUP) | PROPOSED BOULEVARD | EXISTING WATERCOURSE |



NINTH LINE IMPROVEMENTS
(EGLINTON AVE W TO DERRY RD W)
ENVIRONMENTAL ASSESSMENT
PLAN

16+080 TO 16+448

PLAN NO.

P-20

SCALE

H 1:1000

DATE

JUNE 2021

Date: May 18, 2021

To: Chair and Members of General Committee

From: Shari Lichterman, CPA, CMA, Commissioner of
Community Services

Originator's files:

Meeting date:
June 9, 2021

Subject

Dog Waste Demonstration Pilot - Results and Recommended Next Steps

Recommendation

That the corporate report dated May 18, 2021 entitled "Dog Waste Demonstration Pilot - Results and Recommended Next Steps" from the Commissioner of Community Services be approved.

Executive Summary

- In 2017, staff from the Parks, Forestry and Environment Division explored innovative ways to address the disposal of dog waste while at the same time helping to improve waste diversion and reduce recycling contamination in City parks.
- Staff collaborated with Sutera Inc. (Sutera) to develop an innovative in-ground prototype container that would be used to collect dog waste where the waste would be diverted from landfill and be converted to renewable energy (see Appendix 1).
- In 2018, Council approved a sole source contract for Sutera to support the development of a three year dog waste demonstration pilot program.
- Beginning in late 2018 through to December 2019, thirteen dog waste containers were installed in specific City parks and in 2020 one, specially designed container, was installed at the Mississauga Animal Services facility.
- Along with the amount of dog waste collected during the pilot demonstration, three additional performance indicators were used to assess the pilot; increased diversion of uncontaminated recycling, resident feedback and container service levels.
- In February 2021, staff conducted benchmarking of other Ontario municipalities' dog waste collection programs. Information collected showed that Mississauga's pilot program resulted in the highest amount of weights diverted.

- Based on the success of the pilot project, staff are recommending the continuation of the existing in-ground dog waste container program and future expansion of the program to other select City parks in 2023, based on specific location criteria.

Background

Improper disposal of dog waste is a widespread challenge and leads to contaminated recycling in City parks. It is a major impediment to increasing waste diversion from landfill as once dog waste is deposited into recycling containers; it contaminates the entire container, requiring its content to be treated as landfill.

To address this problem, in January 2018, Council approved a three year sole source contract with Sutera for \$90,000 for the install and servicing of underground dog waste containers for the dog waste demonstration pilot. Council approved Sutera as a sole source as there were limited commercially available dog waste containers that would meet the City's needs for a dog waste demonstration pilot.

The dog waste demonstration pilot was implemented at the same time as Park Operations began their phased replacement of dual stream waste and recycling containers. The new dual stream containers have pictograms that clearly show that dog waste is not recyclable and should be placed in the waste side of the container.

Present Status

Staff identified the most appropriate parks to participate in the pilot. Consideration included year round paved vehicle access to service the containers and high usage sites by pet owners, such as Leash Free parks. The final locations of the 14 units are found in Appendix 2.

Staff have tracked the overall performance results of the pilot which are summarized in greater detail in Appendix 2. The amount of dog waste collected has increased year over year with 9.7 metric tonnes (MT) collected in 2019, 16 MT collected in 2020 and 8.7 MT collected as of May 2021 for a total of 34.4 MT. The combined MTs of dog waste collected and sent for diversion to a waste-to-energy facility produced approximately 18920 kWh of energy, which is enough to power 21 homes for a month.

In February 2021, staff conducted benchmarking of other Ontario municipality's dog waste collection programs. Information collected showed that Mississauga's in-ground pilot program resulted in the highest amount of MTs diverted. Appendix 2 shows that Mississauga outperformed other municipalities using either in-ground or above-ground containers.

There has also been a reduction in the amount of dog waste contaminating recycling collected in parks based on completed waste audits. The installation of the new park dual stream waste containers and the in-ground dog waste containers are helping to educate park visitors where to

appropriately place dog waste. Waste audits of recycling containers were completed in 2017 and 2020 at three participating parks; Jack Darling, Lake Aquitaine and Community Common. Overall, results saw a significant decrease in contaminated recycling, from 47.1 per cent in 2017 to 18.8 per cent in 2020. Appendix 2 provides a breakdown of the percentages of recycling that was uncontaminated with dog waste.

In December 2020, a survey was launched to gauge resident awareness, better understand park user behaviour in regards to dog waste disposal and help guide future planning. The survey gathered 1286 responses, significantly exceeding the goal of 200 responses. Of the 1286 responses, 608 respondents answered specifically around the use of the in-ground dog waste containers. Below are highlights of the survey responses:

- 87% of respondents bring a dog to City parks regularly and, of those, 55% were aware of the existing in-ground dog waste containers in select City parks and leash-free zones.
- Around 30% of respondents noted using one within the past week.
- The majority of respondents noted that the in-ground waste containers are convenient to use, clean and odour-free.
- The most frequently used in-ground dog waste containers were at Jack Darling Park, based on 52% of respondents.
- 84% of respondents indicated there were too few dog waste containers.

Appendix 3 lists all of the questions in the Dog Waste Public Engagement Survey.

In addition to the positive public feedback and benchmarking results, the dog waste demonstration pilot has also resulted in additional benefits:

- Improved staff safety by minimizing interaction with dog waste.
- In-ground containers store dog waste below-grade where it is cooler and out of direct sunlight, thereby reducing odour.
- Improved recycling rates based on the waste audit results. In 2017 81.2% of recycling was contaminated. In 2020 only 53% of recycling waste was contaminated.
- Increased container service levels, from a six week cycle to every four weeks, addressed initial 311 complaints about full or overflowing units.

Comments

Based on the results of the performance indicators, benchmarking and other benefits, staff are recommending that the program continue for 2021 and 2022 with the existing containers and, continuation of performance monitoring. Beginning in 2023, expand the program to install additional dog waste containers in select parks across the city (installing approximately 10-15 units per year).

Criteria for expansion include:

- Parks that have higher pet usage rates
- Parks with year-round paved access to service the units.
- Remaining Leash-Free Areas (where access allows)

Strategic Plan

The dog waste collection demonstration pilot aligns with the Green and Prosper Pillar in Mississauga's Strategic Plan, the Climate Change Action Plan and the Living Green Master Plan.

Engagement and Consultation

To date, the dog waste demonstration pilot program has been co-managed by the Parks Operations and the Environment Section. Moving forward, the program will be managed by Park Operations.

The results of the survey suggests that respondents are in favour of continuing and expanding the dog waste program, with overwhelmingly 84% of respondents indicating there were too few dog waste containers.

City staff will continue to engage with residents as the dog waste program continues.

Financial Impact

The total cost of the dog waste demonstration pilot from commencement of the project in 2018 to date for the capital investment and servicing of the dog waste units was \$97,000. Capital costs for installation were approximately \$44,000 and servicing of the units was approximately \$53,000. These costs were absorbed through existing operating and capital budgets.

June 2021-December 2022 (service of existing units)

Costs to service existing units (14) from June 2021 to December 2022 is estimated at \$57,000, approximately \$3,000 per month. These costs will continue to be absorbed through existing operating budgets.

2023-2025 (expansion of the dog waste program)

Based on existing contract costs, operational costs in 2023 and beyond are estimated to be approximately \$36,000 per year for servicing of existing units. For each additional 10 units, the equipment costs will increase by approximately \$26,000 per year at current pricing. Future operating and capital costs of the program will be brought forward through the 2023 Business Plan & Budget.

Conclusion

Staff are committed to exploring innovative solutions that can increase diversion rates and reduce recycling contamination. Based on the results of the three-year dog waste demonstration pilot staff recommend continuing and expanding the dog waste program.

Attachments

Appendix 1: View of the dog waste system

Appendix 2: Dog Waste Demonstration Supplementary Tables

Appendix 3: Dog Waste Public Engagement Survey Questions



Shari Lichterman, CPA, CMA, Commissioner of Community Services

Prepared by: Gavin Longmuir, Manager Parks Operations

Visual of Dog Waste Containers

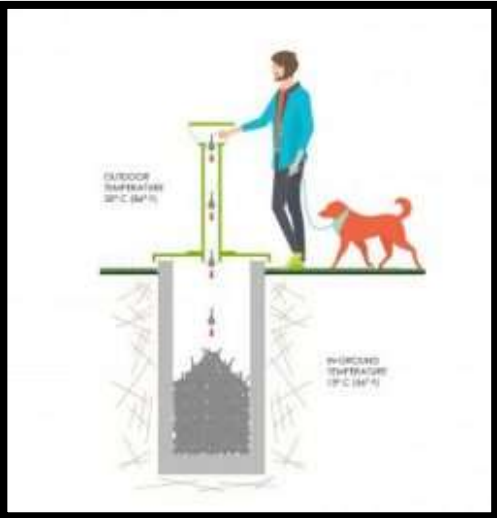
Recognizable unit for easier finding at facilities



Minimized opening for waste contributions from dog walkers



Visual of where the waste material is being stored



Dog Waste Demonstration Supplementary Tables

Table 1: Final Installation Locations

Ward	Location	# of Units	Leash Free Area
W9	Totoredaca	2	Yes
W9	Quenippenon Meadows	1	Yes
W9	Lake Aquitaine	1	No
W10	Churchill Meadows	1	No
W4	Community Commons	2	1 Yes/ 1 No
W2	Lakeside Park	2	Yes
W2	Jack Darling Park	4	2 Yes/ 2 No
W4	Animal Services	1	No

Table 2: Container Performance Measures and Targets

Performance Measure	Target	2020 Information
Amount of dog waste collected in Sutera containers	26 metric tonnes (MT) per annum (assumes 2 metric tonnes per standard unit) 10 metric tonnes (MT) per annum at Animal Services	16 metric tonnes <ul style="list-style-type: none"> 10.8 metric tonnes (MT) from park locations 5.2 metric tonnes (MT) from Animal Services (April – December)
Frequency of pet waste collection visits by operator	Collection every 6 weeks	Effective June 2020, collection increased to every four weeks. *Animal Services collection is every two weeks.
Diversion of mixed recyclables	60% of mass of mixed-recyclable material uncontaminated with dog waste at parks with dual stream containers	47% of mass mixed-recyclable material was uncontaminated with dog waste (significantly up from 19% in 2017)
Pet owner online survey engagement	200 pet owner online survey completions	1286 respondents

Table 3: Percent of Recycling Uncontaminated

Park	2017 Recycling Uncontaminated with Dog Waste %	2020 Recycling Uncontaminated with Dog Waste %
Jack Darling	21.30	63.50
Lake Aquitaine	00.0	41.40
Community Common	9.40	9.20
Total Combined	18.80	47.10

Table 4: Ontario Benchmarking Results

Municipality	Brand	Year	Number of Locations	Collected Amount MT
City of Mississauga	Sutera (In-ground)	2019	7	9.70
City of Mississauga	Sutera (In-ground)	2020	8	16.00
City of Waterloo	Sutera (In-ground)	2019	13	9.00
City of Waterloo	Sutera (In-ground)	2020	13	13.03
City of Pickering	Poop Patrol Canada Inc. (Above ground)	2019	16	7.00
City of Pickering	Poop Patrol Canada Inc. (Above ground)	2020	16	6.40

Dog Waste Public Engagement Survey Questions

1. Do you bring a dog with you to the City's parks?
2. Are you aware of the in-ground dog waste collection containers in select City of Mississauga parks?
3. How did you hear about the in-ground dog waste collection containers?
4. Have you placed dog waste in one of these in-ground dog waste collection containers? If so, how long ago?
5. Which in-ground dog waste collection containers do you most frequently use?
6. Does the presence of an in-ground dog waste collection container influence which parks you visit?
7. Please rate your experience using one of the in-ground dog waste collection containers (i.e. convenient to use, clean, and odour-free).
8. If an in-ground dog waste container is not available or present when you're visiting a park or walking along a trail, what do you do with your dog waste?
9. In your opinion, are there a sufficient number of dog waste containers in the City of Mississauga?
10. Is there any other feedback you'd like to provide us about in-ground dog waste containers?
11. The City of Mississauga has split bins at most of its parks, has the information/messaging been helpful in helping you understand where to put your dog waste?
12. If additional locations for in-ground dog waste containers were to be considered, which park or trail would you recommend?

Date: May 21, 2021	Originator's files:
To: Chair and Members of General Committee	
From: Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works	Meeting date: June 9, 2021

Subject

Regulation of Parking at City of Mississauga Transitway Stations

Recommendation

1. That the report from the Commissioner of Transportation and Works, dated May 21, 2021 entitled, "Regulation of Parking at City of Mississauga Transitway Stations" be approved.
2. That a by-law be enacted to amend the Transit By-law 0425-2003, as amended, to remove the 48 hour parking restrictions at the Mississauga Transitway Stations.
3. That a by-law be enacted to amend the Traffic By-law 0555-2000, as amended, to regulate parking at Mississauga Transitway Stations.
4. That a by-law be enacted to amend Schedule "A" of the Administrative Penalty By-law 0282-2013, as amended, to reference parking contraventions at Mississauga Transitway Stations.

Background

Section 17.2 of the Transit By-law 0425-2003, as amended (the "Transit By-law"), currently provides that no person shall park a vehicle for a period of more than 48 hours at Mississauga Transitway Stations ("Transitway Station").

The current 48 hour parking duration is lengthy as the purpose of these parking lots is for commuters and there have been issues related to unauthorized vehicles parking for extended periods of time. The current Transit By-law does not adequately address or align with the City's off-street parking regulations.

Comments

The City's Traffic By-law 0555-2000, as amended, (the "Traffic By-law") currently sets out parking requirements for off-street parking lots, as well as for parking and parking lots located in City parks, municipal cemeteries, marinas and golf courses.

Staff recommend that Section 17.2 of the Transit By-law (48 hour parking duration) be removed and regulations related to parking at Transitway Stations be added to the Traffic By-law. This will ensure that parking regulations at Transitway Stations are better aligned with parking regulations at City parks, municipal cemeteries, marinas and golf courses within the City of Mississauga and help mitigate the existing issue related to unauthorized vehicles parking for extended periods.

The new parking regulations for Transitway Stations in the Traffic By-law will include the following:

- Designated parking areas;
- Parking duration to be limited to a period no greater than 15 consecutive hours;
- Types of vehicles that are permitted to park; and
- Prohibited activities.

Schedule “A” of the City’s Administrative Penalty By-law 0283-13, as amended (“Administrative Penalty By-law”), will also be amended to add reference to Transitway Stations for parking contraventions of the Traffic By-law. The Administrative Penalty amounts will align with off street parking lot penalty amounts (\$30.00) and penalties related to in City parks, municipal cemeteries, marinas and golf courses (\$30.00; \$100.00 for parking a heavy vehicle).

Financial Impact

There are no financial impacts resulting from the recommendations in this report.

Conclusion

Amendments to the Transit By-law, Traffic By-law, and Administrative Penalty By-law will ensure that parking regulations at Transitway Stations are better aligned with parking regulations at City parks, municipal cemeteries, marinas and golf courses. This will help mitigate the issue of unauthorized vehicles parking for extended periods.



Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

Prepared by: Dana Glofcheskie, P.Eng., Supervisor Transit Infrastructure Management

City of Mississauga
Corporate Report



<p>Date: May 25, 2021</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works</p>	<p>Meeting date: June 9, 2021</p>

Subject

Cross-Boundary Transit Service Integration Pilot Project

Recommendation

1. That the report to General Committee entitled "Cross-Boundary Transit Service Integration Pilot Project" dated May 25, 2021 from the Commissioner of Transportation and Works be received for information.
2. That Phase 1 of the Service Integration Pilot Project recommendations for enhanced cross-boundary travel be received for information.

Executive Summary

- The Ministry of Transportation has convened a Fare and Service Integration (FSI) Provincial-Municipal Table that includes representatives of all transit agencies and aims to improve connections and the customer experience for inter-municipal transit travel.
- The Toronto Transit Commission (TTC) has engaged a consultant team to develop an agency-driven FSI model to present to the Provincial-Municipal Table in partnership with surrounding transit agencies including MiWay.
- Currently MiWay, along with several other 905 agencies, are prohibited from providing local service within City of Toronto, resulting in TTC providing duplicate service for their residents. In addition, transit fares are not integrated between the TTC and MiWay.
- In partnership with the TTC, the Burnhamthorpe Road corridor has been selected for a transit service integration pilot project in the near-term (targeting fall 2021).

Background

For decades, transit service integration has been discussed and studied in the Greater Toronto Hamilton Area (GTHA). The Ministry of Transportation's newly convened Fare and Service Integration (FSI) Provincial-Municipal Table consists of senior representatives from transit systems within the Greater Toronto Hamilton Area (GTHA) and the broader GO Transit service area. The Table, chaired by the Associate Minister of Transportation, includes representatives of all transit agencies and aims to work together to develop recommendations, guiding principles, and considerations for FSI to improve transit service and the customer experience for cross-boundary travel.

With the introduction of the FSI Provincial-Municipal Table, FSI-focused tables convened by Metrolinx – i.e., the Fare Integration Forum and GTHA FSI Working Group – have been paused.

The Table is intended to be a problem-solving body that explores ideas and enhances collaboration between MTO, Metrolinx, transit agencies, and other transit-focused organizations. Recommendations coming out of the FSI Table will be categorized into phases whereby action items in the near-term (Phase 1) will seek to achieve immediate fare and service integration objectives by identifying actionable recommendations for overcoming existing barriers. In Phases 2 and 3, the Table will recommend a regional fare structure based on jointly identified objectives and priorities. The recommendations will focus on creating seamless rider experience across municipal boundaries and on all transit modes, reducing/maintaining fare rates for customers, and improving the efficiency and effectiveness of the regional transit system while considering the financial sustainability of transit agencies as a whole.

In order to proceed with near-term service integration and align with Phase 1 objectives and actions from the FSI Provincial-Municipal Table, the TTC engaged Ernst and Young (EY) and Dillon Consulting Limited (Dillon) to develop an agency-driven model for implementing cross boundary service integration with four partner transit agencies, including MiWay. The result of this work will be to develop a business case that identifies the preferred approach to cross boundary service integration and accompanying benefits for all transit agencies. The TTC, MiWay and other regional partners, will present this business case to the FSI Provincial-Municipal Table to identify opportunities for integration and to seek assistance in removing any barriers that require provincial or further regional coordination beyond the jurisdiction of transit agencies.

Comments

Existing Fare/Service Integration between MiWay & TTC

Today, cross-boundary trips between 416/905 municipalities account for 10% of all travel within the GTHA region. Nearly 13% of Toronto Transit Commission (TTC) customers either start or end their trip outside of the City of Toronto, with 5% of all trips (nearly 90,000 per day) also using MiWay, York Region Transit (YRT), Durham Region Transit (DRT), and Brampton Transit

for parts of their journeys. As Ontario reopens its economy, new travel patterns, challenges, and opportunities will emerge necessitating the need to focus more on the customer experience for a strong, integrated transit network to kick-start recovery following the impacts of COVID-19. Today, transit fares are not integrated between the TTC and MiWay. Customers using a MiWay bus do not pay a second fare upon crossing the border, however they pay a second fare if they transfer to or from a TTC service.

MiWay routes that operate in Toronto are also subject to restrictions set out in the City of Toronto Act that prohibit other transit agencies from picking up (inbound) and dropping off (outbound) passengers within City of Toronto. MiWay is prohibited from providing local service (i.e. a customer travelling wholly within Toronto) resulting in TTC providing a duplicate service for their residents travelling locally.

Service integration will allow 905 buses to open their doors and pick-up and drop-off within the City of Toronto on route and from their connecting terminal. This will facilitate the removal of duplicate services, with the potential to increase level of transit service for customers along shared corridors. To make this work, an integrated fare policy is required to:

1. Allow local journeys (e.g. entirely within Toronto) to be made with another agency bus (e.g. MiWay bus).
2. Take advantage of the combined bus headways by allowing 905 and TTC buses to operate out of the same terminal within a fare-paid zone.
3. Allow appropriate fares to be collected by each agency, regardless of which municipality the customer is picked up in.
4. Enhance customer experience and attract more transit customers to use transit services available regardless of service providers.

Cross-Boundary Service Integration Near-Term Opportunities (Phase 1)

The project commenced with an operational analysis of all municipal transit bus services that cross the City of Toronto border. Using ridership, operational and scheduling data for all cross-boundary transit services, transit agencies reviewed each corridor and provided operating policies, analysis and demand assumptions, and potential service changes that could improve fare and service integration. Together, all agencies agreed upon minimum service levels for integrated service, a prioritization of corridors, and analysis assumptions to develop recommendations. Recommendations coming out of the FSI Table have been categorized into phases whereby action items in the near-term (Phase 1) will seek to achieve immediate fare and service integration objectives by identifying actionable recommendations for overcoming existing barriers. It is important to note that the near term opportunities as identified in Phase 1, do not involve fare integration as this can only be achieved at the system level and not with a single route(s). Service integration opportunities as outlined below, are aimed at reducing service duplication amongst transit agencies by providing access to any bus along the corridor.

As part of Phase One Implementation Proposals, the following three corridors were identified as opportunities for MiWay and TTC cross-boundary services:

- **Dundas Street**

- Segment: Shared corridor is 2.2km between Kipling Station and Highway 427
- Existing Services: TTC operates Routes 111, 112 & 123 to areas north and south along Highway 427. MiWay operates eight routes along this corridor, converging at Kipling Bus Terminal from different areas of Mississauga
- Proposed Integration: Allow MiWay buses to carry TTC customers. Due to each route servicing a different transit market/destination, there is no opportunity to integrate services.
- MiWay Service Implications: MiWay to maintain existing services; no additional changes/service required.
- Benefits: Passengers in Toronto would have access to more buses, offering improved frequency and capacity to Kipling Station.

- **Bloor Street**

- Segment: Shared corridor is 4.8km between Kipling Station and Markland Drive
- Existing Services: TTC Route 49 operates the entire shared corridor, turning at Mill Road. MiWay Route 3 also operates along a portion of the shared corridor connecting City Centre Transit Terminal (Square One) in Mississauga to Kipling Bus Terminal in Toronto. MiWay Route 20 also operates and services Bloor Street to Kipling Bus Terminal.
- Proposed Integration: Allow MiWay buses to carry TTC customers. Remove TTC Route 49. MiWay Route 3 to maintain existing service levels, with Route 20 rerouted to service Mill Road and Bloor Street West, enhancing service levels.
- MiWay Service Implications: No changes in MiWay's Route 3. Routing adjustment required to MiWay's Route 20 without adjusting service levels.
- Benefits: The MiWay buses will have sufficient capacity to carry all TTC riders, allowing the TTC service to be cancelled and resources (buses & service hours) redirected elsewhere in the TTC network.

- **Burnhamthorpe Road**

- Segment: Shared corridor is 6.8km from Islington Station to Mill Road.
- Existing Services: TTC Route 50 operates along the entire shared corridor. MiWay Route 26 also services the shared corridor from Kipling Station, via Islington Station and continues to South Common Mall in Mississauga. MiWay Route 76 operates along Burnhamthorpe Road on weekdays but does not currently service the shared corridor in Toronto.
- Proposed Integration: Allow MiWay buses to carry TTC customers. Remove TTC Route 50 and reroute MiWay Route 76 via Burnhamthorpe Road in Toronto and Islington Station to the Kipling Bus Terminal

- MiWay Service Implications: Routing adjustment required to Route 76 and an additional 2 peak buses amounting to approximately 5,000 additional service hours required annually.
- Benefits: MiWay Route 76 will increase frequency to provide sufficient capacity to carry all TTC customers, allowing the TTC service to be cancelled and resources (buses & service hours) redirected elsewhere in the TTC network.

Cross-Boundary Fare Integration

Fare integration proposals are currently being reviewed that will ensure that the both the TTC and other partner agencies will be revenue/cost neutral after accounting for the impact on fare revenue and capital and operating costs while also improving the experience for cross-boundary transit customers.

Service integration represents the first step into broader fare integration that can be applied to cross boundary transit service and create a simpler and more customer-focussed network of transit service across the GTHA

Fall 2021 Pilot Project Implementation Plan

As a first step to introducing service integration between MiWay and TTC, the Burnhamthorpe Corridor has been selected for a Pilot Project as part of Phase 1 implementation. The tentative commencement would be fall 2021. As documented above, the pilot would require TTC to cancel their existing Route 50, which services the Burnhamthorpe Corridor, and allow inbound/outbound customers to board/alight MiWay buses (Routes 26 & 76) within the City of Toronto.

The required service levels would result in MiWay adding 2 peak buses to existing service along Burnhamthorpe, amounting to approximately 5,000 additional service hours annually. These increases would allow the TTC to safely remove all service on their Route 50. The required MiWay resources are attainable given the recent reductions to MiWay services elsewhere in the system due to the COVID-19 Pandemic.

Next Steps for Service Integration

In order to facilitate the proposed fall 2021 Pilot, existing City of Toronto legislative framework must be revised. City of Toronto Act, Bill 213 must be amended to permit outside municipal transit systems to operate “open-door” service and pick-up and drop-off passengers within the City of Toronto without any restrictions.

Commitment from PRESTO is required to implement a fare policy that permits cross-boundary service integration on Phase One corridors. Software changes to PRESTO devices as well as new rear door readers on 905 agency vehicles will be required to allow to collect fares for/within the respective municipality.

Financial Impact

Prior to implementation of the pilot, MiWay and the TTC will enter into an operating agreement. Based on current discussions, it is anticipated that MiWay would not incur additional operating costs.

Conclusion

In order to proceed with near-term service integration and align with Phase 1 objectives and actions from the Ministry of Transportation's FSI Provincial-Municipal Table, the TTC engaged a consultant team to develop a transit agency-driven model for implementing cross boundary service integration with four partner transit agencies including MiWay. This project will become the basis of a fare and service integration business case that will be presented to the Provincial-Municipal Table for their input and support in clearing any remaining barriers.

To provide an actionable first step while the Provincial-Municipal Table look to harmonize fare and service across the region, the TTC and MiWay have been in discussion of a potential pilot project. An operational and ridership demand analysis on shared corridors produced several proposals and the Burnhamthorpe Road corridor was selected for a pilot.

In order to implement a service integration pilot on Burnhamthorpe Road in fall 2021, between MiWay and the TTC, the existing City of Toronto legislative framework must be amended and commitment from PRESTO is required to ensure fare revenues are distributed fairly and also to provide additional on-board devices.

MiWay has been actively working with the FSI team to evaluate and develop service integration solutions that will potentially increase our ridership while providing a better customer experience across municipal boundaries. It is therefore recommended that we proceed with Phase 1 and work towards fully integration with the GTHA.



Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

Prepared by: Alana Tyers, MCIP, RPP, Service Development Manager, MiWay

Date: May 6, 2021	Originator's files:
To: Chair and Members of General Committee	
From: Paul Mitcham, P.Eng, MBA, City Manager and Chief Administrative Officer	Meeting date: June 9, 2021

Subject

Cities Changing Diabetes Programme

Recommendation

1. That the Corporate Report entitled "Cities Changing Diabetes Programme," dated May 6, 2021, from the City Manager and Chief Administrative Officer, be received for information, and
2. That the City of Mississauga become a member of the Cities Changing Diabetes Programme.

Executive Summary

- On April 21, 2021, Council adopted resolution 0081-2021, that staff provide a report to Council on the necessary steps for the City of Mississauga to become a member of Cities Changing Diabetes (CCD) programme, including resource impacts and outcomes
- CCD is a program launched in 2014 by the Steno Diabetes Center Copenhagen, University College London, and Novo Nordisk to address the growth of type 2 diabetes and obesity
- CCD enables cities to understand their own urban type 2 diabetes challenge, to set their own unique goals for halting the rise of type 2 diabetes in their city, and to work across sectors and disciplines to unite stakeholders behind a common cause
- In 2015, there were 161, 342 cases of diabetes and by 2024, it is projected that there will be a total of 100,194 additional diabetes cases in Peel. Mississauga has the second-highest rate of diabetes in Peel
- The City has implemented numerous programs and initiatives that contribute to healthy living and diabetes prevention
- By becoming a member of CCD, Mississauga will be the only active Canadian CCD city and Mayor Crombie will be the first Canadian Mayor to sign the Urban Diabetes Declaration
- The City's participation in the CCD programme will be lead by staff from the Strategic Initiatives Division in the City Manager's department. Staff will work with a cross-departmental internal working group as needed for the programme

- There is no financial impact associated with the recommendations of this report as there is no fee for joining the CCD programme.

Background

On April 21, 2021, Council adopted resolution 0081-2021, attached as Appendix 1, that staff provide a report to Council on the necessary steps for the City of Mississauga to become a member of Cities Changing Diabetes (CCD) programme, including resource impacts and outcomes. CCD is a program launched in 2014 by the Steno Diabetes Center Copenhagen, University College London, and Novo Nordisk to address the growth of type 2 diabetes and obesity.

Type 2 diabetes occurs when the pancreas does not produce enough insulin and/or when the body does not adequately use the insulin produced. Type 2 diabetes is considered preventable because there are a number of well-established behavioural and modifiable risk factors including maintaining a healthy body weight, maintaining a nutritious diet, staying physically active and eliminating tobacco use. Important non-modifiable risk factors for diabetes include age, gender, family history and ethnicity. Certain ethnic groups, including Asian, South Asian, Arab, Black, Hispanic and Indigenous populations, are at an increased risk of Type 2 diabetes.

Mississauga is one of the most diverse municipalities in Canada, with 51.3% of residents self-identifying as South Asian, Chinese, Black, Filipino, Latin American, Arab, or Southeast Asian. The risk factors in these populations are further compounded by the fact that 53.6% of adults in Peel Region are considered overweight or obese, the single biggest modifiable risk factor for developing Type 2 Diabetes.

The CCD programme is designed to address the social and cultural factors that can increase type 2 diabetes vulnerability among certain people living in urban environments. Today, the programme has established local partnerships in 36 cities around the world, reaching more than 150 million individuals to help prevent and control urban diabetes.

The CCD programme is built on three interconnected elements: Map, Share, and Act. The programme enables cities to understand their own urban type 2 diabetes challenge, to set goals for halting the rise of type 2 diabetes in their city, and to work across sectors and disciplines to unite stakeholders behind a common cause.

Cities who join the programme get a global overview of the challenges associated with urban diabetes and have access to key insights and learnings from solutions around the world and can determine if there is a solution from the toolkit that could be applied locally. The programme is focussed on community-based actions, and working with local stakeholders to develop local solutions.

Present Status

According to the Region of Peel's 2019 report entitled "The Changing Landscape of Health in Peel", Type 2 diabetes accounts for 90% of all diagnosed diabetes cases in Canada and is the fastest growing chronic disease.

The report also states that the number of incident cases of diabetes in Peel increased by 182% between 1996 and 2015. This increase is due to the aging and growing population and changes in diabetes risk. Older Peel residents, those aged 60 to 79 years, have the highest incidence of diabetes. However, younger individuals are increasingly being diagnosed with diabetes and over the last two decades, the incidence rate in Peel for those aged 20 to 49 years doubled which is a trend not seen in other age groups. In 2015, there were 161,342 cases of diabetes and by 2024, it is projected that there will be a total of 100,194 additional diabetes cases in Peel. Mississauga has the second-highest rate of diabetes in Peel.

Additionally, research shows that those living with diabetes are more likely to develop severe symptoms and complications as a result of contracting COVID-19 than those without diabetes. In 2020, the United Nations General Assembly adopted a resolution recognizing that people living with diabetes are at a higher risk of developing severe COVID-19 symptoms and are among the most impacted by the pandemic.

The City, through its various departments, has implemented numerous programs and initiatives that contribute to healthy living and diabetes prevention. Examples include:

- The introduction of a Healthy Food & Beverage Policy for Recreation Facilities to promote healthier eating by increasing the range of healthier food and beverage choices available through Concession Services and Vending Machines
- Promoting Active Transportation through implementation of the cycling master plan, planning and programming improvements to the City's cycling and pedestrian infrastructure, developing and implementing education and awareness programs and events related to active transportation and building new multi-use trails and protected cycling infrastructure to encourage a more active lifestyle
- Offering and promoting healthy living activities such as fitness and wellness programs, and the management and operation of over 500 parks and supporting trail networks
- Implementing the Economic Development Strategy that promotes a more human centred approach to development, decreasing residents' reliance on cars and creating an environment that is more welcoming for walking to boost activity levels
- Implementing a refined Healthy by Design Questionnaire to evaluate development applications from a health perspective based on the results of the completed 2-year pilot program
- Adoption of Resolution 0207-2020 to address systemic discrimination and inequities within Mississauga, including accessibility to resources, services and supports for Black and Indigenous residents
- Managing a Community Gardens program which provides residents access to shared spaces to grow food and encourage active and healthy living

- Developing an Urban Agriculture Strategy to identify the City's role in supporting corporate and community efforts to increase urban-scale food production across Mississauga
- Hosting webinars with community partners and stakeholders to raise awareness on diabetes prevention.

Comments

By becoming a member of CCD, Mississauga will be the only active Canadian CCD city and Mayor Crombie will be the first Canadian Mayor to sign the Urban Diabetes Declaration. The full declaration is included as Appendix 2. This declaration is signed by all CCD cities, and signals a commitment to accelerate action to prevent type 2 diabetes with a set of five guiding principles.

The programme will run over the next 3 to 5 years depending on the specific programme components developed for Mississauga. The programme enables cities to understand their own urban diabetes challenge, to set their own unique goals for halting the rise of type 2 diabetes in their city, and to work across sectors and disciplines to unite stakeholders behind a common cause.

Benefits of Joining CCD

The CCD programme provides Briefing Books, the Urban Diabetes Toolbox, and the Urban Diabetes Action Framework, which are effective engagement tools that provide decision-makers and City practitioners with a common understanding of the severity of urban diabetes and how to take action to prevent its rise. Through an existing programme partnership with University Toronto at Mississauga (UTM), funding is provided to assist with research, while a CCD advisory board comprised of a wide variety of community stakeholders will be created and community roundtables will be held.

The City will be able to leverage existing City-run healthy living activities and programs through the integration of CCD programme resources and will also be able to develop specific CCD programme activities as needed.

Implementing CCD in Mississauga will illustrate how municipal governments can be leaders in chronic disease prevention, and cooperate with industry, health care partners, community groups and academia to realize synergies and work towards a common goal.

Responsibilities of the City in the Programme in the First Three Years

The City's participation in the CCD programme will be lead by staff from the Strategic Initiatives Division in the City Manager's department. Staff will work with a cross-departmental internal working group as needed throughout the duration of the programme.

The following outlines the main tasks for the first three years of the programme.

Year One (2021)

- Signing of the Urban Diabetes Declaration by Mayor Crombie

- Assisting in the establishment of a Research Lead, funded by the CCD programme, to aggregate existing research on type 2 diabetes and obesity in Mississauga, and to apply this research to the Urban Diabetes Toolbox
- Assisting in coordinating, hosting and participating in a series of targeted virtual roundtables, to outline the goals of CCD, introduce the Urban Diabetes Action Framework, and build a stakeholder network
- Participating in the Official Launch of CCD Mississauga to coincide with World Diabetes Day in November

Year Two and Year Three (2022 and 2023)

- Assisting in the recruitment of a City Connector funded through the programme. This would be an individual based at UTM connecting the City, the programme, health care partners, the academic community and stakeholders, and assist with roundtables and facilitating initiatives
- Assisting in establishing and announcing a CCD Advisory Board, to include City staff, industry, academia, community groups, faith groups, recreational sports leagues, subject matter experts and others
- Assisting in developing and implementing the step-by-step programme components specific to Mississauga through the Urban Diabetes Action Framework and Urban Diabetes Toolbox
- Participating in a CCD Forum to review progress to date, publicize the findings of the Research Lead, and engage new stakeholders

Financial Impact

There is no financial impact associated with the recommendations of this report as there is no fee for joining the CCD programme. Any future costs related to implementation of the programme will be covered through approved operational budgets and through programme partners and sponsors.

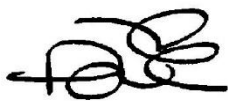
Conclusion

Joining the CCD programme is a commitment to take action on type 2 diabetes over the next three to five years and will provide the City with tools, resources and partners to actively prevent the rise of type 2 diabetes in Mississauga.

Attachments

Appendix 1: Cities Changing Diabetes Motion

Appendix 2: Urban Diabetes Declaration



Paul Mitcham, P.Eng, MBA, City Manager and Chief Administrative Officer

Prepared by: Andrea McLeod, Management Consultant

Motion: City of Mississauga joins the Cities Changing Diabetes Programme as a Type 2 Diabetes Prevention Strategy

Moved by: B. Crombie

Seconded by: P. Saito

WHEREAS the City of Mississauga, as the 3rd largest municipality in Ontario, has the opportunity to influence the health of its citizens by taking actionable steps to address increasing rates of Diabetes;

AND WHEREAS one in six adults between the ages of 45 and 64 in Peel lives with diabetes, rising to one in three after age 65; and where a vast majority (~90%) of cases in Canada are diagnosed with Type 2 Diabetes, a preventable form of the disease;

AND WHEREAS the majority of neighbourhoods in Mississauga have a prevalence rate similar to Peel Region's overall rate, which has been consistently higher than the provincial rate for over two decades, and continues to increase;

AND WHEREAS the City of Mississauga is one of the most diverse municipalities in Canada, with 51.3% of residents self-identifying as South Asian, Chinese, Black, Filipino, Latin American, Arab, or Southeast Asian, all of whom Diabetes Canada reports are at higher risk of type 2 diabetes;

AND WHEREAS the risk factors in these populations are further compounded by the fact that 53.6% of adults in Peel Region are considered overweight or obese, the single biggest modifiable risk factor for developing Type 2 Diabetes;

AND WHEREAS research shows that those living with Diabetes are more likely to develop severe symptoms and complications as a result of contracting COVID-19 than those without Diabetes;

AND WHEREAS Type 2 Diabetes is a major public health concern in Mississauga and places a significant burden on residents' quality of life and on the healthcare system. The projected healthcare cost of Diabetes in Peel Region is estimated to be \$689 million in 2024;

AND WHEREAS Diabetes accounts for the second highest drug costs among City of Mississauga employees;

AND WHEREAS the City is home to the second largest Life Sciences business cluster, in which many of the businesses are working on the commercialization of products, technologies and services in Diabetes care, treatment, as well as research on prevention and reduction efforts recognizing the unsustainable burden the rise of Type 2 Diabetes places on the healthcare system;

AND WHEREAS the City, through its various departments, has implemented numerous programs and initiatives that contribute to Diabetes prevention. Measures at the City has undertaken include:

- i. Influencing food choices at City facilities with the introduction of the new Food and Beverage Policy;
- ii. Introducing a cycling infrastructure program building new multi-use trails and protected cycling infrastructure to encourage a more active lifestyle;
- iii. Implementing a new Economic Development Strategy that will promote a more human centred approach to development, decreasing residents' reliance on cars and creating an environment that is more welcoming for walking to boost activity levels;
- iv. Initiating a 2-year pilot program: Healthy by Design Questionnaire that evaluates development applications from a health perspective;
- v. Developing the Active Stairs Program (2014-2015) that promotes active movement;
- vi. Adoption of Resolution 207 to address systemic discrimination and inequities within the City of Mississauga, including accessibility to resources, services and supports for Black and Indigenous residents.

AND WHEREAS only through a thoughtful, coordinated approach will it be possible to address the underlying factors that contribute to the rise of Type 2 Diabetes in our community;

AND WHEREAS that the City of Mississauga has been approached by Novo Nordisk, a local Mississauga-based life sciences company and leader in addressing diabetes, to join the *Cities Changing Diabetes* (CCD) programme, an urban-based, global collaborative of 36 cities working in partnership, which maps the extent to which obesity and Type 2 diabetes affect the City and which populations are most vulnerable, shares best practices through a global knowledge hub, assists in identifying local drivers and provides resources to assist in preventing and reducing the rise in type 2 diabetes rates;

AND WHEREAS Novo Nordisk and the University of Toronto Mississauga (UTM), have invested \$40 million to establish the Novo Nordisk Network for Healthy Populations at the UTM campus to address the rise in chronic diseases and diabetes;

AND WHEREAS the CCD programme consists of partnerships with Mississauga's life sciences industry, Trillium Health Partners, UTM and community organizations to facilitate public engagement and educational outreach, and its implementation would align with the 100th anniversary of the discovery of insulin in 2021;

AND WHEREAS Mississauga would be the first active Canadian city to join the CCD programme;

NOW THEREFORE BE IT RESOLVED that the City of Mississauga Staff provide a report to Council on the necessary steps for the City of Mississauga to become a member of CCD programme, including resource impacts and outcomes.



THE DIABETES CHALLENGE

Diabetes is rising at an alarming rate around the world. Given the devastating human and economic cost of diabetes and its complications, individuals, communities, healthcare systems and societies are being put under unsustainable pressure.

More than half of the world's population lives in cities. Cities are engines of economic growth and innovation. Yet some of the drivers of their prosperity also lead to widening health inequalities. Urban environments significantly impact how people live, travel, play, work and eat — factors that, in combination, affect the rise in diabetes. This puts cities on the front line of the diabetes challenge.

City leaders' closeness to the lives of their citizens and their ability to drive change puts city leaders in a prime position to tackle the challenge and bend the curve on diabetes.

The city of X recognises the need to accelerate city action to prevent diabetes and its complications. There is great potential to improve health and well-being, combat health inequalities, reduce long-term costs, and ensure productivity and growth in our cities.

As a partner city in Cities Changing Diabetes, city X is committed to five principles to guide the actions we deliver to respond to the diabetes challenge. We will:

- 1 INVEST IN THE PROMOTION OF HEALTH AND WELL-BEING**
Cities have great potential to be health-promoting environments. This will require a shift towards viewing the prevention of diabetes and its complications as a long-term investment rather than a short-term cost. Therefore, **we must prioritise health-promoting policies and actions to improve health and well-being for all.**
- 2 ADDRESS SOCIAL AND CULTURAL DETERMINANTS AND STRIVE FOR HEALTH EQUITY**
Social and cultural determinants are root causes that shape citizens' opportunities for healthy living. Striving for health equity is essential in order to provide healthy opportunities for all. Therefore, **we must address social and cultural determinants in order to make the healthy choice the easier choice.**
- 3 INTEGRATE HEALTH INTO ALL POLICIES**
Health is linked to other policy agendas, including social, employment, housing and environmental policies. To improve the health and well-being of citizens, health must be integrated into decision-making processes across departments and be driven by shared policy goals. Therefore, **we must coordinate action across departments to integrate health into all policies.**
- 4 ENGAGE COMMUNITIES TO ENSURE SUSTAINABLE HEALTH SOLUTIONS**
Health is largely created outside the healthcare sector, namely in community settings where people live their everyday lives. Health actions should move beyond the individual level to include the community settings where social norms that shape behaviour are created. Therefore, **we must actively engage communities in order to strengthen social cohesion and drive sustainable health-promoting actions.**
- 5 CREATE SOLUTIONS IN PARTNERSHIP ACROSS SECTORS**
Health is a shared responsibility. Creating sustainable solutions demands that all members of society acknowledge the health impact of their actions. Combining competences and pooling resources and networks are prerequisites to creating innovative, effective and sustainable solutions. Therefore, **we must work together to share the responsibility for creating solutions, as no single entity can solve the challenge alone.**

CITY OF [CITY NAME]

Mayor of X
[City], [Country], [Date]



Date: May 17, 2021	Originator's files:
To: Chair and Members of General Committee	
From: Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer	Meeting date: June 9, 2021

Subject

Infrastructure Canada - Green and Inclusive Community Buildings Program

Recommendation

1. That the report dated May 17, 2021 entitled "Infrastructure Canada – Green and Inclusive Community Buildings Program" from the Acting Commissioner of Corporate Services and Chief Financial Officer be received.
2. That staff be directed to prepare and submit applications to the Green and Inclusive Community Building Program scheduled intake for large retrofit projects as outlined in the Corporate Report.
3. That PN's be created where required for the project(s) upon funding approval.

Executive Summary

- The Green and Inclusive Community Building Program (GICB) through Infrastructure Canada is a five-year \$1.5 billion merit-based program to support retrofits, repairs, or upgrades of existing publicly accessible community buildings and the construction of new publicly accessible community buildings that serve underserved and high-needs communities across Canada.
- All projects must be planned to be completed between April 1, 2021 and March 31, 2026.
- Applications for large retrofit projects or new builds are due July 6, 2021.
- There are no limits to the number of applications that can be submitted by an eligible applicant. In the case of multiple applications from a single applicant, applicants are asked to provide ranking information regarding the priority of each project.
- City staff completed a review of the capital program, focusing on large retrofits or new build projects in order to maximize funding potential. Projects recommended have a total value of \$27.72M, and a funding request of \$20.48M.
- City staff will conduct a review of small and medium sized retrofit projects for the continuous intake application process after the submission of scheduled intake applications.

Background

On April 14, 2021 the Government of Canada, through Infrastructure Canada announced up to \$1.5 billion in federal funding over five years to establish the Green and Inclusive Community Buildings Program (GICB). This national merit-based program support retrofits, repairs or upgrades of existing publicly accessible community buildings and the construction of new publicly accessible community buildings that serve underserved and high-needs communities across Canada. Community buildings are non-commercial community-oriented structures and spaces that provide open, available, and accessible community services to the public.

With this program, the Government of Canada is making investments to improve the availability and condition of community buildings – in particular in areas with populations experiencing higher needs – while also making the buildings more energy efficient, lower carbon, resilient, and high performing. The GICB program is part of Canada’s strengthened climate plan, which was introduced in December 2020 as the *Healthy Environment and a Healthy Economy*, and will advance the Government’s climate priorities by improving energy efficiency, reducing GHG emissions, and enhancing the climate resilience of community buildings.

Eligible Projects

To be eligible for funding, projects must be in areas with underserved populations experiencing higher needs and be the site of programming and/or activities that demonstrably serve these populations. All projects must be planned to be completed between April 1, 2021 and March 31, 2026. Contracts cannot be signed, and work cannot begin prior to April 1, 2021.

The GICB program will fund two types of projects:

1. Retrofits, repairs and upgrades to existing community buildings
 - Retrofits are changes to an existing building that seek to renovate, upgrade, or repair aspects of the building in a manner that improves environmental outcomes.
 - Retrofits must be to a facility that is accessible to the public and that provides non-commercial services to the community, such as:
 - i. community centres,
 - ii. public sports and recreational facilities,
 - iii. child and youth centres,
 - iv. mobile libraries,
 - v. community health centres,
 - vi. structures that support community food security, and
 - vii. seniors' centres.
 - Eligible retrofits must include green retrofit measures, and where applicable must include measures that increase the overall accessibility and/or safety of the building.

- In order to be eligible for funding consideration, all retrofit projects are encouraged to achieve at least 25% in energy efficiency improvements compared to the building's baseline energy consumption. Projects with greater energy efficiency improvements will receive a higher score and are more likely to be selected for funding.
2. The construction of new community buildings
- New builds must be of a facility that is open and accessible to the public and that will provide non-commercial services to the community. Examples include:
 - i. community centres,
 - ii. public sports and recreational facilities,
 - iii. adult community learning centres,
 - iv. Indigenous centres, and
 - v. mobile health clinics.
 - One third of funding being directed to new builds required to be built to net-zero or net-zero ready specifications.
 - Must have conducted a climate risk assessment and identified measures mitigating the medium and high risks.
 - Must meet or exceed accessibility standards

Available Funding

Up to \$860 million is available for retrofit projects across Canada.

- Small retrofit projects - \$100,000 to \$250,000 in total eligible costs.
- Medium retrofit projects - \$250,000 to \$3,000,000 in total eligible costs.
- Large retrofit projects - \$3,000,000 to \$25,000,000 in total eligible costs.

More than \$430 million is available for the construction of new buildings across Canada.

- New build projects - \$3,000,000 to \$25,000,000 in total eligible costs.

There is no ceiling to the amount of funding available to an eligible applicant; however, there are funding limits depending on total eligible project costs:

Total Eligible Project Cost	Cost-Share Maximum
Retrofits up to \$9,999,999	80%
Retrofits costs \$10,000,000 +	60%
New builds up to \$9,999,999	60%
New build costs \$10,000,000 +	50%

The application of the cost-share maximum will be implemented on a marginal dollar value basis whereby the total eligible project costs up to the first \$9,999,999 will have the higher maximum percentage funding rate applied and for every dollar above \$10,000,000 the lower percentage rate applied.

While not all project costs can be covered by this program, the maximum amount permitted from all Government of Canada sources is 100% of eligible costs.

Application Process

The process is divided into two main types: a continuous, non-competitive intake, and scheduled, competitive intakes.

1. Continuous Intake, Non-competitive
 - Applicants with small and medium retrofit projects will be accepted on a continuous basis and funded on a first-come, first-served basis.
 - Applications will be accepted until total funding for this stream has been fully allocated.
2. Scheduled Intake, Competitive
 - Applicants with large retrofit projects to existing community buildings or new community building projects will be accepted through a scheduled, competitive intake process.
 - Applications for scheduled intake are due July 6, 2021 and will be accepted through Infrastructure Canada's online application portal.

There are no limits to the number of applications that can be submitted by an eligible applicant; however, a separate application form must be submitted for each project. In the case of multiple applications from a single applicant, applicants are asked to provide ranking information regarding the priority of each project.

Comments

City staff completed a review of the capital program, focusing on large retrofits or new build projects in order to maximize funding potential. Projects were reviewed against strict eligibility criteria including, eligible asset type and retrofit measure, energy efficiency improvements, project start date and substantial completion date requirements.

Recommended Project List

Projects have been ranked below in order of priority.

Project Recommendation	Description	Funding Request (M's)	City Cost-Share (M's)	Total Project Cost (M's)
Deep Retrofits at Clarkson Community Centre	Retrofits bundle to reduce GHG Emissions by 60% <ul style="list-style-type: none"> • Add R-40 insulation to all roofs • Convert interior lighting to 100% LED lighting • Fix/renew pool equipment • Replace rink plant equipment • Replace RTUs with DOAS system and WSHPs with heat recovery from new rink plant • Install maximum roof capacity solar PV array (350kW) 	\$13.09	\$5.39	\$18.48
Rooftop Solar PV at 4 Facilities	Rooftop Solar PV installation at: <ul style="list-style-type: none"> • Carmen Corbasson Community Centre • Erin Mills Twin Arena • Mississauga Valley Community Centre • Paramount Fine Foods Centre 	\$7.39M	\$1.85M	\$9.24

Additional projects reviewed did not meet the eligibility criteria to be considered a suitable candidate for project recommendation. These projects are located in appendix 3.

Given the continuous intake process for small and medium retrofit projects, City staff will conduct a review of projects that meet program eligibility criteria after the submission of the large retrofit, scheduled intake applications. Applications under continuous intake will be submitted as projects are identified.

Engagement and Consultation

Finance staff worked closely with Facilities and Property Management and Community Services' staff to develop the proposed project list, ensuring that projects selected could meet the eligibility requirements.

Financial Impact

Should the GIC applications be approved, the City would expect to receive \$20.48M from the Federal Government with a cost-share of \$7.24M. Funding from the government would be provided through a funding agreement directly between Infrastructure Canada and the City of Mississauga. Funding for these projects are being requested through the 2022 Capital Budget process. If these projects are approved for grant funding, the city's share will be re-allocated appropriately.

Conclusion

The GICB program offers the City an opportunity to complete large-scale retrofit projects with the financial support of the federal government, while contributing to increased energy efficiency in our buildings.

Based on the information and recommendations provided in this report, staff will complete funding applications for the projects endorsed by Council prior to the submission deadline. Upon notification of successful applications, staff will update Mayor and Council and if necessary, bring a report forward in order to enter into a Transfer Payment Agreement with the federal government.

Attachments

Appendix 1: Eligible Retrofit Buildings/Asset Types and Eligible and Ineligible Green Retrofit Measures

Appendix 2: Eligible New Community Buildings/Asset Types

Appendix 3: Project Review - Eligibility Checklist



Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Carolyn Paton, Manager Strategic Financial Initiatives

Eligible retrofit buildings/asset types and eligible/ineligible green retrofit measures

Table 1: Eligible buildings and asset types: Retrofits			
Community, Culture and Recreation Facilities	Mobile Community Structures	Community Health and Wellness Facilities	<i>Indigenous Projects only</i>
<ul style="list-style-type: none"> Community centres Public sports and recreational facilities Cultural buildings Child and youth centres Community adult learning centres Seniors' activity centres 	<ul style="list-style-type: none"> Mobile health clinics Mobile libraries Mobile youth service facilities 	<ul style="list-style-type: none"> Community health centres Addiction and mental health centres Rehabilitation centres Seniors' centres Food safety/security: Community food storage facilities/food banks, community greenhouses 	<p><i>In addition to the other eligible building and asset types, the following:</i></p> <p><i>Indigenous health and social infrastructure facilities, including:</i></p> <ul style="list-style-type: none"> Community health centres Clinics Paramedic facilities Long-term care facilities/Elders' lodges Family violence and homeless shelters <p><i>Indigenous education facilities, including</i></p> <ul style="list-style-type: none"> Schools Universities & colleges Early childhood/Daycare Adult learning centres

Table 2: Eligible Green Retrofit Measures	
Examples of minor retrofits could include:	Examples of major retrofits could include:
<ul style="list-style-type: none"> Sealing with caulking or spray foam Adding insulation Upgrading lighting systems 	<ul style="list-style-type: none"> Replacing window glazing Updating low-flow faucets with sensors and automatic shut-offs Installing sub-metering HVAC upgrades Implementation of new operating mechanisms such as: <ul style="list-style-type: none"> An energy management system Building automation system Sensors Control equipment Metering equipment Related communication systems to support above renovations
<p>Other examples of retrofits can include but are not limited to:</p> <ul style="list-style-type: none"> Significant reconfigurations to the interior for the purpose of energy savings Roof replacement Climate resilience retrofits Adding or rearranging windows to increase interior sunlight Renewable energy retrofits Solar PV array Wind turbines Geothermal exchange systems 	

Ineligible Retrofit Measures:

- Electricity and/or energy production, transmission, and distribution
 - Electricity production for sale on the market
 - Transmission and distribution infrastructure (district energy)

- Low-emission fuels
 - Fuel transportation infrastructure
 - Production of low emissions fuels for sale on the market
- Research, Development and Demonstration (RD&D)
 - Any RD&D projects aimed at demonstrating the effectiveness of a product of technology used as part of the project must conclude prior to the application. Any concurrent RD&D activities cannot be included in the project scope and costs. Exceptions may be given to certain technologies at the discretion of INFC.

Eligible new community buildings/asset types

Table 3: Eligible buildings and asset types: New Community Buildings		
Community, Culture and Recreation Facilities	Mobile Community Structures	Indigenous only
<ul style="list-style-type: none"> • Community centres • Public sports and recreational facilities • Cultural buildings • Child and youth centres • Adult community learning centres • Seniors' centres 	<ul style="list-style-type: none"> • Mobile health clinics • Mobile libraries • Mobile youth service facilities 	<p>Indigenous health and social infrastructure facilities, including:</p> <ul style="list-style-type: none"> • Community health centres • Clinics • Paramedic facilities • Long-term care/Elders' lodges • Family violence and homeless shelters <p>Indigenous education facilities, including:</p> <ul style="list-style-type: none"> • Schools • Universities and colleges • Early childhood/Daycare • Adult learning centres

Ineligible for the Construction of New Community Buildings:

- Administrative buildings
- Hospitals, police, fire, paramedic/ambulatory stations (except Indigenous facilities specified as eligible)
- Daycare centres as designated by Provincial and Territories (except Indigenous facilities specified as eligible)
- Shelters (except Indigenous facilities specified as eligible)
- Multi-unit housing and hospices
- Post-secondary facilities, including their recreational facilities (except Indigenous facilities specified as eligible)
- Community health and wellness facilities (e.g., Community health centres, community greenhouses, etc.) (except Indigenous facilities specified as eligible)
- Projects to be undertaken on a federally-owned building

Infrastructure Canada - Green and Inclusive Community Buildings Program
Project Review - Eligibility Checklist

Recommended									
Project Name	Eligible Asset Type?	Eligible Retrofit Measure?	Contracts have not been signed prior to April 1, 2021?	Does not lead to an increase in GHG emissions?	Can achieve at least 25% in energy efficiency improvements	Planned Start Year within Program Timeframe?	Year of Completion within Program Timeframe?	We have Enough Information to Apply?	Comments
Deep Retrofits at Clarkson CC	✓	✓	✓	✓	✓	✓	✓	✓	
Rooftop Solar PV at 4 Facilities: Carmen Corbasson CC, Erin Mills Twin Arena, Mississauga Valleys CC, Paramount Fine Foods Centre	✓	✓	✓	✓	!	✓	✓	✓	Will achieve 13% in energy efficiency. Given 25% is a recommendation to receive a higher score, this project is still being recommended as it meets all other criteria.
Not Recommended									
Living Arts Centre - BAS Upgrade, Mechanical Systems (HVAC) Renewal, Roof Replacement and Sump Pumps Renewals	✓	✓	!	✓	✗	!	!	✓	Predominately lifecycle renewals. GHG emissions reduction is negligible.
Tomken Twin Arena - Mechanical Systems Renewal (HVAC), BAS Renewal and Update, Refrigeration Plant Renewal and Roof and Building Envelop Renewal	✓	✓	!	✓	✗	!	!	✓	Predominately lifecycle renewals. GHG emissions reduction is negligible.
Deep Energy Retrofits at Various Facilities (locations undetermined)	✓	✓	✓	!	!	!	!	✗	A deeper analysis of buildings is required prior to a potential application.
Iceland Arena Facility Renewal	✓	✓	✗	✓	✗	✗	!	✓	Predominately lifecycle renewals. GHG emissions reduction is negligible. Contracts have been signed and project started prior to April 1, 2021.
Not Eligible									
Woodhurst Outdoor Arena Rehabilitation Project (Ward 8)	✗	Ineligible asset type. Not considered further.							
Additional Permanent Washrooms (City Wide)	✗								
Mississauga Civic Centre	✗								
Advancement of Churchill Meadows Cricket Pitch (Ward 10)	✗								

Date: May 13, 2021 To: Chair and Members of General Committee From: Shari Lichterman, CPA, CMA, Commissioner of Community Services	Originator's files: Meeting date: June 9, 2021
--	--

Subject

Public Tree By-Law Update

Recommendation

That staff be directed to conduct community and stakeholder engagement on both the Public and Private Tree By-laws, with a final report and by-laws presented to General Committee for approval in fall 2021 as outlined in the corporate report dated May 13, 2021 entitled "Public Tree By-law Update" from the Commissioner of Community Services.

Executive Summary

- The Tree By-Law 91-75, required updating as it is no longer enforceable.
- Legal Services is unable to prosecute if a contravention occurs.
- An updated by-law is required to strengthen tree preservation and protection standards, provide greater clarity to the public and enforcement staff, implement a public tree permitting process and allow City Legal Services to prosecute corporations or individuals if a contravention occurs.
- A Public Tree By-law protects municipally owned assets. Significant increases in damage and destruction of public trees have been documented over the past several years. The City continues to invest in programs to grow our public tree health and canopy.
- Forestry Staff have prepared a new draft by-law in consultation with affected business units and external agencies.
- Parks, Forestry and Environment staff would like to seek public and stakeholder engagement on the draft Public Tree By-Law and the existing Private Tree By-Law through the summer in order to present both updated by-laws to Council in fall 2021.

Background

The City of Mississauga enacted the first Public Tree By-Law entitled “The Tree By-Law” in 1975 to regulate the planting, maintenance and protection of trees and shrubs on public lands. Here are some of the provisions under the existing by-law:

- No one shall break, injure, uproot or otherwise destroy any tree or part thereof;
- No one shall cut, injure, damage, deface or remove any box casings or supports around any tree;
- No one shall attach any object or thing to a tree located upon a highway or in a public place;
- No one shall plant a tree or shrub on a highway or road without approval
- All trimming or work done to trees along a highway or public place must be approved by the Commissioner

The draft Public Tree By-law was developed in response to recommendations made in the City’s Future Directions Master Plan, Urban Forest Management Plan and Natural Heritage & Urban Forest Strategy.

- Recommendation # 13 of the Future Directions Master Plan (2019) states that the Private and Public Tree By-Laws should be updated every 5 years to ensure they reflect current best practices and urban forestry standards.
- Action # 15 of the Urban Forest Management Plan (2014) supports updating the Public Tree Protection by-law, which provides support to the City’s urban forest expansion objectives.
- Objective # 5 of the Natural Heritage & Urban Forest Strategy (2014) supports the protection of the Natural Heritage System and Urban Forest on public lands through enforcement of applicable regulations and education

A Public Tree By-law protects municipally owned assets. Significant increases in damage and destruction of public trees have been documented over the past several years. The City continues to invest in programs to grow our public tree health and canopy including the One Million Trees Program and Invasive Species Management practices. Public Tree By-laws affect City staff and contractors.

Present Status

The existing Tree By-Law 91-75 is outdated and no longer defensible. City Legal Services is unable to prosecute corporations or individuals that contravene the provisions.

By-law 91-75 provides the City with the authority to issue fines of up to \$1,000 per contravention. Fines in the by-law (1975) are not to exceed \$1,000 exclusive of costs for each offence. The only other fine is for people who ties or fasten any animals to or injures or destroys a tree along a highway or who suffers or permits any animals in his charge to injure or destroy such a tree or cuts down or removes such a tree is subject to a fine no more than \$25. These fines are outdated and no longer appropriate.

Forestry staff have prepared a new draft public tree by-law and circulated it to applicable City departments and agencies for technical comments and review. Comments received are summarized in the Engagement and Consultation section of this report.

There is increasing public pressure to update both the Public and Private Tree By-laws. The City of Mississauga has made huge investments in increasing our tree canopy and protecting and preserving our urban forest. Staff is recommending that we launch an engagement this summer to get formal feedback on both tree by-laws with a goal to have updates prepared for Council's consideration in fall 2021.

Comments

The City Legal Services team has reviewed the draft Public Tree By-Law and has confirmed that as written, the Commissioner, Community Services or their delegate would be able to enforce the provisions and that Legal Services would be able to prosecute if a contravention occurs. It also includes increased fines for those who contravene the by-law:

- **Corporations:**
 - 1st conviction to a fine of not more than \$5,000 per tree;
 - Subsequent conviction, to a fine of not more than \$10,000 per tree;
- **Individuals:**
 - 1st conviction to a fine of not more than \$2,500 per tree; and;
 - Subsequent conviction, to a fine of not more than \$5,000 per tree;

The draft Public Tree By-Law would also introduce new permit fees for related to works that may impact City-owned trees:

- **Public Tree By-Law Permit** (one tree) - \$304.00
- **Additional Trees on each permit** (per tree) - \$110.00

The first fee amount is based on 4.5 hours of staff time at a Non-Union Grade E position (application review, initial inspection, hoarding inspection, final inspection, travel time), plus car allowance for 3 site trips, averaged at 15 kilometres each way.

The additional tree fee is based on 2 hours of staff time at the same grade. This fee ensures any trees potentially impacted by activities undertaken during a Public Tree Permit remain protected and preserved long term while recovering 100% of staff costs.

This permit structure follows industry best practices and the corresponding fees fall in the mid-range of neighbouring municipalities (see Appendix 2).

A non-union Grade E position and non-union part-time temporary position have been requested for 2022 based on the estimated number of permit applications. The budget request for these positions will be fully offset by revenues.

The draft Public Tree By-Law clearly outlines the Tree Protection and Preservation Standards that will guide the public, development community and internal staff. The updated standards lay out City expectations pertaining to tree protection on all projects that involve City owned trees (i.e. tree protection fencing, securities, and replacement requirements).

Updates and improvements to the protection of City trees, include:

- Clearer definitions of a “City tree” and a “Shared tree” with both categories being subject to the Public Tree By-Law
- Prohibiting storage of material, equipment or anything that would impede the health of a trees root zone;
- Requiring approval for work within the tree protection zone as identified and approved by City Staff and prohibiting grade changes in the tree protection zone;
- Prohibiting liquid, gaseous or solid substances to come into contact with the trees root system;
- Prohibiting the removal any woody debris that has fallen or been cut down by the City in a natural area and left.
- Prohibiting planting of trees on public land. In the even trees are planting on public land, the by-law stipulates that the subject tree becomes public and subject to the terms of the draft by-law

Strategic Plan

The draft Public Tree By-Law aligns with the Green Pillar from the City’s Strategic Plan that promotes a green culture, in order to lead a change in behaviours to support a more responsible and sustainable approach to the environment, that will minimize our impact on the environment and contribute to reversing climate change. These strategic goals are supported by 3 aforementioned master plan documents.

Engagement and Consultation

Internal Input

Business Unit	Feedback	Resolution
Works Maintenance	<ul style="list-style-type: none"> - Duration of work varies: short, medium and long term work - Lost time due to hoarding installation especially on “short” term projects - Location of hoarding need to be realistic to the job and location - Emergency sidewalk repair (non-scheduled) 	<ul style="list-style-type: none"> - Forestry to ensure staff resources are available to provide guidance on maintenance projects- site specific consideration - Involvement in capital maintenance review - Ensure preservation and protection standards are included in contracts

Technical Services	<ul style="list-style-type: none"> - Tree Planting Locations - Some concern with wording in the Public Tree Bylaw - Hoarding on boulevard sight line obstructions - Damage to boulevard - Does Traffic need to inspect all hoarding locations - Unionized Inspectors versus Preservation Inspectors - ROP integration 	<ul style="list-style-type: none"> - Trees to be planted in accordance with City of Mississauga guidelines (planting, spacing, utilities) - Reviewed hoarding options with team. - Applicants are responsible for obtaining locates and repairing all/any damage - Securities will be taken - Traffic operations has reviewed specifications - Preservation Bylaw Officers have specialized knowledge in arboriculture - ROP Integration happening
Capital Works	<ul style="list-style-type: none"> - Hoarding distances - Hoarding installation costs - Timelines for hoarding installation - Timelines for projects change – communication to ensure no lost time 	<ul style="list-style-type: none"> - Site specific reviews as needed - Proactive engagement in capital projects - Ensure preservation and protection standards are included in contracts
Planning and Urban Design	<ul style="list-style-type: none"> - Education for counter staff in planning to make sure they know when people need a permit - What applications would trigger a permit? - How do building permits apply? - Ability for planning staff to check to see if the tree is public/private or shared 	<ul style="list-style-type: none"> - PF&E to share some education material prior to launch - Tree mapping software can be shared with P&B - Process improvements for demolition and building permits prior to implementation
Park Planning	<ul style="list-style-type: none"> - How to identify trees being public private or shared - Does this apply to City projects 	<ul style="list-style-type: none"> - Tree mapping software to be shared internally - Contractors working on behalf of the City are required to follow all applicable by-laws
Park Development	<ul style="list-style-type: none"> - Compensation requirements for dead trees? - Clarification on what needs to be included in contracts to ensure upfront information is clear to those bidding on contracts 	<ul style="list-style-type: none"> - No compensation required for dead trees - Costs of tree removals and replacements should already be considered within project costs

External contractors who perform work around public trees were consulted through the PUCG group including:

- Alectra
- Bell
- Cogeco
- Enbridge
- Hydro One
- Peel Region
- Rogers
- Union Gas

Financial Impact

The draft Public Tree By-Law will have a net zero cost to the City. The projected \$119,649 in revenue will off-set the 1.69 FTEs (Year 1 of BR # 8443) required to administer the program. The program's revenue will be monitored and additional FTE requests may be brought forward for the 2023 budget cycle.

There is no immediate financial impact on any City projects. Any future projects will be subject to the annual business and budget planning process.

Conclusion

Tree By-law 91-75 is out of date and no longer an effective for enforcing the City's tree preservation and protection standards. Staff have prepared a new, draft Public Tree By-law in order to strengthen tree preservation and protection standards, provide greater clarity to the public and enforcement staff, implement a public tree permitting process and allow City Legal Services to prosecute corporations or individuals if a contravention occurs. It is therefore appropriate to establish the new by-law to protect the over 300,000 trees on City streets and in parks.

Consultation on both the Public and Private Tree by-laws is timely given that both by-laws require updating.

Attachments

- Appendix 1: Draft Public Tree By-Law
- Appendix 2: Public Tree Permit Fee Benchmarking
- Appendix 3: Projected Public Tree Permit Revenue



Shari Lichterman, CPA, CMA, Commissioner of Community Services
Prepared by: Brent Reid, Acting Manager, Forestry

**A by-law to Regulate
the Injuring and Destruction of Trees
Located on Public Property
and to Repeal the Tree By-law 91-75**

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "*Municipal Act, 2001*"), states that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 11 of the *Municipal Act, 2001*, provides a lower-tier municipality with broad authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and respecting the protection of persons and property including consumer protection;

AND WHEREAS without limiting sections 9, 10 and 11, section 135 of the *Municipal Act, 2001*, permits a local municipality to prohibit or regulate the destruction or injuring of trees including requiring that a permit be obtained to injure or destroy trees and to impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS section 62 of the *Municipal Act, 2001*, permits a municipality, at any reasonable time, to enter upon land lying along any of its highways to inspect trees and conduct tests on trees and to remove decayed, damaged or dangerous trees or branches of trees if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any person using a highway;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001*, provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS section 436 of the *Municipal Act, 2001*, as amended, provides that a municipality may pass a by-law providing that the municipality may enter on lands at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of the municipality has been complied with;

AND WHEREAS section 444 of the *Municipal Act, 2001*, provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS on **INSERT DATE**, the Council for the Corporation of the City of Mississauga passed Resolution **X** to enact a by-law to regulate the injuring and destruction of trees on public property and to repeal by-law 91-75;

NOW THEREFORE the Council of The Corporation of the City of Mississauga hereby
ENACTS:

PART 1 - DEFINITIONS

1. For the purpose of this By-law:

“Arborist” means a person with a diploma or degree involving arboriculture from an accredited college or university, a registered professional forester, an accredited certified arborist under the International Society of Arboriculture or with a demonstrated history of tree preservation experience or a registered consulting arborist with the American Society of Consulting Arborists;

“Boundary Tree” means a tree where any part of its Trunk is located on both Public Property and an adjacent property;

“City” means the municipal boundaries for the City of Mississauga or the Corporation of the City of Mississauga (depending on the context);

“Commissioner” means the Commissioner of Community Services or their designate;

“Council” means the council of the City;

“Emergency Work” means work necessary to terminate an immediate threat to life, including but not limited to work associated with water main repairs, utility, repairs, structural repairs to a building, storm damage or other environmental conditions;

“Fill” means earth, sand, gravel, rubble, rubbish, garbage, or any other material whether similar to or different from any of these materials, whether originating on the site or elsewhere, used or capable of being used to raise, lower, or in any way effect the contours of the ground;

“Good Arboriculture Practice” means the proper implementation of removal, renewal and maintenance activities known to be appropriate for individual trees in and around urban areas and includes pruning of trees to remove dead limbs, maintain structural stability and balance, or to encourage their natural form, provided that such pruning is limited to the appropriate removal of not more than one-third of the live branches or limbs of a tree, but does not include pruning to specifically increase light or space;

“Grade” means a defined elevation of land that has been established as a result of geologic, hydrologic, or other natural processes or by human alteration that defines ravines, depressions, hills, stream channels, eskers or steepness of terrain;.

“Hoarding” means a fence, barrier or similar structure used to enclose a portion of a property to protect existing trees and their Tree Protection Zones or other vegetation;

“Injure or Injury” means to cause, directly or indirectly, whether by accident or design, damage, harm or death to a tree including:

- (a) removing, cutting above or below ground, girdling or smothering of a tree;
- (b) interfering with the water supply of a tree;
- (c) setting fire to a tree;
- (d) the application of harmful and/or toxic substances on, around or near a tree;
- (e) damage caused by new development or construction related activities including driveways, service (i.e. utility) installation/connections; or
- (f) compaction or re-grading within the Tree Protection Zone up to any existing paved surfaces;

“Multiple Offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law;

“Natural Area” means an area of land and/or water, including woodlands, wetlands, greenbelts and tall grass prairies, dedicated to the protection of native flora and fauna and natural processes;

“Officer” means a by-law enforcement officer employed by the City and/or appointed by Council to perform the duties of enforcing City’s by-laws, and also includes a police officer employed by the Peel Regional Police or the Ontario Provincial Police;

“**Permit**” means a permit issued by the Commissioner pursuant to this By-law to permit work on Public Property that may impact a Public Tree;

“**Person**” includes an individual, a corporation and its directors and officers, or partnership and their heirs, executors, assignees and administrators;

“**Prune**” means the cutting of tree branches, twigs or roots;

“**Public Property**” includes a highway, park, natural area, woodlot, boulevard, or any other public place or land owned by, or leased by, or leased to, or controlled by, or vested in, the City;

“**Public Tree**” means a woody perennial plant which has reached or could reach a height of at least 4.5m at maturity which is located on Public Property including a Boundary Tree;

“**Refuse**” means leaves, branches and logs that have not fallen naturally, roots, construction material, debris and household garbage;

“**Tree Protection Zone**” means the minimum setback required to maintain the structural integrity of a Public Tree’s anchor roots, as determined by the Commissioner; and

“**Trunk**” means the part of a tree from its point of growth away from its roots up to where it branches out to limbs and foliage;

PART 2 - ADMINISTRATION AND ENFORCEMENT

- 2. The administration and enforcement of this By-law is assigned to the Commissioner who shall perform all of the functions conferred upon them by this By-law.
- 3. The Commissioner may delegate any responsibilities to an employee of the City that are conferred to the Commissioner under this By-law.

PART 3 – COMMISSIONER RESPONSIBILITIES

- 4. The Commissioner shall have the authority to plant trees on Public Property, care for and maintain Public Trees and remove Public Trees.
- 5. The Commissioner shall have the power to:
 - (1) issue a Permit;
 - (2) refuse to issue a Permit;
 - (3) revoke a Permit;
 - (4) suspend a Permit; and
 - (5) impose terms or conditions on a Permit.
- 6. The Commissioner shall have the authority to enter upon lands adjacent to Public Property to inspect trees and conduct tests on trees and to remove decayed, damaged or dangerous trees or Prune trees if, in the opinion of the Commissioner, the trees or branches pose a danger to the health or safety of any person using Public Property.
- 7. Except in accordance with section 6, the Commissioner shall not remove a Boundary Tree without the consent of the adjacent property owner(s).

PART 4 – GENERAL PROHIBITIONS

- 8. No Person shall plant a tree on Public Property without the consent of the Commissioner or climb a Public Tree.
- 9. No Person shall Injure or Prune a Public Tree without a Permit.
- 10. No Person shall interfere with Hoarding, associated signage or other protective devices associated with a Public Tree.

11. No Person shall:
- (1) deface, tack, paste or otherwise attach an object or thing to, around, or through a Public Tree without a Permit; or
 - (2) remove any woody debris that has fallen or has been cut down by the City in a Natural Area from such area without a Permit.
12. Within a Tree Protection Zone, no Person shall:
- (1) place, store or maintain any construction material, Fill, Refuse, equipment or vehicles without a Permit;
 - (2) alter, change the Grade without a Permit; or
 - (3) excavate, tunnel or trench or perform other similar type work without a Permit.

PART 5 – PERMIT APPLICATION

13. A Person seeking to do any work or activity set out in Part 4 of this By-law shall apply to the Commissioner for a Permit.
14. The Commissioner shall receive, process and review all permit applications and shall maintain complete records showing all applications received and Permits issued.
15. An application for a Permit shall include the following:
- (1) a completed application form;
 - (2) the **permit fee** as set out in the City's applicable fees and charges by-law;
 - (3) a report from an Arborist, if required by the Commissioner, which may include:
 - a. a tree inventory;
 - b. mitigation measures to be used to reduce the risk of any harm to a Public Tree;
 - c. the number and frequency of site inspections to be performed by an Arborist; and
 - d. specifications as to the goals of the work; or
 - (4) any additional information as may be required by the Commissioner.

PART 6 – ISSUANCE OF A PERMIT

16. When an application for a Permit is made in accordance with **section 15** of this By-law and the applicant meets all of the requirements of this By-law, the Commissioner may issue a Permit.
17. The Commissioner may impose any of the following conditions when issuing a Permit:
- (1) the standards and timelines for which the work is to be performed;
 - (2) the Permit holder shall have regard for Good Arboricultural Practices;
 - (3) a requirement for Hoarding and/or plans indicating the location and type of Hoarding to the satisfaction of the Commissioner;
 - (4) the fee to cover the costs for the removal and replacement of a Public Tree that

has been approved by the Commissioner, as set out in the applicable City fees and charges by-law.

- (5) a requirement that the authorized work be carried out under the supervision of an Arborist;
 - (6) authority for the Commissioner to impose additional fees on the permit holder, by way of a notice of additional fees at any time for costs incurred by the City attributable to the activities of the permit holder; or
 - (7) any other condition as may be required by the Commissioner.
18. Every Permit issued is valid only for a period of one year and is non-transferrable. The Commissioner shall be permitted to renew or extend a Permit for a period of time as determined by the Commissioner.

PART 7 – SECURITY DEPOSIT

19. In addition to **section 17**, the Commissioner may require an applicant to pay a security deposit as a condition to issuing a Permit.
20. The security deposit shall be the amount that would cover the costs:
- (1) to remove and replace a Public Tree; and
 - (2) for any potential maintenance work related to the replaced trees for a period of up to two (2) years.
21. Upon completion of the work for which the Permit was issued, the Permit holder shall notify the Commissioner to perform a final inspection. Following the completion of a final inspection, the Commissioner shall:
- (1) immediately return the security deposit to the Permit holder if the Commissioner has determined that the Public Trees have not been Injured;
 - (2) transfer the security deposit or a portion of the security deposit to the City's replacement tree planting fund if the Commissioner has determined (in their sole discretion) that any or all of the security deposit is required to replace and/or maintain Public Trees have been Injured; or
 - (3) retain the security deposit for a period of two (2) years from the date of the final inspection, if the Commissioner is unable to conclude during the final inspection if the Public Trees is Injured. For greater clarity, the Commissioner shall comply with subsections (1) and (2) once they are able to assess whether or not the Public Trees has been Injured and shall return the security deposit at the expiration of the two (2) year period if no Injury is observed.

PART 8 – EXEMPTIONS

22. A Permit is not required for Emergency Work as determined by the Commissioner in their sole discretion.

PART 9 - REFUSAL OR REVOCATION OF A PERMIT

23. The Commissioner may refuse to issue a Permit if they determine that:
- (1) the applicant does not comply with applicable laws, including but not limited to, this By-law, municipal by-laws, provincial or federal laws;
 - (2) the work is to Injure a Public Tree;

- (3) the impacted Public Tree relates to a development application that has been submitted but has not yet been approved;
 - (4) the work does not comply with the City's tree preservation and protection standards; or
 - (5) the impacted Public Tree is an endangered, threatened or special concern tree species as defined in the *Endangered Species Act, 2007*.
24. In addition to the circumstances set out in **section 23**, the Commissioner may revoke a Permit if:
- (1) this by-law or the terms and conditions of the Permit are not complied with;
 - (2) the specifications and recommendations in the report from an Arborist are not followed; or
 - (3) the Permit was issued because of mistaken, false or incorrect information.
25. After a decision is made by the Commissioner to refuse to issue or to revoke a Permit, written notice of that decision shall be given to the applicant or permit holder, advising the applicant or permit holder of the Commissioner's decision with respect to the application or Permit.
26. The written notice to be given under **section 25** shall:
- (1) set out the grounds for the decision;
 - (2) give reasonable particulars of the grounds; and
 - (3) be signed by the Commissioner.
27. The decision made by the Commissioner pursuant to **Part 9 of this By-law** shall be final.

PART 10 – INSPECTIONS AND ORDERS

28. An Officer may at any reasonable time, enter upon and inspect the land of any Person to ensure that the provisions of this By-law are complied with, which may include a dwelling if the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused.
29. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
- (1) require the production for inspection of documents or things relevant to the inspection;
 - (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (3) require information from any person concerning a matter related to the inspection; and
 - (4) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
30. A receipt shall be provided for any document or thing removed under **subsection 29(2)** and the document or thing shall be promptly returned after the copies or extracts are made.

31. No Person shall prevent, hinder, or obstruct, or attempt to hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this By-law.
32. An Officer may make an order requiring the Person who contravened this by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention.
33. An order made pursuant to **section 32** shall include:
- (1) the reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - (2) the date by which there must be compliance with the order or the work to be done and the date by which the work must be done; and
 - (3) direct that if the thing or matter that is required to be done is not completed by the time set out in **section 32**, the matter or thing will be done by the City at the Person's expense and the City may recover the costs of doing the matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
34. Every Person shall comply with an order made pursuant to **section 32**.

PART 11 - NOTICE

35. Any notice or order required to be given or served under this By-law is sufficiently given or served, if delivered personally or sent by registered mail, addressed to the Person to whom delivery or service is required to be made at the last address for service appearing on the records of the Licence Manager

PART 12 – PENALTY AND OFFENCES

36. Every Person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and the *Municipal Act, 2001*, as both may be amended from time to time.
37. An offence under this By-law may be designated a continuing offence or a Multiple Offence.
38. In addition to **sections 36 and 37**, any Person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, to the following fines:
- (a) a minimum fine not exceeding \$500 and a maximum fine not exceeding \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine not exceeding \$500, and a maximum fine not exceeding \$10,000, and the total of all daily fines for the offence is not limited to \$100,000; and
 - (c) in the case of a Multiple Offence, for each offence included in the Multiple Offence, a minimum fine not exceeding \$500, and a maximum fine not exceeding \$10,000, and the total of all fines for each included offence is not limited to \$100,000.
39. Subject to the fine limitations in **section 38** any Person who Injures a Public Tree in contravention of this by-law is liable:
- (1) on a first conviction, to a fine of not more than \$2,500 per tree; and

(2) on a subsequent conviction, to a fine of not more than \$5,000 per tree.

40. Notwithstanding section 38, where the Person convicted is a director or officer of a corporation, they are liable:

(1) on a first conviction, to a fine of not more than \$5,000 per tree; and

(2) on a subsequent conviction, to a fine of not more than \$10,000 per tree.

PART 13 - MISCELLANEOUS

41. Any section of this By-law, or any part thereof, that is found by a court of competent jurisdiction to be invalid shall be severable, and the remainder of the By-law shall continue to be valid.

42. All schedules attached to this By-law shall form part of this By-law.

43. In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.

PART 14 – REPEAL BY-LAW AND SHORT TITLE

44. That by-law 91-75 is hereby repealed.

44. This By-law may be referred to as the Public Tree Protection By-law.

ENACTED AND PASSED this day of , 2021.

APPROVED AS TO FORM City Solicitor MISSISSAUGA			
Date			

MAYOR

CLERK

Public Tree Permit Fee Benchmarking

Appendix 2

Region or Municipality	Description of Fees	Fees	Additional Comments
Mississauga	Public Tree Permit Base Fee (First Tree Included)	\$ 304	Proposed application fees to injure or remove Public trees associated with activity that includes but is not limited to building, demolition, excavation, boring, placement of fill or surface treatment, storage of construction material or equipment, storage of soil, construction waste or debris, movement of vehicles or equipment. Fees are applicable to both internal and external groups and recover 100% of staff costs.
	Additional Tree Fee	\$ 110	
Toronto	City Tree, Non-Construction Related application (Per Tree)	\$ 124	Applications to injure or remove trees not associated with construction or related activity. Fees are applicable to both internal and external groups and recover 100% of staff costs. <i>Municipal Code, Chapter 813</i>
	City Tree, Construction Related Application (Per Tree)	\$ 370	Applications to injure or remove trees associated with activity that includes but is not limited to building, demolition, excavation, boring, placement of fill or surface treatment, storage of construction materials or equipment, storage of soil, construction waste or debris, movement of vehicles and equipment. Applications for Official plan amendment, plan of subdivision and condominiums, site plan control, minor variance, consent and building permits. Fees are applicable to both internal and external groups and recover 100% of staff costs. <i>Municipal Code, Chapter 813</i>
Brampton	Varies (Case-By-Case Basis)	\$ -	The Commissioner may issue a Permit to injure a Tree provided the applicant meets all conditions under Part V, section 18 of <i>By-Law 317-2012</i> . City does not recover 100% of costs associated with removal, replacement and staff time if permit is approved.
Oakville	Municipal Tree Protection Permit, Non-Development Related (Per Tree)	\$ 175	Applications for injury/removal not associated with Planning Act Application or Infill Development i.e. driveway reconstruction. No fee recoveries when permits get challenged or require more administrative or investigative work. Internal Departments follow the same procedures but are not charged any permit fees. <i>By-Law 2009-025</i>
	Municipal Tree Protection Permit, Development Related (Per Tree)	\$ 390	Applications for injury/removal associated with Planning Act Application or Infill Development. No fee recoveries when permits get challenged or require more administrative or investigative work. Internal Departments follow the same procedures but are not charged any permit fees. <i>By-Law 2009-025</i>
	Tree Protection Zone Encroachment Permit (Per Property)	\$ 580	Tree Protection Zone Encroachment Permits are typically issued to utility companies relating to excavation works around a tree root system. Fees associated to the permit are reflective of the complex nature of the permits. Internal Departments follow the same procedures but are not charged any permit fees. <i>By-Law 2009-025</i>
Burlington	Public Tree Permit, Development Related (Per Property)	\$ 680	Permit Fee is per property and includes both public and private tree permissions. Applications for injury/removal associated with Planning Act Application or Infill Development. By-Law currently under review.

Appendix 2: Public Tree Permit Fee Benchmarking

Region or Municipality	Description of Fees	Fees	Additional Comments
Burlington	Public Tree Permit, Non-Development Related (Per Property)	\$ 390	Permit Fee is per property and includes both public and private tree permissions. Applications for injury/removal not associated with Planning Act Application or Infill Development i.e. driveway reconstruction. By-Law currently under review.
Hamilton	Minor Permit (Per Property/Project)	\$ 60	Minor Permit Fees include driveway repairs and minor building permits. <i>By-Law 15-125</i>
	Major Permit (Per Property/Project)	\$ 300	Major Permit Fees are applicable to all applications that require a tree management plan. <i>By-Law 15-125</i>
Markham	Varies (Case-By-Case Basis)	\$ -	Permissions required from City's Parks Department prior to the injury or removal of trees on Markham property. No <i>By-Law 2008-96</i>
Vaughan	Varies (Case-By-Case Basis)	\$ -	Permissions required prior to removing or injuring any City trees. <i>By-Law 052-2018</i> .
Guelph	Varies (Case-By-Case Basis)	\$ -	Minimum \$500 or appraised value using trunk formula method – voluntary payment by request from City in lieu of legal action. No Public Tree By-Law or permitting process.
Ottawa	Applications associated with Planning Act Applications	\$ -	Included in Development Application Fees. <i>By-Law 2020-340</i>
	Infill Development (Per Tree)	\$ 500	\$500 per tree, to a maximum of \$2,500. <i>By-Law 2020-340</i>
	Applications for removal not associated with a Planning Act Application or Infill Development (Per Tree)	\$ 150	\$150 per tree to a maximum of \$750. <i>By-Law 2020-340</i>
Vancouver	Varies (Case-By-Case Basis)	\$ -	Permissions required prior to removing or injuring any City trees. No permitting process under Vancouver's Street Tree <i>By-Law 5985-92</i> .

Projected Public Tree Permit Revenue

Public Tree By-Law Fee Breakdown		
Processing Time Estimates	2022 Rates	\$
Public Tree Permit Base Fee		
Application Review	1 Hour at Non-Union Grade E	\$ 50.73
Initial Inspection	1 Hour at Non-Union Grade E	\$ 50.73
Hoarding Inspection	0.5 Hour at Non-Union Grade E	\$ 25.37
Final Inspection	0.5 Hour at Non-Union Grade E	\$ 25.37
Travel Time (3 Round Trips)	1.5 Hours at Non-Union Grade E	\$ 76.10
Mileage Costs	0.59/KM, 15 KM avg one way, 3 round trips	\$ 53.10
	Admin Recovery	\$ 22.51
Total Fee		\$ 304
Additional Tree Fee		
Application Review	0.5 Hour at Non-Union Grade E	\$ 25.37
Initial Inspection	0.5 Hour at Non-Union Grade E	\$ 25.37
Hoarding Inspection	0.5 Hour at Non-Union Grade E	\$ 25.37
Final Inspection	0.5 Hour at Non-Union Grade E	\$ 25.37
	Admin Recovery	\$ 8.12
Total Fee		\$ 110

Projected Public Tree Permit Revenue				
Permit	Historical Average Number of Permits (2018-2020)	Number of Trees per Permit	Total Annual Processing Time (Hours)	Permit Revenue
Types of Permits				
Road Occupancy Permits	231	3	1964	\$ (120,826)
Base Fee	231	1	1040	\$ (70,201.18)
Additional Trees	231	2	924	\$ (50,624)
Site Plan Applications	150	4	1575	\$ (94,895)
Base Fee	150	1	675	\$ (45,585)
Additional Trees	150	3	900	\$ (49,310)
Total Revenue	362	1293	3539	\$ (215,720)

City Staff Positions Processing Time Estimates 3539 Hours	2022 Request 1.70 FTEs Required <i>(Assumes 1 FTE is equivalent to 2080 hours, 40 hour work week)</i>	Non-Union Grade E Position Public Tree By-Law Inspector 1 FTE
		Non-Union Grade PE Position Forestry Long-Term Temporary Staff 0.69 FTE
Volume of Permits To Be Monitored in 2022	2023 Request 1 FTE May Be Required in 2023	Non-Union Grade D Position Placeholder 1 FTE

Budget Request: 8443

GL Account Type	GL Account *	Distribution	2022	2023	2024	2025
Expenses / Expenses	715516 - Equipment Maintenance & License	2022	\$ -	\$ 1,000	\$ 1,000	\$ 1,000
Expenses / Expenses	705114 - Salaries-Perm-Fringe	April-1-2022	\$ 15,272	\$ 20,121	\$ 20,473	\$ 20,831
Expenses / Expenses	705111 - Salaries-Perm-Regular	April-1-2022	\$ 65,827	\$ 86,727	\$ 88,246	\$ 89,790
Expenses / Expenses	705121 - Temporary-Regular	Jan-01-2022	\$ 32,949	\$ 33,525	\$ 34,108	\$ 34,704
Expenses / Expenses	705221 - Temporary Vacation Pay	Jan-01-2022	\$ 1,318	\$ 1,341	\$ 1,364	\$ 1,388
Expenses / Expenses	705124 - Temporary-Fringe	Jan-01-2022	\$ 4,283	\$ 4,358	\$ 4,434	\$ 4,512
Expenses / Expenses	705111 - Salaries-Perm-Regular	April-1-2023	\$ -	\$ 50,455	\$ 66,474	\$ 67,638
Expenses / Expenses	705114 - Salaries-Perm-Fringe	April-1-2023	\$ -	\$ 11,706	\$ 15,422	\$ 15,692
Expenses / Expenses			\$ 119,649	\$ 209,233	\$ 231,522	\$ 235,555
Revenues / Revenues	535180 - Permits-General	Apr-Nov	\$ (119,649)	\$ (209,233)	\$ (231,522)	\$ (235,555)
	Net of Allocations		\$ 0.00	\$ 0.00	\$ (0.00)	\$ (0.00)

Date: May 11, 2021	Originator's files:
To: Chair and Members of General Committee	
From: Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer	Meeting date: June 9, 2021

Subject

Open Data Policy Revision

Recommendation

That the proposed revisions to the Open Data Policy, attached as Appendix 1 to the corporate report entitled, "Open Data Policy Revision", dated May 11, 2021, from the Acting Commissioner of Corporate Services Department and Chief Financial Officer be approved.

Executive Summary

- The revisions proposed for the City's Open Data Policy includes the adoption of the six (6) International Open Data Charter (IODC) Principles, including Open by Default.
- Adopting the IODC Principles benefits the City in multiple ways including increasing transparency, improving trust in government, streamlining the flow of information, improving citizen engagement, allowing for more innovation, and continuing to place Mississauga as a leading municipality on the world's stage.

Background

Open Data is defined as a piece of data or content that is open for anyone to use, reuse, and redistribute and is free to use. Open Data is structured data that is machine-readable which makes it useful for reuse and manipulation to create apps, perform analysis or generate reports. PDF reports are not considered Open Data although this type of information can be supportive to meeting the broader objectives of openness and transparency.

Over the years, the City of Mississauga has developed an outstanding Open Data Program.

In March 2010, the City of Mississauga adopted Open Data with the launch of Mississauga Data on the City's website (www.mississauga.ca). Mississauga Data was developed to provide free and open data products for staff, Council, and the public.

In 2012, the IT Plan 2.0 recommended the development of an Open Data Policy to help drive the City's Open Data Program. The first and current rendition of the Open Data Policy was approved by Council in June 2015. The development and implementation of the internal Open Data Guidelines document helped to guide members of the Open Data Working Group with the implementation of the Open Data Policy.

In 2016, the new Open Data Portal, www.data.mississauga.ca, was created allowing for the expansion of the City's Open Data Program. Currently, there are over 200+ datasets published. The 2019-2022 Open Data Roadmap outlines the strategy for enhancing the City's Open Data Program. One of the aims of this Roadmap is to help drive Mississauga's open data practices to a philosophy of 'Open by Default'.

The next steps for an established open data program is to adopt the international standards guiding the future of open data, the IODC principles. Currently under the umbrella of Smart City, Mississauga's Open Data Program now has the support to take this step forward.

Comments

The IODC is a collaboration of 100+ governments and organizations that have worked together to develop six key open data principles. The proposed revision to the Open Data Policy includes the adoption of the following six IODC principles:

- Open by default
- Timely and comprehensive
- Accessible and useable
- Comparable and interoperable
- For improved governance and citizen engagement, and
- For inclusive development and innovation

A detailed breakdown of the proposed changes to the Open Data Policy can be found in Appendix 2.

A number of Canadian government organizations have already adopted the IODC in their Open Data policies including the Federal Government of Canada, the Province of Ontario, Province of British Columbia, City of Edmonton and the City of Toronto.

Revising our current Open Data Policy to adopt these six IODC Principles benefits the City in multiple ways including increasing transparency, improving trust in government, streamlining the flow of information, improving citizen engagement, allowing for more innovation, and continuing to place Mississauga as a leading municipality on the world's stage.

Financial Impact

There are no financial impacts resulting from the recommendations in this report.

Conclusion

By adopting the IODC in the Open Data Policy, the City of Mississauga would continue to be a leading municipality in the world of open data.

Attachments

Appendix 1: 2021 03 30 – Revised Draft – Open Data Program – 03-12-02

Appendix 2: 2021 03 30 – Comparison and Rationale – Open Data Program – 03-12-02



Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Steve Czajka, OLS, OLIP, Manager, Smart City

Appendix 1

Policy Title: Open Data Program

Policy Number: 03-12-02

Draft Only – Clean Copy - March 30, 2021

Section:	Corporate Administration	Subsection:	Accountability and Transparency
Effective Date:	June 24, 2015	Last Review Date:	
Approved by: Council		Owner Division/Contact: For information on the Open Data platform, contact Information Technology, Corporate Services Department. For information on the Open Data program contact the Open Data Working Group	

Policy Statement

The City of Mississauga is committed to the principles of open and transparent government.

Purpose

The purpose of this policy is:

- To provide an overview of the City’s Open Data program, including the guiding principles
- Adopt the International Open Data Charter, including Open by Default, and
- Outline the roles and responsibilities of management staff

Scope

This policy applies to all City departments.

Related Policies

Data Handling Policy

Open Data Guidelines

This policy is supported by the Open Data Guidelines (“the Guidelines”) that provide detailed information on all aspects of the Open Data program, including how to determine if a Dataset meets the stated criteria for posting and/or should be Open by Default; technical standards and Information Technology (IT) requirements; roles and responsibilities of staff; step-by-step

Policy Number: 03-12-02

Effective Date: June 24, 2015

Policy Title: Open Data Program

Last Review Date: 38T38T

2 of 6

processes and check lists for staff trained to review and/or post data; assessing risk; the need for review by Legal, Legislative Services and other staff as required; and the approval process. The Guidelines are a living document that may be revised as required by the Open Data Working Group or its successor.

Legislative Requirements

Any collection, use and disclosure of information under this policy will be undertaken in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and the *Personal Health Information Protection Act, 2004* (PHIPA). City of Mississauga data will not contain personal information. For more information on MFIPPA refer to Corporate Policy and Procedure – Records Management – Freedom of Information and Protection of Privacy.

This policy will be implemented in a manner consistent with the *Accessibility for Ontarians with Disabilities 2005* (AODA), specifically Ontario Regulation 191/11, the Integrated Accessibility Standards (IASR), which establishes the accessibility standards pertaining to information and communications.

Definitions

For the purposes of this policy:

“Dataset” means a collection of raw data, such as facts, figures and statistics, that can be presented in a structured file format that is exportable and machine readable. Datasets are usually presented in tabular form with associated Metadata and may include geospatial datasets such as shape files, KML or other open mapping formats.

“International Open Data Charter” (IODC) is a collaboration of over 100 governments and organizations that are working to open up data based on a shared set of principles. These principles include Open by Default, Timely and Comprehensive, Accessible and Usable, Comparable and Interoperable, For Improved Governance and Citizen Engagement, and For Inclusive Development and Innovation.

“Leadership Team” means the City Manager and Commissioners.

“Metadata” means data that describes or explains Datasets by providing information about their contents. Examples of Metadata include the source of the information, its purpose, how it should be interpreted and the date of creation or modification or, for images, the colour depth and image resolution.

“Open by Default” means making data accessible to the public by default, unless there is sufficient justification to not make the data accessible to all.

Policy Number: 03-12-02

Effective Date: June 24, 2015

Policy Title: Open Data Program

Last Review Date: 38T38T

3 of 6

“Open Data” means City data that is owned by the City of Mississauga and has been proactively made available to the public, free of charge, on the City’s external [Open Data portal](#) (subject to the Terms of Use and user license) in a recognized and usable format and in accordance with this policy.

“Open Data Working Group” means a group comprised of City staff, with representation from all departments, who are responsible for choosing an Open Data platform, creating the Guidelines, training applicable staff and communicating the Open Data program.

“Primary Source Data” means original information created or collected by the City.

Administration

The Open Data program is administered by the Open Data Working Group, in consultation with all City departments. Administrative revisions to this policy (e.g. changes to definitions or accountabilities for clarity) may be made by the Open Data Working Group, with the approval of the Director, Information Technology, Corporate Services Department. Any fundamental shift in the policy principles or policy direction requires the approval of the Leadership Team and Council, if required.

Background

Open Data provides immediate, self-serve, one-stop access to relevant information about the City of Mississauga and is available for the benefit of all citizens and businesses. Open Data may be accessed by anyone at any time and reused/repurposed for any public or business use, including the creation of digital applications. The benefits of Open Data include greater citizen engagement with and understanding of the City; a decrease in the number of individual requests for information (reduced administrative costs); and the potential to attract residents and businesses by providing detailed City information (economic growth).

Accountability

Open Data Working Group

The Open Data Working Group is accountable for:

- Leading the development/implementation of an Open Data platform, in consultation with the Smart City Steering Committee, IT Division, Corporate Service Department, including a program of Metadata capture
- Establishing the Open Data Guidelines document and updating on an ongoing basis
- Defining and documenting detailed processes in the Guidelines to assist respective departments and City staff to assess Datasets to ensure they meet the Guiding Principles outlined in this policy
- Providing support to departments wherever possible (e.g. assist staff with defining Datasets, periodic review of available Datasets)

Policy Number: 03-12-02

Effective Date: June 24, 2015

Policy Title: Open Data Program

Last Review Date: 38T38T

4 of 6

- Building engagement strategies with the staff and the public to promote the benefits and uses of Open Data
- Establishing a means to gather feedback from the public on which Datasets they would like to see published
- Establishing and providing a master list of Datasets to enable public input (voting) on which Datasets to publish
- Fostering and communicating the Open Data program within their respective departments
- Determining the training needs of applicable staff, including processes for approval and uploading of Datasets
- Attending ongoing meetings (e.g. quarterly) to review and address any overarching issues or concerns, as needed
- Reporting progress/metrics as a standing item on meeting agendas and in an annual report to the Leadership Team
- Designating a single point of contact to respond to inquires related to Open Data, and
- Monitoring the overall Open Data program

Directors

Directors are accountable for:

- Ensuring applicable managers/supervisors are aware of and trained on this policy
- Fostering and supporting the Open Data program wherever possible (e.g. ensuring adequate resource allocation and periodic review of available Datasets)
- Incorporating Open Data initiatives into their business planning processes, including requiring that Information Technology procurements support Open Data
- Reviewing Open Data assessment forms
- Assessing Datasets to ensure they meet the guiding principles outlined in this policy, and
- Approving Datasets for publication in the Open Data program

Managers/Supervisors

Managers/supervisors are accountable for:

- Ensuring applicable staff are aware of and trained on this policy
- Identifying Datasets for inclusion in the Open Data program, including Open by Default
- Assigning responsibility for the capture of Metadata and the maintenance and timely posting of specific Datasets to appropriate staff
- Ensuring key Datasets and Metadata are accurate and available in a timely manner
- Assigning responsibility for the quality and integrity of Datasets to appropriate staff
- Regularly reviewing applicable Open Data to ensure it is being maintained and/or is still relevant
- Developing and implementing long term data quality improvements, where possible and as required
- Proactively identifying the accuracy of data to the best of their ability through tracking of Metadata, and

- Participating in the communication and engagement relevant to Datasets they manage

Guiding Principles

The determination of which Datasets will be posted on the [Open Data portal](#) will be driven by public and business demand for specific information and by the Open by Default principles implemented through the adoption of the International Open Data Charter. However, the City will only post Datasets if they comply with all of the following Guiding Principles:

1. The information in the Dataset is in compliance with MFIPPA, PHIPA and any other relevant privacy legislation
2. The Dataset is free from legal, contract, 3rd party proprietary rights/claims (including copyright, trademark and patent) or public safety or policy restrictions
3. The Dataset does not contain intellectual property, information that is commercially sensitive, confidential or may cause harm or damage to the City
4. The Dataset includes all information required to ensure its completeness, accuracy and usability
5. The Dataset includes only Primary Source Data or summary level data, where applicable.
6. Access to and use of the Dataset can be permitted for no fee
7. Datasets are posted in a format that is accessible, whenever possible, in accordance with the AODA
8. Datasets are machine readable and will enable the public or businesses to reuse the data to create new applications or complete research and analysis
9. The information in the Dataset can be updated in a timely manner
10. The information in the Dataset can be comparable and interoperable
11. Datasets are compliant with the International Open Data Charter principles
12. Datasets are to be published only when data is classified as “Public” in accordance with the Data Handling Policy

Consideration should also be given to whether information in the Dataset will:

- Improve the public’s knowledge of the City and its services
- Increase operational efficiency (e.g. result in fewer individual requests to staff for information), and
- Create economic opportunity (e.g. by presenting the City in a favourable light when ranked with its comparators)

In the event that the Open Data Working Group cannot reach consensus on the posting of a Dataset, the final decision will be made by the Leadership Team.

Process

The Guidelines provide detailed information for each step of the Open Data process, including:

- Identifying existing and potential Datasets
- Assessing Datasets to ensure they meet the Guiding Principles outlined in this policy

Policy Number: 03-12-02

Effective Date: June 24, 2015

Policy Title: Open Data Program

Last Review Date: 38T38T

6 of 6

- Preparing Datasets for posting, including Metadata descriptions
- Obtaining all approvals prior to publication on the Open Data website, and
- Publishing initial Datasets and subsequent updates

Records Retention

Official records must be retained in accordance with the Records Retention By-Law 0097-2017, as amended. If Datasets available on the Open Data website are duplicate copies of an original database they fall under “duplicate computer files” and may be discarded at any time if not needed.

Revision History

Reference	Description
GC- 0433-2015 - 2015 06 24	
February 26, 2018	Housekeeping to update Records Retention By-law number.

Comparison of Current and Proposed Policy – Open Data Program

<i>Current Policy – What Exists Today – Open Data Program policy</i>	<i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change” will appear.</i>	<i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i>
<p>POLICY STATEMENT The City of Mississauga is committed to the principles of open and transparent government.</p>	<p>POLICY STATEMENT No change.</p>	
<p>PURPOSE The purpose of this policy is to provide an overview of the City’s Open Data program, including the principles and roles and responsibilities of management staff.</p>	<p>PURPOSE The purpose of this policy is:</p> <ul style="list-style-type: none"> • To provide an overview of the City’s Open Data program, including the guiding principles • Adopt the International Open Data Charter, including Open by Default, and • Outline the roles and responsibilities of management staff 	<p>Revised to include reference to the International Open Data Charter, which is defined below.</p>
<p>SCOPE This policy applies to all City departments.</p>	<p>SCOPE No change.</p>	
	<p>RELATED POLICIES Data Handling Policy</p>	<p>The intention is for the Data Handling policy to be approved at the same time as revisions to the Open Data Program policy are approved.</p>
<p>OPEN DATA GUIDELINES This policy is supported by the Open Data Guidelines (“the Guidelines”) that provide detailed information on all aspects of the Open Data program, including how to determine if a Dataset</p>	<p>OPEN DATA GUIDELINES This policy is supported by the Open Data Guidelines (“the Guidelines”) that provide detailed information on all aspects of the Open Data program, including how to determine if a</p>	<p>Revised to include reference to “Open by Default”.</p>

Comparison of Current and Proposed Policy – Open Data Program

Current Policy – What Exists Today – Open Data Program policy	Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change” will appear.	Rationale – Why changes (deletions and/or additions) to the revised policy were made.
<p>meets the stated criteria for posting; technical standards and Information Technology (IT) requirements; roles and responsibilities of staff; step-by-step processes and check lists for staff trained to review and/or post data; assessing risk; the need for review by Legal, Legislative Services and other staff as required; and the approval process. The Guidelines are a living document that may be revised as required by the Open Data Working Group or its successor.</p>	<p>Dataset meets the stated criteria for posting and/or should be Open by Default; technical standards and Information Technology (IT) requirements; roles and responsibilities of staff; step-by-step processes and check lists for staff trained to review and/or post data; assessing risk; the need for review by Legal, Legislative Services and other staff as required; and the approval process. The Guidelines are a living document that may be revised as required by the Open Data Working Group or its successor.</p>	
<p>LEGISLATIVE REQUIREMENTS Any collection, use and disclosure of information under this policy will be undertaken in accordance with the <i>Municipal Freedom of Information and Protection of Privacy Act</i> (MFIPPA) and the <i>Personal Health Information Protection Act</i> (PHIPA). City of Mississauga data will not contain personal or private information. For more information on MFIPPA refer to Corporate Policy and Procedure – Records Management – Freedom of Information and Protection of Privacy.</p> <p>This policy will be implemented in a manner consistent with the <i>Accessibility for Ontarians</i></p>	<p>LEGISLATIVE REQUIREMENTS Any collection, use and disclosure of information under this policy will be undertaken in accordance with the <i>Municipal Freedom of Information and Protection of Privacy Act</i> (MFIPPA) and the <i>Personal Health Information Protection Act, 2004</i> (PHIPA). City of Mississauga data will not contain personal information. For more information on MFIPPA refer to Corporate Policy and Procedure – Records Management – Freedom of Information and Protection of Privacy.</p> <p>No change.</p>	<p>Minor edit to remove “private” information to align with the definition in Corporate Policy and Procedure - Freedom of Information and Protection of Privacy.</p>

Comparison of Current and Proposed Policy – Open Data Program

<i>Current Policy – What Exists Today – Open Data Program policy</i>	<i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change” will appear.</i>	<i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i>
<p>with Disabilities 2005 (AODA), specifically Ontario Regulation 191/11, the Integrated Accessibility Standards (IASR), which establishes the accessibility standards pertaining to information and communications.</p>		
<p>DEFINITIONS For the purposes of this policy:</p> <p>“Dataset” means a collection of raw data, such as facts, figures and statistics, that can be presented in a structured file format that is exportable and machine readable. Datasets are usually presented in tabular form with associated Metadata and may include geospatial datasets such as shape files, KML or other open mapping formats.</p>	<p>DEFINITIONS For the purposes of this policy:</p> <p>No change.</p>	
	<p>“International Open Data Charter” (IODC) is a collaboration of over 100 governments and organizations that are working to open up data based on a shared set of principles. These principles include Open by Default, Timely and Comprehensive, Accessible and Usable, Comparable and Interoperable, For Improved Governance and Citizen Engagement, and For Inclusive Development and Innovation.</p>	<p>New definition to describe the International Open Data Charter (IODC).</p>

Comparison of Current and Proposed Policy – Open Data Program

<i>Current Policy – What Exists Today – Open Data Program policy</i>	<i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change” will appear.</i>	<i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i>
“Leadership Team” means the City Manager and Commissioners.	No change.	
“Metadata” means data that describes or explains Datasets by providing information about their contents. Examples of Metadata include the source of the information, its purpose, how it should be interpreted and the date of creation or modification or, for images, the colour depth and image resolution.	No change.	
	“Open by Default” means making data accessible to the public by default, unless there is sufficient justification to not make the data accessible to all.	New definition added for clarity.
“Open Data” means City data that is owned by the City of Mississauga and has been proactively made available to the public, free of charge, on the City’s external open data portal (subject to the Terms of Use and user license) in a recognized and usable format and in accordance with this policy.	“Open Data” means City data that is owned by the City of Mississauga and has been proactively made available to the public, free of charge, on the City’s external Open Data portal (subject to the Terms of Use and user license) in a recognized and usable format and in accordance with this policy.	Added a link to the Open Data portal; no other changes.
“Open Data Working Group” means a group comprised of City staff, with representation from	No change.	

Comparison of Current and Proposed Policy – Open Data Program

<i>Current Policy – What Exists Today – Open Data Program policy</i>	<i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change” will appear.</i>	<i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i>
all departments, who are responsible for choosing an Open Data platform, creating the Guidelines, training applicable staff and communicating the Open Data program.		
“Primary Source Data” means original information created or collected by the City.	No change.	
<p>ADMINISTRATION</p> <p>The Open Data program is administered by the Open Data Working Group, in consultation with all City departments. Administrative revisions to this policy (e.g. changes to definitions or accountabilities for clarity) may be made by the Open Data Working Group, with the approval of the Director, Information Technology, Corporate Services Department. Any fundamental shift in the policy principles or policy direction requires the approval of the Leadership Team.</p>	<p>ADMINISTRATION</p> <p>The Open Data program is administered by the Open Data Working Group, in consultation with all City departments. Administrative revisions to this policy (e.g. changes to definitions or accountabilities for clarity) may be made by the Open Data Working Group, with the approval of the Director, Information Technology, Corporate Services Department. Any fundamental shift in the policy principles or policy direction requires the approval of the Leadership Team and Council, if required.</p>	<p>Added reference to Council. The intention of noting LT approval was to ensure the Open Data Working Group were not making major changes with no further approval. In most cases a major shift will go to Council.</p>
<p>BACKGROUND</p> <p>Open Data provides immediate, self-serve, one-stop access to relevant information about the City of Mississauga and is available for the benefit of all citizens and businesses. Open Data may be accessed by anyone at any time and</p>	<p>BACKGROUND</p> <p>No change.</p>	

Comparison of Current and Proposed Policy – Open Data Program

<p><i>Current Policy – What Exists Today – Open Data Program policy</i></p>	<p><i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change” will appear.</i></p>	<p><i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i></p>
<p>reused/repurposed for any public or business use, including the creation of digital applications. The benefits of Open Data include greater citizen engagement with and understanding of the City; a decrease in the number of individual requests for information (reduced administrative costs); and the potential to attract residents and businesses by providing detailed City information (economic growth).</p>		
<p>ACCOUNTABILITY Open Data Working Group The Open Data Working Group is accountable for:</p> <ul style="list-style-type: none"> • Leading the development/implementation of an Open Data platform, in consultation with the IT Steering Committee, IT Division, Corporate Service Department, including a program of Metadata capture • Defining and documenting detailed processes in the Guidelines to assist respective departments and City staff to assess Datasets to ensure they meet the Guiding Principles outlined in this policy 	<p>ACCOUNTABILITY Open Data Working Group The Open Data Working Group is accountable for:</p> <ul style="list-style-type: none"> • Leading the development/implementation of an Open Data platform, in consultation with the Smart City Steering Committee, IT Division, Corporate Service Department, including a program of Metadata capture • Establishing the Open Data Guidelines document and updating on an ongoing basis • No change. 	<p>Replaced IT Steering Committee with Smart City Steering Committee.</p> <p>Included responsibility for the Guidelines.</p>

Comparison of Current and Proposed Policy – Open Data Program

<i>Current Policy – What Exists Today – Open Data Program policy</i>	<i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change” will appear.</i>	<i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i>
<ul style="list-style-type: none"> • Building engagement strategies with the public to promote the benefits and uses of Open Data • Establishing and providing a master list of Datasets to enable public input (voting) on which Datasets to publish • Fostering and communicating the Open Data program within their respective departments; • Determining the training needs of applicable staff, including processes for approval and uploading of Datasets • Attending ongoing meetings (e.g. Quarterly) to review and address any overarching issues or concerns, as needed • Reporting progress/metrics as a standing item on meeting agendas and in an annual report to the Leadership Team • Designating a single point of contact to respond to public inquires related to Open Data, and 	<ul style="list-style-type: none"> • Providing support to departments wherever possible (e.g. assist staff with defining Datasets, periodic review of available Datasets • Building engagement strategies with the staff and the public to promote the benefits and uses of Open Data • Establishing a means to gather feedback from the public on which Datasets they would like to see published • No change. • No change. • No change. • No change. • Designating a single point of contact to respond to inquires related to Open Data, and 	<p>Bullet added for clarity.</p> <p>Included staff in building engagement.</p> <p>Bullet added for clarity. An open survey exists on the Open Data portal.</p> <p>Removed “public”, as staff may also make inquiries.</p>

Comparison of Current and Proposed Policy – Open Data Program

<i>Current Policy – What Exists Today – Open Data Program policy</i>	<i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change” will appear.</i>	<i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i>
<ul style="list-style-type: none"> Monitoring the overall Open Data program 	<ul style="list-style-type: none"> No change. 	
<p>Directors Directors are accountable for:</p> <ul style="list-style-type: none"> Ensuring applicable managers/supervisors are aware of and trained on this policy Fostering and supporting the open data program wherever possible (e.g. ensuring adequate resource allocation and periodic review of available datasets) Incorporating open data initiatives into their business planning processes Reviewing open data assessment forms Assessing datasets to ensure they meet the guiding principles outlined in this policy, and Approving datasets for publication in the open data program 	<p>Directors Directors are accountable for:</p> <ul style="list-style-type: none"> No change. No change. Incorporating Open Data initiatives into their business planning processes, including requiring that Information Technology procurements support Open Data No change. No change. No change. 	<p>Bullet revised to ensure growth of Open Data is supported.</p>
<p>Managers/Supervisors Managers/supervisors are accountable for:</p> <ul style="list-style-type: none"> Ensuring applicable staff are aware of and trained on this policy Identifying datasets for inclusion in the open data program 	<p>Managers/Supervisors Managers/supervisors are accountable for:</p> <ul style="list-style-type: none"> No change. Identifying Datasets for inclusion in the Open Data program, including Open by Default 	<p>Added “Open by Default”.</p>

Comparison of Current and Proposed Policy – Open Data Program

<p><i>Current Policy – What Exists Today – Open Data Program policy</i></p>	<p><i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change” will appear.</i></p>	<p><i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i></p>
<ul style="list-style-type: none"> • Assigning responsibility for the capture of metadata and the maintenance and timely posting of specific datasets to appropriate staff • Ensuring key datasets and metadata are accurate and available in a timely manner • Assigning responsibility for the quality and integrity of datasets to appropriate staff • Regularly reviewing applicable open data to ensure it is being maintained and/or is still relevant • Developing and implementing long term data quality improvements, where possible and as required • Proactively identifying the accuracy of data to the best of their ability through tracking of metadata, and • Participating in the communication and engagement relevant to datasets they manage 	<ul style="list-style-type: none"> • No change to remaining bullets. 	
<p>GUIDING PRINCIPLES The determination of which Datasets will be posted on the Open Data website will be driven by public and business demand for specific information. However, the City will only post</p>	<p>GUIDING PRINCIPLES The determination of which Datasets will be posted on the Open Data website will be driven by public and business demand for specific information and by the Open by Default principles implemented through the adoption of</p>	

Comparison of Current and Proposed Policy – Open Data Program

<i>Current Policy – What Exists Today – Open Data Program policy</i>	<i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change” will appear.</i>	<i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i>
<p>Datasets if they comply with all of the following Guiding Principles:</p> <ol style="list-style-type: none"> 1. The information in the Dataset is in compliance with MFIPPA, PHIPA and any other relevant privacy legislation 2. The Dataset is free from legal, contract, 3rd party proprietary rights/claims (including copyright, trademark, and patent) or public safety or policy restrictions 3. The Dataset does not contain information that is commercially sensitive, confidential or may cause harm or damage to the City 4. The Dataset includes all information required to ensure its completeness, accuracy and usability 5. The Dataset includes only Primary Source Data or summary level data, where applicable. 6. Access to and use of the Dataset can be permitted for no fee 7. Datasets are posted in a format that is accessible, whenever possible, in accordance with the AODA 	<p>the International Open Data Charter. However, the City will only post Datasets if they comply with all of the following Guiding Principles:</p> <ol style="list-style-type: none"> 1. No change. 2. No change. 3. The Dataset does not contain intellectual property, information that is commercially sensitive, confidential or may cause harm or damage to the City <p>No change to bullets 4 through 9.</p>	<p>Added intellectual property.</p>

Comparison of Current and Proposed Policy – Open Data Program

<i>Current Policy – What Exists Today – Open Data Program policy</i>	<i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change” will appear.</i>	<i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i>
<p>8. Datasets are machine readable and will enable the public or businesses to reuse the data to create new applications or complete research and analysis</p> <p>9. The information in the Dataset can be updated in a timely manner</p>	<p>10. The information in the Dataset can be comparable and interoperable</p> <p>11. Datasets are compliant with the International Open Data Charter principles</p> <p>12. Datasets are to be published only when data is classified as “Public” in accordance with the Data Handling Policy</p>	<p>The principles specific to the IODC (items 10 and 11 have been added to align the City’s Open Data policy with the IODC.</p> <p>Added reference to the Data Handling policy.</p>
<p>Consideration should also be given to whether information in the Dataset will:</p> <ul style="list-style-type: none"> • Improve the public’s knowledge of the City and its services • Increase operational efficiency (e.g. Result in fewer individual requests to staff for information), and • Create economic opportunity (e.g. By presenting the City in a favourable light when ranked with its comparators) <p>In the event that the Open Data Working Group cannot reach consensus on the posting of a Dataset, the final decision will be made by the Leadership Team.</p>	<p>No change.</p>	
<p>PROCESS</p>	<p>PROCESS</p>	

Comparison of Current and Proposed Policy – Open Data Program

<i>Current Policy – What Exists Today – Open Data Program policy</i>	<i>Proposed Policy – If the information in a specific section is unchanged, or has required minimal revision to terminology only, “No change” will appear.</i>	<i>Rationale – Why changes (deletions and/or additions) to the revised policy were made.</i>
<p>The Guidelines provide detailed information for each step of the Open Data process, including:</p> <ul style="list-style-type: none"> • Identifying existing and potential Datasets • Assessing Datasets to ensure they meet the Guiding Principles outlined in this policy • Preparing Datasets for posting, including Metadata descriptions • Obtaining all approvals prior to publication on the Open Data website, and • Publishing initial Datasets and subsequent updates 	<p>No change.</p>	
<p>RECORDS RETENTION Official records must be retained in accordance with the Records Retention By-Law 0097-2017, as amended. If Datasets available on the Open Data website are duplicate copies of an original database they fall under “duplicate computer files” and may be discarded at any time if not needed.</p>	<p>RECORDS RETENTION No change.</p>	

<p>Date: May 11, 2021</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer</p>	<p>Meeting date: June 9, 2021</p>

Subject

Data Handling Policy

Recommendation

That the corporate report dated May 11, 2021 from the Acting Commissioner, Corporate Services Department and Chief Financial Officer entitled, "Data Handling Policy" and Appendix 1 the draft Revised Data Handling Policy be approved.

Executive Summary

- The Data Handling Policy is intended to protect the corporation from harm by placing rules around the handling of sensitive, restricted and classified information.
- Data Handling and Classification will be phased in over a few years starting with a human focus on training, followed by a technical focus around tools and data loss protection.
- Data Handling refers to how data is handled while: in use, in storage, and in transmission based on the data contents. Data classification is the standardized process used to classify or label data in accordance with its contents.
- Other Governments have implemented data classification and handling policies in accordance with compliance against legislative and industry standards for example: Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), Person Health Information Protection Act (PHIPA), and Payment Card Industry Data Security Standard (PCI-DSS).
- Citizen engagement through the Smart City Master Plan established the co-creation of a guiding principle titled, "Control, Consent and Comfort in Regards to Privacy, Data Protection and Security" that enforced the support of this policy development.

Background

Data Classification is the characterization of information based on an assessment of legal and regulatory requirement, and the potential impact that a loss of confidentiality, integrity, or availability of such information would have on organizational operations, organizational assets, individuals, other organizations, and the City. Data Handling refers to the means by which staff use, store, and transmit data. Data is grouped into four labels: Public, Sensitive, Restricted, and Classified. These labels have progressive requirements for how data is handled.

Federal, provincial and local governments have identified the need to handle data in accordance with a data classification schema. A data handling and classification program enables organizations to be more efficient at ensuring legislative and industry standard compliance such as (but not limited to): MFIPPA, PHIPA, and PCI-DSS. According to an internal benchmarking exercise, the following notable examples of governments that have public facing data handling / classification policies:

- Government of Canada
- Province of Ontario
- Province of Alberta
- City of Calgary
- New York City
- City of Chicago

The IT Master Plan recommends the, “Enablement of Decisions through Research and Analytics striving to improve City Services through the use and analysis of data in ways not thought of before supporting Business Planning, Lean and other continuous improvement initiatives.” Data classification and handling are a core component of this recommendation.

Comments

All City of Mississauga Data will be handled in accordance with the criteria defined in the policy. The Data Handling Policy provides instructions to all staff and third party agencies on how to handle data in accordance with contents of the data.

The plan for Data Handling and Classification will be rolled out in a phased approach:

- Phase 1 – Human Focus
- Phase 2 – Technology Focus

Phase 1 – Human Focus

The first phase of this program will focus on the human side of data handling and classification. The scope of phase 1 is significant. The scope includes:

- All data (i.e., documents and databases)
- All servers (i.e., cloud and on premise)
- All devices (i.e., desktop PCs, laptops, mobile, USB storage devices, BYOD program)
- All paper documents and physical storage areas

In summary, the scope roughly includes: 200+ terra bytes of data, 700 databases (production and development), 5-10 million estimated digital documents, multiple filing rooms, thousands of devices, thousands of data license agreements and 7,000 staff.

The goal of the Data Handling Policy include:

- Clear instructions for staff as to how to handle data while: in use, in storage, and in transmission according to it's contents
- A mandatory training program designed to instruct all staff on how to handle data
- A Human Resources focus to formalize job duties for: Data Stewards, Data Owners and Data Custodians to position the City for phase 2 – Technology Focus
- Developing processes for the Data Governance Working Group that address: questions in data handling, breaches in data handling policy, and administering data license agreements
- Standardizing Data License Agreements across the corporation

Phase 2 – Technology Focus (Future Phase)

The plan for phase 2 is to focus on the technology side of data classification and data loss prevention (DLP). This includes the procurement of tools that will review massive collections of data (structured, semi-structured, and non-structured data) and automatically pre-classify (allowing for human override) it based on the data's contents in accordance with standardized Canadian data compliance requirements. Once the data is classified, the tools will handle the data in accordance with the assigned classification label. Reports can be generated as to the monitoring of DLP and data classification.

Governments are beginning to provide annual reports on the state of their data holdings summarizing how their data is being managed and governed. Cities report on additional items like open data, data classification, and innovation that results from the above. The two-phased approach recommended here will position the City of Mississauga for this future ability.

Once the City has confirmed the Data Classification Program (tools, resources, etc.), the Data Handling Policy will be amended to include the additional requirements for data classification and associated DLP. Additional training and processes will be developed for: Data Owners, Data Stewards and Data Custodians.

Engagement and Consultation

A significant engagement and consultation took place between 2018 and 2019 for the development of the Smart City Master Plan. The Smart City Master Plan engagement process developed the following framework titled, “Data Centric” meaning the responsible, innovative and efficient use of data.

The Center for Civic Curiosity also held a series of Data Governance events during the summer of 2019. During the events, the following Guiding Principle was co-created titled, “Control, Consent and Comfort in Regards to Privacy, Data Protection and Security: meaning “providing reliable data that is trustworthy, accurate, compliant with relevant legislation and secure to ensure services feel safe and secure. Ensuring privacy and control over personal data in both physical and virtual spaces to ensure digital confidentiality, security, anonymity, and sovereignty over their data including the right to know how their data is being used, by who and for what purposes.” There was significant support for the co-creation of this Guiding Principle, and the development of the Data Handling Policy.

In addition to the external citizen engagement process, several internal stakeholders have been engaged on this policy including:

- Data Governance Working Group
- Open Data Working Group
- Extended Leadership Team (ExLT)

A related draft policy titled, “Smart City Policy” is also ready for citizen engagement and consultation. The Smart City Policy is designed to enable our city to deploy smart city technology in the public realm using a process that is co-created with our citizens. The Smart City Policy hinges on the ethical use of data, including practices such as privacy by design and security by design. Therefore, data classification and handling found in the Data Handling Policy are foundational to the Smart City Policy.

Financial Impact

There are no financial impacts resulting from the recommendations in this report. There will be financial implications for the recommended phase 2, inclusive of the Microsoft 365 implementation, which will include Data Compliance and Security features. Phase 2 will begin in 2023 as part of the Microsoft 365 implementation, and pending business planning and budget approval.

Conclusion

The development of a Data Handling Policy for the City of Mississauga aligns with the IT Master Plan, Smart City Master Plan and the draft Data Governance Strategy.

Moving forward on the Data Handling Policy mitigates risk to the corporation, by training all staff on how to handle data in accordance with this policy. Phase 2 enables the corporation to increase maturity around the technology phase of data classification and DLP.

Completing phase 1 and 2 of this initiative will lead the City of Mississauga towards a balanced data strategy that maximizes data value while minimizing risk of data breaches – this enables both a strong data offence alongside a strong data defence.

The City of Mississauga has significant data asset holdings. These data assets can be used for the betterment of our citizens by improving the City's posture towards a data-driven decision making culture. At the core of this movement is the establishment of a data handling policy.

Completing phase 2 will lay the foundation for an Electronic Document and Records Management System (EDRMS). Data Classification and Handling is a core component of EDRMS.

In summary, the benefits of a comprehensive data governance strategy including data classification/handling program include:

- Increased data compliance (i.e., MFIPPA, PHIPA, and OCI, etc.)
- Increased data loss prevention (i.e., strong data defence)
- Increased value (i.e., strong data offence)
- Increased staff literacy/understanding
- Increased data quality through increased data stewardship
- Increased drive towards a data-driven culture
- Increased agility and expansion of the City's Open Data program

Attachments

Appendix 1: Revised Data Handling Policy



Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Steve Czajka, OLS, OLIP, Manager, Smart City

Policy Title: Data Handling Policy

Appendix 1

Policy Number:

Draft Only – April 7, 2021

Section:	Data Handling	Subsection:	Information Technology
Effective Date:		Last Review Date:	
Approved by:	Click here to enter text.		
	Owner Division/Contact: Information Technology Division, Corporate Services Department		

Policy Statement

All City of Mississauga Data will be handled, classified and security controlled in accordance with the criteria defined in this policy.

Purpose

The purpose of this policy is to provide direction to staff in the handling and classification of Data, as defined in this policy, in order to:

- Prevent unauthorized destruction, modification, disclosure, access, use and/or removal
- Ensure the protection and security of sensitive corporate and citizen Data
- Develop a culture of Data security amongst all staff and authorized agents
- Increase Data regulation and legal compliance, and
- Minimize risk while maximizing Data value and driving innovation

Scope

This policy applies to handling of all Data that is created, owned, leased, processed and/or stored by all City staff, elected officials, contractors, authorized agents and third-party organizations or individuals. This applies to all Data on City premises, approved cloud environments and all work locations, including both digital and paper records.

This policy does not include information on record retention. Refer to the Records Retention Schedule By-law 0097-2017, as amended.

This policy does not apply to elected officials' constituency records. Refer to the Elected Officials' Records policy for additional information.

Definitions

For the purposes of this policy:

“City” means the Corporation of the City of Mississauga.

“Confidential” means information protected due to proprietary, ethical or privacy considerations. This classification applies even if there is no law requiring this protection.

“Data” means information created, collected, processed, owned/subscribed to and/or stored on City premises, authorized cloud providers, all City devices and devices under the BYOD program. “Data” means information in any format, including but not limited to:

- Paper Records
- Emails
- Electronic documents
- Databases
- Audio/video/tape/microfiche

"Data Classification" means the characterization of information based on an assessment of business and operational, legal and regulatory requirements, and the potential impact that a loss of confidentiality, integrity or availability of such information would have on organizational operations, organizational assets, individuals, other organizations and the City.

“Data Governance Working Group” means City staff who are responsible for policy implementation and ongoing program administration.

“Data User” means an employee, elected official, contractor or third-party organization or individual who interacts with, accesses, uses or updates Data for the purpose of performing an authorized task.

“Personal Information” is information relating to an identified or identifiable individual, as defined by the [Municipal Freedom of Information and Protection of Privacy Act](#) (MFIPPA). Personal Information includes but is not limited to:

- Race, national or ethnic origin, religion, age, gender, marital or family status
- Education, medical, criminal or employment history
- Identifying numbers, address, fingerprints, and
- An individual's personal opinions except where they relate to another individual

Personal Information does not include an individual's name, title, work address, work telephone/cell number or position when acting in their business or professional capacity and does not apply to a corporation.

“Personal Health Information” is information relating to a person's individual health records as in accordance with the requirements of the [Personal Health Information Protection Act](#) (PHIPA).

Policy Number:

Effective Date:

9.13

Policy Title: Data Handling Policy

Last Review Date:

3 of 9

“Public” refers to Data that is open to the general public that has no existing local, national or international legal restrictions on access.

“Restricted” refers to Data protected by law or by City policies, procedures or regulations. This classification also represents Data that by default is not protected by law, but for which the information owner has exercised their right to restrict access.

“Sensitive” refers to Data intended only for employees and approved non-employees such as contractors, vendors or third-party organizations. Sensitive information is normally not accessible by outside parties without the organization’s or information owner’s express permission via an executed Data License Agreement.

Legislative Requirements

This policy is written in compliance with the [Municipal Freedom of Information and Protection of Privacy Act](#), (MFIPPA), as amended and the [Personal Health Information Protection Act](#) (PHIPA), as amended.

Related Policies/By-Laws

[Records Retention By-law 0097-17](#)

[Open Data Program Policy](#)

[Access to and Acceptable Use of Information Technology Resources](#)

[Bring Your Own Device \(BYOD\)](#)

Data Handling Instructions

Data are classified into the following categories: Public, Sensitive, Restricted and Confidential. Data are classified at all stages of their lifecycle and may change over time. For example, a document may be Restricted in draft format but become Public once finalized and approved. All Data are to be handled in accordance with the following Data Classification and related Data handling instructions.

Data Classification: Public		
Description	Examples	Data Handling Instructions
Information that may be viewed by all members of the public. Information	<ul style="list-style-type: none"> Publically posted media releases Council Agendas 	<u>Data In Use</u> Access is widely available and can be accessed by the public.
exposed expected to cause low impact to the organization.	<ul style="list-style-type: none"> Council Minutes Open Data Approved website content 	<u>Data in Transit</u> Can be transferred by email
		<u>Data at Rest</u> May be stored on City approved devices, BYOD devices/websites/ cloud environment. There are no restrictions on printing and copying the Data, with the exception of copyright restrictions <u>Data Disposal</u> No disposal restrictions after considering retention requirements

Data Classification: Sensitive		
Description	Examples	Data Handling Instructions
<p>Information that may be seen by all City staff but would not normally be available outside of the City. Information exposed may result in minimal enterprise impact or loss of reputation</p>	<ul style="list-style-type: none"> • Data used by employees during the course of work, such as internal reports, procedures and memorandums • Policy interpretations • Internal procedure manuals (SOPs) •) 	<p><u>Data In Use</u> Access is not available outside of the City network or outside of an approved cloud environment</p> <p><u>Data In Transit</u> Can be transferred unencrypted internally within City’s network but must be encrypted when transferred externally. Can be transferred by email to City staff</p> <p><u>Data at Rest</u> Should be stored on a City network and/or an approved cloud environment. Due care should be taken if information is transferred to any City approved external and/or mobile devices</p> <p><u>Data Disposal</u> Data must be disposed of in the appropriate manner as per the Records Retention By-law. Consideration should be given to Data Classification, format and retention requirements</p>

Data Classification: Restricted

Description	Examples	Data Handling Instructions
<p>Information that is sensitive within the City, with access restricted to City employees only, on a need-to-know-basis. Information exposed may result in loss of major assets or may impede the City's mission and/or reputation</p>	<ul style="list-style-type: none"> • Bid packages • Request for proposal (RFP) submissions • Acquisition strategy • Non-disclosure agreements (NDAs) 	<p><u>Data In Use</u> Access is restricted to staff who need the information to carry out their duties</p> <p><u>Data In Transit</u> Must be transferred in encrypted format. Can be transferred by email to authorized staff only and marked "Restricted". Information should not generally be transferred to external and/or mobile devices but if essential then encryption must be used</p> <p><u>Data at Rest</u> Information must be held within a City network and/or approved cloud environment in locations with restricted access and appropriate security</p> <p><u>Data Disposal</u> Data must be disposed of in the appropriate manner as per the Records Retention By-law. Consideration should be given to Data Classification, format and retention requirements</p>

Data Classification: Confidential

Description	Examples	Data Handling Instructions
<p>Information that is extremely sensitive within the City and accessible only to designated or relevant members of staff due to its potential impact on the City.</p> <p>This includes Personal Information and Personal Health Information that is subject to FIPPA, MFIPPA, and PHIPA .</p>	<ul style="list-style-type: none"> • Human resources information, including: <ul style="list-style-type: none"> – Recruitment information – Training records – Employee salaries not covered in the <i>Public Sector Salary Disclosure Act</i> – Medical records 	<p><u>Data In Use</u></p> <p>Access is strictly limited to authorized personnel only. Documents must be labelled “Confidential” (e.g. by watermarking)</p>
<p>If disclosed or otherwise compromised, could reasonably be expected to affect or cause an injury to any of the interests listed in MFIPPA, including: personal information that could cause embarrassment to an individual; information that could cause economic loss to a privately or publicly owned corporation; and information that could significantly reduce the level of public trust in the City; discredit the City’s reputation, lessen the City’s competitive advantage, reduce the City’s revenue-generating potential or disclose the City’s intellectual capital to potential competitors</p>	<ul style="list-style-type: none"> • Financial information including strategy plans • Legal information, including contracts • User credentials • High-value intellectual property • Minutes of in-camera Council meetings • Testing and auditing procedures • Payment Card Information (PCI) data • Biometric data such as fingerprint scans 	<p><u>Data In Transit</u></p> <p>Must be transferred in encrypted format. Can be transferred by email to authorized staff only and marked “Confidential”</p> <p><u>Data at Rest</u></p> <p>Information must be held only within restricted City networks and/or approved cloud environment and protected with secure credentials, encryption and protected with granular access controls</p> <p><u>Data Disposal</u></p> <p>Data must be disposed of in the appropriate manner as per the Records Retention By-law. Consideration should be given to Data classification, format and retention requirements</p>

Roles and Responsibilities

Directors

Directors are responsible for:

- Ensuring all applicable managers/supervisors are aware of this policy and of any subsequent revisions
- Ensuring compliance with this policy
- Informing the applicable commissioner when made aware of a Data breach, and
- Fostering a Data handling culture of security while maximizing Data value

Manager/Supervisor

Managers/supervisors are responsible for:

- Fostering a Data handling culture of security while maximizing Data value
- Ensuring applicable staff are aware of this policy, along with related training materials
- Ensuring staff comply with this policy
- Reporting breaches to the Data Governance Working Group and informing the applicable director
- Providing direction to staff, as required, and
- Ensuring that contracts and agreements with consultants and third-party organizations abide by this policy

Data User

Data Users are responsible for:

- Complying with this policy
- Reporting instances of non-compliance with this policy to the applicable manager/supervisor, and
- If needed, seeking clarification from management on Data handling procedures

Data Governance Working Group

The Data Governance Working Group is responsible for:

- Oversight of the implementation of this policy, logging and resolving issues
- Establishing corporate-wide training standards
- Administrating and storing all Data License Agreements with non-City contractors or third-party organizations
- Establishing Data Governance guidelines/framework (e.g. processes to follow, what to store, where to store, protocols, etc.)
- Investigating Data breaches in consultation with the Access and Privacy Officer, Office of the City Clerk, Corporate Services Department, Legal Services Division, City Manager's Office and the IT Security Section, IT Division, Corporate Services Department, and
- Documenting and maintaining a list of all Data breaches

Policy Number:

Effective Date:

9.13

Policy Title: Data Handling Policy

Last Review Date:

9 of 9

Compliance

Any employee who fails to comply with this policy may be subject to appropriate disciplinary action, up to and including termination of employment.

Revision History

Reference	Description
Enter previous review - e.g. GC-1234-2015	Click here to enter text.

Date: May 21, 2021	Originator's files:
To: Chair and Members of General Committee	
From: Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works	Meeting date: June 9, 2021

Subject

Housekeeping Matters Related to Roads – All Wards

Recommendations

1. That the Corporate Report titled “Housekeeping Matters Related to Roads – All Wards” dated May 21, 2021, from the Commissioner of Transportation and Works be received; and
2. That all necessary by-laws be enacted authorizing the establishment of public highways on those lands described in Appendix 1 attached to the report titled “Housekeeping Matters Related to Roads – All Wards” dated May 21, 2021, from the Commissioner of Transportation and Works, and that City staff be authorized to register the by-law(s) on title against the subject lands in the appropriate land registry office.

Background

Council is granted the authority to pass by-laws over highways within its jurisdiction pursuant to Sections 27, 31, 34 and 53 of the *Municipal Act, 2001*, as amended (the Act). City staff routinely identifies roads and associated parcels of land that are incorrectly designated and require correction by by-law, which requires Council approval. These categories include:

1. Instances when land currently in use as a public highway should have been established as public highway to form part of the City's road network;
2. Instances when untraveled and unconstructed land that had been designated as a public highway should be closed as public highway and removed from the City's road network to correctly reflect the use of the land; and
3. Instances when roads need to be named or renamed to reflect the current street signage.

For each road or parcel subject to a housekeeping correction, staff typically prepares a report for review and approval by the Commissioner of Transportation and Works. Subsequently, the report is brought forward to General Committee with recommendations to seek approval from Council on a number of matters to facilitate the housekeeping corrections, including the appropriate by-laws.

Staff has completed a preliminary review of a roads database and identified approximately 1,000 instances for which a housekeeping correction is required. In lieu of a separate corporate report for each property which requires a correction, staff will prepare simplified reports that list roads or parcels requiring similar housekeeping corrections in accordance with the categories identified above. The intent is to streamline and reduce the number of individual corporate reports and by-laws submitted to Council annually. Staff will bring these simplified housekeeping reports to General Committee as required.

Comments

This report is seeking approval from Council to facilitate housekeeping corrections for the road parcels listed in Appendix 1 and illustrated in Appendix 2, both attached. These road parcels fall into the housekeeping correction categories of “Roads to be Established as a Public Highway” or “Roads to be Named or Renamed”, as described in in Appendix 3, attached.

Strategic Plan

The recommendations in this report align with the City’s Strategic Pillars of *Move* and *Connect*.

Financial Impact

The fees associated with registering the appropriate by-laws will total approximately \$3,500 with funding available from the Infrastructure Planning and Engineering Services Division’s 2021 Operating Budget, Cost Centre 23724.

Conclusion

There are many instances that require staff attention to correct the designation of roads or associated parcels of land. To address these and other similar road issues in an efficient manner, this is a simplified report seeking approval from Council to make a number of corrections which are housekeeping in nature. Subsequent reports will follow on a regular basis until all of the necessary housekeeping corrections have been addressed.

Attachments

Appendix 1: List of parcels subject to housekeeping by-laws

Appendix 2: Location maps

Appendix 3: Housekeeping Correction Categories and Circumstances



Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works
Prepared by: Lin Rogers, P.Eng., Manager, Transportation Projects

Appendix 1: List of parcels subject to housekeeping bylaws**Part 1: Roads to Be Established as a Public Highway**

PIN	Street Name	Legal Description	Ward
Part of 13488-1289	Ben Machree Drive	Part of Lot 36, Registered Plan F-22, described as Part 8, Plan 43R-8321	1
Part of 13337-0624	Brentano Boulevard	All of Block V (1' Reserve), Registered Plan 698.	1
Part of 13337-0330	Brentano Boulevard	All of Block 16 (0.30m Reserve), Registered Plan 43M-840.	1
Part of 13338-0337	Melba Road	All of 1' Reserve, Registered Plan 439 lying at the easterly limit of Melba Road, Registered Plan 439.	1
Part of 13338-0345	Wealthy Place	All of 1' Reserve, Registered Plan 439 lying at the easterly limit of Melba Road, Registered Plan 463, renamed to Wealthy Place by By-Law 1675, Instrument BL405.	1
All of 13342-0756	North Service Road	Part of Block A, Registered Plan 520, as described in Instrument No. TT117375.	1
Part of 13423-0128	Barnstone Crescent	All of Block K (1' Reserve), Registered Plan 824.	2
Part of 13443-0137	Birchwood Drive	All of the One Foot (0.30m) Reserve, Registered Plan B-24.	2
All of 13438-0984	Christopher Road	Part of Lot 29, Concession 2, South of Dundas Street, described as Part 2, Plan 43R-23188.	2
Part of 13298-0608	Beechknoll Avenue	All of Block 145 (0.30m Reserve), Registered Plan M-397.	3
All of 13302-0327	Bough Beeches Boulevard	Part of Lot 5, Concession 2, North of Dundas Street as described in Instrument No. VS232355.	3
Part of 13302-0328	Bough Beeches Boulevard	All of Block 90 (Reserve), Registered Plan 43M-433 and all of Block HH (1' Reserve), Registered Plan M-311.	3
Part of 13298-0607	<u>Claypine Rise</u>	All of Block 146 (0.30m Reserve), Registered Plan M-397.	3
Part of 13179-0336	Camden Circle	All of Block 276 (0.30m Reserve), Registered Plan 43M-586, and all of Block 319 (0.30m Reserve), Registered Plan 43M-578.	4
Part of 13180-0305	Central Parkway East	Part of Lot 13, Concession 2, North of Dundas Street, described as Part 1, Plan 43R-11970.	4
All of 13284-0058	Admiral Boulevard	Part of Lot 10, Concession 1, East of Hurontario Street, described as Part 1, Plan 43R-16425.	5
Part of 13284-0169	Admiral Boulevard	All of Block 40 (0.30m Reserve), Registered Plan 43M-948 and all of Block 31 (0.30m Reserve), Registered Plan 43M-922.	5
All of 13277-0170	Atlantic Drive	Part of Lot 6, Concession 4, East of Hurontario	5

		Street, described as Part 2, Plan 43R-29309.	
All of 13277-0168	Atlantic Drive	Part of Lot 6, Concession 4, East of Hurontario Street, described as Part 1, Plan 43R-29309.	5
All of 13263-0219	Atlantic Drive	Part of Lot 5, Concession 4, East of Hurontario Street, described as Part 3, Plan 43R-29309.	5
Part of 13263-0080	Atlantic Drive	Part of Lot 5, Concession 4, East of Hurontario Street, described as Part 3, Plan 43R-21646.	5
Part of 14026-0382	Bramalea Road	Part of Lot 12, Concession 5, East of Hurontario Street, designated as Part 1, Plan 43R-18810.	5
All of 13278-0185	Britannia Road East	Part of Lot 6, Concession 3, East of Hurontario Street, described as Part 1, Plan 43R-28001.	5
Part of 13263-0223	Britannia Road East	Part of Lot 5, Concession 4, East of Hurontario Street, described as Part 1, Plan 43R-29308.	5
Part of 13287-0242	Britannia Road East	Part of Lot 5, Concession 1, East of Hurontario Street, described as Part 7, Plan 43R-8656.	5
All of 13195-0093	Barbertown Road	Part of Lot 3, Registered Plan 301, described as Part 10, Plan 43R-29671.	6
<u>All of 13195-0094</u>	<u>Barbertown Road</u>	Part of Lot 3, Registered Plan 301, described as Part 11, Plan 43R-29671.	6
All of 13363-0319	Blairholm Avenue	All of Block C, Registered Plan 228.	6
All of 13363-0320	Blairholm Avenue	All of Block D, Registered Plan 228.	6
Part of 13363-0317	Blairholm Avenue	All of Block F (1' Reserve), Registered Plan M-65, all of Block I (1' Reserve) and all of Block K (1' Reserve), Registered Plan M-66.	6
All of 13194-1547	Brenchley Avenue	All of Block 138 (0.30m Reserve), Registered Plan 43M-1229.	6
All of 13194-1359	Fasdon Court	Part of Lot 3, Concession 3, West of Hurontario Street, described as Parts 8 and 15, Plan 43R-19396.	6
All of 13148-0718	Burnhamthorpe Road West	Part of Lot 20, Concession 1, North of Dundas Street, described as Part 2, Plan 43R-10088.	7
Part of 13346-0297	Burslem Road	All of 1' Reserve, Registered Plan 446.	7
All of 13356-0200	Cavell Drive	Block L, Registered Plan 967, save and except Parts 1, 6, 7 and 12, Plan 43R-4259.	7
Part of 13356-0499	Cavell Drive	All of Block Q (1' Reserve), Registered Plan M-78.	7
All of 13148-0660	Central Parkway West	All of Block 158 (0.30m Reserve), Registered Plan 43M-810.	7
Part of 13145-0060	Central Parkway West	All of Block 3 (0.30m Reserve), Registered Plan 43M-679.	7
All of 13143-0206	Elm Drive West	Part of Lot 18, Registered Plan 376, designated as Part 13, Plan 43R-37208.	7
All of 13143-0208	Elm Drive West	Part of Lot 19, Registered Plan 376, designated as Part 14, Plan 43R-37208.	7
<u>All of 13143-0210</u>	Elm Drive West	Part of Lot 20, Registered Plan 376, designated as Part 24, Plan 43R-37208.	7
All of 13143-0212	Elm Drive West	Part of Lot 21, Registered Plan 376, designated	7

		as Part 25, Plan 43R-37208.	
All of 13143-0214	Elm Drive West	Part of Lot 22, Registered Plan 376, designated as Part 26, Plan 43R-37208.	7
All of 13143-0216	Elm Drive West	Part of Lot 23, Registered Plan 376, designated as Part 27, Plan 43R-37208.	7
All of 13143-0218	Elm Drive West	Part of Lot 24, Registered Plan 376, designated as Part 28, Plan 43R-37208.	7
All of 13143-0220	Elm Drive West	Part of Lot 25, Registered Plan 376, designated as Part 29, Plan 43R-37208.	7
Part of 13143-0222	Elm Drive West	Part of Lot 4, Registered Plan 376, designated as Part 30, Plan 43R-37208.	7
Part of 13143-0224	Elm Drive West	Part of Lot 16, Concession 1, North of Dundas Street, described as Part 3, Plan 43R-37208.	7
Part of 13143-0222	Hurontario Street	Part of Lot 4, Registered Plan 376, designated as Part 31, Plan 43R-37208.	7
All of 13143-0204	Hurontario Street	Part of Lot 3, Registered Plan 376, designated as Part 32, Plan 43R-37208.	7
Part of 13441-0509	Knights Court	All of Block 19 (0.30m Reserve), Registered Plan 43M-646.	8
All of 13518-3548	Argentia Road	All of Block 15 (0.30m Reserve), Registered Plan 43M-2001.	9
Part of 13518-3497	Argentia Road	Part of Lot 13, Concession 10, New Survey, described as Parts 7, 8 and 9, Plan 43R-34833.	9
Part of 13518-3502	Argentia Road	Part of Lot 13, Concession 10, New Survey, described as Parts 10, 11 and 12, Plan 43R-34833.	9
Part of 13525-0120	Beechnut Row	All of Block 375 (0.30m Reserve), Registered Plan 43M-1066.	10
Part of 13127-0254	Bonham Boulevard	All of the 1' Reserve, Registered Plan 916.	11
All of 13213-1402	Boyer Boulevard	All of Block 127 (0.30m Reserve), Registered Plan 43M-1063.	11
All of 13128-0472	Caroline Street	Part of Lot 2, Plan STR-2, described as Part 1, Plan 43R-31801.	11
Part of 13207-0011	Charing Drive	All of Block V (1' Reserve), Registered Plan 803.	11

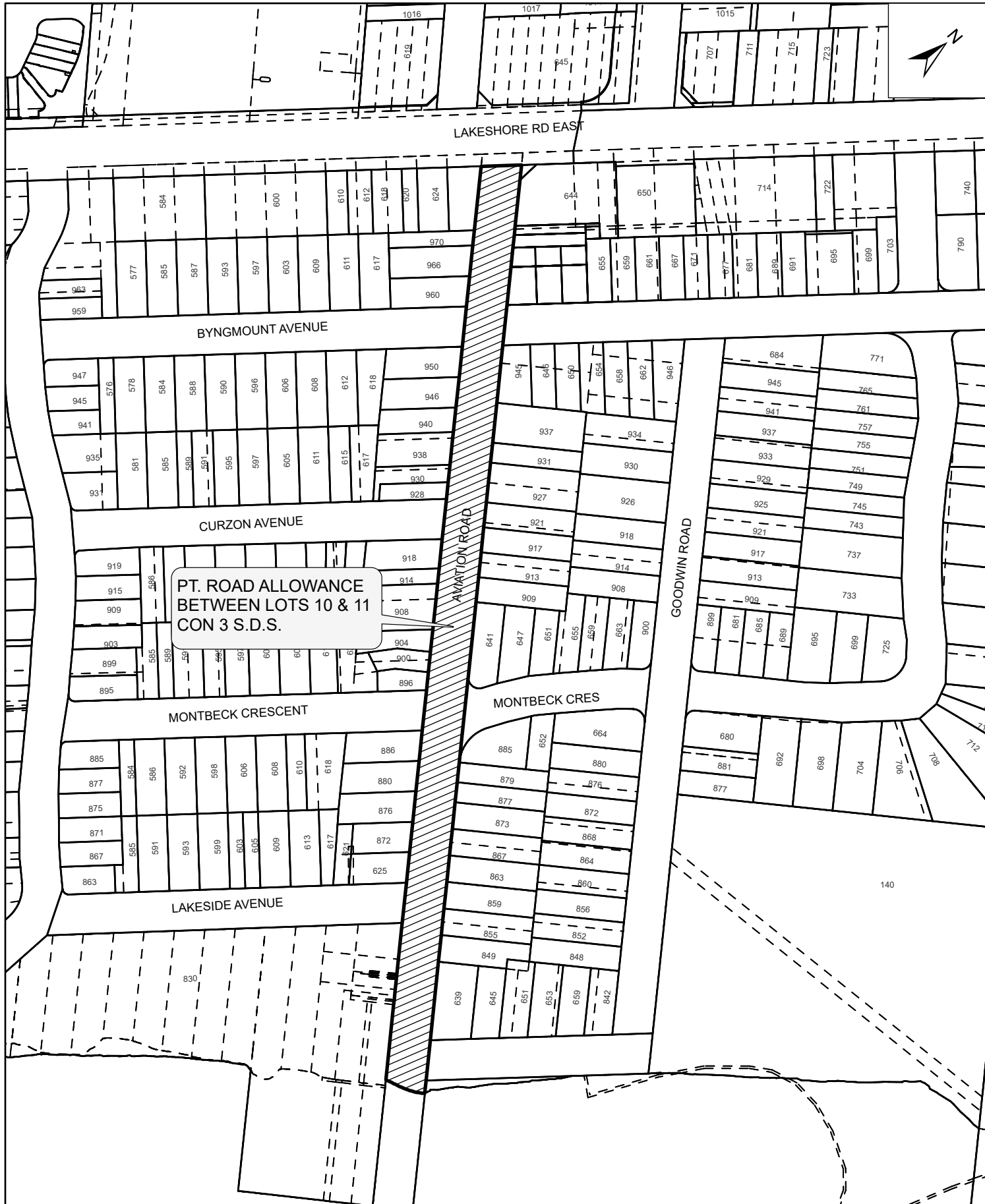
Part 2: Roads to be Named or Renamed

PIN	Street name	Legal description	Ward
All of 13485-0311	Aviation Road	Part of the Original Road Allowance between Lots 10 and 11, Concession 3, South of Dundas Street lying south of Lakeshore Road East.	1
All of 13128-0141	Caroline Street	Unnamed Road, Plan STR-4, lying between William Street and Queen Street South, Plan STR-2 and lying adjacent to Lots 2 and 51, Plan STR-4.	11

AVIATION ROAD

TO BE NAMED

Ward 1

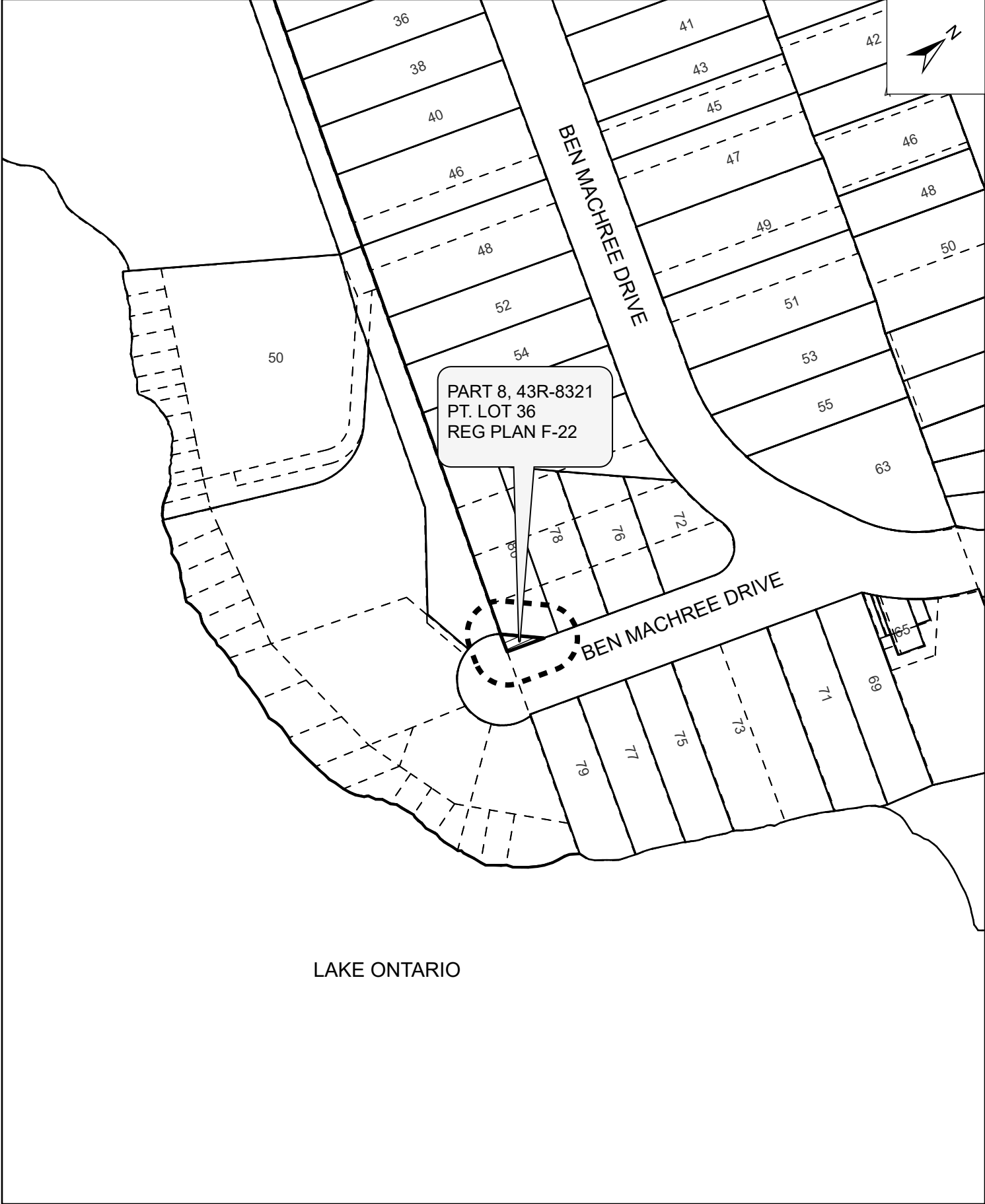


PT. ROAD ALLOWANCE
BETWEEN LOTS 10 & 11
CON 3 S.D.S.

BEN MACHREE DRIVE

TO BE ESTABLISHED

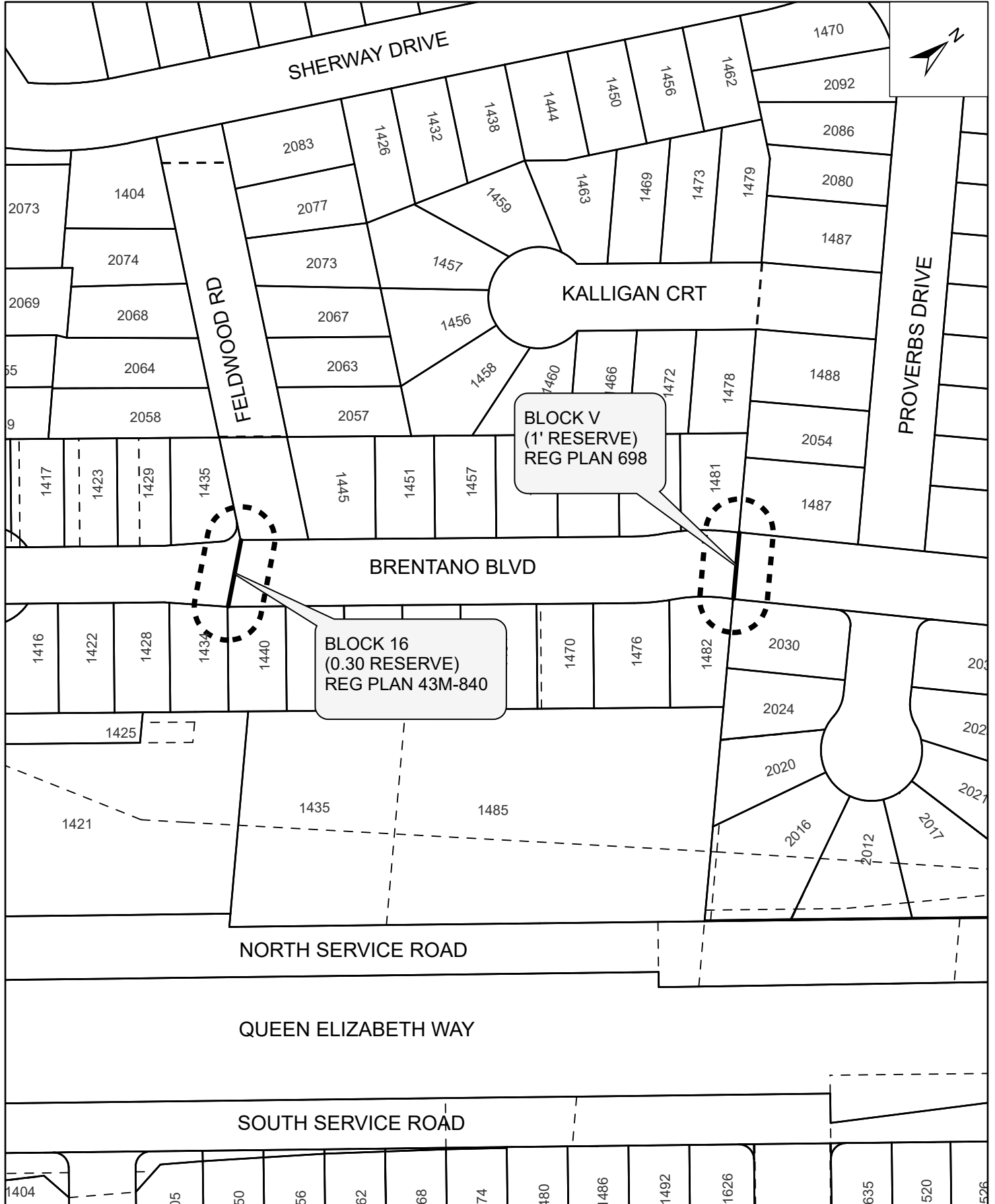
Ward 1



BRENTANO BOULEVARD

Ward 1

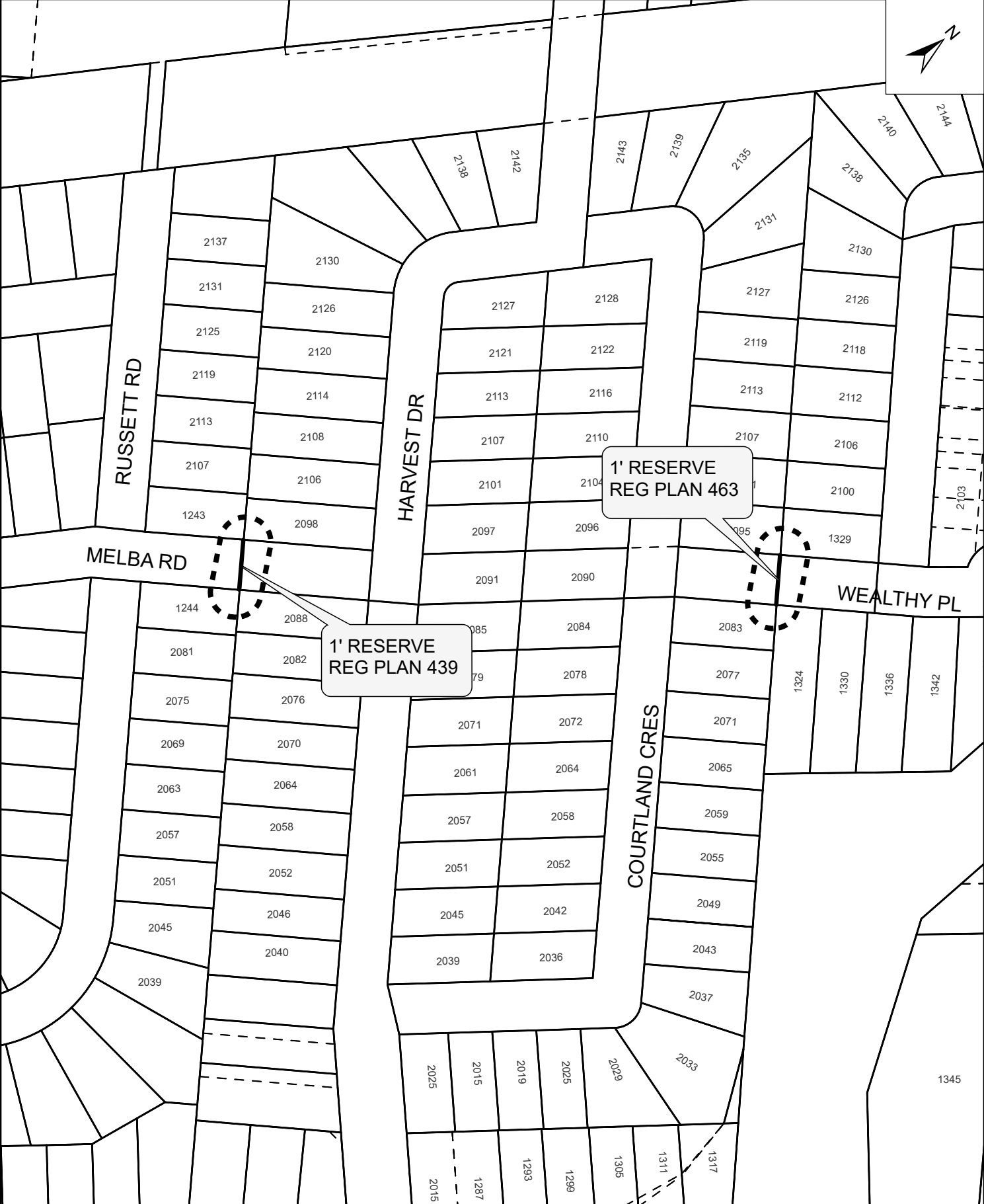
TO BE ESTABLISHED



MELBA ROAD/WEALTHY PLACE

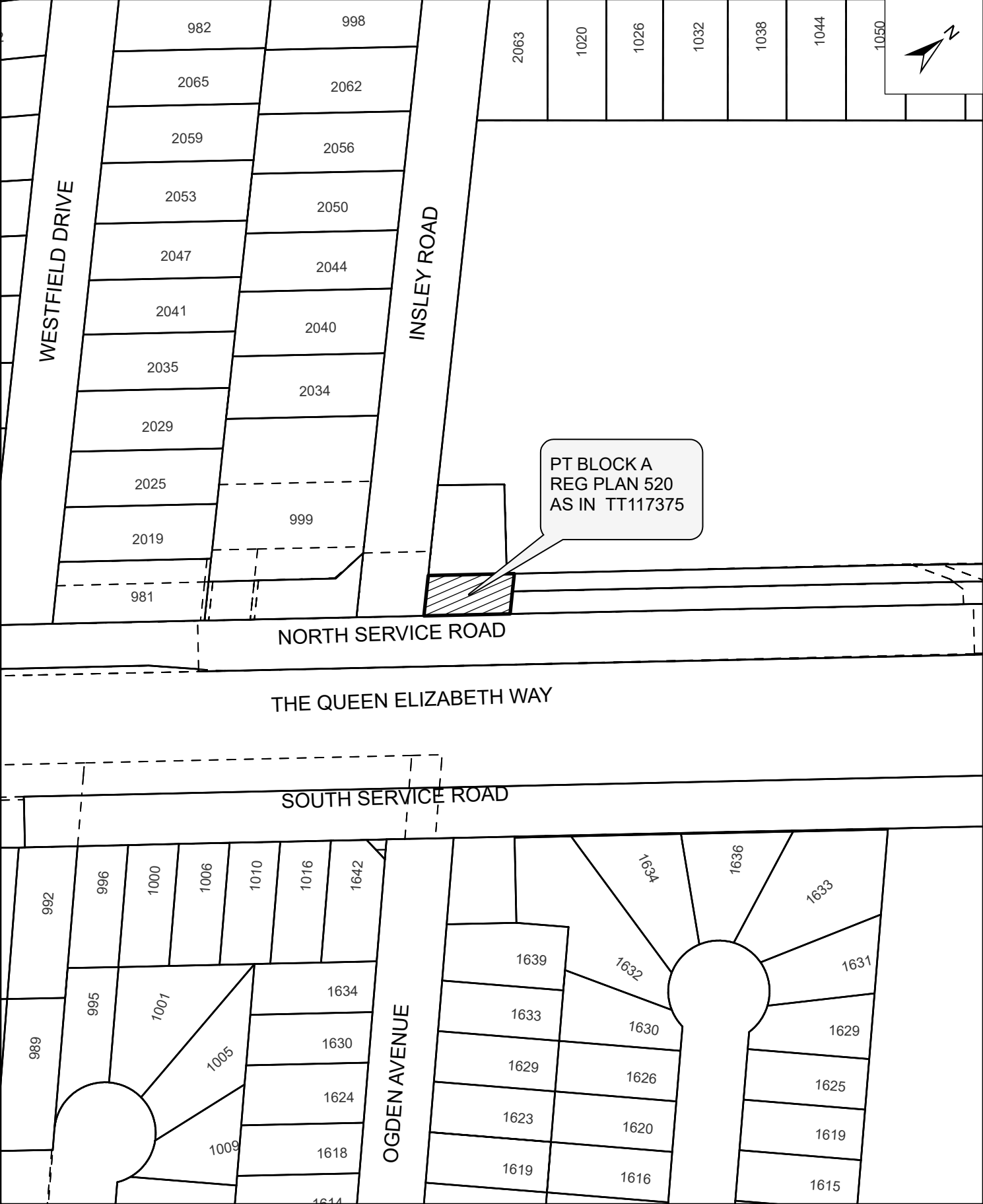
TO BE ESTABLISHED

Ward 1



NORTH SERVICE ROAD

TO BE ESTABLISHED



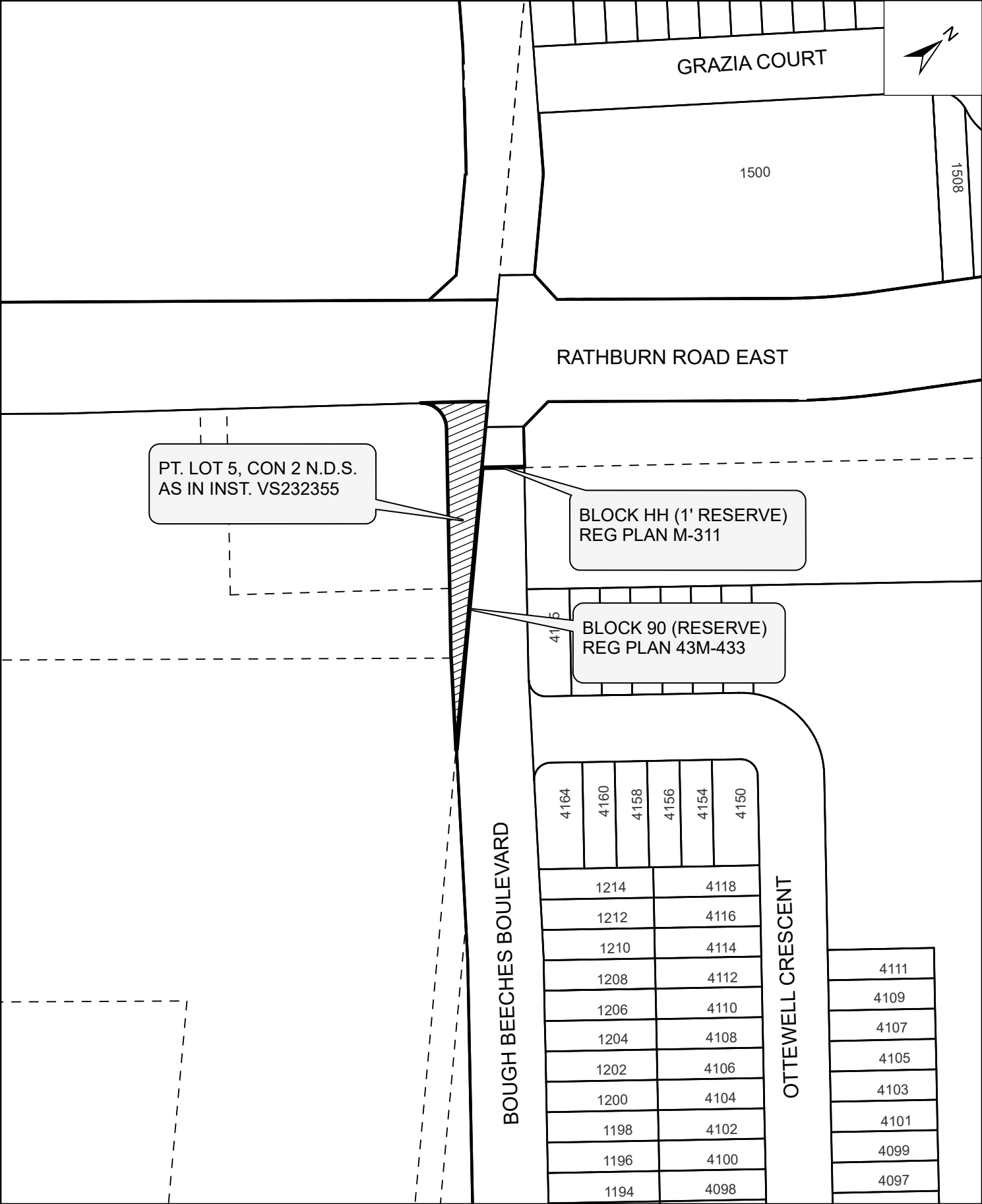
BARNSTONE CRESCENT

TO BE ESTABLISHED



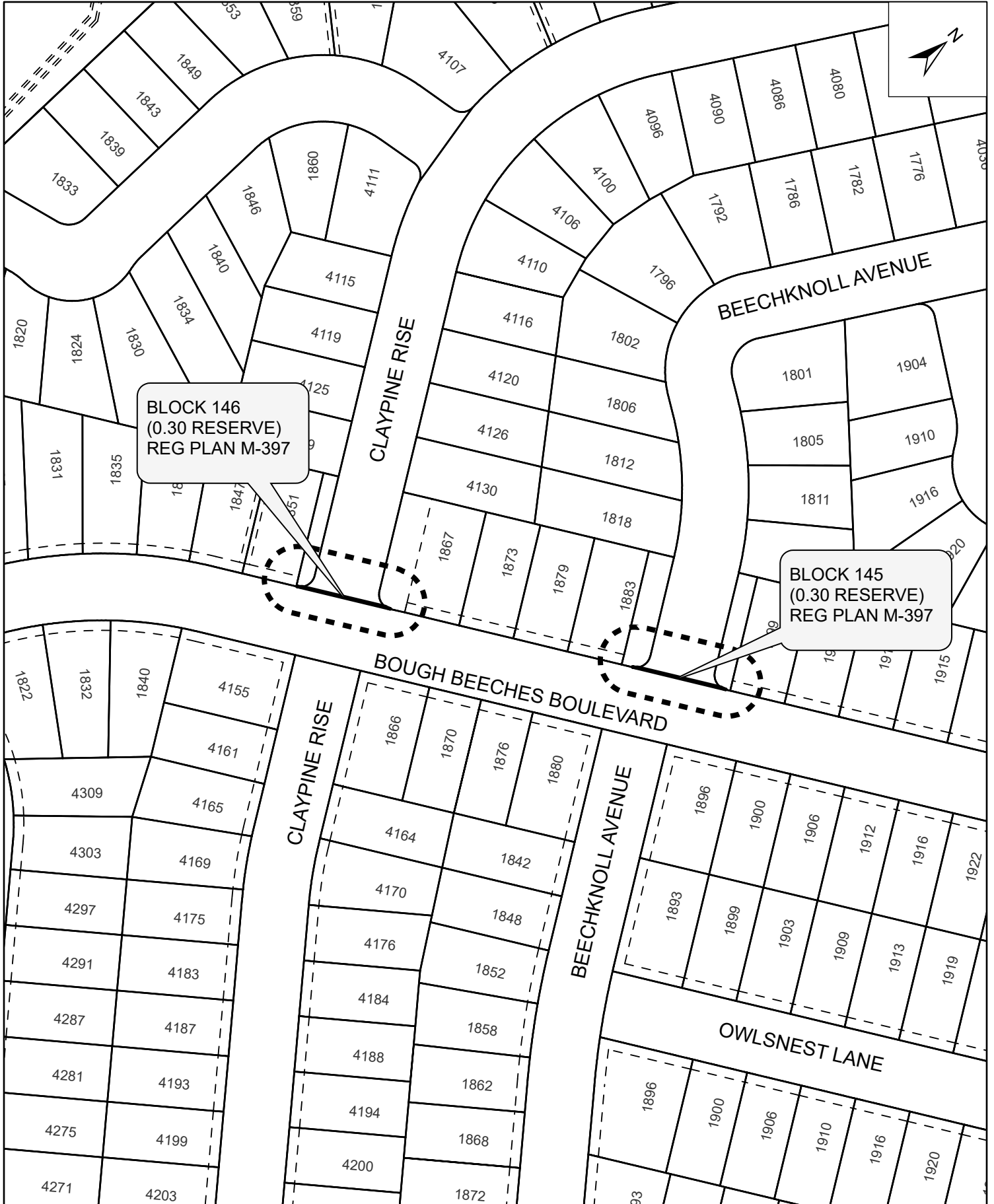
BOUGH BEECHES BOULEVARD

TO BE ESTABLISHED



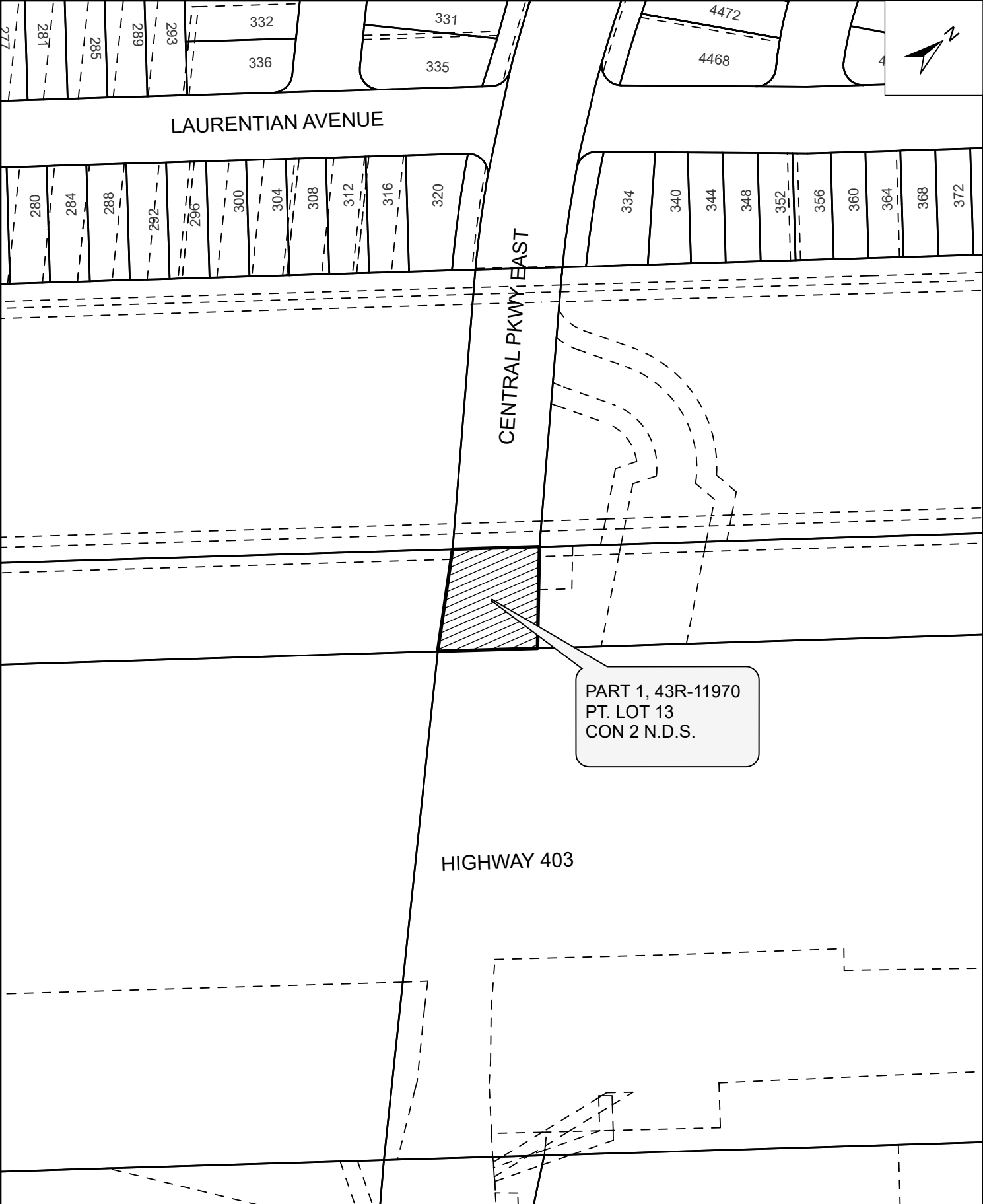
CLAYPINE RISE/BEECHKNOLL AVE

TO BE ESTABLISHED



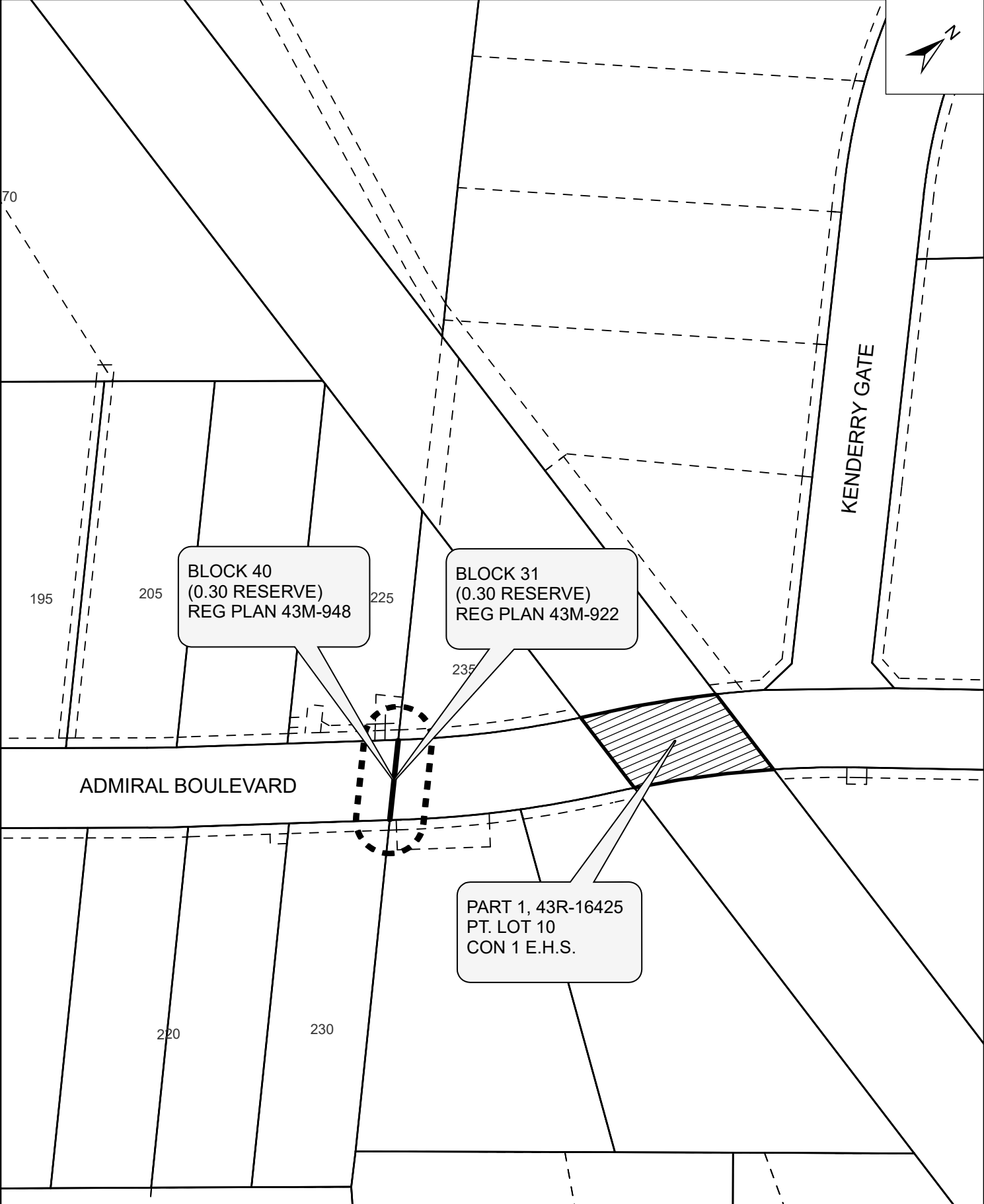
CENTRAL PARKWAY EAST

TO BE ESTABLISHED



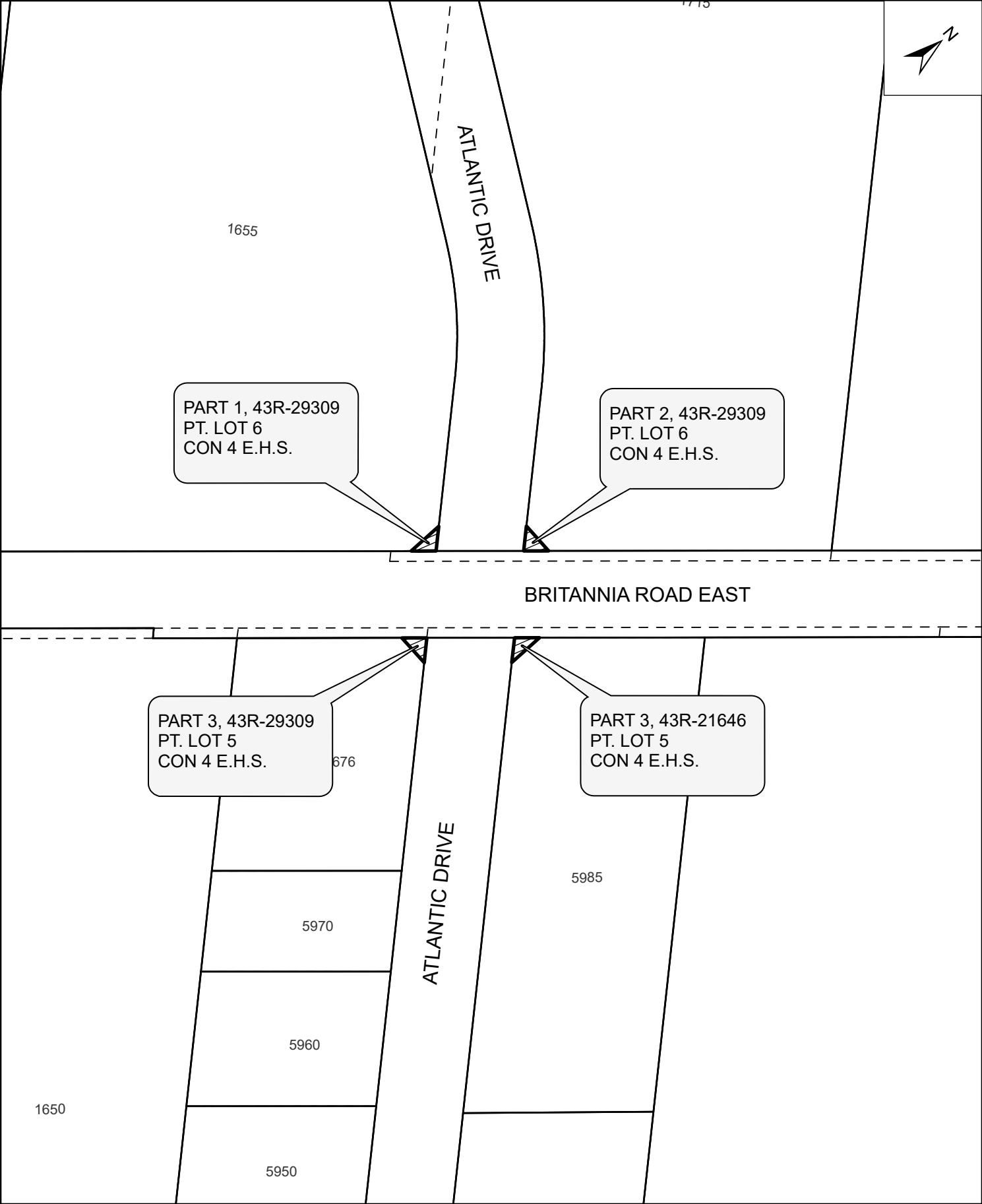
ADMIRAL BOULEVARD

TO BE ESTABLISHED



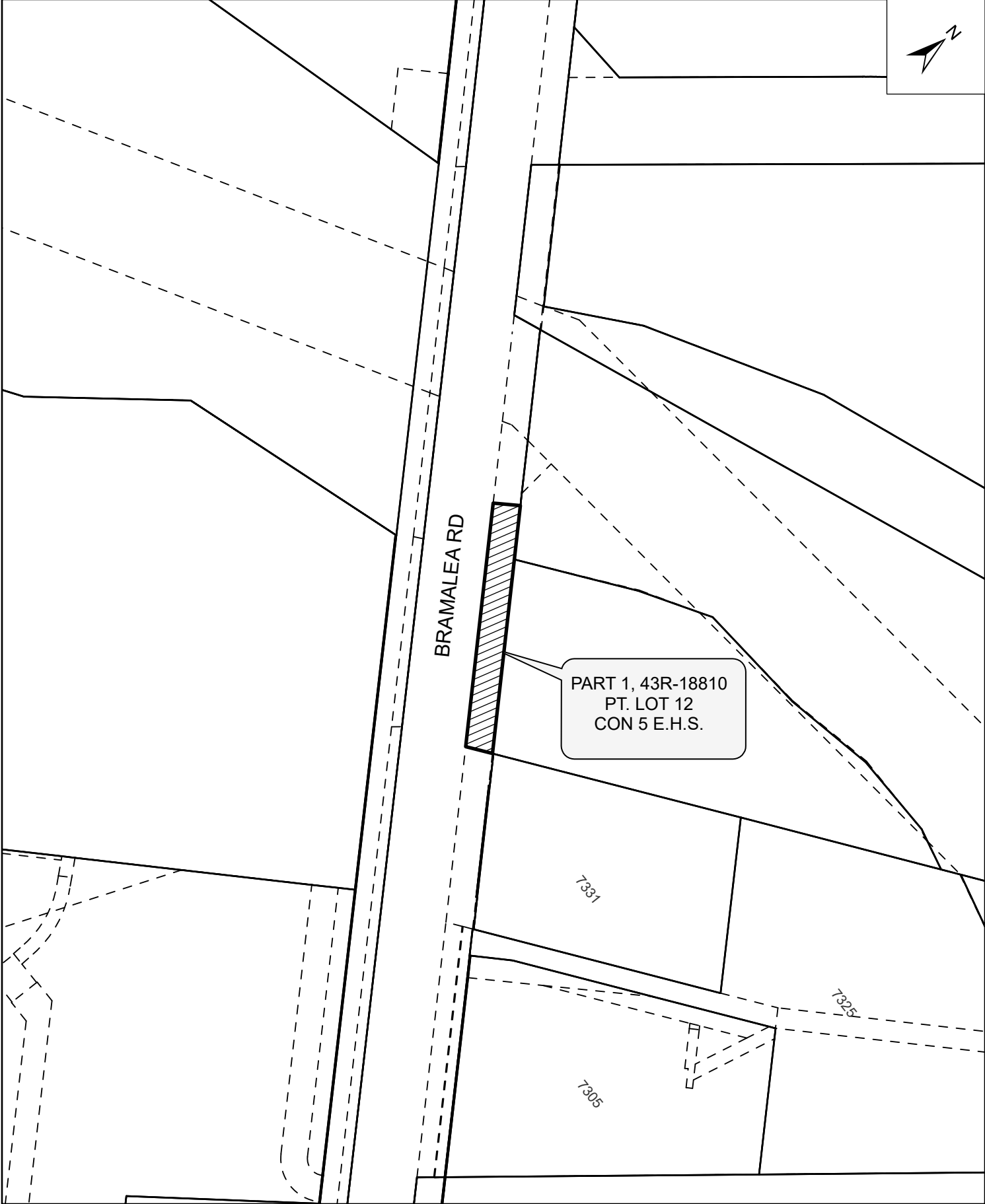
ATLANTIC DRIVE

TO BE ESTABLISHED



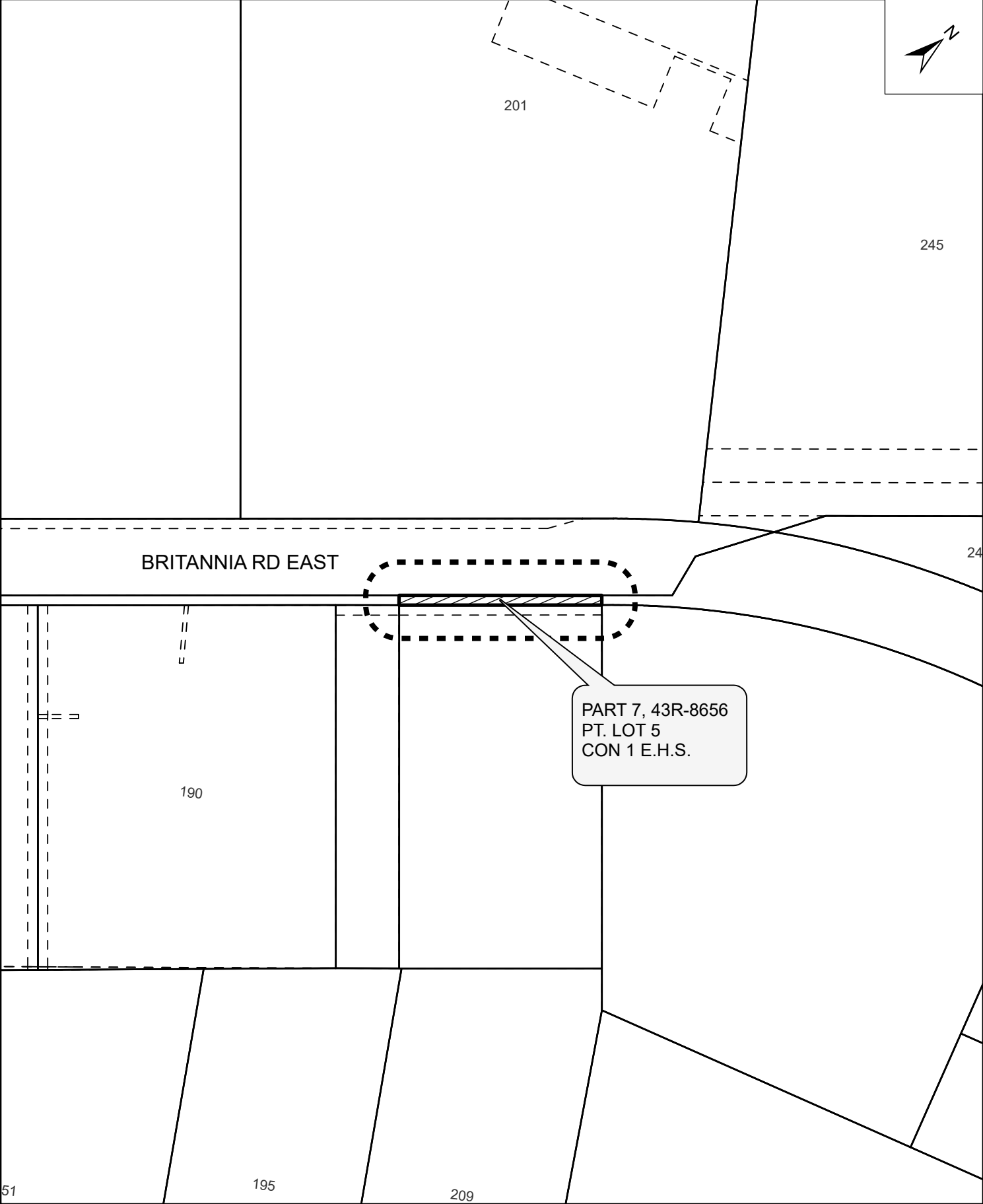
BRAMALEA ROAD

TO BE ESTABLISHED



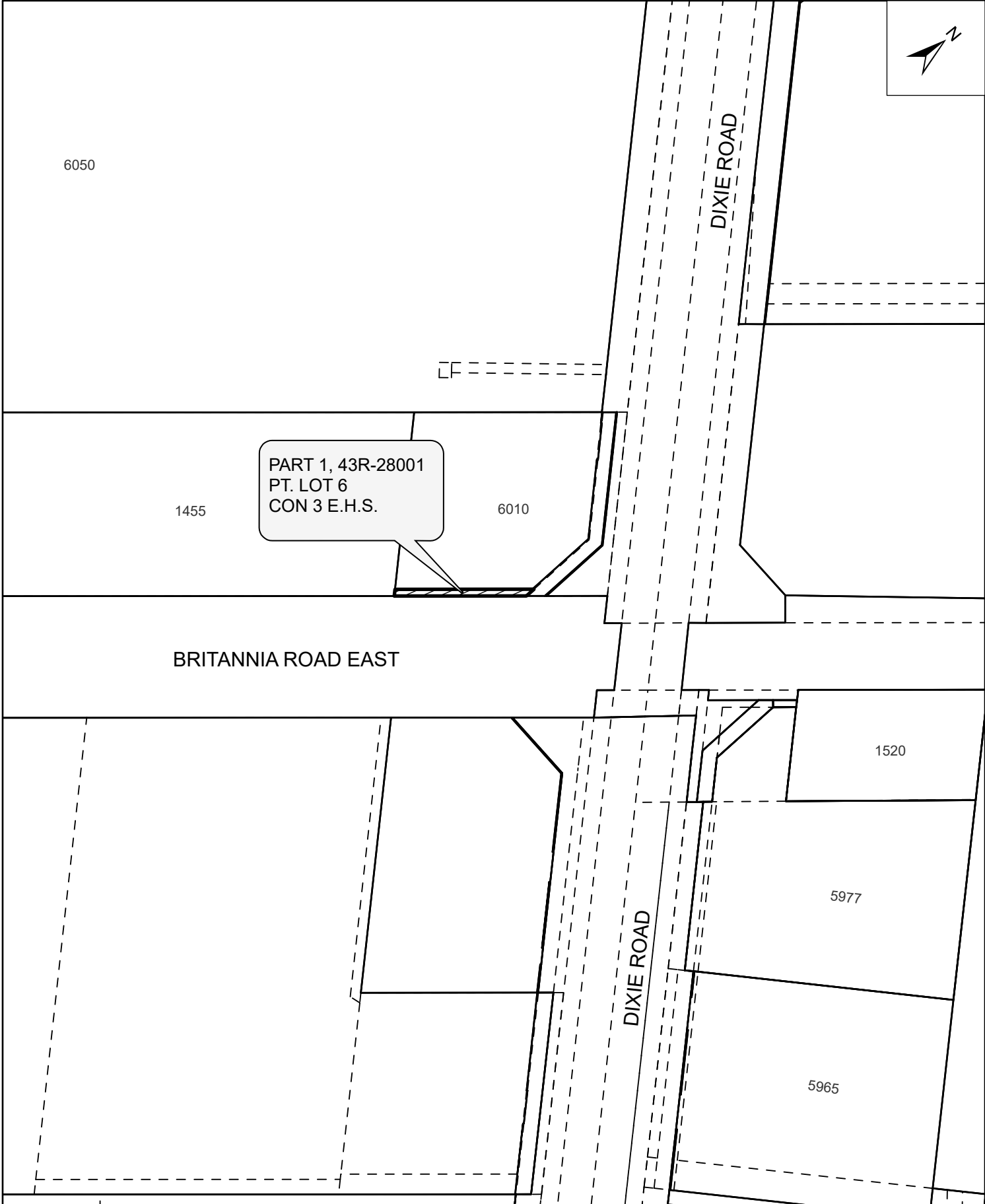
BRITANNIA ROAD EAST

TO BE ESTABLISHED



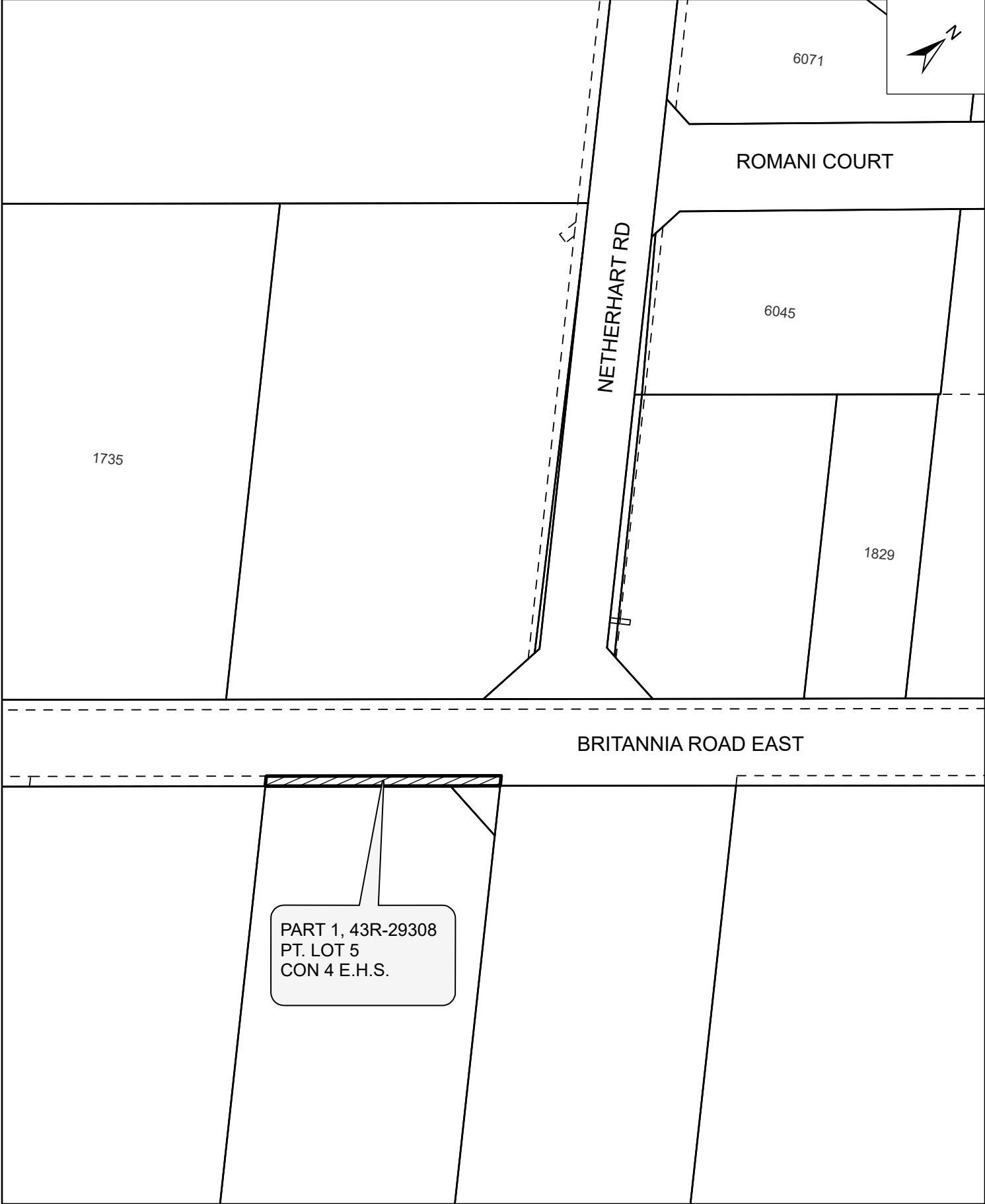
BRITANNIA ROAD EAST

TO BE ESTABLISHED



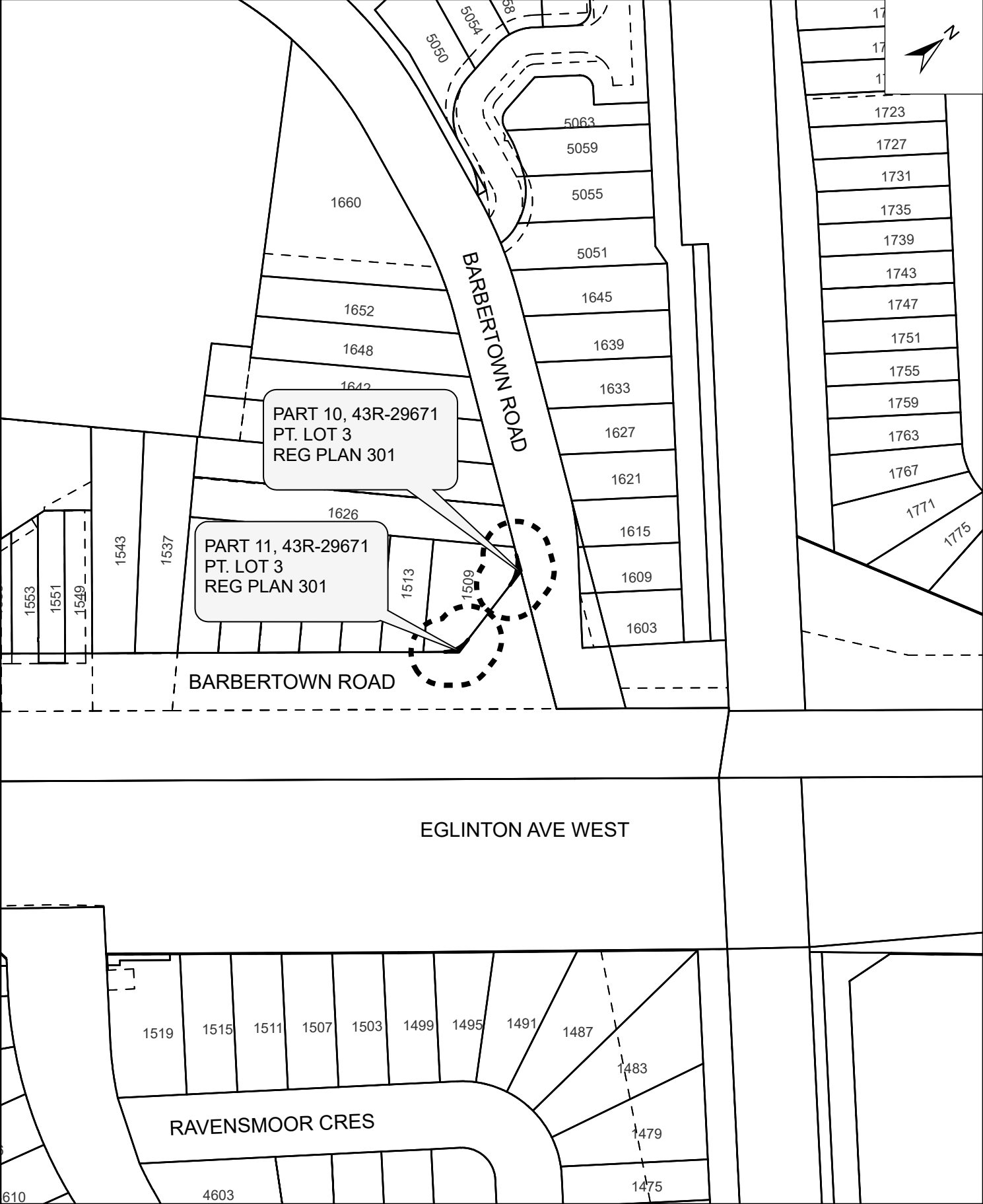
BRITANNIA ROAD EAST

TO BE ESTABLISHED



BARBERTOWN ROAD

TO BE ESTABLISHED



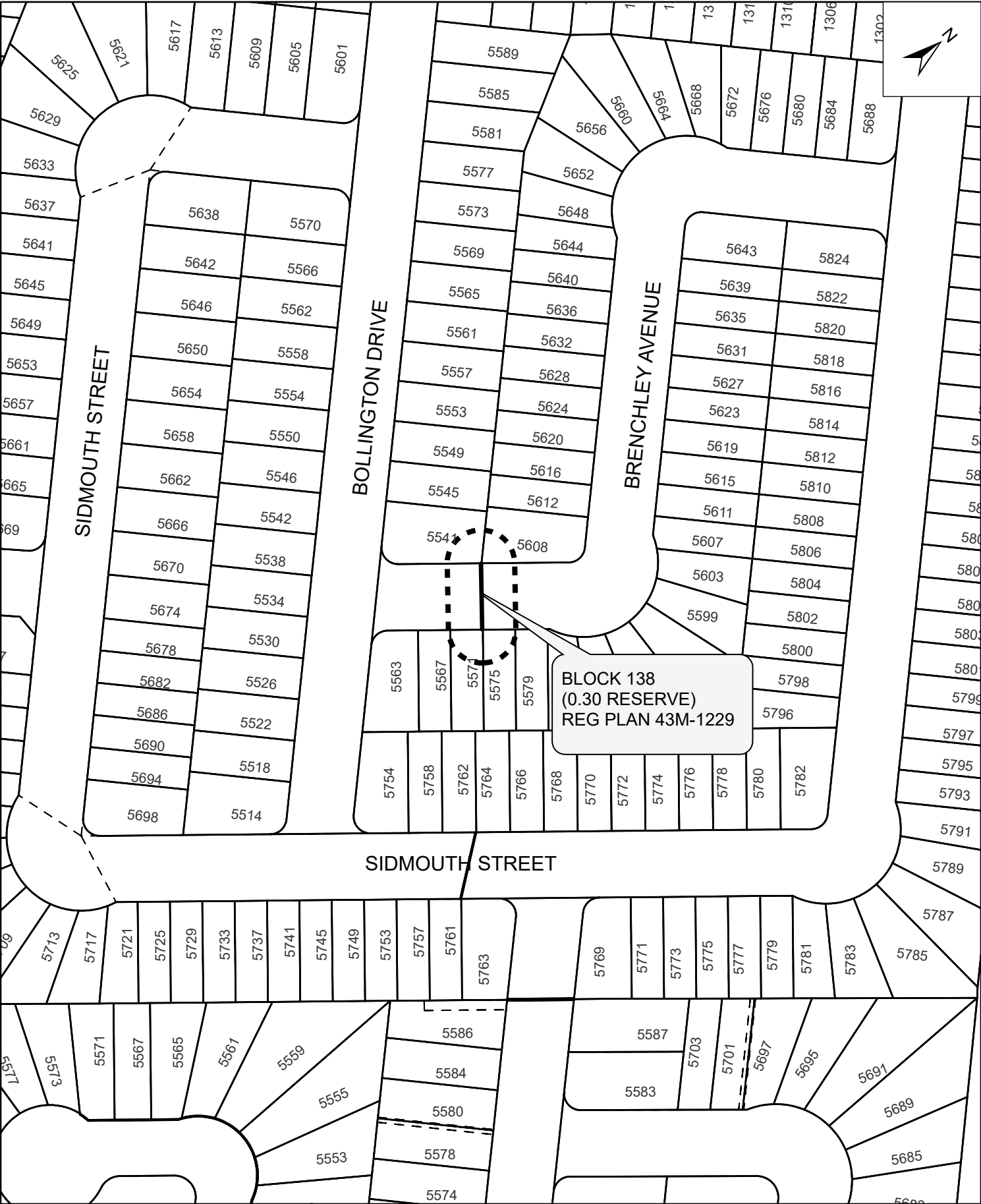
BLAIRHOLM AVENUE

TO BE ESTABLISHED



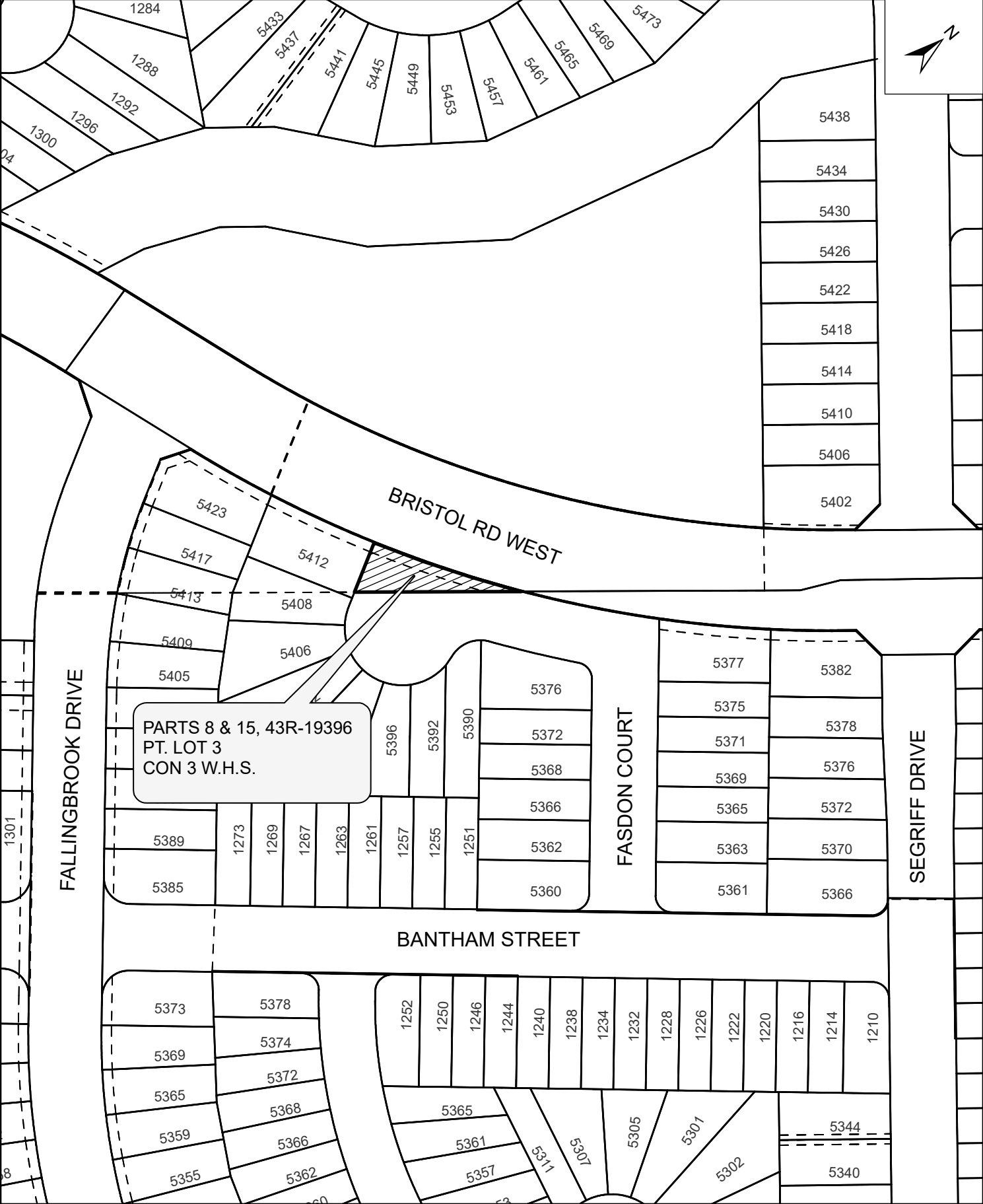
BRENCHLEY AVENUE

TO BE ESTABLISHED



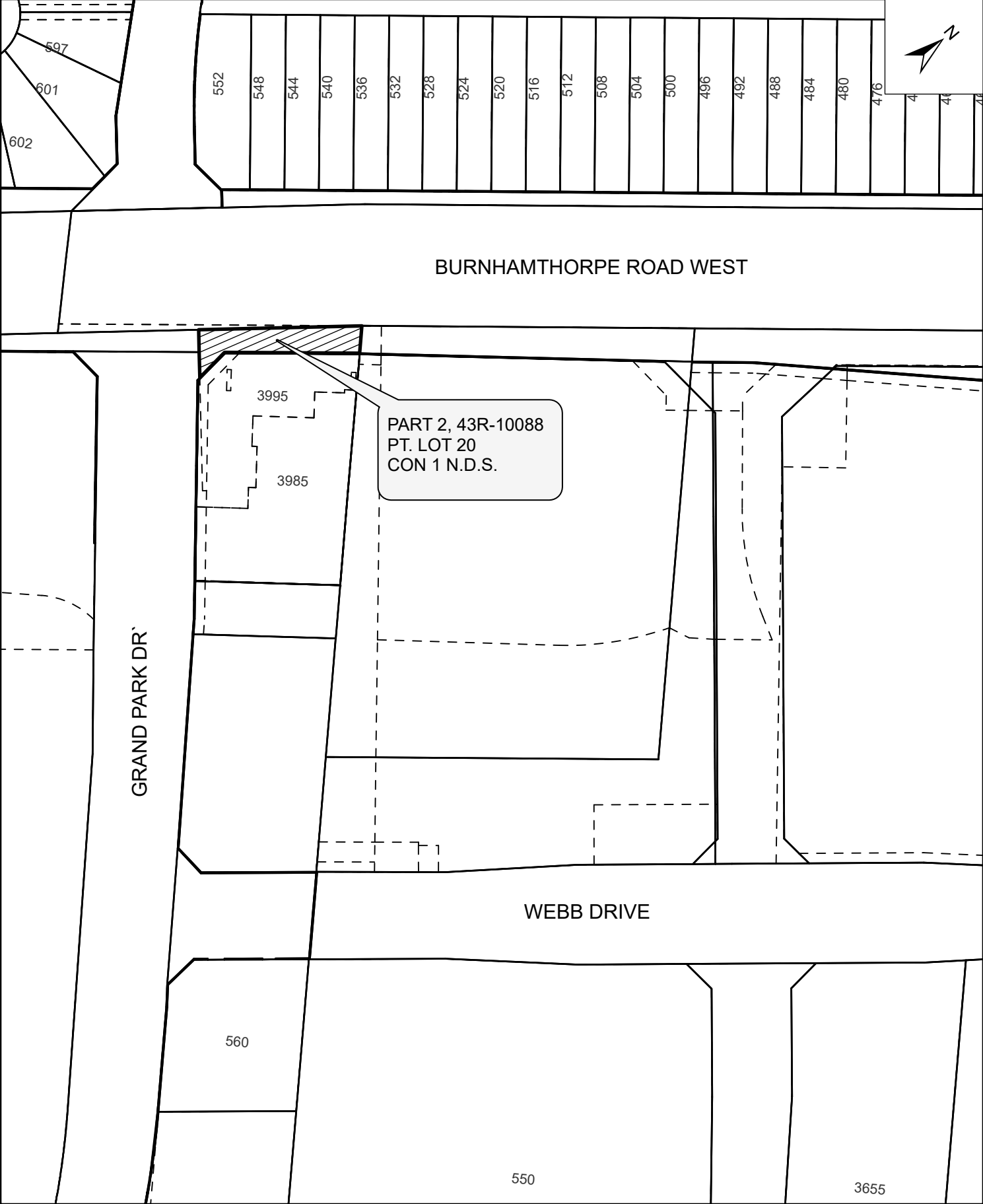
FASDON COURT

TO BE ESTABLISHED



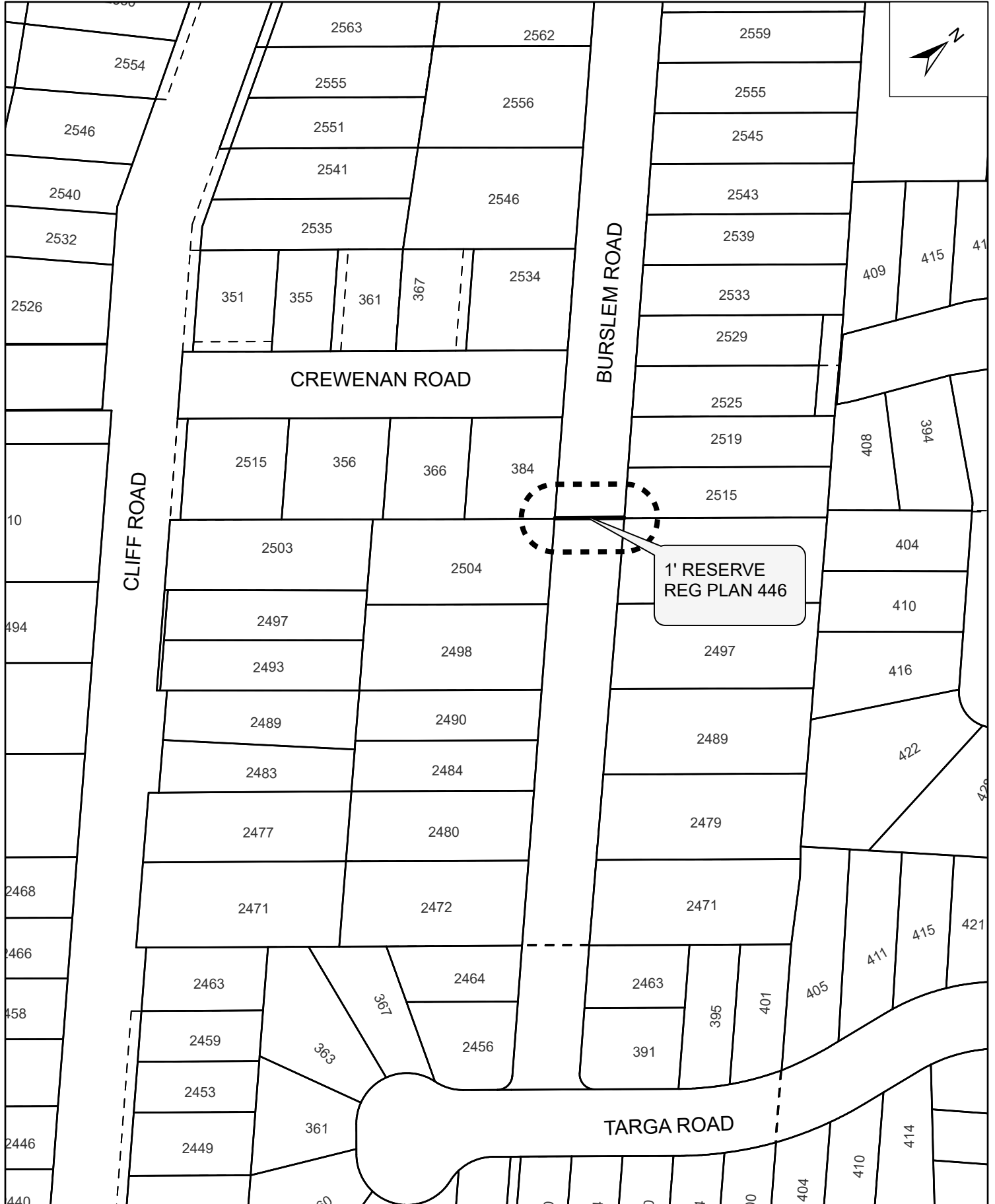
BURNHAMTHORPE ROAD WEST

TO BE ESTABLISHED



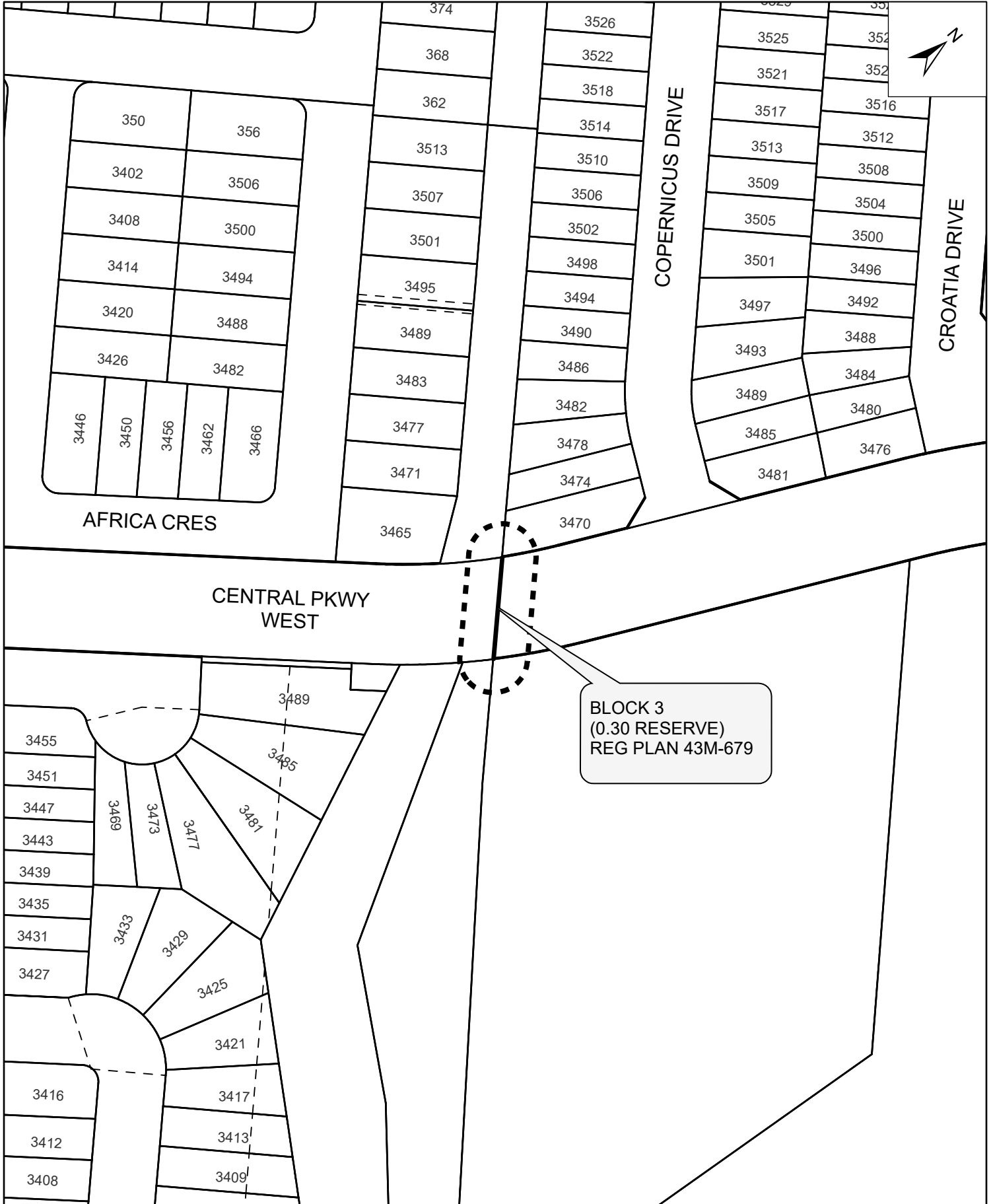
BURSLEM ROAD

TO BE ESTABLISHED



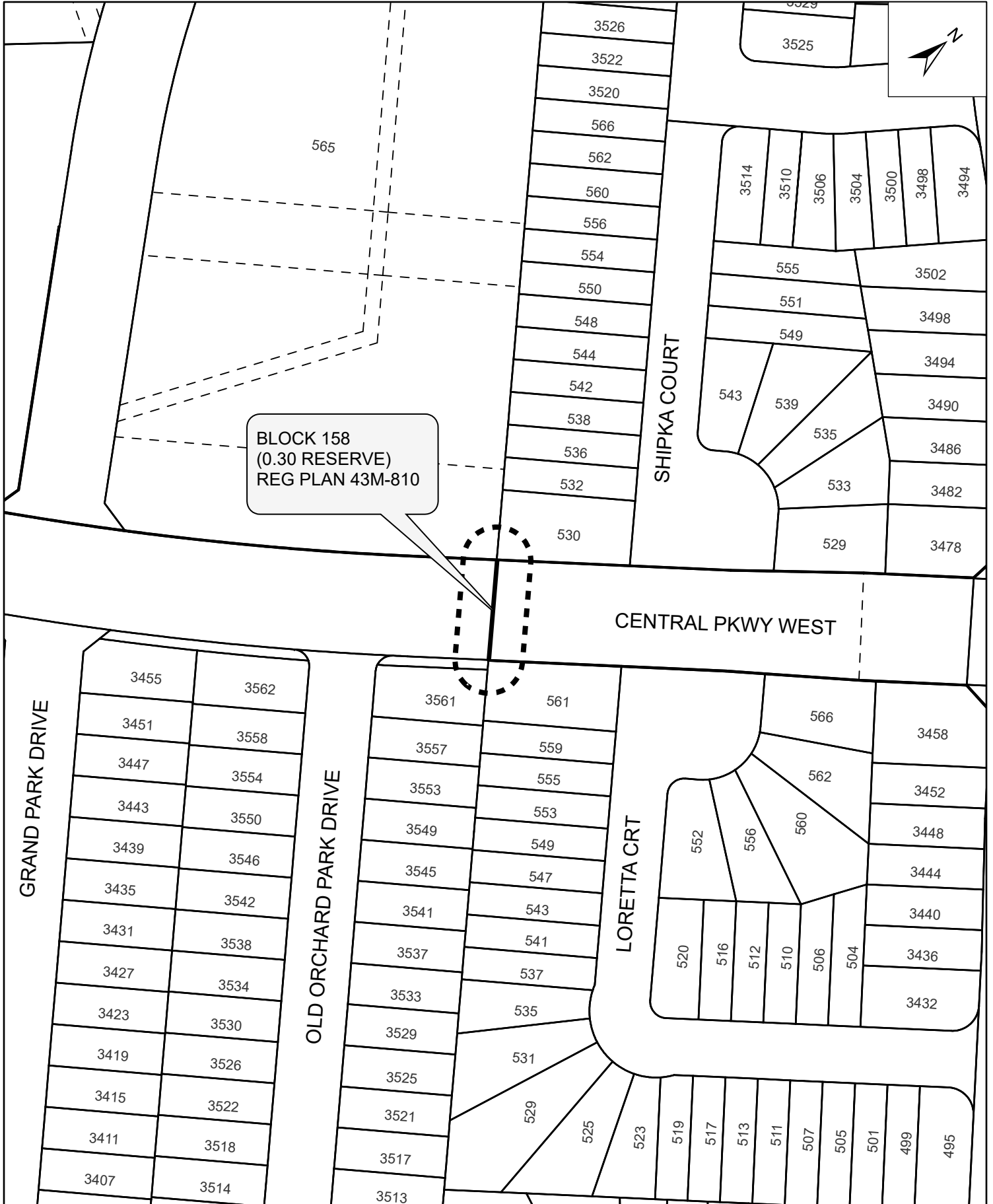
CENTRAL PARKWAY WEST

TO BE ESTABLISHED



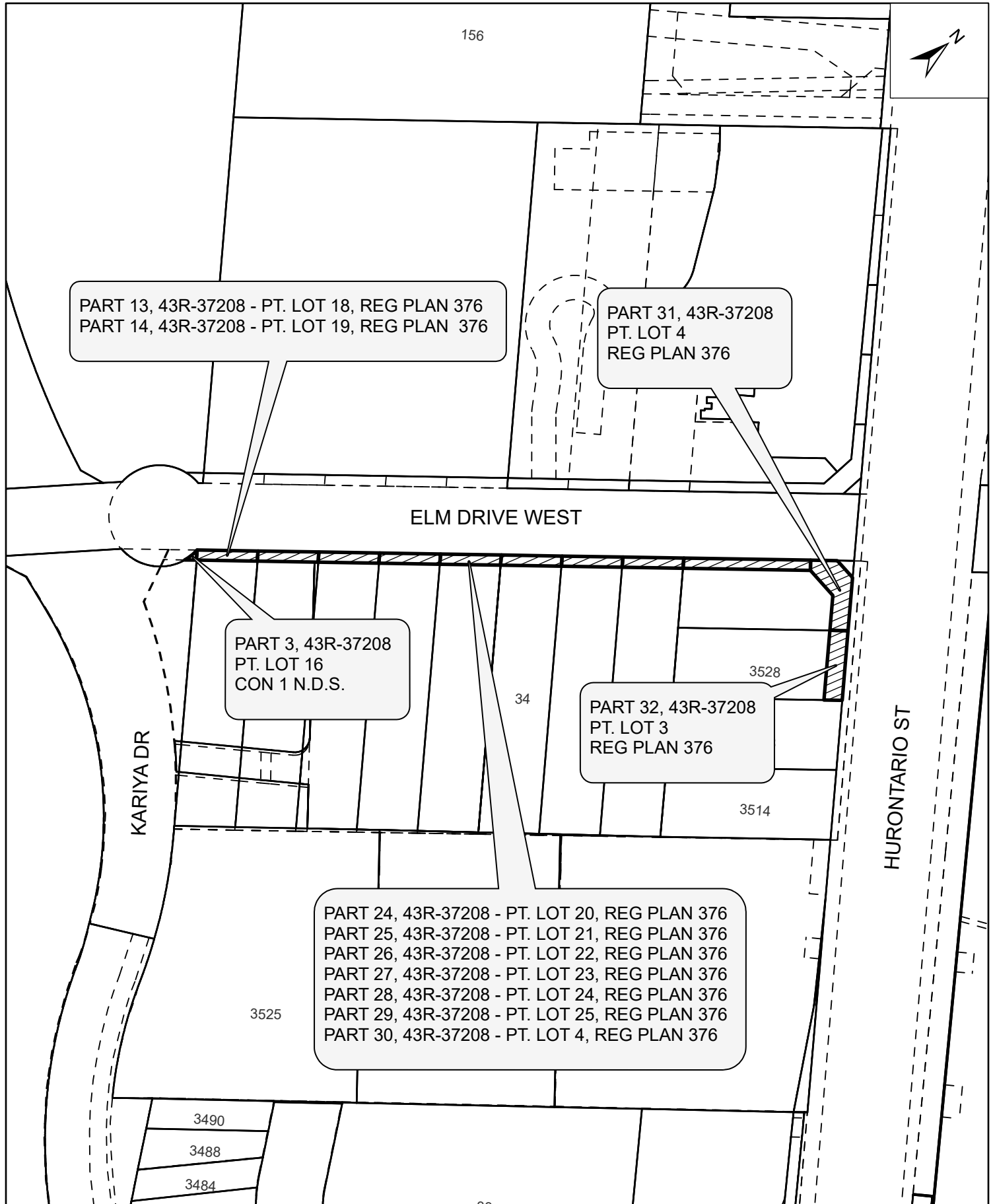
CENTRAL PARKWAY WEST

TO BE ESTABLISHED



ELM DRIVE WEST/HURONTARIO ST

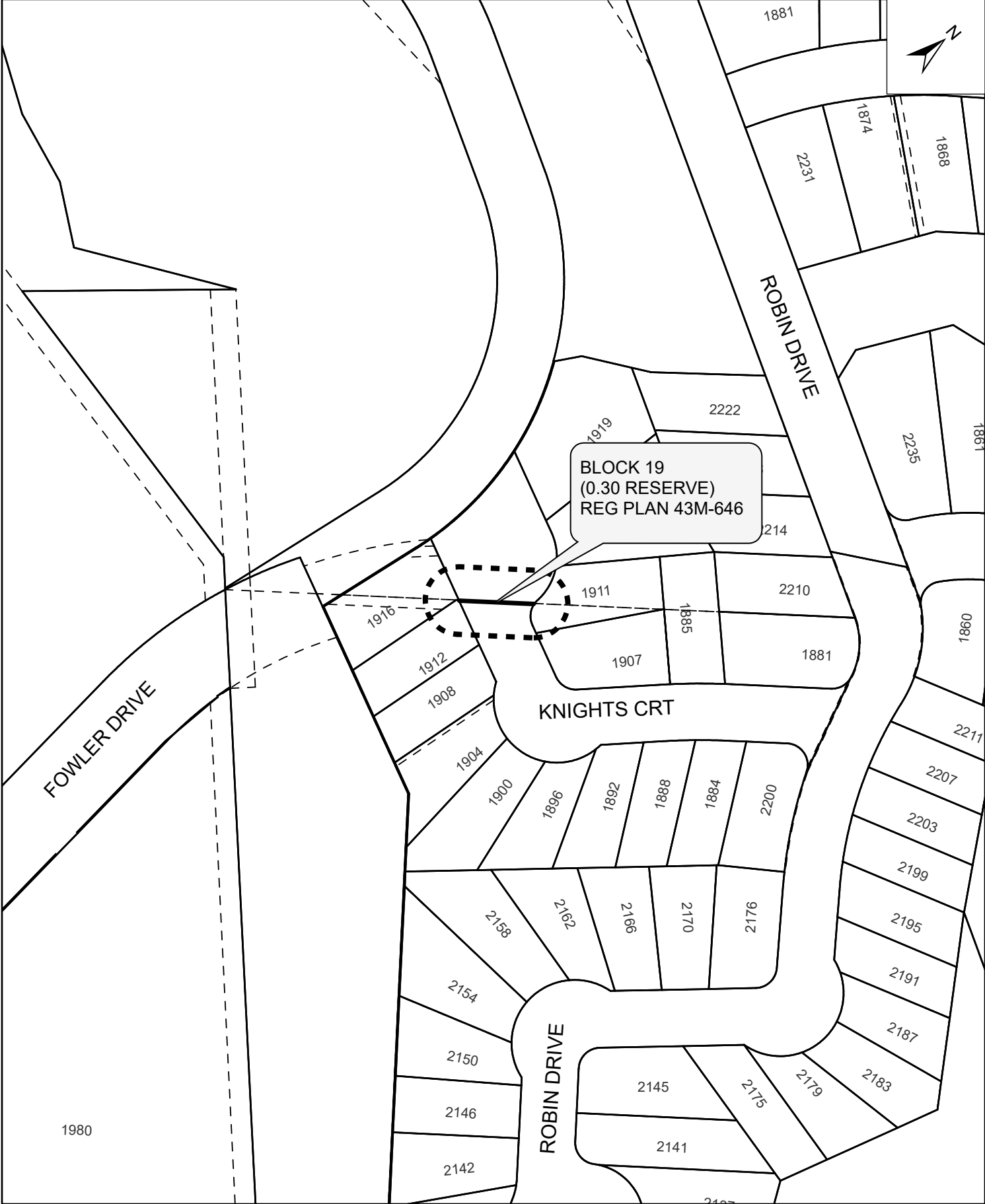
TO BE ESTABLISHED



KNIGHTS COURT

TO BE ESTABLISHED

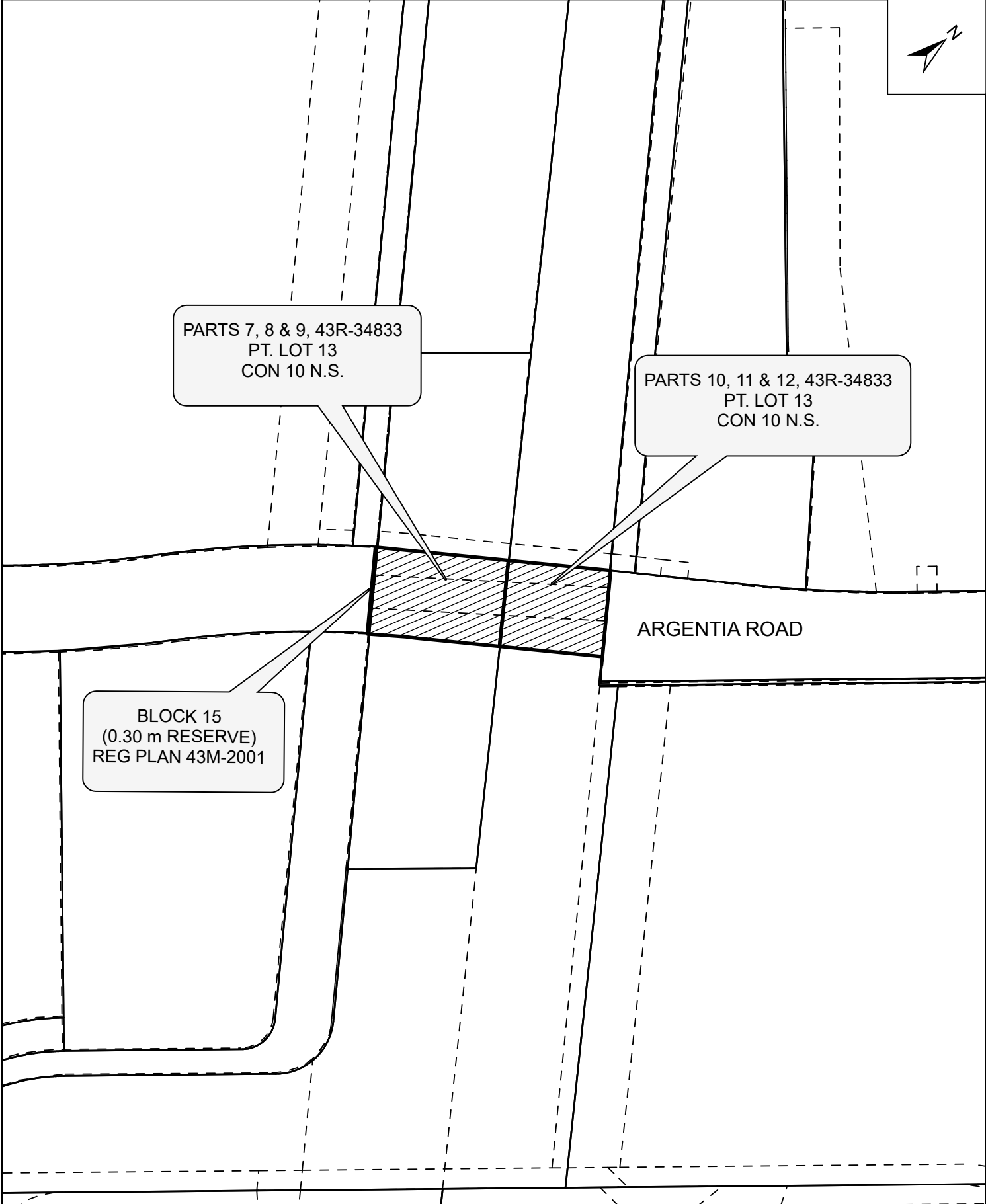
Ward 8



ARGENTIA ROAD

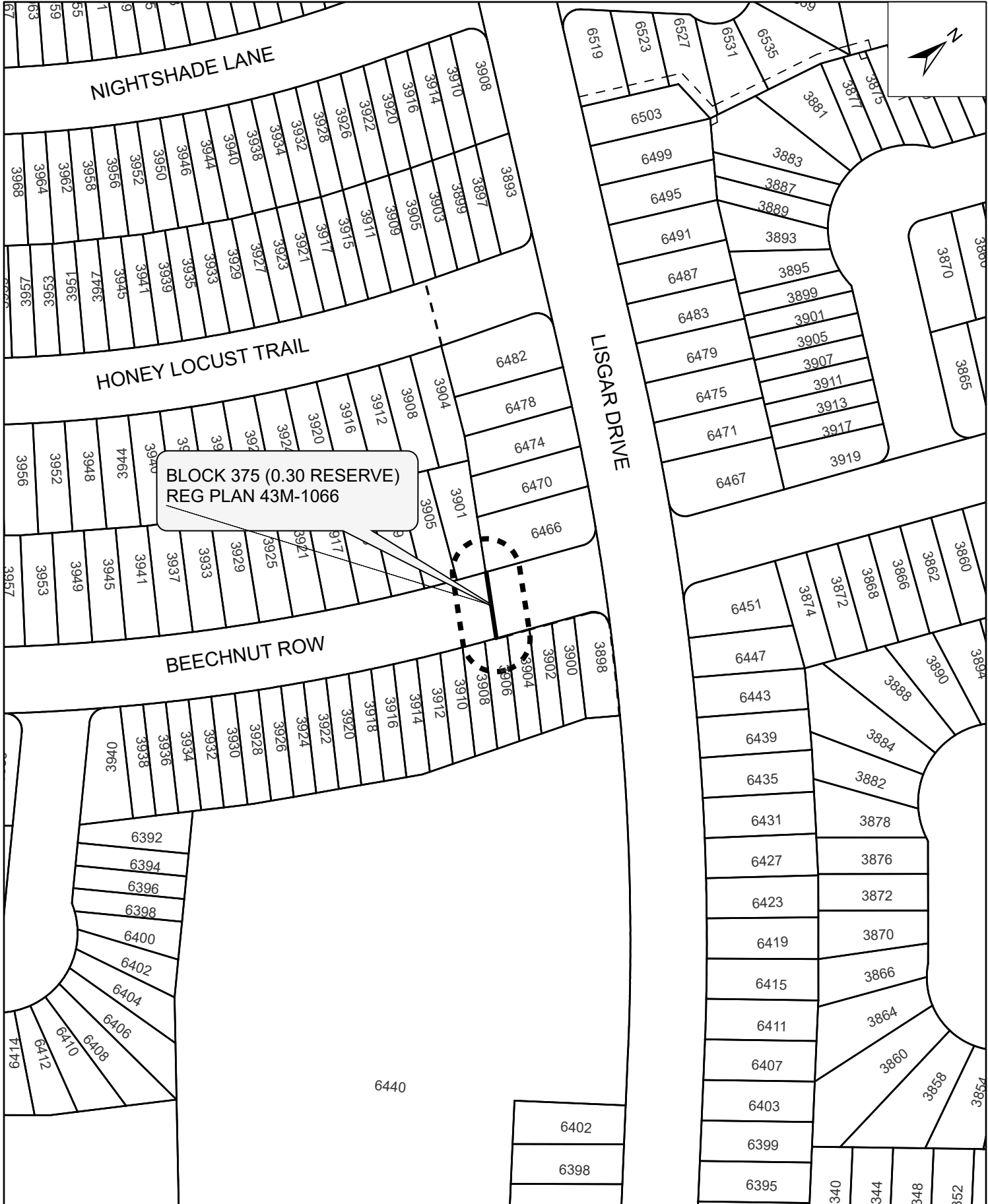
TO BE ESTABLISHED

Ward 9



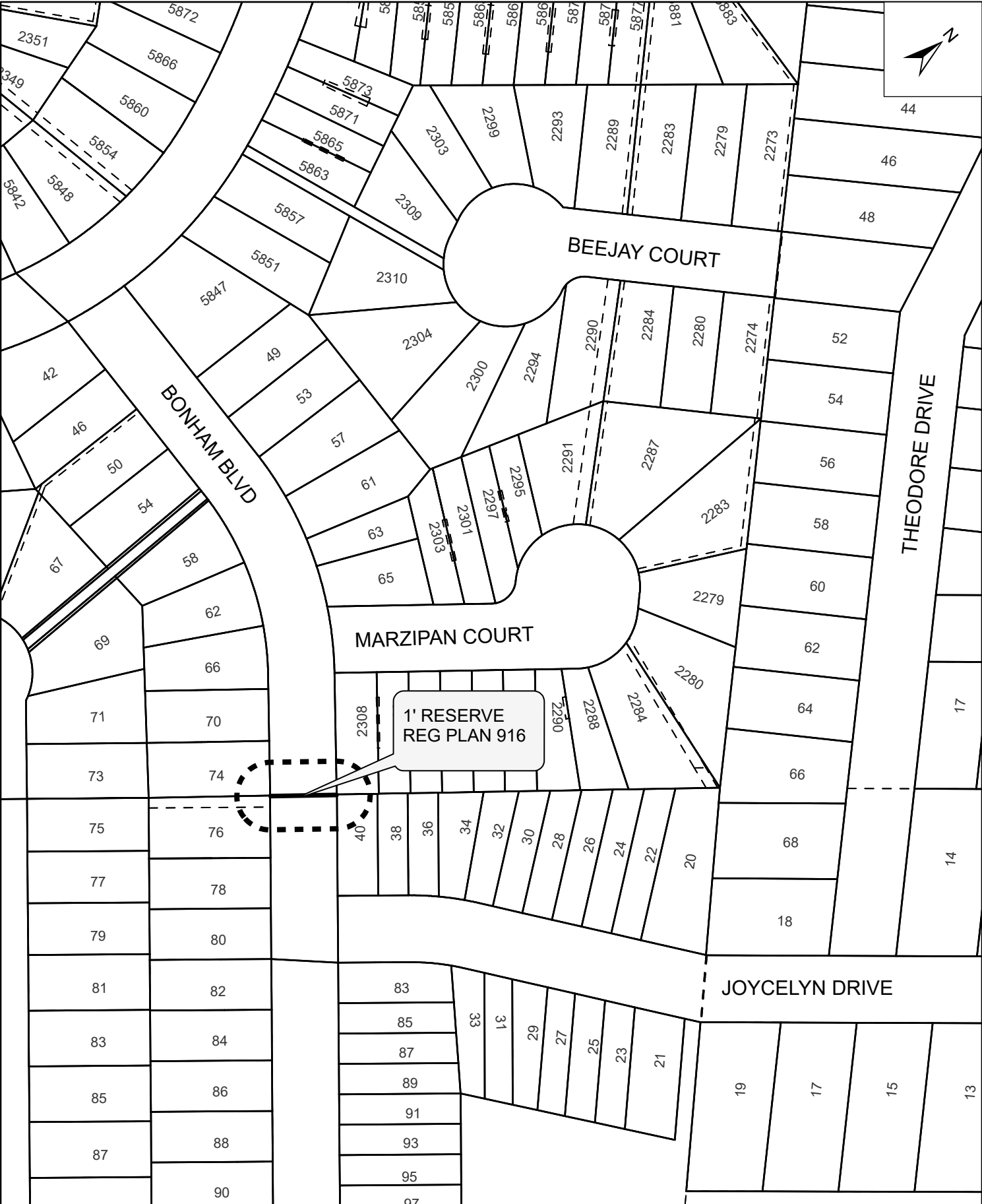
BEECHNUT ROW

TO BE ESTABLISHED



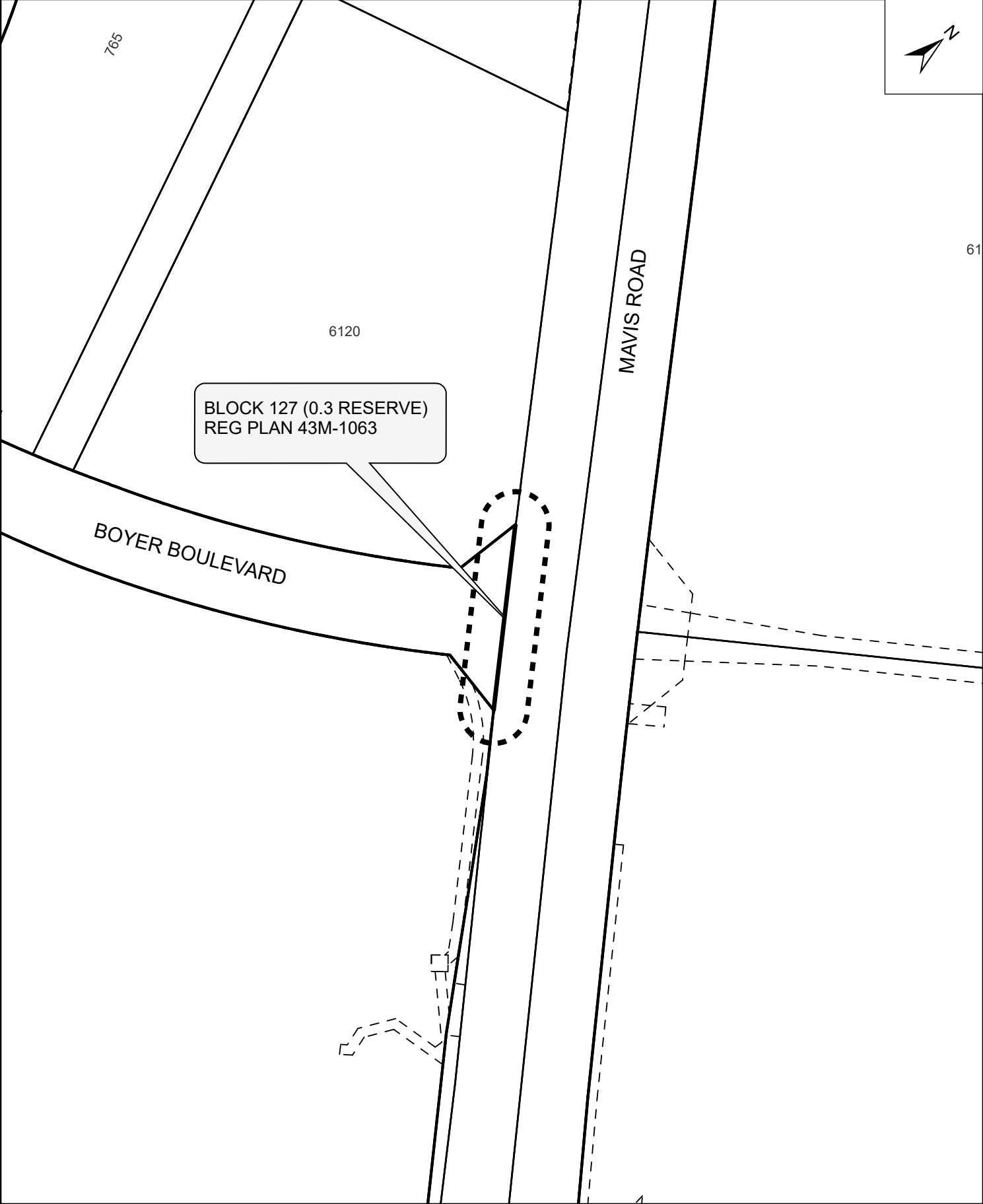
BONHAM BLVD

TO BE ESTABLISHED



BOYER BOULEVARD

TO BE ESTABLISHED



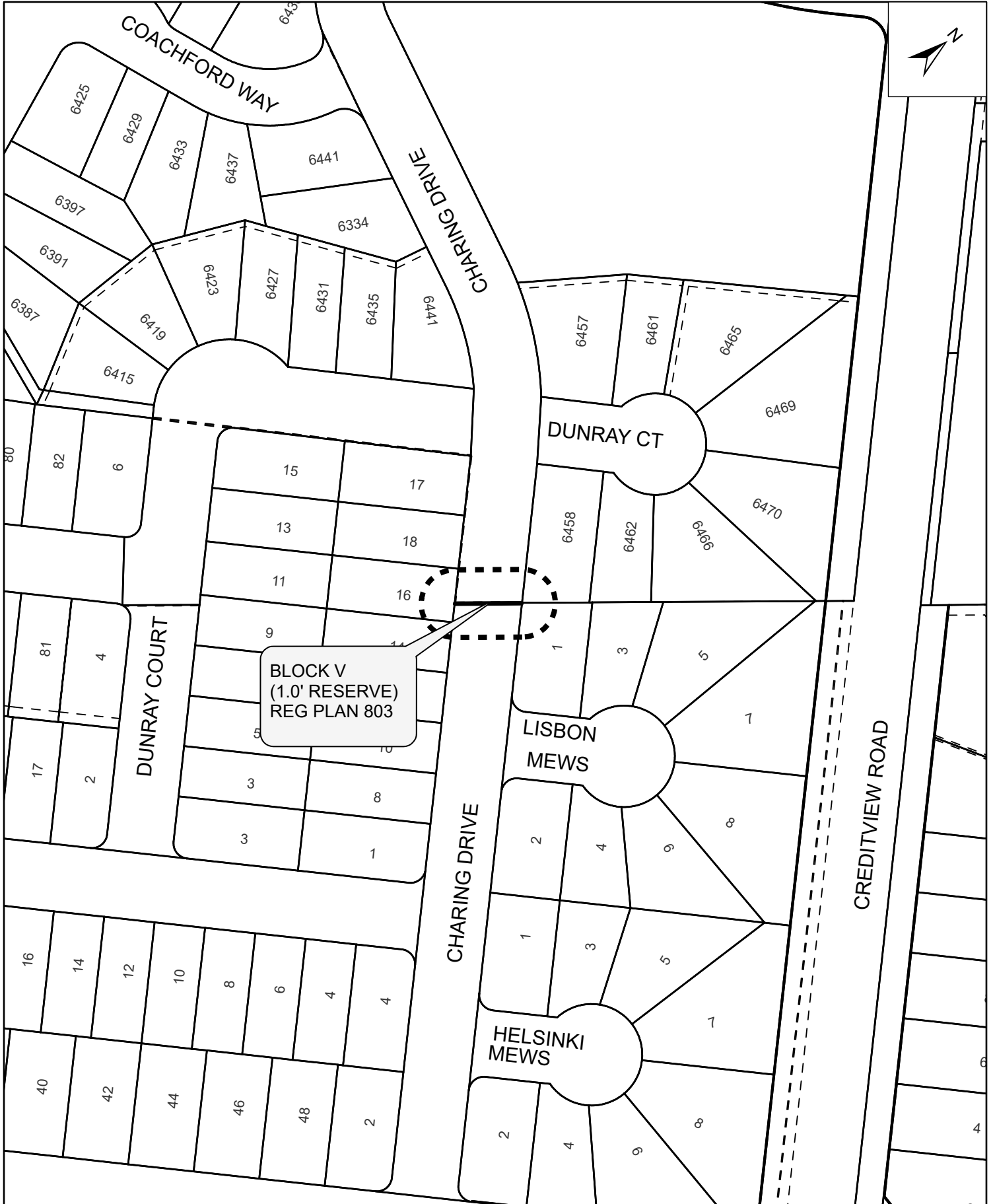
CAROLINE STREET

TO BE NAMED/ESTABLISHED



CHARING DRIVE

TO BE ESTABLISHED



Appendix 3: Housekeeping Correction Categories and Circumstances

Road parcels subject to housekeeping correction fall into one of the following categories:

Category	Circumstances
Roads to Be Established as a Public Highway	Circumstance 1: Roads to be established by agreements <ul style="list-style-type: none"> • Road parcels owned by the City that should have been established as a public highway pursuant to a legal agreement, such as development agreements or site plan applications. This does not include future road parcels that can be established in accordance with the City's standard procedures.
	Circumstance 2: Parcels to be established as roads to reflect current use <ul style="list-style-type: none"> • Road parcels that are currently being traversed on and may be constructed as road that are being used by vehicles or pedestrians and are not established as public highway. • Road parcels that are considered boulevard areas adjacent to travelled portions that may be encumbered by public utilities or sidewalks and are not established as public highway.
	Circumstance 3: Parcels that restrict public access to be established as roads to grant legal access <ul style="list-style-type: none"> • Road parcels such as a 0.30m (1ft) reserve or parcels of land acquired by the City for road widening purposes that restrict legal access to a public highway from a privately held property.
Roads to be Closed as Public Highway	Circumstance 1: Public highway not constructed and not travelled <ul style="list-style-type: none"> • Public highways or a portion of public highway established by a Plan of Subdivision or being an original road allowance that was never constructed and is currently not travelled.
	Circumstance 2: Public highway not constructed in accordance with plan location. <ul style="list-style-type: none"> • Public highways or portions of public highway that deviated from the original plan due to site conditions, changes of infrastructure owned by higher tiers of government, or re-design resulting in a discrepancy between the original design or location shown on a plan and the current as-built location.
Roads to be Named or Renamed	Circumstance 1: Public highway does not reflect current street signage <ul style="list-style-type: none"> • The name of a public highway was established by a Plan of Subdivision but does not reflect the posted street sign.

	<p>Circumstance 2: Public highways not named on a Plan of Subdivision</p> <ul style="list-style-type: none">• Public highways or portions of public highways that were established as a road or road allowance through a Plan of Subdivision but were not named.•
	<p>Circumstance 3: Public highways to be renamed due to inconsistencies in bylaws</p> <ul style="list-style-type: none">• Public highways or portions of public highways that were not properly captured in the naming or renaming bylaws affecting the other portions or the public highway of the same.• Correcting naming inconsistencies or errors in existing road bylaws.

Prior to a road closure bylaw being enacted by Council, the appropriate utility companies will be circulated to determine if easement protection is required for all roads to be closed as public highway identified in this report

Date: March 26, 2021

To: Chair and Members of General Committee

From: Geoff Wright, P.Eng, MBA, Commissioner of
Transportation and Works

Originator's files:
MG.23.REP
RT.10.ZGEN

Meeting date:
June 9, 2021

Subject

Single Source Designation for the Supply and Delivery of City Standard Intelight Traffic Signal Controllers from Tacel Ltd.

Recommendation

1. That the report from the Commissioner of Transportation and Works dated March 26, 2021 and entitled "Single Source Designation for the Supply and Delivery of City Standard Intelight Traffic Signal Controllers from Tacel Ltd" be received.
2. That Intelight Traffic Signal Controllers be designated as a City Standard for the period ending December 31, 2026.
3. That Tacel Ltd. be designated as a single source vendor for the supply and delivery of City Standard Intelight Traffic Controllers for the period ending December 31, 2026.
4. That the Purchasing Agent or designate be authorized to execute the appropriate forms of commitment with Tacel Ltd. for the supply and delivery of City standard Intelight Traffic Signal Controllers as required during the period ending December 31, 2026, subject to budget funding availability.

Background

As part of the Advanced Transportation Management System (ATMS) project, a multi-staged competitive procurement was conducted to acquire a new traffic control system, to replace traffic signal controllers in the field, to demonstrate Intelligent Transportation Systems (ITS) technologies and to provide long term support services. After an extensive evaluation process, the contract was awarded to Parsons Inc. and a 10-year Master Purchase and Service Agreement was executed effective December 1, 2014.

As part of the contract with Parsons, the evaluation and field testing of various traffic signal controllers was undertaken by staff and the recommended controller unit selected was the Intelight controller.

As of the end of July 2018, traffic signal controllers at all 777 signalized intersections within Mississauga and under the jurisdiction of the Region of Peel, MTO, Region of Halton, and GTAA that are maintained and operated by the City of Mississauga within the municipal boundary have been replaced with Intelight traffic signal controllers. The replacement of all controllers in the field is now complete and the Intelight controller has become the standard that is compatible with the new ATMS.

Moving forward, the City needs to secure the future supply and delivery of Intelight controllers for operational requirements at new signalized intersection installations and to replace damaged and/or end of life controllers to meet the City's and jurisdictions future requirements.

The Intelight controller is supplied by Tacel Ltd. who is the exclusive equipment distributor for Ontario.

The purpose of this report is to establish the Intelight traffic controller as a City Standard and establish a single source designation for Tacel Ltd. to ensure ongoing equipment supply of the Intelight traffic signal controller for operational requirements.

The proposed City Standard designation for the Intelight traffic controller is defined in the Purchasing By-law #374-2006, as "*specific Goods approved by Council that best fill a long-term City-wide need or requirement.*" The proposed Single Source designation for Tacel Ltd. is in accordance with the Purchasing By-law, Schedule A, Section 1 (a) which states: The Goods and/or Services are only available from one supplier by reason of (iii) "*the existence of exclusive rights such as patent, copyright or licence*".

Comments

Acceptable unit prices for the Intelight traffic signal controllers will be negotiated annually based on estimated quantities required to meet capital and maintenance purposes and available budgets.

Materiel Management staff support the recommendations contained herein from a procurement perspective.

Financial Impact

Funding for the Intelight controllers for maintenance and capital purposes are accounted in annual operating and capital budgets for the Transportation and Works Department. Equipment acquired will be placed in the Traffic Signals Inventory Account 125215 and charged to the various capital and operating budgets as required, including necessary chargebacks to various jurisdictions as outlined in the Traffic Signal Operations and Maintenance Service Agreements with these jurisdictions.

Conclusion

The use of Intelight traffic signal controllers was established competitively as part of the Advanced Transportation Management System (ATMS) project. The Intelight controller should be recognized as a City Standard to meet future operating and maintenance needs. The Intelight controller is only available from Tacel Ltd. who have exclusive rights to distribute the product in Ontario. Staff recommend that the Purchasing Agent be authorized to execute the appropriate forms of commitment with Tacel Ltd. for the supply and delivery of City standard Intelight Traffic Signal Controllers as required during the period ending December 31, 2026, subject to budget funding availability. The recommendations in this report are in accordance with the Purchasing By-law #374-2006.

Attachments

Appendix 1: Tacel Ltd Intelight Traffic Controllers – Statement of Work



Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

Prepared by: Javed Khan, Manager, Traffic Signals and Systems

Tacel Ltd Intelight Traffic Controllers. - Statement of Work

The following outlines the requirements for City Standard Intelight Traffic Controllers for inventory purposes.

City Standard Intelight Traffic Controllers for inventory.

As part of the ATMS project, Intelight Traffic Controllers were installed and working at all 777 intersections within Mississauga and operated on behalf of Region of Peel, GTAA, MTO and Region of Halton. Due to operational requirements we require inventory for new intersection builds and replacements due to damage, or end of life of the current traffic controllers.

The City will procure Intelight Traffic Controllers for inventory based upon:

Requirements of Capital Programs:

- Yearly Traffic Signal Installation Program
- Yearly Capital Works Programs
- Yearly Region of Peel Capital Works Programs
- Yearly MTO/Metrolinx Capital Works Programs

Requirements for Maintenance Programs (City, Region of Peel, MTO):

- MVA – Motor Vehicle Accidents
- Contractors Damage
- Malfunctions of Equipment
- Weather related damage

The quantities will be based upon construction requirements and estimates based upon previous year's replacements due to damage or failures.

For 2020 inventory, we purchased 20 Intelight Traffic Controllers at \$4345.00 each.

For 2021 inventory, we estimate we will purchase 27 Intelight Traffic Controllers at \$4450.00 each.

Date: April 1, 2021

To: Chair and Members of General Committee

From: Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer

Originator's files:

Meeting date:
June 9, 2021

Subject

Migration to the Microsoft 365 Cloud Platform and Acquisition of Related Products & Services and Microsoft City Standard Recommendation; File Ref: FA.49.322-13, FA.49.328-13, FA.49.308-15, PRC000951, PRC002979

Recommendation

1. That the corporate report dated April 1, 2021 from the Acting Commissioner, Corporate Services Department and Chief Financial Officer entitled "Migration to the Microsoft 365 Cloud Platform and Acquisition of Related Products & Services and Microsoft City Standard Recommendation; File Ref: FA.49.322-13, FA.49.328-13, FA.49.308-15, PRC000951, PRC002979" be approved.
2. That Microsoft continue as designated City Standard for the period ending June 28, 2031, in accordance with the City's Purchasing By-law 374-06, as amended.

Executive Summary

- The City has used Microsoft software products for decades and Microsoft has been a City Standard for many years. The City is dependent on Microsoft software products to sustain operations and hundreds of business applications.
- Staff conducted a software rationalization assessment of Microsoft and similar products to determine cost avoidance, cost savings and benefits. The results of the assessment showed that by replacing some existing products with the Microsoft 365 Cloud Platform, a cost savings of approximately \$8 million in operating budget over the next 10 years, starting in year 3, can be potentially realized. In addition, staff reviewed the current Microsoft licensing and determined that some staff only need limited functionality which will reduce the per user licensing cost resulting in an estimated \$672,000 annual cost avoidance.
- The City declared Microsoft as a City Standard until June 29, 2028. This report recommends that Microsoft continue to be designated as a City Standard to June 28, 2031 for the supply of Microsoft suite of products, services, and cloud technologies.

- The City will migrate to the Microsoft 365 Cloud Platform and acquire the necessary related products and services on a single source basis, directly from Microsoft, to support productivity, collaboration, and the immediate and future business needs of the City as listed in Appendix 1: Microsoft Canada Inc. – Statement of Work. The Microsoft 365 Cloud Platform is licensed as an annual subscription cost and will result in a gradual shift, over the next 3 years, from existing capital budgets to annual operating budgets.
- The Purchasing Agent will continue to be authorized to execute the necessary amendments to increase the value of the contract between the City and Microsoft for the purpose of accommodating growth and future expansion including adoption of new technology to meet business requirements, if the funding for such contract increase has been approved by Council.

Background

The City has used Microsoft software products (Windows, Word, Excel, PowerPoint, etc.) for decades and Microsoft has been a City Standard for many years. The City is dependent on Microsoft software products to sustain operations and hundreds of business applications.

In 2013, Council approved Microsoft as a continued City Standard through GC-0388-2013. The City awarded a contract for the supply of Microsoft software and related products to Dell Canada Inc. (Dell) as the Large Account Reseller (LAR) for a period of five (5) years (2013-2018) through a competitive tender (file ref. FA.49.322-13), and the City contracted directly with Microsoft Canada Inc. for Microsoft Support Services for the same period (file ref. FA.49.328-13).

Microsoft Cloud Services Assessment

In June 2015, to provide more current, effective, and responsive cloud-based solutions, Council approved a Proof of Concept (POC) through the Corporate Report entitled "Contract Amendment and Single Source Contract for Infrastructure as a Service Proof of Concept to include Azure Cloud Storage subscription services and Microsoft Office 365" (GC-0429-2015, file ref. FA.49.308-15). The intention of the POC was to test the Public Cloud and how the City can consume Microsoft's Azure and Microsoft's Office 365 Cloud Services to augment the City's traditional technology infrastructure.

Information Technology successfully concluded the Public Cloud Services POC at the end of June 2017 and confirmed that the City can integrate the Microsoft Azure and the Microsoft Office 365 Cloud Services with the City's internal IT infrastructure. The final recommendation provided a plan to move forward with the Microsoft 365 Cloud Platform (previously named Microsoft Office 365 Cloud Services), related products and implementation services as the City's enterprise solution.

To determine the best value, Information Technology initiated an assessment in 2020 to review and analyze the current landscape and usage of Microsoft and other related products and determined a product strategy and roadmap, cost of ownership, and a ten (10) year budget forecast.

Market research for the assessment included: new product information sessions with Microsoft Canada, Nine (9) Gartner Group Magic Quadrant reviews strategies, best practices and lessons learned, obtained through Open Data sources, from other government agencies such as City of Toronto, City of Brampton, City of Ottawa, Province of Ontario and the Federal Government.

Microsoft Support Services

Microsoft Support Services have been in place since 2007 and are crucial to effectively support the current Microsoft ecosystem at the City. The City uses these services exclusively to:

- Respond to mission-critical issues on a 24x7 basis;
- Participate in Microsoft Risk and Health Assessment Programs (“RAP”) (e.g. Active Directory). The RAP has been adopted as a best practice based on Internal Audit recommendations;
- Gain access to Microsoft product and technology specialists to assist in deploying new solutions quickly and correctly to reduce future support and expense;
- Obtain strategic advice and recommendations on the operation of technology and future trends.

In 2013, Council approved the procurement of support services directly from Microsoft for a period of five (5) years (GC-0388-2013).

In 2018, under the Province of Ontario Volume License Agreement (VLA) framework and the Master Services Agreement, the City continued to procure Microsoft Support Services directly from Microsoft (GC-0300-2018) for the next three (3) years.

The current Microsoft Support Services contract expires in June 2021 and Microsoft continues to require that these services be purchased directly from Microsoft.

Software Advisor

The Software Advisor is an entity authorized by Microsoft and engaged by an Enrolled Affiliate (in this case, the City) to provide pre- and post-transaction assistance related to a Microsoft agreement. The Software Advisor assists in the preparation of the City’s orders and then transmits the orders to Microsoft. Microsoft, not the City, pays fees to the Software Advisor in exchange for their advisory services. Microsoft requires that the City choose one of the ten authorized Licensing Solution Providers (LSPs) to act as its Software Advisor.

In 2013, through a competitive procurement process under FA.49.322-13, the City awarded the contract for the supply of Microsoft software and related products, for a period of five (5) years (2013-2018) to Dell Canada Inc. (Dell) as the Large Account Reseller (LAR). Dell is one of the named ten Software Advisors the City can select.

In 2018, through GC-0300-2018 and a subsequent Memorandum to Council dated 2018/09/28 on the matter, approval was granted for the continuation of Dell as the City's Software Advisor for a term of three years, with an option to extend for two additional three-year terms.

Dell has been the City's Software Advisor for the past three years.

Volume Licensing Agreement Framework

In June 2018, through GC-0300-2018, the City procured its Microsoft suite of products directly from Microsoft under the Province of Ontario Volume License Agreement (VLA) framework for the fulfillment of Microsoft software and related services and consisting of a Microsoft Enterprise Enrollment (EE) Agreement and Server and Cloud Enrollment (SCE) Agreement. The City also adopted the Microsoft Master Business Agreement (U8364444), the Microsoft Enterprise Agreement (75E61295) and the Microsoft Master Services Agreement (5555737) signed by the Province. At the time, the City selected the incumbent, Dell Canada Inc., as the Software Advisor for its Microsoft suite of products and as the Reseller for its Microsoft software for libraries under the Academic Select Plus Agreement.

The Province of Ontario Microsoft Volume License Agreements (VLAs) are a framework of agreements that are not Vendor of Record (VOR) arrangements. Based on the City's size and scale, it is able to procure Microsoft products and services directly from Microsoft under the framework, at the VLA pricing negotiated by the Province, and at a cost equivalent to that offered through Microsoft channel partners (Resellers).

In 2018, through GC-0300-2018 and a subsequent Memorandum to Council dated 2018/09/28 on the matter, approval was granted for the execution of the necessary contracts directly with Microsoft, utilizing the Province's VLA framework, for a term of three years, with an option to extend for two additional three-year terms.

To ensure business continuity, Council designated Microsoft as a City Standard for the supply of Microsoft suite of Products, Services, and Cloud technologies for ten (10) years until June 29, 2028.

Comments

The Microsoft 365 Cloud Platform is an industry standard for productivity and collaboration that is used by many Canadian Government agencies and includes products such as:

- email
- office productivity tools (Word, PowerPoint and Excel)
- mobile device management tools
- communication tools (virtual meetings, chat and soft phones)
- collaboration tools for document sharing between staff and external partners
- security tools for data protection

The Microsoft 365 Cloud Platform is well positioned to support the current and future needs of the City, improves the City's security posture, and provides better user experience and integration with the City's existing tools. The benefits are as follows:

- Aligns with the goal to modernize and enhance the City's workforce productivity and digital transformation that includes workforce mobility
- Aligns with the City's Cybersecurity Program to enhance computer security with security features such as multi-factor authentication, dynamic screen locking and geo-fencing
- Provides the ability to use Microsoft applications on any device (smart phones, laptops, tablets, etc.)
- Provides the ability to work offline when internet connectivity is not available
- Provides the ability to deploy software including Windows and iOS, Microsoft Office tools through self-enrollment on City and Bring Your Own (BYOD) devices
- Provides secure access to City data on any device including BYOD
- Supports the City's data classification and data handling policies as part of the City's Smart City Program
- Provides document management and information protection capabilities
- Provides enhanced productivity and collaboration internally as well as with external partners

Staff conducted a software rationalization assessment of Microsoft and similar products to determine cost avoidance, cost savings and benefits. The results of the assessment showed that by replacing some existing products with the Microsoft 365 Cloud Platform, a cost savings of approximately \$8 million in operating budget over the next 10 years, starting in year 3, can be potentially realized, as shown in the table below:

Year	Products Replaced with the Microsoft 365 Cloud Platform	Potential Cost Savings
Year 1	-	\$ -
Year 2	-	\$ -
Year 3	Identity Protection (self-serve password reset, Multi-factor authentication, etc.)	\$130,000
Year 4	Email Malware Protection	\$490,000
Year 5	Mobile Device Management	\$1,010,000
Year 6	Storage and backup (Personal Network Drives)	\$1,010,000

Year 7	Storage and backup (Shared Network Drives)	\$1,340,000
Year 8	Soft phones	\$1,340,000
Year 9	Virtual meetings	\$1,340,000
Year 10	Video Streaming	\$1,350,000
Total		\$8,010,000

In addition, staff reviewed the current Microsoft licensing and determined that some staff only need limited functionality which will reduce the per user licensing cost resulting in an estimated \$672,000 annual cost avoidance.

The City will migrate to the Microsoft 365 Cloud Platform and acquire the necessary related products and services on a single source basis, directly from Microsoft, to support productivity, collaboration, and the immediate and future business needs of the City as listed in Appendix 1: Microsoft Canada Inc. – Statement of Work.

In order to realize the potential cost avoidance and cost savings over the 10 year period, this report recommends extending Microsoft as a City Standard for an additional three (3) years from June 29, 2028 to June 28, 2031;

The City will renew its Microsoft contract agreements for a 3-year term, for which the authority has already been obtained in 2018, and will still have the option to extend for an additional 3-year term (ref. GC-0300-2018 and a subsequent Memorandum to Council dated 2018/09/28).

The City will continue to leverage the provincial Microsoft VLA framework for the provision of Microsoft's commercial off-the-shelf software products and related support services available through the Enterprise Agreement (EA) under the Master Business Agreement with Level D pricing negotiated by the Province.

The City will renew the Microsoft Support Services under the VLA Master Services Agreement for the provisioning of Microsoft's Premier Support Services (also now known as Unified Support).

To mitigate and reduce knowledge loss, the City will continue to designate Dell Canada Inc. as its Software Advisor for the renewal term.

The agreements included under the VLA framework will cover any purchases required.

Purchasing By-law Authorization

Purchasing By-Law 374-06 provides for the ability to amend the terms and conditions of contract (including increases to value) through Section 18 (2) (e) pertaining to Amendments, which states that, "Notwithstanding subsection (d) and (d.1) no Council approval for amendments to a High Value Acquisition is required if":

(iii) "Council has provided direction otherwise on the procurement at issue"

The authority to amend, extend, and increase the value of the contract with Microsoft was issued in 2018 through GC-0300-2018 and a subsequent Memorandum to Council dated 2018/09/28.

In 2021, the City will enter into the first of two optional 3-year extension terms. One optional 3-year extension term will remain.

Information Technology, Materiel Management and Legal Services staff will collaborate to establish the detailed requirements, negotiate the final arrangements and prepare the requisite forms including the contract agreements.

Financial Impact

The Microsoft 365 Cloud Platform is licensed as an annual subscription cost and will result in a gradual shift, over the next 3 years, from existing capital budgets to annual operating budgets. Refer to Appendix 1: Microsoft Canada Inc. – Statement of Work for further details.

Approved funding of \$2 million, to procure the Microsoft 365 Cloud Platform and Acquisition of Related Products & Services for year 1, is outlined in the table below:

Budget Type	Account(s)	Account Name	Amount
Operating	715516-22346	MS Software Licensing, Maintenance & Support	\$1,100,000
Capital	PN 21560	Desktop Software Licensing 2021 for Microsoft Office & Windows Desktop	\$450,000
Capital	PN 19506	IT Security Program (Security Software Tools) for Microsoft Cloud Identity	\$150,000
Capital	PN 18512	Server & Storage Lifecycle Replacement 2018 for Microsoft OneDrive & SharePoint Online	\$50,000
Capital	PN 20512	Server & Storage Lifecycle Replacement 2020 for Microsoft OneDrive & SharePoint Online	\$100,000
Capital	PN 20560	Desktop Software Licenses 2020 for Microsoft Office & Windows Desktop	\$50,000

Capital	PN 17509	SharePoint Upgrades for Microsoft SharePoint Online	\$100,000
Total			\$2,000,000

Funding for 2022 to 2024 will be a mix of Capital and Operating budgets and subject to budget approval.

Conclusion

The City declared Microsoft as a City Standard until June 29, 2028. This report recommends that Microsoft continue to be designated as a City Standard to June 28, 2031 for the supply of Microsoft suite of products, services, and cloud technologies.

The City will migrate to the Microsoft 365 Cloud Platform and acquire the necessary related products and services on a single source basis, directly from Microsoft, to support productivity, collaboration, workforce mobility and the immediate and future business needs of the City as listed in Appendix 1: Microsoft Canada Inc. – Statement of Work.

The authority to amend, extend, and increase the value of the contract with Microsoft was issued in 2018 through GC-0300-2018 and a subsequent Memorandum to Council dated 2018/09/28. In 2021, the City will enter into the first of two optional 3-year extension terms. One optional 3-year extension term will remain.

The Purchasing Agent will continue to be authorized to execute the necessary amendments to increase the value of the contract between the City and Microsoft for the purpose of accommodating growth and future expansion including adoption of new technology to meet business requirements, if the funding for such contract increase has been approved by Council.

Attachments

Appendix 1: Microsoft Canada Inc. – Statement of Work



Shawn Slack, MBA, Acting Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Gauri Keny, IT Architect, Architecture & Innovation

Appendix 1

Microsoft Canada Inc. – Statement of Work

The following outlines the family of Products and Support Services that will be negotiated with Microsoft and staff from Materiel Management, Legal Services and Information Technology as part of establishing the contract and pricing model for the term of June 30, 2021 – June 29, 2024, with an option to extend for an additional 3-year term.

- Desktop and Server suite of Products and Operating Systems
- Desktop, Server and Software management tools
- Software development tools
- SQL Server Databases and tools
- Document Management & Information Protection Services
- Productivity and Collaboration Tools
- Enterprise Reporting and Business Intelligence
- Office Suite of Products
- Support Services
- Cloud Services
- Project Management Suite of products
- Data Governance Tools
- Professional Services

The proposed future budget approvals that will be required to procure Microsoft 365 Cloud Platform and Acquisition of Related Products & Services are as shown below, and are subject to budget approval.

Year	Operating Budget	Capital Budget	Comments
2021	\$1,100,000.00	\$900,000.00	Approved Funding
2022	\$1,350,000.00	\$1,050,000.00	Proposed increase in 2022 budget request
2023	\$2,000,000.00	\$400,000.00	Proposed increase in 2023 budget request
Total	\$4,450,000.00	\$2,350,000.00	

REPORT 5 - 2021

To: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Road Safety Committee presents its fifth report for 2021 and recommends:

RSC-0021-2021

That the presentation by Max Gill, Supervisor, Traffic Operations with respect to Proposed changes to the City's All-way Stop Policy be received.

(RSC-0021-2021)

RSC-0022-2021

The Resolution 0105-2021 adopted by Council on May 19, 2021 with respect to Increase the 2021 Automated Speed Enforcement ("ASE") Program be received for information.

(RSC-0022-2021)

RSC-0023-2021

That Colin Patterson, Supervisor, Road Safety be directed to provide Councillor Dasko wording to prepare a Motion for Council's approval to request that the Province allow for automated enforcement of stop sign compliance.

(RSC-0023-2021)

RSC-0024-2021

1. That the Road Watch Statistics for the period ending April 16, 2021 be received for information.
2. That That the Road Safety Promotional Subcommittee be directed to meet to discuss developing a "stop sign driver behaviour" campaign.

(RSC-0024-2021)

REPORT 4 - 2021

To: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Environmental Action Committee presents its fourth report for 2021 and recommends:

EAC-0014-2021

That the deputation and associated presentation by Muneef Ahmad, Manager, Stormwater Projects and Approvals, City of Mississauga, Ron Scheckenberger, Project Manager, Wood, and Samantha Stokke, Environmental Planner, Wood regarding the corporate memo entitled "Build Beautiful Stormwater Master Plan" be received.

(EAC-0014-2021)

EAC-0015-2021

That the deputation and associated presentation by Kristina Ramjattan, Energy Management Specialist, Khaled Abu-Eseifan, Supervisor, Utilities Management and Daniela Paraschiv, Manager, Asset Management, Accessibility and Energy Management regarding the 5-Year Energy Conservation Plan - 2020 Annual Report be received.

(EAC-0015-2021)

EAC-0016-2021

That the deputation and associated presentation by Heliya Babazadeh-Oleghi, Coordinator, Environmental Outreach and Megan Wiles, Coordinator, Exhibitions and Outreach regarding We Are Resilient be received.

(EAC-0016-2021)

EAC-0017-2021

That the corporate memo from Muneef Ahmad, Manager, Stormwater Projects and Approvals dated May 17, 2021 entitled "Build Beautiful Stormwater Master Plan" be received for information.

(EAC-0017-2021)

EAC-0018-2021

1. That the Memorandum dated April 12, 2021, entitled "Environmental Action Committee Progress Reporting – Written Submission to Mayor and Members of Council", be received;
2. That the draft Memorandum entitled "Environmental Action Committee Progress Reporting – June 2021" and the Environmental Action Committee Work Plan attached as Appendix 1 be approved;
3. That the draft Memorandum entitled "Environmental Action Committee Progress Reporting – June 2021" and the Environmental Action Committee Work Plan attached as Appendix 1 be provided to the Mayor and Members of Council via email.

(EAC-0018-2021)

EAC-0019-2021

That the Environmental Action Committee Work Plan be approved as discussed at the June 1, 2021 EAC meeting.

(EAC-0019-2021)

Mastercrete Construction Inc.

5100 South Service Rd Unit 36
Burlington, ON, L7L 6A5
P: (289)337-6140
info@mastercreteinc.com
www.mastercreteinc.com



June 1, 2021

City Of Mississauga
300 City Centre Drive
Mississauga, ON L5B 3C1
Attn: Madam Mayor and Council Members
Re: PRC002941-2021 Construction of Concrete/asphalt sidewalks at various locations in the City of Mississauga protest for possible bid rejection.

The reason I am writing this and forwarding some information is that my firm had placed the lowest compliant bid for the above-mentioned contract. We had submitted all required documents for the bid to be compliant:

1. The Bid prices
2. The Agreement to bond
3. The Bid security
4. The Signed all the declarations of the bid

The contract bid closing date was April 20, 2021 at 2:00 pm.

The Bid amounts were as follows:

1. \$1,178,000.00 Mastercrete Construction
2. \$1,183,795.00 2nd bidder
3. \$1,382,223.00 3rd bidder
4. \$1,537,825.00 4th bidder
5. \$1,540,675.00 5th bidder
6. \$1,572,890.00 6th bidder
7. \$1,603,223.60 7th bidder

On April 22, 2021 at approx. 12:56 Maria Torres the intermediate buyer had sent us a request for references titled Bidders Qualification Form. Although I thought it was very off that we were asked for references since I had completed work for the city of Mississauga in 2017 (2016 Intersection Improvements), especially after opening the bids, but I adhered to the request. The form was completed and sent back the same day listing 3 references 1. City of Mississauga itself, 2. City of Toronto, 3. Embee properties.

On May 6, 2021 7:43pm, without even a phone call, I received a letter stating our bid was rejected because the references did not demonstrate satisfactory performance on past projects and all were not acceptable to the City. As you may be aware, the purchasing agent with the city has the sole discretion to disqualify the bidder but must reject a bid with a major irregularity without further consideration.

On May 6, 2021 at 9:55 pm we sent out an email stating our dissatisfaction of unilateral rejection of our bid and explained we have been awarded other contracts with the Region of Halton and the City of Burlington for similar types of work.

Mastercrete Construction Inc.

5100 South Service Rd Unit 36

Burlington, ON, L7L 6A5

P: (289)337-6140

info@mastercreteinc.com

www.mastercreteinc.com

On May 9, 2021 at 3:36pm we had sent out another email further adding to our dissatisfaction of the rejection.

On May 13, 2021 at 9:22 am Erica Edwards the manager of Material Management, had sent us an email offering some more information as to what the rejection was based on. The information pertained to the references and the basis of rejection.

On May 13, 2021 at 9:47 am Mastercrete had responded to the email sent earlier in the morning.

On May 17, 2021 at 6:33 pm I had submitted another email with further reasons why the contract should be awarded to Mastercrete Construction.

On May 18, 2021 at 4:30 pm we had a virtual meeting with Erica Edwards, Maria Torres, Silvio Cesario, Linda Bai, Kenneth Troung, Frank Fusillo and myself. At this meeting we reviewed the reasons why the City justified the rejection of the bid. In this meeting the following was discussed:

1. The City stated the references were older than 3 years
2. The City stated that City of Toronto reference wasn't relevant
3. The City stated that Embee properties reference wasn't relevant
4. Silvio Cesario stated he wasn't happy with the past performance on the 2016 Intersection contract.

I have listed all the events that had occurred prior to meeting. The reasons maybe obvious as to why I am protesting the bid rejection of contract PRC002941-2021 construction of Concrete sidewalks to Mastercrete Construction Inc., but I will clarify the reasons because it is more detailed as listed below:

1. I have submitted a compliant bid meaning that the City of Mississauga placed an RFT to construct sidewalks which closed on April 20, 2021 at 2:00 pm, and my firm Mastercrete Construction had properly completed the form of tender and relevant documents were attached. Mastercrete Construction had the lowest price.

In summary for this reason Mastercrete should be awarded this contract

2. At no time in the past, or prior to this bid was Mastercrete Construction ever notified by the City of Mississauga as per section 23.1 of the purchasing by-laws 0374-2006 (attached) which states,

THE PURCHASING AGENT MAY EXCLUDE A BIDDER FROM ELIGIBILITY TO SUBMIT A BID FOR A PERIOD THE LATER OF 2 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 FULLFILLMENT OF A COMMITMENT,

and section 23.3 of the same bylaw states,



Mastercrete Construction Inc.

5100 South Service Rd Unit 36

Burlington, ON, L7L 6A5

P: (289)337-6140

info@mastercreteinc.com

www.mastercreteinc.com



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.

-Based on these bylaws starting with 23.1 it clearly states that the purchasing agent may exclude a bidder from eligibility to submit a bid. The City of Mississauga did not ever give proper notice that Mastercrete is not eligible to submit a bid. So Mastercrete did submit a bid freely as Mastercrete did not know of any previous issues.

-23.3 clearly states, perspective bidders shall be notified of their exclusion, but we never were notified and again bid freely.

In summary based on section 10 of the bylaws and the policy statement of the corporate policy and procedure of the City of Mississauga did not act appropriately and for this reason alone the possible bid rejection should be reversed, and the contract awarded to Mastercrete Construction.

3. Mastercrete Construction bid this RFT on the basis there were no prior issues ever brought forward in writing. If the City of Mississauga felt this contract was different from any other contract such as the size, the scope or the company performance, the City could have put out as per the bylaws a prequalification as the city did for the new LRT. Under the bylaw 0374-2006 under section 1.37 Request for prequalification is states:

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.

Summary, if the City of Mississauga felt that this contract is complicated or required any experience outside the normal construction projects, they would have prequalified the contractors prior to bidding. The City did not have this prequalification process which could only mean the project was not very complicated. The City of Mississauga after the bid requested references and seemed to portray that this project requires specialized experience. In fact, it is one of the less complicated projects within the City portfolio.

4. The City of Mississauga had sent out a request for references To Mastercrete but had disqualified all references, they stated that the references were older than 3 years and that they are not satisfactory.
- First no where within the City of Mississauga purchasing bylaws and corporate policy and procedure does it state references must be within the past 3 years, this acknowledged by Erica Edwards who stated in our virtual meeting, the city will be changing this policy in future to read references must not be older than 3 years. The fact that the City of Mississauga sent Mastercrete Construction an Experience Requirement form that reads references must be over the past 3 years is somewhat of a leading statement.

Mastercrete Construction Inc.

5100 South Service Rd Unit 36

Burlington, ON, L7L 6A5

P: (289)337-6140

info@mastercreteinc.com

www.mastercreteinc.com



- The City of Mississauga had also stated 2 of our references were not representative of the scope of work and this meant they did not need to follow up. I had sent an email prior to our meeting explaining the similar work done on those contracts and was completely ignored.

- During our virtual meeting on May 18, 2021, it was revealed that staff was not happy with our past performance and for that reason the city would possibly be rejecting our Bid. To our shock and dismay staff stated we abandoned the contract and left unsafe situations. The project manager has since retired and all statements were recollections and not noted anywhere, this is totally subjective.

In summary I took the time to breakdown the references and explain each contract how they were relevant prior to our meeting of May 18, 2021 and no one took the time to read or even discuss any of the information I had submitted.

Because I was so disappointed with the outcome of the meeting and finally almost a month later learned that the City of Mississauga staff was the reason that our bid was being rejected, I contacted the inspector I worked with on our last project (Tim Watts) who has since retired, and I attach an email which he verifies a lot of the delays were not due to Mastercrete Construction, it was for reasons beyond our control and is all documented in his diary. I have also attached pictures of McLaughlin road taken recently and you can see after almost 4 years it is in great shape.

I have printed and attached all the correspondence between myself and the City of Mississauga since the bid closing until today. If you take the time to read, I have been treated unfairly and without any cause or any verification. Our virtual meeting to discuss the rejection was redundant because everyone's mind was made up, no one ever reading the detailed information I sent to them. No one has yet to send me any information in writing what the issue was with Mastercrete Construction, other than a few verbal comments at our meeting, again all hearsay and without written proof. Again, contradicting all the bylaws mainly:

Section 7 purchasing principles:

- a. Acquisition processes shall be efficient, effective, objective and accountable:
 - If the process was efficient why was Mastercrete never notified prior to bid that Mastercrete could have been disqualified?
 - If the process was efficient why were the references not checked instead of stating they were older than 3 years old and scope of work was not similar
 - If the process was objective why can staff state there were issues on previous contracts with no written evidence, does this not become subjective?
 - Who is accountable? Is it purchasing not following their own bylaws? Is it staff not searching for evidence prior to rejecting a bid?

- b. Transparency and fairness shall be ensured, and competitive value maximized:

Mastercrete Construction Inc.

5100 South Service Rd Unit 36

Burlington, ON, L7L 6A5

P: (289)337-6140

info@mastercreteinc.com

www.mastercreteinc.com



- It does not seem very transparent to us, why would the City ask for references when Mastercrete Construction did complete work for the City of Mississauga previous. The bylaws are clear to us, that if the City of Mississauga had a bad experience with a contractor that the contractor shall be notified and placed on probation for 2 years, which is not the case, so why ask for references?
 - If this process was fair and the City did want to use the references for argument's sake, should they not have considered the references in detail?
 - If Mastercrete Construction be rejected for this bid, this would eliminate the bidder for how long and when? In our meeting it was stated that Mastercrete would be allowed to bid future projects. Why not this one? Again, how fair is this?
- c. The acquisition of goods and services shall be conducted in an unbiased way not influenced by personal preferences, prejudices, or interpretations:
- The purchasing dept not adhering to the bylaw 0374-2006, the staff interrupting delays which were not cause by Mastercrete as outlined by inspector and documented in his diary. Not one document has presented to Mastercrete construction other than verbal rejection based on verbal findings. Would it not be fair to say documentation should have been presented when altering another person's life?

I would like to close with the following, I grew up in Mississauga, I also grew up in the construction industry working with my grandfather and my father, I am educated as a CET and have always enjoyed working for the various municipalities. I recently was awarded a city of Burlington sidewalk contract, a region of Halton contract, and commercial contracts with Embee properties and am still in awe of this decision the City of Mississauga is wanting to make to reject my bid for the construction of sidewalks. Myself and my family has a long list of contracts completed over the past 35 years, all in good order, not to mention awards won for the construction of Mississauga road at University of Toronto, the construction of the 4 corners park donated by our family in memory of my grandfather, and the construction of the Johnny Lombardi memorial within the City of Toronto. I have been apart of all those proud projects.

I have submitted to the City of Mississauga that my firm should be awarded this contract based on all the information above and if the City is not sure of our performance, then an evaluation should be completed during this contract and if the city of Mississauga is unhappy with our performance, then Mastercrete will accept proper notice as outlined in section 23 -disqualification of bidders. I am a young entrepreneur and the future of the industry; I ask that you take the time to read all my material and overturn the decision made by purchasing and award the contract to Mastercrete Construction.

Yours truly,

Matteo Fusillo

Mastercrete EstimatingINSPECTOR EMAIL FROM
2016 INTERSECTION**Subject:**

FW: Re:

From:

Sent: May 20, 2021 1:07 PM

To: Mastercrete Estimating**Subject:** Re:

Tim Watts (retired city of Mississauga inspector)
October, 1987- April, 2020

To whom it may concern,

I have been contacted by the Fusillo family (Conker Construction and Mastercrete Construction) and have been asked to supply them with a work experience reference with their companies. Over the 33 years that I was employed by the City of Mississauga as a senior construction inspector, I would like to express my experiences dealing with them on multiple capital works projects. Some of the projects I was in charge of completed by these companies are as follows:

1. Burnhamthorpe Rd from Hwy 10 to east of Dixie.
2. Mississauga Rd. Dundas to Burnhamthorpe Rd. Plus all U of T works which include 3 new entranceways to U of T and a storm retention pond which they were awarded project of the year in Ontario.
3. The intersection contract (2016)
4. Tannery Rd from Mississauga Rd to Joymar (Including 2 tunnels under the railway and under the creek)

My experience with Mastercrete on the 2016 intersection contract was difficult and complex due to additions and changes in the design of the contract. During the McLaughlin construction site, we encountered many delays due to a retaining wall that had to be designed and constructed over and above the contract. It was an extra in the contract. This entailed several meetings with city forestry and design and stamped structural engineer drawings. Once the approval of the design was completed and accepted, the wall had to be manufactured due to irregular specifications which delayed the completion of the job. I would also like to refer to the Skymark traffic roundabout which was also part of the 2016 intersection project. We experienced huge delays due to scheduling with Mississauga transit which we had to make a temporary transit terminal to reroute the buses. We had to lower existing fibre optics in the roadway and lower existing gas main crossing in the roadway. These utility obstructions were shallow and in the road makeup which meant delays in construction due to the utility companies having to adjust the elevation of their products. When situations like this happen, there can only be 1 contractor on site at a time (**Constructor's Act**). This meant that Mastercrete had to mobilize and leave the job site to allow the utility companies to lower their products. Once this was completed, Mastercrete could remobilize back to the project and continue construction. This project was a rare and difficult experience due to adjustments in design and additions to work.

My working experience with these companies are as follows,

The end product is very good with minor deficiencies which have always been completed. The contractor superintendent was continuously communicating schedules and answering complaints. In closing, if I was still employed with the city, I would not hesitate to work with the Fusillo family again on any intricate or technical city contract.

Yours truly,

Tim Watts

From: Mastercrete Estimating [REDACTED]

Sent: May 19, 2021 3:09 PM

To: [REDACTED]

Subject:

Tim,
I hope all is well. I found your email and hope you don't mind I had reached out. I understand that you have since retired from the City of Mississauga and actually moved out of Province. I do hope all is well. I had reached out because you were the inspector on the 2016 intersection program with Mastercrete. I know that daily contact was maintained between yourself and myself and as well as Frank who worked at Conker Construction at the time. Well although I have done many jobs with The City of Mississauga in the past whether it was through Mastercrete or during my time at Conker, the City is wanting to reject my bid for the 2021 sidewalk program. I was low bid on the contract, and very close bid with 2nd bidder. After the closing the city had sent out a request for references and although I thought it was a little ridiculous I adhered to their request, but now they have since stated our references are not valid and we don't qualify for the contract. Like I had stated earlier we had a meeting yesterday with purchasing and part of engineering staff. During that meeting it became apparent that the references were not reviewed with scrutiny, but a quick review and I had also realized that staff mainly Silvio seemed to have issues with my company. Silvio had stated that our last contract 2016 Intersection improvements did not go well and for that reason they did not want to award the contract to Mastercrete.

I was totally disappointed because Kenneth was present in this meeting as well and I had supervised Burnhamthorpe rd with him and yourself from Hurontario to Dixie and that seemed to have gone well. Silvio stated in this meeting that he recalls Dagmar complained that we had abandoned the site on McLaughlin and had left a hole unsafe on skymark. First of all I don't recall these issues nor did anyone send me anything in writing at the time there was some issue. In fact until today I have never been warned by the City of Mississauga that there was any issues with Mastercrete and we should not bid any contracts. You were on site everyday and weekly meetings, did you ever hear the City convey to myself there was any issues, other than the everyday construction issues? I guess Tim we have worked together over many different contracts and was there any issue encountered on 2016 Intersection that you would say I hate working with these people because they are so disorganized or not cooperative?

If you recall there was a meeting held at the end of the contract to discuss the extras and liquidated damages claim. Again not sure if you can recall but we had a late start because legal took their time to sign the contracts and in fact affected our schedule because we anticipated to start asap after award. After our meeting the City reversed a large portion of the liquidated damages and that is only because it was a settlement and I didn't want to argue further with the project manager. We also had completed that retaining wall N. of Bristol a year later because the City didn't have a design until the winter of 2016. In conclusion I have to ask you these few questions:

1. Did you ever have an issue with communication with myself?
2. Did you ever not get cooperation from myself or any of our employees?
3. Did you ever deal with poor workmanship from Mastercrete?
4. Did Mastercrete ever have to remove or replace portion of the work due to workmanship?
5. Did Mastercrete ever deliver all work as per specification?

6. Did you or were you ever present in any meetings or receive any notice that Mastercrete was sub par and would not qualify for any further contracts?
7. If your diary was reviewed would there be any negative comments about the work Mastercrete complete

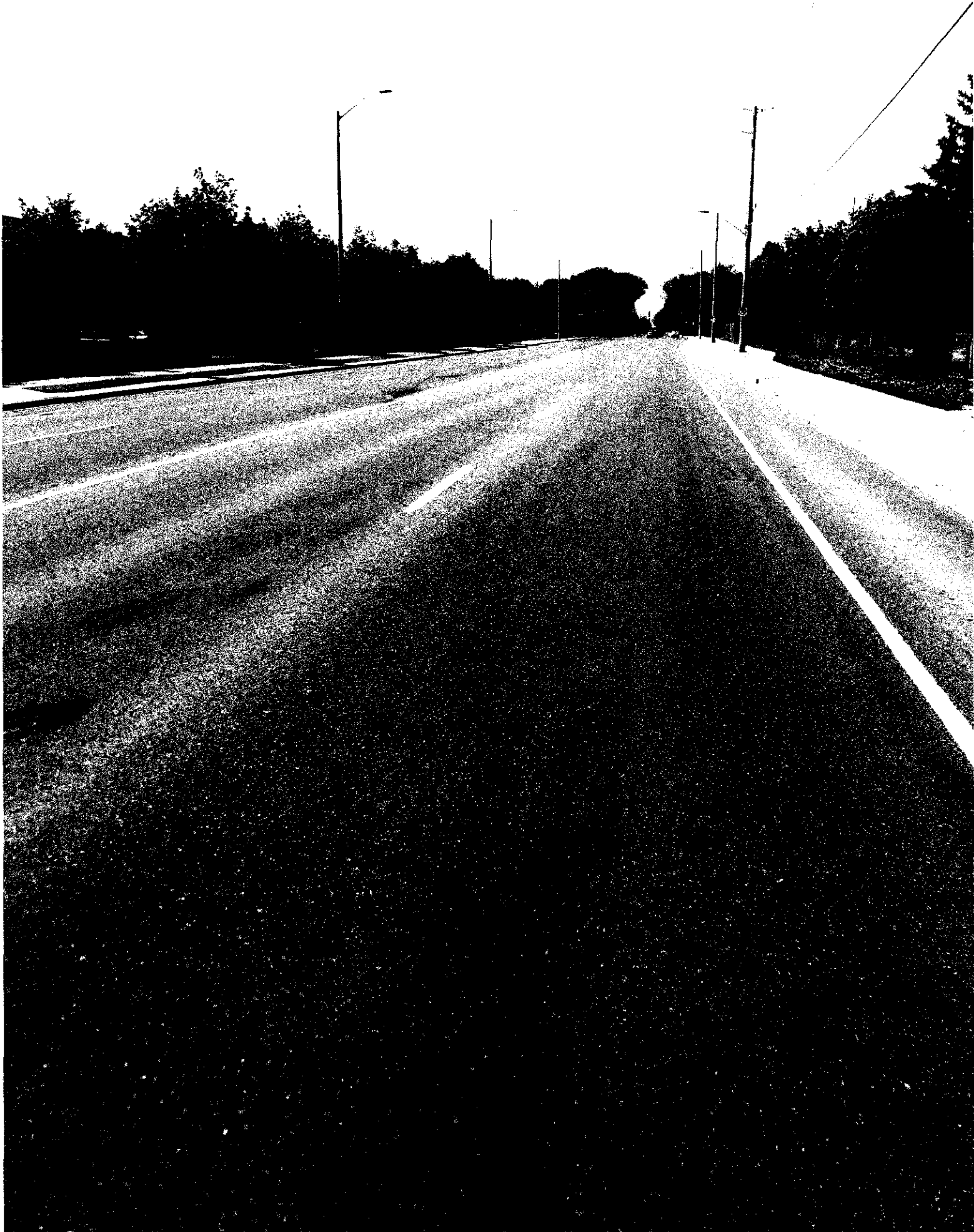
I am not sure if you are willing to answer any of these questions but truthy I feel like I am being treated unfairly and I thought who better to ask for reference than the guy who worked with myself everyday. Its funny any reference as we know is always subjective and I believe this may be the case, perhaps there could have been an incident on the job that certain staff members heard about , but that's perhaps 1 instance in 1000 instances. I tried to do go a good job and I took pictures today of McLaughlin rd and have attached them , so you can see how good the road is doing after 4 years, it looks awesome. Further my father Frank who you also know ,is now currently working with me full time. Again what was disturbing the City would not recognize the fact Frank has completed so many jobs within the city and no issues at all on any jobs completed , and no weight was placed on the fact Frank now is at Mastercrete full time. I believe you worked with him for many years as well.

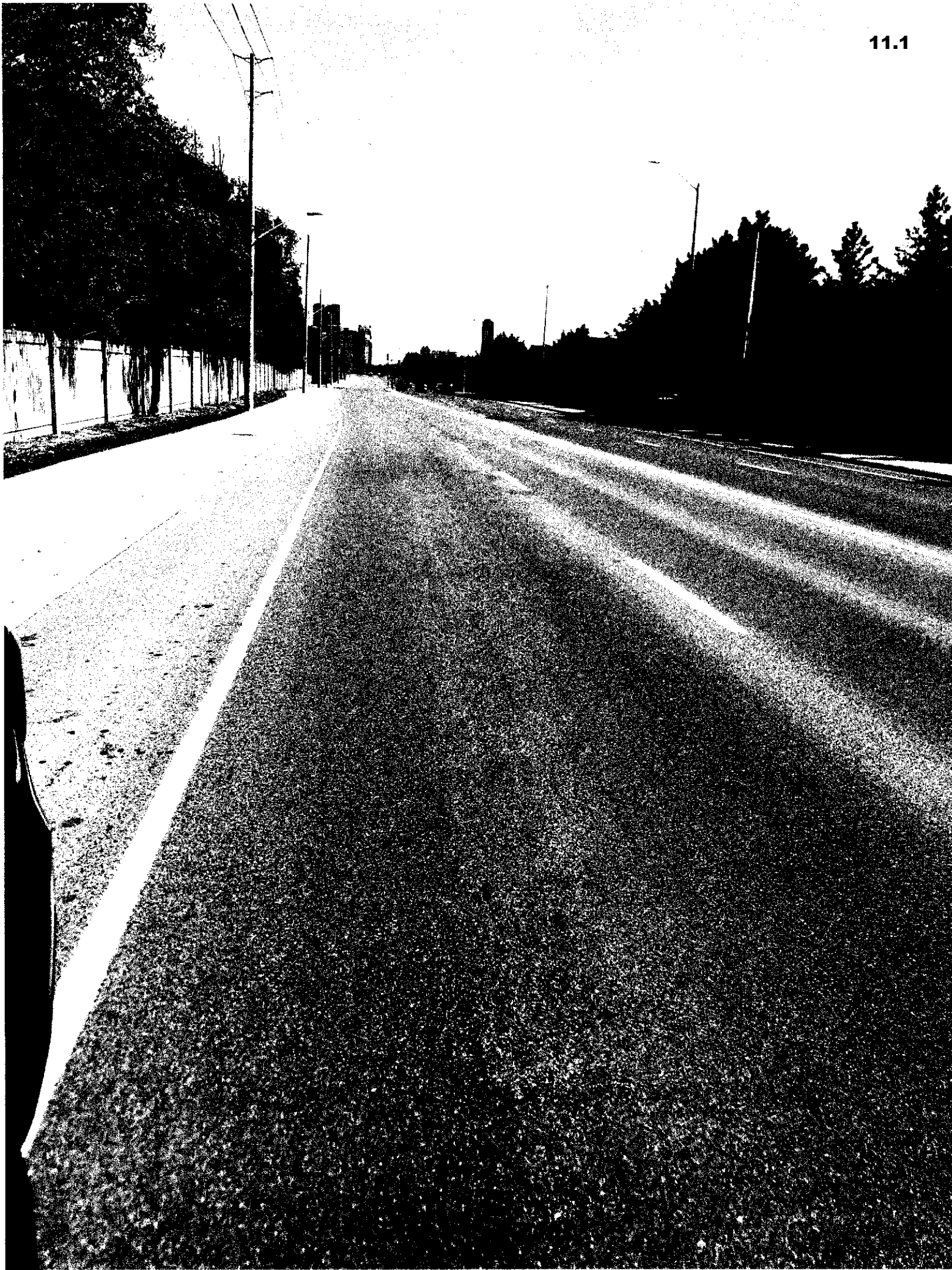
Again I wasn't sure if I should reach out but thought nothing to loose. I wouldn't have but this is very important to myself. I truly hope you are doing well and family are safe. I am sure you are enjoying the good weather.

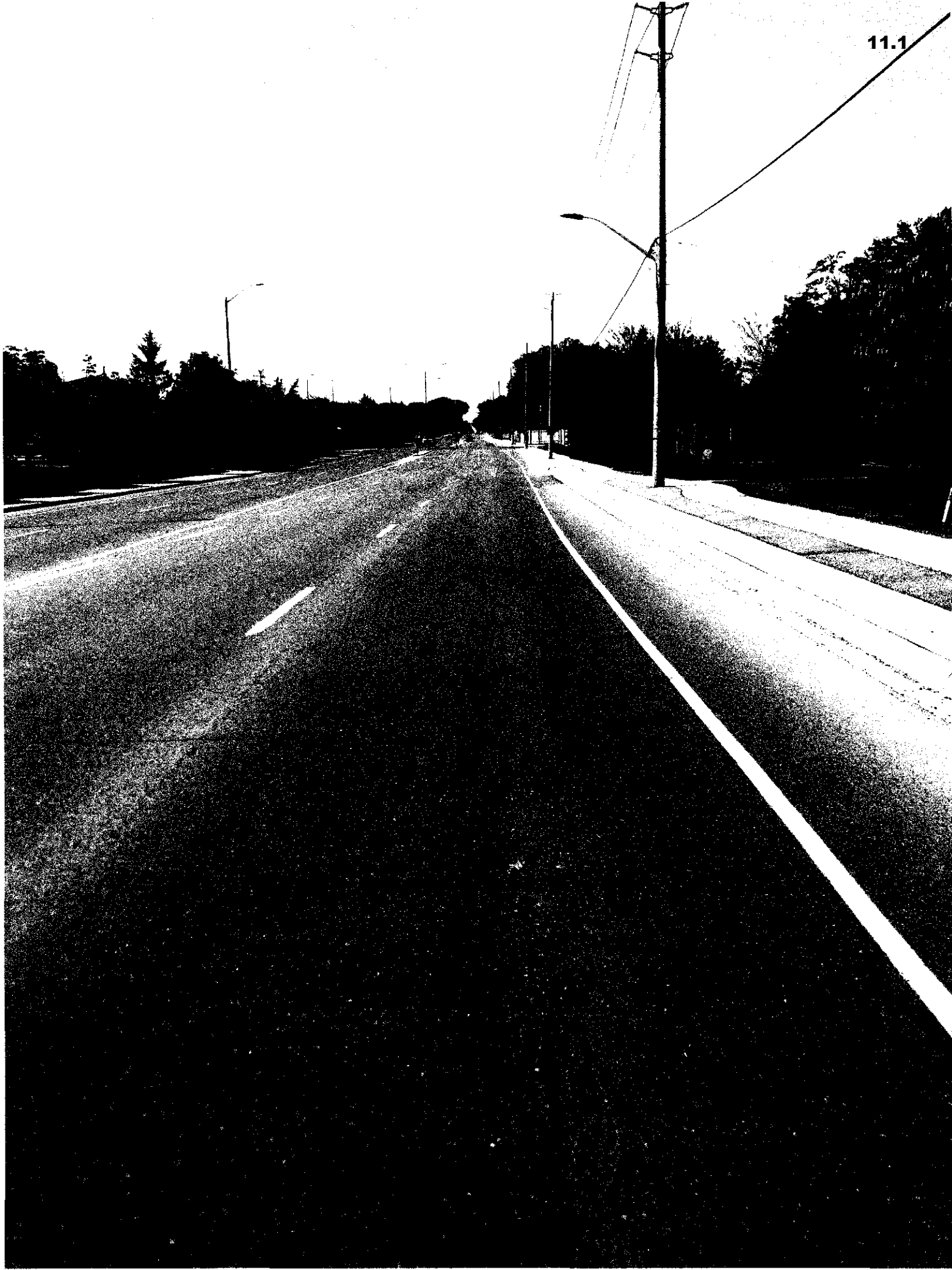
Matt Fusillo

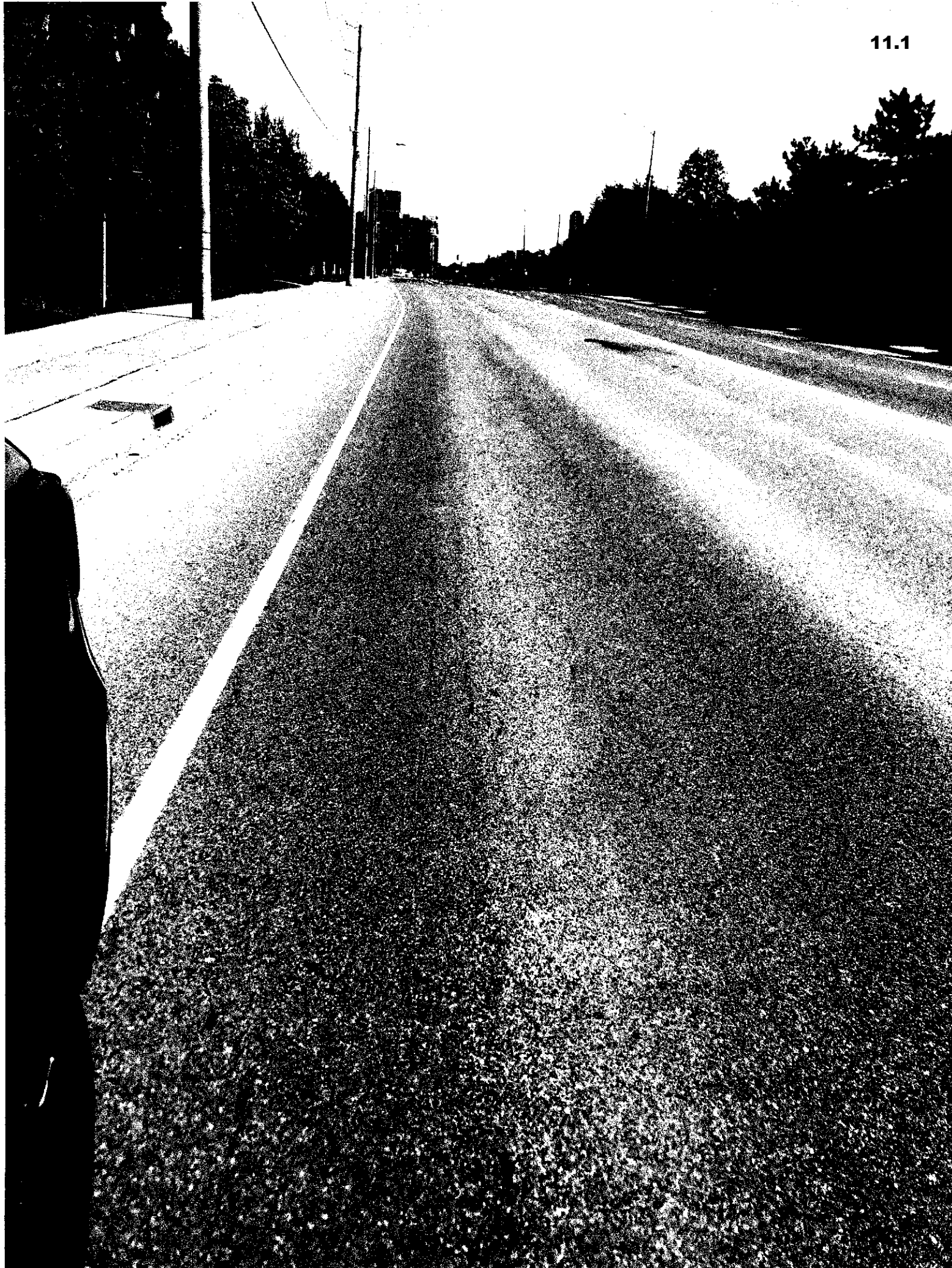
MAY 2021

PICTURES OF McLAUGHLIN RD. 11.1









frank

PROOF WALL DESIGN IN 2017

From: Dagmar Chang [REDACTED]
Sent: April 26, 2017 4:51 PM
To: frank
Subject: FW: Soils reports for along McLaughlin Road

From: Claudia Kang [REDACTED]
Sent: 2017/03/17 10:22 AM
To: Dagmar Chang
Cc: [REDACTED] Dave Morris
Subject: RE: Soils reports for along McLaughlin Road

Hi Dagmar,

For the soil verification, the General Review Engineer (Nasiruddin Engineering Ltd) could do it on site. We have assumed the site soil parameters and. When the wall is being built, General Review Engineer needs to verify the site soil to make sure it is compatible with or better than our assumptions in design.

Please let me know if I could be of any help.

Regards

ONGOING DESIGN

Claudia Kang, P.Eng.

Senior
 Design Engineer



RisiStone
 retaining wall systems

480 Harry Walker Pkwy S, Unit 10 | Newmarket ON L3Y 0B3

1.800.626.WALL (9255) | T 905.868.9255 x 203 | M 416.602.4675 | F 905.868.9254

www.risistone.com | The Solid Choice

From: Dagmar Chang [REDACTED]
Sent: Tuesday, March 14, 2017 3:13 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Soils reports for along McLaughlin Road

Hi Claudia,

Attached are 3 geotechnical reports in the vicinity of the wall for your reference.



MISSISSAUGA

Dagmar Chang, P.Eng.
 Capital Project Manager, Capital Works
 T 905.815.3200 [REDACTED]

[REDACTED]
City of Mississauga | Transportation and Works Department
Engineering and Construction Division

Please consider the environment before printing.

From: Dave Morris
Sent: 2017/03/14 11:54 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Soils reports for along McLaughlin Road

Dagmar:

I was able to locate 3 reports that could be considered close to the section of McLaughlin Road, between Eglinton Ave. and Bristol Road.

The delay in getting you these reports is because to find reports on the computer program that stores them, now takes 10 times as long, hours and sometimes days, as compared to minutes it used to take when these reports were on paper and organized in filing cabinets.

I hope these three reports can assist you.

Regards,
Dave



City of Mississauga
 Transportation and Works
 Engineering and Construction
 201 City Centre Drive, 8th Floor
 MISSISSAUGA ON L5B 2T4
 mississauga.ca

**MINUTES OF PRE-CONSTRUCTION MEETING
 CONTRACT 17 111 16101**

2016 INTERSECTION IMPROVEMENT PROGRAM

**Tuesday, June 21, 2016 at 10:00 a.m.
 3185 Mavis Road, Linda Weir Room**

Attendees:

City of Mississauga:	D. Chang S. Ford	T. Watts D. Koziol	G. Fendley
Mastercrete Construction Inc.:	M. Fusillo	F. Fusillo	

Items Discussed:

- 0.1 The Contractor returned three (3) copies of contracts documents to be executed by the City. No work can be started until the contract is fully executed.
- 0.2 Extra copies of the contract documents were distributed to all parties.
- 0.3 The Contractor indicated that he would like to start work on July 4th, 2016 on McLaughlin Road. This is dependant on contract documents being executed.
- 0.4 The City Inspector for this contract will be T. Watts. The survey crew will be lead by G. Fendley for survey layout and measurements for payment.
- 0.5 Dave Morris will be the coordinators for material testing. The City laboratory testing will be completed by Davroc.
- 0.6 Site Safety was reviewed by D. Chang. All necessary safety precautions with respect to this project are to be taken by the Contractor and he is to meet all requirements of the Occupational Health and Safety Act and WIMUS legislation. A pre-construction information package will be sent to the Contractor. The package includes the following items:
 - Example of Powerline Encroachment policy (this policy has to be on site at all times),
 - Safety of moving on the ground,

Matt Fusillo

From: Dagmar Chang [REDACTED]
Sent: Thursday, August 25, 2016 10:50 AM
To: Carolyn Parrish
Cc: Geoff Wright; Darek Koziol; Paul Hutchison; Tim Watts; Michael Cardinale; Silvio Cesario; Andy Harvey; Sunil Kanamala; Bryan MacMillan; Matt Fusillo
Subject: Explorer Drive at Skymark Avenue Roundabout

Hello Councillor Parrish,

The roundabout at Explorer Drive and Skymark Avenue is currently under construction. Due to unforeseen circumstances we will have to extend the road closure by one more week to September 3, 2016. Transit has a detour route in operation and we will change the posted signs to indicate the revised date. Emergency services will also be notified. The road will be opened before Labour Day.

We apologize for any inconvenience. Please do not hesitate to contact me if you have any questions or concerns.

Thank you



Dagmar Chang, P.Eng.
Capital Project Manager, Capital Works
T. 905-615-3200 [REDACTED]

City of Mississauga | Transportation and Works Department
Engineering and Construction Division

Please consider the environment before printing.

Mastercrete Estimating

From: Maria Torres [REDACTED]
Sent: April 22, 2021 12:56 PM
To: Mastercrete Estimating
Subject: FW: PRC002941 - 2021 Construction of Concrete Sidewalks at Various Locations
Attachments: Bidders' Qualification Forms.docx

Importance: High

Hi Matthew,

The above project is under evaluation and City requires references. Please complete the above form and send it to me ASAP.

Your attention to the above request is greatly appreciated.



Maria Torres
Intermediate Buyer
T 905-615-3200 [REDACTED]
[REDACTED]

City of Mississauga | Corporate Services Department, Revenue and Material Management Division

Please consider the environment before printing.

EXPERIENCE REQUIREMENT FORM

Please provide minimum of three (3) reference projects, which includes all three work scopes - sidewalk installation, road resurfacing, and concrete vehicle lane pavement. The reference projects should be not less than \$1,300,000.00 for each contract over the past three (3) years. The bidder shall fill out the form for each project.

PROJECT 1

Project Name:	
Project Owner:	
Contract Number:	
Scope of Work:	
Contract Value:	
Approximate Total Length of the Work:	
Year of Completion:	
Project Owner's Contact (Name and Title):	
Telephone:	
Email:	

PROJECT 2

Project Name:	
Project Owner:	
Contract Number:	
Scope of Work:	
Contract Value:	
Approximate Total Length of the Work:	
Year of Completion:	
Project Owner's Contact (Name and Title):	

EXPERIENCE REQUIREMENT FORM

Telephone:	
Email:	

PROJECT 3

Project Name:	
Project Owner:	
Contract Number:	
Scope of Work:	
Contract Value:	
Approximate Total Length of the Work:	
Year of Completion:	
Project Owner's Contact (Name and Title):	
Telephone:	
Email:	

Mastercrete Estimating

From: Erica Edwards [REDACTED]
Sent: May 6, 2021 7:43 PM
To: Mastercrete Estimating
Cc: Maria Torres
Subject: PRC002941
Attachments: PRC002941 Letter to Mastercrete Inc..pdf

Please see letter attached.



Erica Edwards, CSCMP
Manager, Materiel Management – External Services
T 905-615-3200 [REDACTED]

City of [Mississauga](#) | Corporate Services Department,
Revenue and Materiel Management Division

Please consider the environment before printing

May 6, 2021

Mastercrete Construction

E-mail: [REDACTED]

Re: NOTICE OF BID REJECTION
Procurement No: PR002941 - 2021 Construction of Concrete Sidewalks at Various Locations

Dear Mr. Fusillo

Thank you for your bid on the above-mentioned procurement. As per the Standard Instructions to Bidders, item 10.0 References, Bidders must provide references satisfactory to the City, demonstrating its ability to perform the work. The references Mastercrete provided were reviewed; they did not demonstrate satisfactory performance on past projects and are not acceptable to the City.

Furthermore, as per item 10.4 of the Standard Instructions to Bidders - Purchasing Agent's Discretion to Disqualify - The Purchasing Agent or designate shall have sole discretion to disqualify the Bidder on the grounds of unsatisfactory references or past performance on a City contract.

In accordance with the City's Bid Openings and Bid Irregularities Policy (03-06-02):
"*...The Manager must reject a bid with a Major Irregularity without further consideration...*"
The City's policy for Bid Openings and Bid Irregularities can be found by following this [link](#).

Should you have any questions, please direct them in writing to the undersigned no later than 4:00 p.m. on May 11, 2021.

Yours truly,

Erica Edwards, Manager Materiel Management – External Services

Tel: 905-615-3200, [REDACTED]

Email: [REDACTED]

Mastercrete Estimating

From: Mastercrete Estimating
Sent: May 6, 2021 9:55 PM
To: Erica Edwards; carolyn.parrish; [REDACTED]; george.carlson; [REDACTED]; karen.ras; [REDACTED]; Silvio Cesario; Matt Fusillo; Frank Fusillo; [REDACTED]
Cc: Maria Torres; [REDACTED]
Subject: RE: PRC002941
Attachments: RE: Intent to Award RFT-21-305; S-3362A-21 Concrete Roadworks at the Oakville Southwest WWTP - Letter of Intent; burlington references.jpg; mississauga references1.jpg; city of mississauga references 2.jpg

Erica,

I received your letter and am very disturbed at this decision not to award the 2021 sidewalk contract to our firm. First of all I have completed work for the City of Mississauga directly in the past, second of all Frank Fusillo had reached out to Silvio Cesario letting him know that Frank himself will be looking directly after the work. Not only has Frank completed over a billion dollars of work for the City of Mississauga, we have both grown up in the City of Mississauga and our family has worked with the city in contributing the park located at the 4 corners in Mississauga and received an award for the project for which I was involved.

The most disturbing part is the following:

1. We recently bid a city of Burlington contract and find attached the award letter. You will see that within the Burlington bid attached the references were 1. Region of Halton 2. City of Mississauga 3. City of Toronto. The City has checked references and awarded the contract.
2. The Region of Halton also awarded us a contract for a concrete pavement.

So the City of Burlington checks our references and states we are accepted. The Region of Halton states we are accepted because we have completed contracts with them and are satisfied with our work and award the contract.

Find attached the City of Mississauga experience requirement form which we give references 1. City of Mississauga 2. City of Toronto (the same as Burlington) 3. Embee properties.

So the 2 of the references are the same for Burlington as we submitted to Mississauga 1. City of Mississauga 2. City of Toronto, which it seems to be good enough for City of Burlington but not Mississauga. The 3rd reference is Embee properties, I spoke to Tony Bunetti at 8:00pm this evening and after I asked him did the City contact him, he stated that he was contacted by the City of Mississauga a few weeks ago and stated they were to send some paper work to him for references and he got a missed call later but never spoke to anyone since, basically did not offer any formal reference. Embee properties has hired us to complete 2 more plaza works starting next week. How can it be we submitted to the City of Mississauga references such as Halton Region who awarded a contract last week and Embee properties who has also awarded us 2 contracts this past month? So basically 2 of the references are pleased with our work and willingly give us more work.

The City of Mississauga stated they wished to see references for work completed in the resurfacing, concrete vehicle lane pavement, and sidewalk. Again Frank had sent out an email to Silvio letting him know that Frank (my Dad) himself is working directly for Mastercrete. The largest concrete vehicle lane pavement project ever completed in the City of Mississauga was lakeshore road from Winston Churchill to Southdown road completed by Frank Fusillo. The next was Avonhead from mid block to Lakeshore road all in Karen Ras's ward. What better references. Our family including myself have completed sidewalk work and road works since the late 70's as Ron Starr can attest to knowing my grand father.

There seems to be an issue with your reference procedure and I am requesting that a meeting be held to discuss this ASAP. We will not accept this decision and I ask the City of Mississauga to reconsider as I am counting on this work and

have passed on other contracts believing there would be no issues with the award considering all my references have awarded us further works with the exception of yourself. In these times of COVID it is already difficult to conduct business without having issues like this arise. I have copied some of the members of council on this contract because we have completed work within their ward and find our work satisfactory.

Matt Fusillo/Frank Fusillo
Mastercrete Construction

From: Erica Edwards [REDACTED]
Sent: May 6, 2021 7:43 PM
To: Mastercrete Estimating [REDACTED]
Cc: Maria Torres [REDACTED]
Subject: PRC002941

Please see letter attached.



Erica Edwards, CSCMP
Manager, Materiel Management – External Services
T 905-615-3200 [REDACTED]
[REDACTED]

[City of Mississauga](#) | Corporate Services Department,
Revenue and Materiel Management Division

Please consider the environment before printing

Mastercrete Estimating

From: Mastercrete Estimating
Sent: May 9, 2021 3:36 PM
To: erica.edwards@mississauga.ca; Maria Torres; Silvio Cesario
Cc: ron.starr@mississauga.ca; carolyn.parrish@mississauga.ca; george.carlson@mississauga.ca; karen.ras@mississauga.ca; Matt Fusillo; Frank Fusillo
Subject: FW: award for sidewalk contract

Erica,

Further to your letter of May 6, 2021 and my email of the same day I would like to add the following information:

1. Within the standard instructions to bidders 10.0 References under 10.1 the bidder must demonstrate its ability to perform the work, the size, scope and nature and complexity of the bidders contract with each reference. We had again supplied references for which Mastercrete Construction had conducted work. Again some of the references made no formal statement and in fact has hired us again this year to complete more work, therefore one must agree they were satisfied with the work previous. If the City made no contact with this reference or was unable to do so (perhaps not received); within the fairness clauses should have contacted us to assist.
2. 10.2 references from other sources, I had also sent references for Frank Fusillo who has managed contracts that were much larger, more difficult scope and more complex than this contract. Myself and my father, especially my father has completed many contracts within the city of Mississauga. These were completed, all on time and in many cases has assisted the City in making changes for the benefit of the contract. In fact Joe Pituska, former director had asked Frank Fusillo to come into the city and discuss with all the project managers to assist and make suggestions in writing the contracts, because of his knowledge and understanding of the contracts. Feel free to contact Joe Pituska regarding this approach.
3. Corporate Policy and Procedure: This statement in summary describes major irregularities and minor irregularities. Under the Major irregularities which is automatic rejection, Mastercrete Construction has adhered to all the listed 9 items. Under minor irregularities we could see under item 3 technical documents such as references(although we have already completed works within the city). Minor irregularities allow time to rectify, perhaps reevaluate the process.
4. Bidders recourse: Bidders have the right to protest as we have already done
5. 9.9. of the Standard Instructions to ensure fairness or best value, the manager may review the process that was conducted by city staff and a re-evaluation may be requested and the results adjusted accordingly if the manager finds that there was an error or omission in the process. As we believe that some of the references were not completely reviewed, we ask to reevaluate the process and in particular our bid.
6. We are prepared to meet and discuss at your earliest convenience.

In summary as previously stated Frank Fusillo is working full time with Mastercrete Construction and will be the full time supervisor/administrator on the project. Not only has the city requested Frank in previous years to assist in reviewing contracts and assist in updating infrastructure specifications for the City of Mississauga, he has extensive

experience in projects within the City of Mississauga, grew up in the City, made various contributions to city charitable groups, and completed all projects on time and in good order.

We have summarized a partial listing of contracts we both have been part of ;starting from the north to south within Mississauga alone:

1. Hwy 10, Derry rd to 407
2. Netherhart, Britannia to Courtney park
3. Britannia rd, Dixie road to Luke rd
4. Kennedy rd, Eglinton to Britannia
5. Hershey center ring road
6. Mavis,Eglinton to Britannia
7. Central Pkwy, Dundas to Burnhamthorpe
8. Eglinton, 403-Dixie
9. Eglinton,Dixie to city limits
10. Burnhamthorpe, Hwy 10-Dixie
11. Living arts dr
12. Princess royal
13. Confederation,Dundas to Burnhamthorpe
14. Confederation, Burnhamthorpe to 403
15. McLaughlin, 401-derry
16. Terry fox, Eglinton to Derry
17. Britannia, creditview to Mississauga rd
18. 9th line, brittania to city limit
19. 10th line, brittania to city limit
20. Winstonchurchill, 403 to Eglinton
21. Hwy 10, Queensway to burnhamthorpe
22. Dundas, Mavis to Erindale station
23. Mississuaga rd, Dundas to Burnhamthorpe
24. Lakeshore rd, Winston to southdown
25. Avonhead
26. Royal Windsor , Winston to southdown

These are some of the major projects which are way more complex and demanding than the sidewalk contract. These are some of the major street widenings .

There are many more secondary street reconstructions, intersection improvements, and sidewalk contracts too many to list.

Although my fathers company completed these contracts , I have worked on most of these projects along side of him, with many of the current staff and of course on my own projects. What is unfair about your approach to references is that even if one job was not perfect , it is always subjective of the person offering the reference(not that this is the case). But in all fairness our firm and our employees that comprise the firm have more knowledge and experience and have completed way more complex jobs within the City of Mississauga than any bidder on the list of bidders for this project.

How can the city of Mississauga not award this contract to Mastercrete Construction based on all the facts and experience mentioned above?

As part of your fairness rules ,we ask that this decision be reevaluated and in all fairness that a meeting be convened to discuss the overall approach of the job, the management, the supervision and how we can effectively plan to save the city of Mississauga monies on this project and future works. The City of Mississauga has benefited for many years of our family working here, as stated by previous city staff , Mayors and council members. It has been pointed out that if Frank

Fusillo did not bid jobs within the city of Mississauga, the tax payers would pay more for the infrastructure works. This statement can also be true within Halton Region and Region of Peel.

We appreciate you reviewing this bid/tender.

Matt Fusillo/Frank Fusillo

Mastercrete Estimating

From: Erica Edwards [REDACTED]
Sent: May 13, 2021 11:18 AM
To: Frank Fusillo; Mastercrete Estimating; Carolyn Parrish; George Carlson; Karen Ras; Silvio Cesario; Matt Fusillo; [REDACTED]
Cc: Maria Torres; Ron Starr
Subject: RE: PRC002941

Thank you for your email. We will contact you directly to set up a meeting for next week.

Regards,



Erica Edwards, CSCMP
Manager, Materiel Management – External Services
T 905-615-3200
[REDACTED]

City of Mississauga | Corporate Services Department,
Revenue and Materiel Management Division

Please consider the environment before printing

From: Frank Fusillo [REDACTED]
Sent: Thursday, May 13, 2021 9:47 AM
To: Erica Edwards [REDACTED]; Mastercrete Estimating <[REDACTED]>; Carolyn Parrish [REDACTED]; George Carlson <[REDACTED]>; Karen Ras [REDACTED]; [REDACTED]; Silvio Cesario [REDACTED]; Matt Fusillo [REDACTED]; [REDACTED]
Cc: Maria Torres [REDACTED]; Ron Starr [REDACTED]
Subject: Re: PRC002941

Erica ,
Obviously that is not the decision we wanted to see.
I have a few comments regarding your decision.

1. The form of tender not the instructions to bidders does not have any mention of references past 3 years or size.
2. The city of Mississauga must have forgotten what happened to the liquidated damages claim. The intersection contract had a specific start date of June 1 and we have emails from the project manager stating legal was backed up and was started 30 days later which in turn caused a delay of 30 days at the back end . It was totally u justified to charge liquidated damages so an adjustment was made.
3. City of Toronto was not just a watermain contract but involved concrete road a large portion and resurfacing much larger than in your contract .
4. Embee scope of work again was 5 times larger than your contact .

I have reached out multiple times to meet so these items can be discussed and u der stood. Again I believe we have contributed many years idle service to the city and at least deserve that .

I ask we meet to discuss. I understand that there was a minimal amount between 1 st and 2 Nd bidder and that's is why your decision seems much easier but if there was half a million dollars difference would it be easier ?

In the spirit of bidding and the spirit of fair business I again ask we all sit down to hear our side of the story . And perhaps better understand what makes your contract so difficult that the city won't at least hear us out . You do realize that 3 rd bidder was at least 20 percent higher than 1 st and 2 Nd. If you loose bidders the tax payers will be paying a considerable amount of money more for the work .

Let us know when it is convenient for a meet . We still don't agree wi th your decision .

Thanks

Matt/frank

Get Outlook for iOS

From: Erica Edwards [REDACTED]
Sent: Thursday, May 13, 2021 9:22:45 AM
To: Mastercrete Estimating [REDACTED]; Carolyn Parrish [REDACTED]
 George Carlson <George.CARLSON@mississauga.ca>; Karen Ras [REDACTED] Silvio Cesario
 [REDACTED]; Matt Fusillo [REDACTED] Frank Fusillo [REDACTED]
Cc: Maria Torres [REDACTED]; Ron Starr [REDACTED]
Subject: RE: PRC002941

Good morning Messrs. Fusillo;

Further to your email of May 6, 2021, we have reviewed your concerns and the City's decision to reject the bid received from Mastercrete remains unchanged. However, we offer the following in response.

Reference requirements were for the three scopes of work included in the contract; sidewalk installation, road resurfacing and concrete vehicle lane pavement, and that the reference projects should be not less than \$1,300,000 for each contract over the past three years. The references are required for projects completed by Mastercrete, who is the Bidder.

The City requires that reference projects are relevant and representative of the scope and nature of the City's contract requirements. The City further requires that the references are satisfactory to the City. The references provided by Mastercrete are not current (for the past three years as requested) and are not satisfactory, as follows:

- **Project 1 - 2016 Intersection Improvements, City of Mississauga**
 - The project experienced delays and the City was not satisfied with Mastercrete's performance.
 - There were delays on large portions of the project work. As a result, the City issued a claim for liquidated damages to Mastercrete in October 2017.
 - This project was not within the past three years.
- **Project 2 – Water Main Project, City of Toronto**
 - This reference project was a water main and not similar to Mississauga's sidewalk project. It did not include sidewalk and road resurfacing as is required for Mississauga's contract.
 - This project was in 2015, which is not within the past three years.
- **Project 3 – Appleby Mall Plaza Project, Embee Properties**
 - The Embee Properties reference was contacted by phone and they provided project details. They did not fill out the reference form.

- This reference project was not similar to the requirements of Mississauga’s contract. It was a plaza site service project, mainly construction of new storm water sewer, sanitary sewer and asphalt pavement in the plaza. It is not a municipal road project and only a 500 foot long sidewalk inside the plaza is included in the work scope.
- This project was not within the past three years.

Each municipality has its own requirements. We see that your recent award from the City of Burlington is for a lower value, and please note that the City of Mississauga did not provide a reference. The Halton Region award, at \$258,000, is for considerably different work.

We understand that Con-Ker Construction successfully completed numerous projects for the City of Mississauga in the past. However, we are looking to the references for Mastercrete. The references provided do not demonstrate that Mastercrete has recent, relevant experience.

The City’s Reserved Rights, Item 14 of the Standard Instructions, provides that the City, without liability, cost or penalty, and in its sole discretion, may disqualify and reject any Bid at any stage of the Bid Request process in any of the following circumstances: (d) the references submitted by the Bidder are deemed unacceptable by the City. Accordingly, the City is exercising its right to reject the bid received from Mastercrete on this occasion.

We look forward to receiving bids from you in the future as Mastercrete continues to develop experience relevant to the City. We have refrained from proceeding with the award process in order to address your concerns. Should you require additional information and if you continue to wish to meet, please contact me by 4:00 p.m. on Friday, May 14, 2021, after this time we will proceed with the award process.

Regards,



Erica Edwards, CSCMP
 Manager, Material Management Services
 T 905.616.3200

City of Mississauga | Corporate Services Department,
 Revenue and Material Management Division

Please consider the environment before printing

From: Mastercrete Estimating [redacted]
Sent: Thursday, May 6, 2021 9:55 PM
To: Erica Edwards [redacted]; Carolyn Parrish [redacted]; George Carlson [redacted]; Karen Ras [redacted]; Silvio Cesario [redacted]; Matt Fusillo <matt@mastercreteinc.com>; Frank Fusillo [redacted]
Cc: Maria Torres [redacted]; Ron Starr [redacted]
Subject: RE: PRC002941

Erica,
 I received your letter and am very disturbed at this decision not to award the 2021 sidewalk contract to our firm. First of all I have completed work for the City of Mississauga directly in the past, second of all Frank Fusillo had reached out to Silvio Cesario letting him know that Frank himself will be looking directly after the work. Not only has Frank completed over a billion dollars of work for the City of Mississauga, we have both grown up in the City of Mississauga and our

family has worked with the city in contributing the park located at the 4 corners in Mississauga and received an award for the project for which I was involved .

The most disturbing part is the following:

1. We recently bid a city of Burlington contract and find attached the award letter. You will see that within the Burlington bid attached the references were 1. Region of Halton 2. City of Mississauga 3. City of Toronto. The City has checked references and awarded the contract.
2. The Region of Halton also awarded us a contract for a concrete pavement.

So the City of Burlington checks our references and states we are accepted . The Region of Halton states we are accepted because we have completed contracts with them and are satisfied with our work and award the contract.

Find attached the City of Mississauga experience requirement form which we give references 1. City of Mississauga 2. City of Toronto (the same as Burlington) 3. Embee properties.

So the 2 of the references are the same for Burlington as we submitted to Mississauga 1. City of Mississauga 2. City of Toronto , which it seems to be good enough for City of Burlington but not Mississauga. The 3 rd reference is Embee properties , I spoke to Tony Bunetti at 8:00pm this evening and after I asked him did the City contact him , he stated that he was contacted by the City of Mississauga a few weeks ago and stated they were to send some paper work to him for references and he got a missed call later but never spoke to anyone since, basically did not offer any formal reference. Embee properties has hired us to complete 2 more plaza works starting next week. How can it be we submitted to the City of Mississauga references such as Halton Region who awarded a contract last week and Embee properties who has also awarded us 2 contracts this past month? So basically 2 of the references are pleased with our work and willingly give us more work.

The City of Mississauga stated they wished to see references for work completed in the resurfacing , concrete vehicle lane pavement, and sidewalk. Again Frank had sent out an email to Silvio letting him know that Frank (my Dad) himself is working directly for Mastercrete . The largest concrete vehicle lane pavement project ever completed in the City of Mississauga was lakeshore road from Winston Churchill to Southdown road completed by Frank Fusillo . The next was Avonhead from mid block to Lakeshore road all in Karen Ras s ward. What better references. Our family including myself have completed sidewalk work and road works since the late 70's as Ron Starr can attest to knowing my grand father.

There seems to be an issue with your reference procedure and I am requesting that a meeting be held to discuss this ASAP. We will not accept this decision and I ask the City of Mississauga to reconsider as I am counting on this work and have passed on other contracts believing there would be no issues with the award considering all my references have awarded us further works with the exception of yourself. In these times of COVID it is already difficult to conduct business without having issues like this arise. I have copied some of the members of council on this contract because we have completed work within their ward and find our work satisfactory.

Matt Fusillo/Frank Fusillo
Mastercrete Construction

From: Erica Edwards [REDACTED]
Sent: May 6, 2021 7:43 PM
To: Mastercrete Estimating [REDACTED]
Cc: Maria Torres [REDACTED]
Subject: PRC002941

Please see letter attached.



Erica Edwards, CSCMP
Manager, Materiel Management – External Services

T 905-615-3200

City of Mississauga | Corporate Services Department,
Revenue and Material Management Division

Please consider the environment before printing

Mastercrete Estimating

Subject: FW:
Attachments: City of Mississauga Delays and References.pdf

From: Mastercrete Estimating
 Sent: May 17, 2021 6:33 PM
 To: [REDACTED] Maria Torres [REDACTED]
 Cc: Matt Fusillo [REDACTED]
 Subject: FW:

Erica,
 We thank you for setting up the meeting on Tuesday. I would like to send some information prior to the meeting .

REFERENCES:

Under Standard instructions 10.0 GENERAL it states that the bidder must on request provide references satisfactory to the city, demonstrating its ability to perform the work and , if applicable subcontractors and/or suppliers. The city will consider the size, scope, nature and complexity of the bidders contract with each reference provided and its comparability with the City,s requirement.

The City had sent us an EXPERIENCE REQUIREMENT FORM which states to supply 3 references , which includes all three work scopes-sidewalk installation, road resurfacing, and concrete vehicle lane pavement. The references should not be less than \$1,300,000.00 for each contract over the past 3 years.

Section 10.0 makes no mention to references or the most recent 3 years. Your Experience Requirement Form also makes mention that each reference shall demonstrate 1,300,000.00 for the following scopes of work 1. Asphalt paving 2. Sidewalk works, and 3. Concrete lane pavement.

Our bid for the sidewalk contract was only \$1,178,000.00 , there was a contingency lump sum for \$100,000.00 which as we all know may never be used, meaning the actual work bid is \$1,078,000.00. Would your reference requirement not only be for a max of \$1,100,000.00 ?

The following is a breakdown of the scope of work for the sidewalk contract valuing \$1,078,000.00.

- removals and excavation : \$97,320.00-9%
- sidewalk and curb works : \$318,130.00- 30%
- concrete lane pavement : \$37,600.00- 4%
- asphalt works : \$218,600- 20%
- sewer/watermain works : \$124,500.00-12%
- line markings : \$79,200.00- 7%
- sod : \$76,650.00- 7%
- misc works - \$126,000.00- 7%

In summary the main works involved with your sidewalk contract can be broken down as follows 1. Sidewalk/concrete work-30%, 2. Asphalt paving -20%, 3. Watermain works-12%,4. Line markings, and misc. works -all 7% each, 5. Concrete lane pavement-4%. I would think the fair way to evaluate references would be based on Concrete works, asphalt works and watermain works.

REFERENCE 2.

In your email dated May13, 2021 reference 2 City of Toronto , you state this project was not similar to the sidewalk project. In fact this was the most similar project. This contract involved a watermain, sidewalk and curb, concrete road base, and concrete lane pavement, sodding, and lane markings. I am attaching a copy of the payment certificate for the City of Toronto contract which shows the contract in fact was much larger than your contract , award price \$3,592,425.00. Also within the City of Toronto payment certificate (attached)you will find the items which are similar to your contract.

ASPHALT ITEMS

Item : 28/29/38/62/63/84/103/104/118/131/132/146 totalling \$194,765.00

CURB/SIEWALK ITEMS

Item : 36/86/87/119/120/130/147/148/150/service items restoration included-\$280,000.00

CONCRETE LANE PAVEMENT

Item 64/126/127/144 totalling -\$121,750.00

The remainder of the contract involved many watermain items and restoration items.

Based on the breakdown of the City of Mississauga contract and the City of Toronto contract the following observation's could be made:

1. The asphalt size and scope are very similar
2. The curb and sidewalk size and scope are very similar
3. The concrete laneway pavement , City of Toronto contract is much larger
4. The watermain component within the City f Toronto contract is much larger than the Mississauga contract

In summary if a fair comparison was made it can be determined in fact the City if Toronto contract had the same scope of work, much larger in size, many different locations similar to Mississauga contract, and far more demanding with traffic control. The City of Toronto involved working in the downtown core with many pedestrians and vehicle traffic. Although the City of Mississauga believed this was not a good comparison , the attached will show it is.

Based on these I cannot see why this is not a good reference. Perhaps again if someone at the City of Mississauga would have contacted us , we could have assisted in clarifying the reasons why we named the City of Toronto contract as a reference.

REFERENCE 3.

You state that Embee properties was contacted but didn't fill out a form and the scope and size was not similar. We currently are working on another EMBEE properties site as I write this email. I spoke to Tony at Embee on site and he stated that someone had called him and he had a hard time understanding what they were looking for, understanding it was a reference for Mastercrete , he stated a further call came but no message left. He stated he never filled out the form but because he had a verbal conversation with this person and stated Embee was satisfied with Mastercrete s past performance , Tony believed nothing further was required from him. He also stated he thought he would only mention the 500 ft. of sidewalk because it was on the city of Burlington roadway. In fact the contract was yes for a plaza but a large plaza totalling over \$4,000,000.00. Although it was not a road way reference it had all the same elements of the City of Mississauga contract. Underground servicing , 4000 lin.m. of curb , 4000 sq.m. of sidewalk and 5,000 t of asphalt. Although it was not a municipal contract the construction of sidewalks is exactly the same on the City sidewalk as it is on private property. Two forms are placed on either side of the new sidewalk, it is graded, and concrete is poured and finished. Very simple and similar.

I believe there was a breakdown in communication between the City and Embee , therefore again I believe if the City of Mississauga would have asked Mastercrete for assistance perhaps there would have been more clarity.

Reference 1:

The City of Mississauga itself. I have attached many documents regarding the claim of liquidated damages which seems to be controversial and somewhat subjective. In fact Mastercrete was not treated fairly but in the spirit of working with The City and trying to provide a final outcome, Mastercrete accepted a small liquidated damage claim and move on. It seems that City of Mississauga is now using this acceptance as basis to disqualify Mastercrete Construction from this contract. Mastercrete completed the entire previous contract with similar scope, size and complexity. The contract did extend 3 weeks beyond the expected completion date. The reasons for the delay was not Mastercretes fault. I attached the following correspondence:

1. Preconstruction meeting minutes June 21/2016 for the 2016 Intersection Improvement program and you will read under items 1 and 3, it clearly was discussed the contract cannot start until it is fully executed.
2. Mastercrete letter dated Aug. 14, 2017 which outlines the delays caused by the City. The city in fact wanted to charge liquidated damages and ask for more to be completed the following year.
3. Copy of an email from Dagmar Chang to Carolyn Parrish where the city has acknowledged unforeseen issues on the contract.
4. Letter from Mastercrete to City Sept. 28, 2016 outlining extra works and reasons for extension in time.
5. Letter from Mastercrete dated Aug.23, 2016 stating additional issues with road closures

There is much more information we could offer up including the City of Mississauga could not get flagging for a portion of the works on Alpha Mills so this portion was deleted from the contract causing Mastercrete costs. There was a wall left to complete on McLaughlin rd. which the design was finalized in April of 2017, almost 7 months after the completion date.

Mastercrete had sat down and finalized all the issues caused by the City and the 3 weeks late completion. At no time did the City state they were unhappy with the work completed, state Mastercrete will not be able to bid any further contracts, or offer a rating for review. The ultimate outcome is that the City after our meetings realized there were some issues caused by the City and repaid most of the monies they deducted for liquidated damages and we came to a resolution. A few years have passed and now the city states they were not pleased with the completion date. I have not once heard our end product didn't meet specifications. The work is still there and can be inspected today.

I am sorry to say that your process is totally subjective as we have offered above reasons why your process for References may not work. I have completed many more works above and beyond those I had submitted. The fair thing to have done or do is to have the meeting on Tuesday and perhaps discuss your concerns as to why you want to reject our bid.

I have reviewed your letters and your complete rejection is based on the fact that there was a disagreement with the City of Mississauga over a contract completed 3 weeks later than what the contract stated. I recently reviewed off the city web site the acceptance of the low bid for the new LRT. The paragraph regarding fairness and openness states: SELECTION OF PROPOSAL WAS THE RESULT OF A COMPREHENSIVE, OPEN, FAIR AND COMPETITIVE PROCESS OBSERVED BY A THIRD PARTY FAIRNESS ADVISOR. The City hired a third party to do a complete study of the bids. Our bid was processed and checked in the same way by whom?

In review of the purchasing by law 0374-2006 I have the following to offer :

SECTION 23-disqualification of Bidders:

23.1 The purchasing agent may exclude a bidder from eligibility to submit a bid for a period of 2 years or until after the next bid opportunity has occurred where there is a 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 bylaw or the request submitted an improper bid, as determined by the purchasing agent.

23.3 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.

Summary of SECTION 23: Mastercrete Construction had completed work for the City of Mississauga and yes there was a minor dispute but resolved. At no time did the City offer a statement we would be excluded from eligibility on future

projects as stated in 23.3 . The city of Mississauga states is has fairness policies and openness . Shortly after we were low bid on the contract , we tried to reach out to staff to say hello and see when we can start and perhaps start getting resources in place. Total shock when we heard the bid was going to be rejected, totally contradicting your statement in 23.3 . in all fairness to Mastercrete we would have been more than willing to sit down and review any concerns brought forward if we were warned there was some underlying issues.

SECTION 1- Definitions

1.4- BEST VALUE- means the optimal value balance of efficiency , performance, and cost having regard to the citys objectives in respect of the acquisition timing, quality, and quantity as well as the procurement process and evaluation process criteria for the acquisition .

Summary: Has the city evaluated the bidder properly? Mastercrete Construction is very competitive and has saved various municipalities monies by being efficient and knowledgeable . I have stated previous that other owners are pleased to work with us. Has the City of Mississauga considered the loss of potential bidders and what would happen once the bidders are eliminated? The prices will be much higher. Mayor Hazel McCallion many years ago would actually call our family directly if we were not bidding jobs , the prices actually were coming in over budget if our family did not bid work.

SECTION 7-Purchasing principles

7a -acquisition processes shall be efficient, effective , objective and accountable.

7b-transparency and fairness shall be ensured, and competitive value maximized, through full and open procurement processes.

7c-the acquisition of goods and services shall be conducted in an unbiased way not influenced by personal preferences, prejudices and interpretations.

Summary: If all these hold true, why was Mastercrete Construction never told or warned that if they submit a bid with the city of Mississauga it would be rejected. Your evaluation process has been totally unfair because we have done work for the city and there was no need for a list of references. No where it states within your bylaws , your special instructions , contract documents that a contractor who has done work for the city must produce references for the next bid. The City should evaluate the project itself and if there is an issues , the contractor should be notified and may not bid further contracts. THAT WAS NOT DONE. How can this be all fair and open according to your by laws.

SECTION 11-Competitive acquisitions (3)(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:

- A. Department head approval
- B. Verification was conducted in accordance with this bylaw
- C. Identification of complete price and costing information
- D. Identification of an upset limit
- E. Approval of the department head
- F. Confirmation from the department head the funds are available
- G. Verification the bid is the best value bid
- H. There are no unresolved bidder protests

Summary: We believe that all conditions are fulfilled with exception of H where we are in protest.

In summary I still don't understand why we are here, Mastercrete Construction has much experience , has good references and I also have a family, our employees count on us to keep them working and provide for their families. I was a competitive bid, winning fair and square, again myself and my family contributing to the community , our family

saving the residents and rate payers millions of dollars over the years and now without any notice there is an issue which I still don't understand holding us back.

I want to offer a suggestion which we could discuss at our meeting. Mastercrete be awarded the contract on this basis, Mastercrete offer a schedule of the works as this seems to be the only issue outstanding and in accordance with bylaw 0374-2006 section 23, a non subjective performance review be done and if at the end of the contract Mastercrete Construction does not perform we understand that we may be placed on a 2 year waiting period. This seems to be the only way to be open and fair.

Matt Fusillo/ Frank Fusillo

Mastercrete Estimating

From: Mastercrete Estimating
Sent: May 19, 2021 10:08 AM
To: Erica Edwards; Matt Fusillo; Dayna Obaseki
Cc: Silvio Cesario; Linda Bai; Maria Torres
Subject: RE: PRC002941 - Request for Tender for 2021 Construction of Concrete Sidewalks at Various Locations

Erica,

Yes it very unfortunate that we must go through this process but I guess it is what it is. Thank you for the time yesterday and also the information below, we will prepare our protest asap.

Thanks

Matt

From: Erica Edwards <Erica.Edwards@mississauga.ca>
Sent: May 19, 2021 9:21 AM
To: Mastercrete Estimating <[REDACTED]> Matt Fusillo <[REDACTED]> Dayna Obaseki <[REDACTED]>
Cc: Silvio Cesario <[REDACTED]> Linda Bai <[REDACTED]> Maria Torres <[REDACTED]>
Subject: PRC002941 - Request for Tender for 2021 Construction of Concrete Sidewalks at Various Locations

Thank you for meeting with us yesterday. It is unfortunate we were unable to resolve your concerns regarding the above-noted procurement. As a result, you may make a Formal Bid Protest before City Council. Please contact the Office of the City Clerk, Dayna Obaseki, Legislative Coordinator, [REDACTED] within five (5) business days (by May 26th) to register a Formal Bid Protest and request a deputation before General Committee at their session on June 9th, 2021.

Please refer to City Policy # 03-06-08 Bid Awards and Bid Protests: <https://web.mississauga.ca/wp-content/uploads/2018/11/09161813/03-06-08-Bid-Awards-and-Bid-Protests.pdf>



Erica Edwards, CSCMP
 Manager, Materiel Management – External Services
 T 905-615-3200
 [REDACTED]

City of Mississauga | Corporate Services Department,
 Revenue and Materiel Management Division

Please consider the environment before printing

Mastercrete Estimating

From: Mastercrete Estimating
Sent: May 19, 2021 10:23 AM
To: Dayna Obaseki
Subject: FW: PRC002941 - Request for Tender for 2021 Construction of Concrete Sidewalks at Various Locations

Hi Dayna,
As per Ericas, email below I would like to register a formal bid protest and request a deputation before general committee .
If I can know the steps involved ?
Thanks
Matt Fusillo

From: Erica Edwards <[redacted]>
Sent: May 19, 2021 9:21 AM
To: Mastercrete Estimating <[redacted]> Matt Fusillo <[redacted]> Dayna Obaseki <[redacted]>
Cc: Silvio Cesario <[redacted]> Linda Bai <[redacted]> Maria Torres <[redacted]>
Subject: PRC002941 - Request for Tender for 2021 Construction of Concrete Sidewalks at Various Locations

Thank you for meeting with us yesterday. It is unfortunate we were unable to resolve your concerns regarding the above-noted procurement. As a result, you may make a Formal Bid Protest before City Council. Please contact the Office of the City Clerk, Dayna Obaseki, Legislative Coordinator, <[redacted]> within five (5) business days (by May 26th) to register a Formal Bid Protest and request a deputation before General Committee at their session on June 9th, 2021.

Please refer to City Policy # 03-06-08 Bid Awards and Bid Protests: <https://web.mississauga.ca/wp-content/uploads/2018/11/09161813/03-06-08-Bid-Awards-and-Bid-Protests.pdf>



Erica Edwards, CSCMP
Manager, Materiel Management - External Services
T. 905. 615. 0000

City of Mississauga | Corporate Services Department,
Revenue and Materiel Management Division

Please consider the environment before printing

City of Mississauga

Corporate Policy & Procedure



Policy Title: Bid Awards and Bid Protests

Policy Number: 03-06-08

Section:	Corporate Administration	Subsection:	Acquisition/Disposal of Goods and Services
Effective Date:	January 1, 2017	Last Review Date:	January, 2020
Approved by:	Council	Owner Division/Contact:	Manager, Materiel Management, Revenue and Materiel Management Division, Corporate Services

Policy Statement

Bidders may receive Awards for the supply of Goods or Services only in accordance with this policy and the Purchasing By-Law. Bidders who respond to a Bid Request have the right to register a Formal Bid Protest if they feel that the City's actions in conducting purchasing activities such as evaluating Bids or recommending the Award of a Contract have been unfair or inappropriate.

Purpose

This policy outlines the following processes:

- Bid selection and Award
- Notification to Bidders, including the Bid protest procedure
- How to register a Formal Bid Protest

Scope

This policy applies to all Medium Value and High Value Acquisitions undertaken and approved in accordance with the Purchasing By-Law.

This policy applies to original Awards only and does not cover Contract amendments, extensions, renewals, etc.

This policy does not include Bid openings. For information on Bid openings refer to Corporate Policy and Procedure – Acquisition/Disposal of Goods and Services – Bid Openings and Bid Irregularities – Publicly Advertised High Value Acquisitions.

Legislative Authority

This policy is written in compliance with the *Municipal Act, 2001* and the Purchasing By-Law 374-06. Disclosure of information is subject to the *Municipal Freedom and Protection of Privacy Act*

Policy Number: 03-06-08

Effective Date: January 1, 2017

Policy Title: Bid Awards and Bid Protests

Last Review Date: January, 2020

2 of 10

(MFIPPA). For additional information on MFIPPA refer to Corporate Policy and Procedure - Corporate Administration – Freedom of Information and Protection of Privacy.

Definitions

For the purposes of this policy:

“Award” means the selection by the City of the Bidder and the Bidder’s Goods and/or Services as a result of a Bid Request.

“Bid” means an offer or submission from a Bidder, received in response to a Bid Request from the City.

“Bid Request” means a formal solicitation (“request”) from the City that is issued to external suppliers, inviting them to submit expressions of interest, proposals, quotations, tenders, etc.

“Bidder” means any legal entity submitting a Bid.

“Buyer” means a Buyer in the City’s Materiel Management division who is assigned responsibility for a particular acquisition.

“Contract” means a commitment to acquire or potentially acquire, Goods or Services or both.

“Contract Manager” means a City employee who has been authorized and assigned the responsibility of overseeing a particular Bid or Contract.

“Formal Bid Protest” means a request registered by a Bidder with the Office of the City Clerk to make a deputation before an appropriate committee of Council.

“Goods” means goods of all kinds, including both tangible and intangible goods, including but not limited to supplies, materials, equipment and licences.

“High Value Acquisition” or “HVA” means an acquisition of Goods or Services or both, having a value of more than \$100,000, exclusive of taxes.

“Manager” means the Manager, Materiel Management, Revenue and Materiel Management, Corporate Services or their designate in writing.

“Medium Value Acquisition” or “MVA” means an acquisition of Goods or Services or both, having a value of more than \$5,000 and up to \$100,000, exclusive of taxes.

“Notice of Award Recommendation” or “Notice” means the written notification from the Buyer to all HVA Bidders, prior to the Award of a Contract, which outlines the results of the Bid evaluation.

Policy Number: 03-06-08

Effective Date: January 1, 2017

Policy Title: Bid Awards and Bid Protests

Last Review Date: January, 2020

3 of 10

“Procurement Authorization Request Form” (PAR Form) means an electronic form that is contained within the Procurement Centre. The purpose of the PAR Form is to obtain authority to award, change or terminate a contract, establish a short-list of bidders or cancel a Bid Request. The PAR Form provides a summary of the relevant departmental and purchasing information; specifies the details of the authorization request; and confirms the outcome of the procurement process/step.

“Purchasing Agent” means the City's Director, Revenue and Materiel Management or their designate, in writing.

“Purchasing By-Law” or “By-Law” means the City's By-Law 374-06, as amended, which pertains to the acquisition of Goods and Services and the disposition of surplus Goods.

“Services” means services of all kinds, including labour, construction, maintenance and professional and consulting services.

“Vendor” means a legal entity, including an individual, with whom the City has entered into a Contract to acquire Goods or Services or both.

Accountability

Departmental Directors

All departmental directors are accountable for:

- Ensuring all applicable managers/supervisors are aware of this policy and of any subsequent revisions, and
- Ensuring compliance with this policy

Managers/Supervisors

Managers/supervisors with staff who are responsible for Bid Requests and/or Awards are accountable for:

- Ensuring staff in their respective work units are aware of this policy and any subsequent revisions
- Ensuring applicable staff are trained on this policy, as well as any subsequent revisions, with respect to their specific job function, and
- Ensuring staff comply with this policy

Background

In accordance with the *Municipal Act, 2001*, Council has authorized the Purchasing Agent, either directly or through permitted delegation to Materiel Management Staff, to conduct purchasing activities and award Contracts where the procurement processes have been conducted in accordance with the By-Law.

Policy Number: 03-06-08

Effective Date: January 1, 2017

Policy Title: Bid Awards and Bid Protests

Last Review Date: January, 2020

4 of 10

Prior to requesting Bids, documents setting out the details for the Goods or Services required, the strategy for Award and the terms and conditions under which the City would consider entering into a Contract are prepared, if necessary. A procurement process is then conducted and Bids are evaluated in accordance with the information outlined in the Bid Request.

All Awards for Goods or Services must be authorized on a PAR Form in accordance with the By-Law before a Contract may be issued. In certain cases identified in the By-Law, approval must also be obtained from Council. Awards may not be made based on unsolicited proposals.

Roles and Responsibilities

Departmental staff determine the Award, including which Vendor(s) should be selected and which Vendor offer for the required Goods or Services should be chosen.

Acquiring Directors

Acquiring directors are responsible for delegating responsibility for conducting procurement processes, recommending Awards and authorizing PAR Forms in accordance with Schedule "B" of the By-Law.

Manager, Materiel Management

The Manager, Materiel Management, is responsible for:

- Providing guidelines, advice and support to City staff as appropriate
- Providing guidance, training and support to Materiel Management staff
- Authorizing PAR Forms in accordance with the By-Law
- Reviewing Award reports to Council and forwarding them to the Purchasing Agent for approval, and
- Managing Formal Bid Protests

Contract Managers

Contract Managers are responsible for:

- Conducting, analysing and evaluating MVA Bids and determining the acceptability, final scope and value of the Award, in accordance with the Bid Request
- Conducting reference checks of Bidders if appropriate
- Recommending Awards, including selection of the Bidder, the Goods or Services and acceptable terms and conditions
- Preparing MVA PAR Forms and forwarding to Materiel Management, together with all Bids and supporting documentation, such as related drawings, plans, schedules, specifications, etc., which may be incorporated into the Contract, and
- Maintaining copies of all correspondence with Bidders, Award recommendations (including the supporting documentation), PAR Forms and Council reports

Materiel Management Purchasing Staff

Materiel Management purchasing staff are responsible for:

- Providing guidance and support (including templates and procedures) to Contract Managers to facilitate reference checking
- Reviewing departmental Award recommendations and supporting documentation and ensuring compliance with the By-Law
- Issuing Notices to HVA Bidders
- Advising Bidders of the Bid dispute process when appropriate
- Advising the Contract Manager of any Bid disputes and the status of any Formal Bid Protests
- Preparing PAR Forms for HVA Bid Requests and obtaining the appropriate approvals, as outlined in Schedule B of the By-law
- Maintaining supporting documentation forwarded from Contract Managers, original PAR Forms and Contracts, process information such as Bidder registrations, advertisements, management directives, etc., evaluation results, purchasing staff correspondence with Bidders, Formal Bid Protest documentation and Council reports, and
- Advising Legal Services if a Bidder initiates or threatens legal action against the City at any time

Legal Services

Legal Services are responsible for:

- Assessing legal risk and providing legal advice and support to Contract Managers and/or Materiel Management staff on Bidder selection, Bid rejection and negotiations, in writing if requested
- Interpreting the legal terms and conditions of Contract documents
- Reviewing reports to Council, on request
- Notifying the Manager, Materiel Management, of any Bidder who has brought a lawsuit against the City
- Drafting and/or reviewing Contract documents in accordance with Schedule C of the By-Law, and
- Drafting and/or reviewing the legal terms and conditions of Contract documents for any acquisition upon the request of the Contract Manager or Materiel Management

MVA Process

Departmental Contract Managers conduct MVA procurements and evaluate MVA Bids to ensure they are acceptable and meet the requirements of the Bid Request. Reference checks may be conducted by the Contract Manager, if needed.

The Contract Manager should attempt to resolve any concerns which may be raised by non-successful Bidders. If Bidders are not satisfied, the matter may be referred to the Buyer, who will determine a course of action on a case by case basis.

The Contract Manager prepares a PAR Form and reviews the Award Recommendation with the Buyer prior to obtaining departmental authorizations as required in Schedule B of the By-Law.

The recommendation (PAR Form) is then sent to the Buyer, who reviews the process and documentation and obtains purchasing staff approval of the Award in accordance with the By-law.

HVA Process

Buyers conduct all HVA processes on behalf of City departments.

Bid Irregularities

At the close of a HVA Bid Request, the Buyer conducts a review of the Bids for irregularities and notifies the Manager if any potential major irregularities are identified. Irregularities may also be identified during the more in-depth evaluation completed in consultation with the Contract Manager. If a potential major irregularity is identified and confirmed, the Manager notifies the Bidder as soon as possible. Refer to Corporate Policy and Procedure - Acquisition/Disposal of Goods and Services – Bid Openings and Bid Irregularities for more information.

Evaluation Process

Bids with no major irregularities are evaluated in depth by comparing each Bid to the requirements in the Bid Request. In determining which Bid or Bids will result in an Award, consideration will first be given to compliant Bids based on the criteria for Award specified in the Bid Request. If no criteria are identified (e.g. when tenders have been called), then consideration will be given based on the lowest priced submission (not including prices for optional items).

Reference checks of Bidders may be conducted, with the guidance and support of the Buyer. The City may reject Bids received from Bidders for whom unacceptable references have been obtained. In this event, the Manager should provide the Bidder an opportunity for rebuttal before taking action to reject the Bid. The City shall have the right to determine the Award and may rely on information from any source in making its decision.

The PAR Form and supporting documents, as approved by departmental management in accordance with Schedule B of the By-Law, are submitted to Materiel Management purchasing staff for final review and authorization.

If it is found that the process was not fair and objective, the Manager may request further actions to be taken including a re-evaluation of the Bids.

Bid Requests may be cancelled in accordance with the By-Law.

Notice to HVA Bidders

Prior to processing the PAR Form for approvals, the Buyer must send a Notice to all Bidders advising them of the results.

Policy Number: 03-06-08

Effective Date: January 1, 2017

Policy Title: Bid Awards and Bid Protests

Last Review Date: January, 2020

7 of 10

Bidders are advised that requests for debriefings or objections to the recommendations must be made to the Manager, in writing, by the deadline stipulated in the Notice, usually three days. Otherwise, the Award recommendation will proceed to approval.

Responding to Bidder Objections

The Buyer must provide an initial response to Bidder questions or objections to the City's decision within 48 hours, when possible. If the Bidder requires further information, the Buyer will notify the Bidder to forward specific issues and requests, in writing, to the Manager.

The Manager will provide a response, when possible, within 10 working days of receipt of the written Bidder request for information. Or, at the Bidders request, the Manager will arrange a meeting to discuss the Bidder's concerns, in which case, the Manager may respond, in writing, following the meeting.

Prior to the meeting the Buyer and/or the Manager will review the evaluation information with the Contract Manager to clarify the details, confirm the reasons for non-selection of the Bid and discuss what information may be made available to the requesting Bidder.

If the Bidder is not satisfied with the information provided, the Manager must notify the Bidder that a Formal Bid Protest may be made. In this event, the Bidder must notify the Manager of the intent to register a Formal Bid Protest within five (5) working days of receiving the Manager's notification.

Registering a Formal Bid Protest

Upon receipt of a notice of intent to register a Formal Bid Protest, the Manager must advise the Bidder that the Bidder is responsible for contacting the Office of the City Clerk within five (5) business days to register a Formal Bid Protest and that only those issues which have been raised and which staff have had an opportunity to investigate and formally respond to, may be addressed in the Formal Bid Protest. The Manager must then advise Legal Services and the Office of the City Clerk of the Bidder's intent to file a Formal Bid Protest.

Formal Bid Protests must be heard by General Committee and may be heard by Council, prior to the Bid Award. The Office of the City Clerk will confirm a date for the Bidder to appear before General Committee and advise the Bidder and the Manager, in writing, of the committee meeting date. The Manager may prepare a report summarizing staff's position. General Committee makes a decision by way of a recommendation that will go to Council for final adoption. Any action taken by General Committee or Council as a result of a Formal Bid Protest will be determined according to the merits of each individual case.

Notice of Award

Once all Formal Bid Protests have been addressed or the five (5) day deadline for filing has passed; Council approval obtained where required; and the PAR Form approved, the successful Bidder will be notified of the Award decision.

Contract Negotiations

Negotiations, if any, should be completed and all Contract terms and conditions prepared prior to authorizing the PAR Form. In extenuating circumstances, as determined by the Purchasing Agent, a PAR Form may be authorized prior to the completion of the negotiations and finalization of the Contract terms and conditions. However, in this event, the decision must be supported with documentation outlining the situation, the reason further negotiations are required and the plan for implementing the Contract.

No Goods or Services shall be ordered, requested, delivered or performed until after a Contract is executed.

PAR Form Source and Content

Material Management provides PAR Form templates on its website. The PAR Form confirms the results and outcomes of the procurement process. Recommendations for Contract Award reflect the City's maximum potential spend, based on the amounts and/or quantities set out in the Bid Request, including any option for renewal of the Contract.

Information must be provided on the PAR Form to fully explain:

- The need for the Goods and/or Services
- The current supply situation
- The procurement process conducted
- The evaluation results
- The approach being taken for supply in the future, such as scope, duration, type of commitment (e.g. one-time purchase; blanket purchase; annual versus multi-year plan; life-cycle; etc.)
- The applicable by-law provision (reference)
- The name of the City project or program affected
- The approved funding amounts and source (accounts)
- The scope of the award in terms of time and potential financial commitment level, and
- If Council approval is required

Bid amounts must be identified and, if different from the recommended Contract Award value, explained in detail. Briefing notes, spreadsheets or other documents which are necessary to outline or clarify the information must accompany the PAR Form. Handwritten changes must be initialled and dated by the person making the change.

Reporting to Council

PAR Forms and all Contract negotiations should be prepared prior to completion of all reports to Council to ensure that information about the procurement process, Bid results and the Vendor offer is accurate and complete. Council reports recommending Awards on behalf of specific departments are prepared by departmental staff. Council reports recommending Awards for City-wide Contracts are prepared by Material Management purchasing staff.

Policy Number: 03-06-08

Effective Date: January 1, 2017

Policy Title: Bid Awards and Bid Protests

Last Review Date: January, 2020

9 of 10

Council reports should be reviewed by applicable staff in other departments involved, such as Corporate Services Information Technology (IT) for procurements involving IT systems, before being finalized by the acquiring department or Materiel Management purchasing staff, as applicable. Staff preparing the report should include the PAR Form, Statement of Work or other supporting documents as an appendix, if necessary to clarify the information and provide details of the Award. All Council reports recommending Awards must be approved by the Purchasing Agent.

All Contracts having a term in excess of ten years require the approval of Council.

Execution of the Contract

Once the PAR Form has been authorized and Council approval obtained, if applicable, successful Bidders must submit documentation as specified in the Bid Request such as proof of insurance.

Contracts must include clear terms and conditions, complete financial information, such as pricing and payment structures, detailed requirements and, if applicable, may include drawings, sureties, etc. Contracts are reviewed by Legal Services in accordance with Schedule "C" of the Purchasing By-Law or upon the request of the Contract Manager or Materiel Management. Once the Contract has been executed by the Vendor and designated City staff, as stipulated in the By-Law, it is entered into the City's electronic financial system and a specific document control number is assigned.

Record Keeping

All documentation related to an Award, such as PAR Forms and all attachments, Council reports and Contracts, represents official corporate records and must be kept in accordance with the Records Retention By-Law 0097-2017, as amended. Where Materiel Management's retention periods are more stringent than those in the Records Retention By-Law and depending on the nature of the acquisition, documentation must be kept in accordance with Materiel Management procedures. Materiel Management is responsible for the safekeeping of all Award reports.

Revision History

Reference	Description
GC-0459-2011 – 2011 07 06	
March 22, 2012	Housekeeping change to name of Bid Opening policy
December, 2015	Scheduled review. No changes required.
December 22, 2016	Administrative update to replace BAR Form with PAR Form to align with the new Procurement Centre process

Policy Number: 03-06-08

Effective Date: January 1, 2017

Policy Title: Bid Awards and Bid Protests

Last Review Date: January, 2020

10 of 10

Reference	Description
January, 2020	Scheduled review. No changes required.

THE CORPORATION OF THE CITY OF MISSISSAUGA
PURCHASING BY-LAW 0374-2006

INDEX

SECTION 1 - DEFINITIONS2

SECTION 2 - MONETARY REFERENCES5

SECTION 3 - APPLICABILITY5

SECTION 4 - ETHICS IN PURCHASING6

SECTION 5 - AUTHORITIES AND DUTIES OF PURCHASING AGENT6

SECTION 6 - CONFLICTS OF INTEREST7

SECTION 7 - CITY OF MISSISSAUGA=S PURCHASING PRINCIPLES7

SECTION 8 - FUNDING AND COMMITMENTS8

SECTION 9 - PLANNING FOR ACQUISITION8

SECTION 10 - ACQUISITIONS FROM INTERNAL SOURCES9

SECTION 11 -COMPETITIVE ACQUISITIONS9

SECTION 12 -NON-COMPETITIVE ACQUISITIONS, (SINGLE/SOLE SOURCE AND
EMERGENCY12

SECTION 13 - CANCELLING AND REISSUING BID REQUESTS.....16

SECTION 14 - NEGOTIATIONS16

SECTION 15 - COMPLAINTS AND BIDDER PROTESTS16

SECTION 16 - POINT OF CONTACT17

SECTION 17 - RECEIPT AND OPENING OF BIDS17

SECTION 18 - CONTRACT VALUE AMENDMENTS, EXTENSIONS, OR RENEWALS.....18

SECTION 19 - UNSOLICITED QUOTATIONS, TENDERS OR PROPOSALS21

SECTION 20 - CO-OPERATIVE ACQUISITION21

SECTION 21 - SPECIAL RELATIONSHIPS21

SECTION 22 - VENDOR COMPLAINTS AND VENDOR PERFORMANCE.....21

SECTION 23 - DISQUALIFICATION OF BIDDERS22

SECTION 24 - BIDDER REGISTRATION.....22

SECTION 25 - DISPOSITION OF SURPLUS GOODS.....22

SECTION 26 - INFORMATION REPORTS22

SECTION 27 - RECORDS.....23

SECTION 28 - REVIEW COMMITTEES.....23

SECTION 29 - SEVERING23

SECTION 30 - GENERAL23



MISSISSAUGA

THE CORPORATION OF THE CITY OF MISSISSAUGA

Purchasing By-law 0374-2006

(Amended by 0092-2010, 0120-2010, 0065-2012, 0080-2012, 0098-2012, 0096-2013, 0159-2013, 0144-2018)

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. (0120-2010)
 - (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. (0120-2010)
 - (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. (0120-2010)
 - (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. (0092-2010)

- (12) **“Commitment”** means a contract to acquire, or potentially acquire, Goods and/ or Services. (0120-0010)
- (13) **“Co-operative Acquisition”** means a procurement process conducted jointly by the City and one or more Public Bodies. (0120-2010)
- (14) **“Council”** means the council of the City. (0120-2010)
- (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. (0120-2010)
- (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. (0120-2010)
- (19) **“Division” or “Divisional”** means a division within a Department. (0120-2010)
- (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. (0120-2010)
- (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. (0120-2010)
- (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). (0120-2010)
- (23) **“Legal Services Division”** means the City’s Legal Services Division. (0120-2010)
- (24) **“Low Value Acquisition”** means an Acquisition of Goods and/ or Services having a value of \$10,000 or less. (0120-2010, 0065-2012)
- (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. (0120-2010, 0065-2012)
- (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). (0120-2010)
- (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. (0120-2010, 0065-2012)

- (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. (0120-2010, 0065-2012)
- (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. (0120-2010)
- (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. (0120-2010)
- (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. (0120-2010)
- (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 the determination of a short list of Bidders to respond to a Bid Request. (0120-2010, 0096-2013)
- (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. (0120-2010)
- (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. (0120-2010)
- (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. (0120-2010)
- (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. (0120-2010)
- (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. (0120-2010)

- (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. (0120-2010)
- (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. (0120-2010)

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: (0120-2010)
- (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: (0120-2010, 0096-2013, 0156-2013)
- (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;
- (vii) committee fees;
- (viii) performers for City produced Culture events; (0144-2018)
- (ix) acquisition, installation, inventory, maintenance, de-accessioning and disposal of City acquired art; and
- (x) acquisition of objects and items for the Museums of Mississauga collections.
- (c) general City expenses limited to: (0120-2010)
- (i) postal charges;

- (ii) any payments made by the City under statutory authority (for example licences);
 - (iii) insurance premiums for insurance procured through the City's insurance broker; and (0065-2012)
 - (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. (0120-2010)
- (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. (0120-2010)
- (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: (0120-2010)
- (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; (0120-2010)
 - (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; (0120-2010)
 - (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; (0120-2010)
 - (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; (0120-2010)
 - (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

- (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. (0120-2010)

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; (0120-2010)
 - (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; (0120-2010)
 - (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; (0096-2013)
 - (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*. (0120-2010)
 - (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*. (0120-2010)

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 (0065-2012)
 - (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. (0120-2010)
- (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. (0120-2010)
- (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. (0065-2012)
- (7) Commitments having a term in excess of ten (10) years shall require the approval of Council.
- (8) Repealed by By-law 0120-2010

SECTION 9 - PLANNING FOR ACQUISITION

9. (1) The acquiring Department shall, prior to initiating any Acquisition process for Goods and/ or Services: (0120-2010)
- (a) ensure that the Goods and/ or Services are legitimately required for City purposes; and (0120-2010)
 - (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 (0096-2013)

- (f) prepare detailed specifications and quantity requirements with the underlying premise of encouraging full, open and fair completion. (0096-2013)
- (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. (0120-2010, 0065-2012)
- (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. (0065-2012)
- (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) Section Repealed by By-law 0096-2013
- (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. (0120-2010)
- (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". (0120-2010)

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. (0120-2010)

SECTION 11 - COMPETITIVE ACQUISITIONS

- 11. (1) Low Value Acquisitions (\$10,000 or less) (0065-2012)
 - (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. (0120-2010)

- (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
 - 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. (0120-2010)
- (2) Medium Value Acquisitions (more than \$10,000 and up to \$100,000) (0065-2012)
 - (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. (0120-2010, 0065-2012)
 - (iv) Section Repealed by By-law 0096-2013
 - (v) 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. (0120-2010)
 - (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: (0120-2010, 0065-2012, 0098-2012)

- (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. (0120-2010)
 - (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;
 - 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: (0120-2010)
 - 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 (0120-2010)
 - 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 (0120-2010)
 - C. there are unresolved Bidder protests; or

- D. Repealed by By-law 0065-2012
 - 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). (0120-2010)

(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. (0120-2010)

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”. (0120-2010)
- (ii) The Purchasing Agent or Manager shall have the final right of determination as to whether an Acquisition meets the relevant criteria. (0120-2010)
- (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. (0120-2010)

(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. (0120-2010)
- (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. (0120-2010)

- (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. (0120-2010)

(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: (0120-2010)
 - 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. 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. (0120-2010)

(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. (0120-2010)
- (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. (0120-2010)

(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: (0120-2010)

- 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".
- (ii) Council approval of the Award is required except: (0120-2010, 0096-2013)
- A. in the specific instance stipulated in section 1(b)(viii) of Schedule A which shall require the approval of the Purchasing Agent; or (0096-2013)
 - 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. (0096-2013)
- (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). (00120-2010)

(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. (0120-2010, 0065-2012)

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. (0120-2010, 0096-2013)
- (b) In an Emergency, the Departmental staff member shall, if possible, contact the Manager or the assigned Buyer for Emergencies for direction on an appropriated 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. (0120-2010, 0096-2013, 0156-2013)
- (c) 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. (0120-2010, 0096-2013)
- (d) 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. (0120-2010, 0096-2013)

- (e) 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. (0065-2012, 0096-2013)

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: (0120-2010)
 - (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
 - (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. (0120-2010)
- (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. (0120-2010)
- (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. (0120-2010)

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. (0120-2010, 0065-2012)
- (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. (0065-2012)

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. (0120-2010)

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. (0120-2010)
- (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. (0120-2010)
- (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. (0120-2010)
- (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. (0120-2010)
- (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. (0065-2012)
- (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. (0120-2010, 0065-2012)
- (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. (0120-2010)

- (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. (0120-2010, 0096-2013)
- (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: (0120-2010)
 - (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.

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. (0120-2010)
 - (b) Amendments, interim extension or renewals of Commitments shall only be made if: (0120-2010)
 - (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 Materiel 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 to the percentage or dollar increase of the Commitment if: (0120-2010, 0096-2013)
 - (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). (0120-2010, 0096-2013)
- (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. (0120-2010)
- (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. (0120-2010, 0065-2012)
- (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: (0120-2010, 0065-2012)
 - (i) greater than 20% of the Original Commitment and greater than \$100,000; or
 - (ii) over \$1,000,000
- (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 amendment to the Commitment. (0096-2013)
- (e) Notwithstanding subsection (d) and (d.1) no Council approval for amendments to a High Value Acquisition is required if: (0120-2010, 0065-2012, 96-13)
 - (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:
 - 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.

(3) Interim Extension

- (a) An interim extension of a Commitment may be required if: (0120-2010, 0096-2013)
- (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: (0120-2010)
- (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
 - (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). (0065-2012)
- (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. (0120-2010)

(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. (0120-2010)

(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. (0120-2010)

SECTION 19 - UNSOLICITED QUOTATIONS, TENDERS OR PROPOSALS

19. (1) No Award may be made based on unsolicited proposals. (0120-2010)
- (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: (0120-2010)
- (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. (0120-2010)
- (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. (0120-2010)

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). (0120-2010)

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) Section Repealed by By-law 0120-2010
- (4) Section Repealed by By-law 0120-2010

- (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. (0065-2012)
- (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). (0065-2012)
- (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. (0065-2012)

SECTION 24 - BIDDER REGISTRATION

24. Repealed by By-law 0065-2012

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. (0120-2010, 0065-2012)
- (3) Section Repealed by By-law 0065-2012

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

- 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. (0120-2010)
- (2) A reference to the masculine gender shall be deemed to refer to the feminine gender, and vice versa, as the context may require. (0120-2010, 0096-2013)

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". (0120-2010)

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

SCHEDULE "A"
 CRITERIA FOR NON-COMPETITIVE ACQUISITIONS (SINGLE/SOLE SOURCE AND
 EMERGENCY)

(Amended by 0092-2010, 0120-2010, 0065-2012, 0096-2013)

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

SCHEDULE "B"

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

(Amended by 0065-2012, 0080-2012)

Original Commitment Value	Acquisition Method/ Section Reference	Departmental Approval	Process Approval	Commitment Execution
Low Value Up to \$10,000	Card or Cheque Requisition [sections 11(1)]	Supervisors with Cost Centre Authority	As per Departmental Approval	In accordance with City policies and procedures
Medium Value \$10,001 up to \$50,000	Competitive [sections 11(2), 18(2)] ^A	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
Medium Value \$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)] ^A	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
High Value \$100,001 or more	Competitive [sections 11(3), 18(2)] ^B	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

^A 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)).

^B 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.

SCHEDULE "C"

LEGAL REVIEW REQUIREMENTS

(Amended by 0065-2012)

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.

Subject: Re: GC June 9 Deputation Sunday,
Date: May 30, 2021 6:24:12 PM

My concerns and recommendations are as follows.

GENERAL COMPLAINT

-City owned trees are causing a lot of damage to private properties and to City properties as well.

-The City does not compensate home owners for damage done by City owned trees. Home owners are paying large sums of money to replace their home sewer pipes and for damage caused by sewer back ups due to blockages caused by City tree roots. This is unfair to home owners and it is an abdication of responsibility by the City towards its Clients.

-The City is incurring enormous costs on continuously replacing sidewalks, driveways, lawns and boulevards which are lifted, cracked and damaged by the same City trees. Every spring, summer and fall, City hired contractors rip up and replace or repair sidewalks and other infrastructure damaged by City trees. These costs are passed on to tax payers every year through the property tax bills. This is one of the reasons our property tax bills keep going up every year.

BACKGROUND INFORMATION

-The City seldom trims or prunes its own trees and the trees continue to grow and spread their roots to support their uncontrolled growth.

-As City tree roots grow larger and larger, they start to lift the sidewalk, lawns, driveways and curbs to the point that they have to be repaired or replaced.

-Then the same roots spread into homeowners lawns and also enter the basement under the house foundation.

SPECIFIC COMPLAINTS AND RECOMMENDATIONS

-The City tree in front of my house was only trimmed after I complained, approximately 3 years after, and when it was too late, and after a lot of damage was done to the City property and to my house. My neighbours have had similar experiences and complaints about overgrown trees.

-The City should have an efficient tree pruning program based on a regular schedule and not hap hazard. Homeowners should not have to complain to have City trees pruned. Moreover, City crews should do the work systematically and not go from one street to another after pruning just one tree. I have seen City crews on my street pruning one tree and then return a few weeks later to prune another tree, and so on.

-The sidewalk in front of my house had sections replaced five (5) times and lifted many more times. The last repair work done last year made the sidewalk worse and it is presently marked to be completely replaced for the sixth time.

-Every time the sidewalk in front of my house has been replaced or lifted, the roots were cut and new and bigger roots seem to grow. The tree is also leaning heavily on one side due to cutting of the roots and this is a hazard to me and my house, especially with the increasing strength of winds and frequency.

-When a City tree damages the sidewalk, lawn, curbs and driveway on a continuous basis, say three (3) times or more, it means that the tree has no more room to grow and it should be cut down. A new smaller growing tree of different species, should be planted in its place and eventually we would have the same number of trees as before. This would save the City and the taxpayers a lot of money, that is currently spent on continuous infrastructure repairs.

-The City should insist that developers only plant small and slow growing trees on boulevards of new subdivisions.

-When a City tree roots system enter the basement of a house and damage the sewer pipes, the City should reimburse the homeowner for all its costs. Moreover, it should replace the City tree as explained above.

-An example of this is my Claim to the City, reference number 015269, July 2018, submitted to the Risk Management Department, attention Kayal Jayaraman. Councilour Mr. John Kovac witnessed the damage done to my house during his visits. The claim contains pictures of the roots in the sewer pipes, the main roots that entered the system, the cutting of the concrete basement floor, the carpet and furniture that had to be discarded and a detailed list of material and work involved.

-The City should compensate me for this claim. This is fair and reasonable..

-The sewer pipes in my house were inspected by an engineer who reviewed the clamps and the connections of the sewer system. He determined that the pipes were installed properly, however the roots busted the stainless steel clamps in order to gain access to the water in the pipes.

-The pipes are not the problems, neither are the sidewalks. The wrong type of City trees are the cause of the problem and this issue should not be ignored as it has been done in the past.

Thank you for this opportunity to present my case. I hope that the Mayor and Council will pay my claim and address this issue in order to save taxpayers money directly by not damaging home sewer systems and indirectly by not damaging City infrastructure.

Charles Vella,
Mississauga, ON.