

Policy, Priorities and Budgeting Committee
Comité des politiques, des priorités et des budgets

Agenda 5
Ordre du jour 5

Thursday, February 24, 2000 - 9:15 a.m.
Le jeudi 24 février 2000 - 9 h 15

Victoria Hall, First Level
Bytown Pavilion, City Hall

Salle Victoria, niveau 1
Pavillon Bytown, hôtel de ville

**Confirmation of Minutes
Ratification des procès-verbaux**

Minutes 4 (February 10, 2000)
In-Camera Minutes 4 (February 10, 2000)

Procès-verbal 4 (Le 10 février 2000)
Procès-verbal 4 huis clos (Le 10 février 2000)

Index

Information Items Articles pour information

- | | | |
|----|--|------------------|
| 1. | 1999 Annual Report - Office of the City Solicitor
Rapport annuel 1999 - Bureau du chef du contentieux
Ref.: ACS2000-CS-OCS-0003 | 1 |
| | | City Wide |

Action Items Articles pour exécution

**Regional Matters
Questions régionales**

**Municipal Government Reform
Réforme du gouvernement municipal**

**External Relations Matters
Questions de relations extérieures**

**Correspondence
Correspondance**

Members' Reports - Enquiries
Rapports des membres - demandes de renseignements

Councillor/Conseillère Diane Deans, Chairperson/Présidente

2. **Property - Lease - 7 Bayview Avenue** **11**
Propriété - Location - 7 avenue Bayview
Ref.: CC2Z2000059 **OT7 - Kitchissippi**

Councillor/Conseiller Jim Bickford, Vice-Chairperson/Vice-président

Councillor/Conseillère Inez Berg

Councillor/Conseiller Richard Cannings

Councillor/Conseiller Ron Kolbus

Councillor/Conseiller Brian Mackey
SEF

February 1, 2000

ACS2000-CS-OCS-0003
(File: AAP2204/1999)

Department of Corporate Services

Ward/Quartier
City Wide

- Policy, Priorities and Budgeting
Committee / Comité des politiques, des
priorités et des budgets

Information

1. 1999 Annual Report - Office of the City Solicitor

Rapport annuel 1999 - Bureau du chef du contentieux

Information

Attached as Document 1 is the Annual Report of the City Solicitor outlining the activities of the Office of the City Solicitor in 1999. Attached as Document 2 is a table outlining the Outsourcing Costs in 1999.



February 1, 2000 (9:09a)

J. Jerald Bellomo
City Solicitor

JB:jb

Contact: Jerald Bellomo - 244-5300 ext. 1-3309

Financial Comment

There is no financial implication of City Council approval of this report.



February 1, 2000 (11:38a)

for Mona Monkman
City Treasurer

RL:cds

List of Supporting Documentation

Document 1 Office of the City Solicitor - 1999 Annual Report
Document 2 Outsourcing of Legal Services - 1999

Part II - Supporting Documentation**DOCUMENT 1****OFFICE OF THE CITY SOLICITOR****1999 ANNUAL REPORT****A. 1999 IN REVIEW**

From a local perspective, 1999 will be remembered as the year of Y2K preparedness and municipal restructuring. Contrary to expectations, it was the latter and not the former that began with a whisper and ended with a bang.

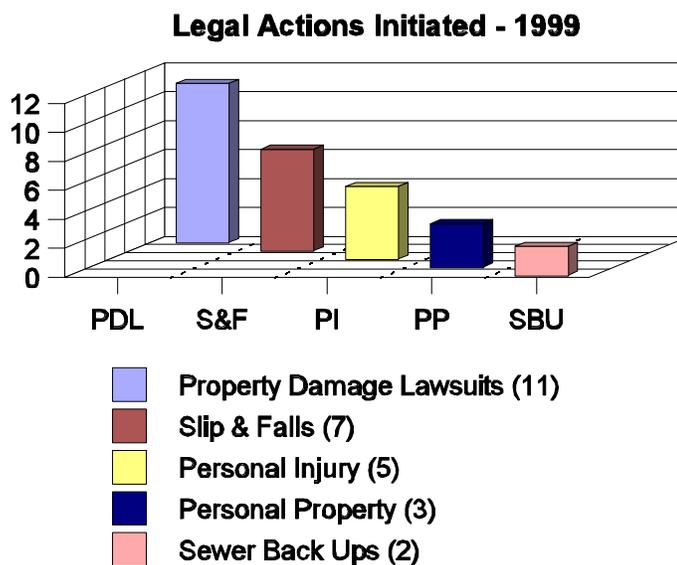
The Office of the City Solicitor has been heavily involved in both events - assisting in the Y2K preparedness programme and providing counsel on the government's restructuring initiative. At the same time, legal staff continued to provide the Corporation with the panoply of legal services required to protect the Corporation from political and financial liability.

B. LITIGATION

The Office of the City Solicitor represents the Corporation in litigious matters before the Courts and administrative tribunals. In 1999, twenty-eight court actions were commenced against the Corporation. This represents a significant drop, for the second year in a row, in the number of lawsuits commenced against the Corporation. It is too soon to tell whether this will be a continuing trend although it is probable that the Risk Management initiatives of this Office may account for some of the decrease. Historically, on average, fifty-five lawsuits are commenced against the Corporation each year.

During 1999, as in 1998, the Senior Litigation Counsel was heavily involved in the Lansdowne Park Revitalization Project which was successfully concluded on December 31, 1999 when Lansdowne Park and its' administrative staff, were transferred to the Region as per Council's decision of September 1, 1999. This loan of legal resources could only be accomplished because of the drop in litigation brought against the Corporation in 1999.

The following chart breaks down the types of legal actions initiated in 1999 by category:



A summary of the more significant files which were either adjudicated or settled in 1999 is as follows:

1. Rideau Falls Generating Station

As part of the City's flood control program, the City conducts an "ice flush" operation on the Rideau River. In 1992 and again in 1996, the build-up of ice at the base of the Rideau Falls caused by the City's "ice flush" program caused significant damage (\$277,000) to the facilities of the Rideau Falls Generating Station located at that location. (Note: the City's financial exposure was limited to its' deductible of \$25,000).

In 1997, the Court found the municipality liable in "nuisance" for this damage but the City appealed this decision to the Ontario Court of Appeal. In March, 1999, the Court of Appeal dismissed the City's appeal.

The City has subsequently received a third claim from the owners of the Rideau Falls Generating Station relating to damage that allegedly occurred in 1997. This claim is currently being assessed by our insurer.

The Department of Urban Planning and Public Works is currently in the process of retaining a consultant to assess the factors contributing to the ice-related flooding damage and to recommend modifications to the ice clearing program to reduce the possibility of such damage re-occurring.

2. Triple "A" Management Ltd.

In 1997, the owners of the Ottawa Lynx Triple "A" baseball team commenced an action against the Corporation alleging that the City had illegally assigned the rights to install a "trivision" sign on the stadium site to JetForm Corporation as part of the naming rights agreement with JetForm. This action was settled in July, 1999 as previously reported to Council.

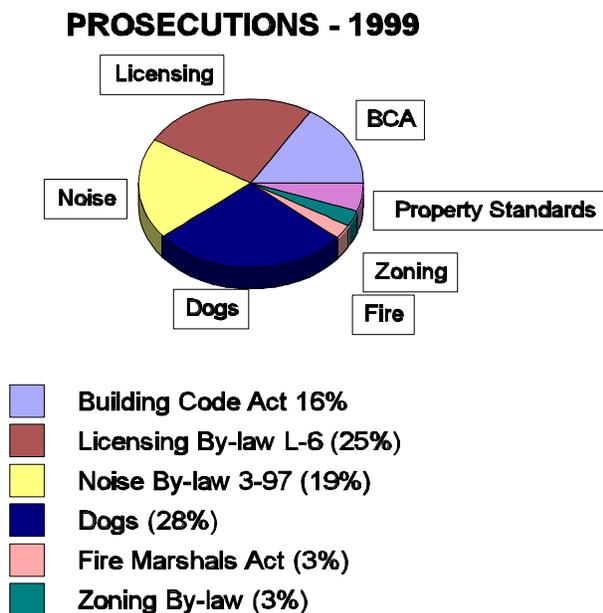
3. CONPHC v Canvar Construction (1991) Inc. et al.

In June 1999, after a trial, a Judge of the Superior Court of Ontario awarded almost \$1 million in damages to City Living as a result of a successful bidder on a City Living Project refusing to enter into a contract for the Project. The Court also held that the insurance company who had supplied the bid bond for the tender was required to pay damages in the equivalent amount of the bid bond.

The contractor and the insurance company subsequently launched an appeal to the Court of Appeal for Ontario and the appeal is scheduled to be heard in April 2000. Mr. Carey Thomson and Mr. Stuart Huxley of this Office represented City Living at the trial and will also be the counsel on the appeal.

C. PROSECUTIONS

During 1999 the Office of the City Solicitor initiated 287 charges for infractions of City by-laws with a conviction rate of 80% (230). The fines collected on these convictions exceeded \$42,000 in total. The following represents the type of prosecutions by category:



The head of the Prosecution Section in the Office of the City Solicitor, Ms. Ivana Baldelli, continued to sit on the Board of the Provincial Prosecutors' Association and will be giving a one week course on prosecutions in May 2000 sponsored by the Association.

D. DEVELOPMENT LAW

The Development Law Group composed of Ms. Janet Mitchell, Ms. Hana Nader-Merhi and Ms. Anne Peck supported by three law clerks, provides legal services in the development and planning area as well as being responsible for the processing of all real estate transactions for the Corporation.

Real estate services are provided not only for the Corporation but also, on a fee for service basis, to its agencies - the Ottawa Library Board, Ottawa Hydro and CONPHC.

In 1999 the Corporation sold 17 parcels of land with total proceeds of approximately \$2,200,000. The land exchanges involving the RMOC and the NCC in LeBreton Flats were completed in 1999, a condition precedent to this long awaited re-development.

Another project substantially completed in 1999 was the Easement Preservation Project. This essential but little heralded project, involving staff from Engineering and Property Services as well as from Legal Services, has, over the past five years, researched and registered over 1000 easements to properly protect all City sewers on private lands.

Along with Finance and Property Services, the Development Law Group also participates in the City's aggressive tax arrears program. In 1999, seventy-seven tax arrear certificates were registered. Most of these tax arrears were paid as a result of the registration and notice of the tax arrears certificate. Two properties were not "redeemed" and consequently, the lands were sold to recover the tax arrears.

On the planning side, the Development Law Group prepared 4 subdivision agreements, 62 site plan agreements and 23 other development related agreements. The Group also prepared and processed part lot control by-laws (20), road closure by-laws (8), park dedication by-laws (2), road dedication by-laws (6) and, in conjunction with planning staff, zoning by-laws (80).

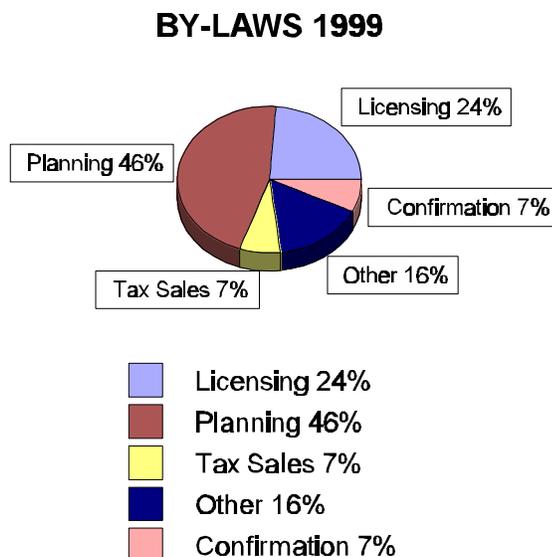
A major role of the Development Law Group is to represent the Corporation in hearings before the Ontario Municipal Board and other administrative tribunals. These hearings (8 in 1999) may last anywhere from less than a day to over three weeks (i.e. the Regional Official Plan hearing on transportation corridors).

The Development Law Group also worked alongside staff from the Planning Branch in an extensive mediation effort to resolve the appeals to the new Comprehensive Zoning By-law enacted in 1998. As a result of these efforts, 33 of the original 41 appeals have been settled.

Two appeals proceeded to a hearing in 1999 and 6 remain pending.

E. LEGISLATION AND RESEARCH

The Legislative and Research Group of the Office of the City Solicitor's Office prepared or reviewed 302 by-laws that were processed through City Council in 1999.



Those by-laws relating to enforcement were followed up by way of application to the Regional Senior Judge to obtain set fines. Thirteen Set Fine Orders were obtained in 1999.

The Legislative and Research Group also obtained approval of one application for special legislation. The Special Legislation enhances Council's authority under the *Ontario Heritage Act* by giving Council greater control over the demolition and removal of buildings that have historical or architectural value in those circumstances where no replacement building is planned.

In order to keep staff and councillors current with the flow of legislation from Queen's Park, two issues of the **Legislative Update** were published in 1999. This publication summarizes and analyses provincial legislation that has a major impact on the municipality. It has a distribution list in excess of 100 staff and Councillors.

In order to make the most frequently requested City by-laws accessible, the **City of Ottawa By-law Manual** was developed and distributed to Councillors, members of Management Committee and Senior Management. Revision packages will be circulated on a semi-annual basis. As a user-friendly management tool, these by-laws, together with other by-laws identified as required, will be posted on the Intranet site of "e-source".

As a general rule, the Council of a municipality can only delegate its authority to make decisions to either a committee or municipal staff if the delegation is clearly laid down within defined criteria or specifically authorized in the enabling legislation. In order to keep staff current as to the authority that they may exercise, a review of the Council resolutions and approvals relating to delegated authority has been undertaken to compile these in one document - the **City of Ottawa Delegation of Authority Manual**. This review will be finalized in 2000.

F. RISK MANAGEMENT

In 1999 the Risk Management Team completed its series of 18 half-day risk management seminars which were attended by a total of 500 employees.

Courts have determined that municipalities must develop policies and procedures to guide the actions of their employees. To satisfy this requirement and to ensure a consistent Corporate approach to reduce the City's liability, the Handbook on Risk Management and the Risk Assessment program were developed. Staff have been conducting informal risk assessments over the past years. However, since the risk management training program was initiated in 1998, the process has become a regular business practice. The exercise undertaken identifies potential risks and exposures associated with a program, activity or project. Staff evaluate alternatives by conducting a cost/benefit analysis and/or weighting scheme. The process helps to determine the preferred solution or alternative that best meets Corporate objectives.

To ensure risk management techniques are practised by staff on a daily basis, a prototype Direct Risk Training Calendar was also developed in 1999. The calendar summarizes "reminder tips" from previously received risk related training and its aim is to highlight concerns and issues that may have been forgotten by staff. Informatics Services is currently studying an automated delivery mechanism.

In 1999 the Risk Management Team also actively participated in the Treasury Board Secretariat "Review of Canadian Best Practices in Risk Management" study which recognizes leaders in the development of effective risk management programs and practices.

Insurance

The Insurance Section administers 30 individual comprehensive insurance programmes for the municipality, the Ottawa Public Library, 9 Business Improvement Areas, 92 Community Associations, Market Vendors and the City of Ottawa Superannuation Fund.

1999 saw a substantial insurance premium reduction. A savings of \$93,400 is attributable to a low reported claims history and recognition by our insurers that we have a formal well managed risk management program in effect.

8

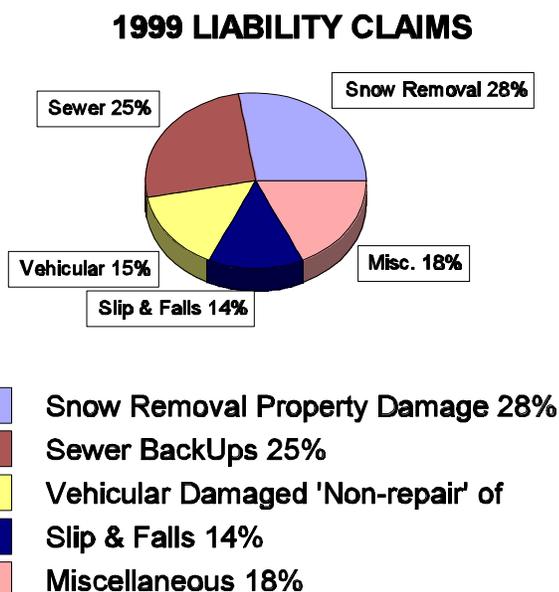
A comparison of 1998 to 1999 self insurance costs is as follows:

	1998	1999
Third Party Liability Claims	\$ 415,000 *	\$ 399,400
Fire and Vandalism	537,200	443,500
Theft	46,900	51,700
Total Self Insurance	\$ 999,100	\$ 894,600

*1996 Flood Claims Settlement excluded

Claims

In 1999 the Risk Management Team processed 176 vehicle accident claims and 358 general liability claims. Of the latter, 91 were referred to a third party for disposition (e.g. RMO; contractors). The remaining 277 liability claims can be categorized as follows:



Security

The Security Coordinator is also a member of the Risk Management Team. In 1999 he was consulted on approximately 400 security-related incidents many involving the functioning of the alarm system. He also conducted 9 major investigations.

G. RETENTION OF OUTSIDE COUNSEL

The City outsources legal services in accordance with clear-cut criteria that were outlined to Council in November 1996. The cost of such out-sourcing is outlined in Document 1. In 1999, the cost of outsourcing rose significantly, attributable almost entirely to labour negotiations and arbitrations and the Lansdowne Park project.

H. THE YEAR AHEAD

In the year 2000, the Office of the City Solicitor, in common with the rest of the City, will focus on the transition experience.

Not only will we be involved in discussions with other municipalities to facilitate an amalgamation in as seamless a fashion as possible, but we will be called upon to give advice and direction on the restructuring legislation and the myriad series of regulations that have already started to issue from the Minister.

At the same time we will continue to process the day-to-day legal requirements of the Corporation. It will, if nothing else, be an interesting year.

OUTSOURCING OF LEGAL SERVICES - 1999

FILE	FIRM	FEES PAID
Various Employment Related Files	Emond, Harnden	\$162,739
Firefighter Employment Related Files	Hicks, Morley	90,053
Labour Arbitrations	Bird, McCuaig, Russell	15,640
Labour Arbitrations	Kimmel, Victor & Ages	6,206
Tax Assessment Appeals; 150 Elgin Street;	Lang, Michener	36,183
Triple "A" Management/ JetForm	Borden, Elliott, Scott & Aylen	26,413
Murray & Murray (City Hall file)	D.R. Wallace	18,562
Minto Tax Assessment Appeal	Bell, Baker	4,906
Zoning Issue - 151 Bay Street	McCarthy, Tetrault	5,830
Lansdowne	Gowling, Strathy & Henderson	149,035
TOTAL:		\$515,567

Note: The Office of the City Solicitor has a base budget of \$130,000 for outsourcing of legal services. Funding for major legal files that are to be outsourced are approved by Council on a file specific basis.



February 16, 2000

CC2Z2000059
(File: ACC1320/2000)

Ward/Quartier
OT7 - Kitchissippi

2. Property - Lease - 7 Bayview Avenue
Propriété - Location - 7 avenue Bayview

Canadian Office of Human Rights
150 Middle St. Ottawa, ON, Canada K1R 6K4
Founder - Director Gaston Nicholas
Exec. Director James A. Hertrich



Bureau des Droits de la Personne
Tel: (613) 594 9466 * 1 888 238 7359
Fax: (613) 594 5943 * 1 888 874 4424
E-mail cohrprep@iosphere.net

February 14, 2000

Ms. Diane Deans
City Councilor
City of Ottawa
111 Sussex Drive
Ottawa, Ontario
K1N 5A1

**Re: Offer to lease City of Ottawa building
located at 7 Bayview Avenue.**

Dear Ms. Deans:

Further to our meeting of Feb. 8, 00, I would like to convey a clear picture of the community partnership COHR would like to enter into with the City of Ottawa. As explained at the meeting, it is crucial to COHR that a building be obtained in which to house a workshop to retrain ex-offenders and marginal citizens. The training these individuals would receive will enhance their chances at reintegrating into the workforce and ultimately become a tax benefit rather than a tax burden.

COHR hopes to state its cause before the Policy, Priority and Budget Board Meeting at its next sitting. Which is scheduled for Feb. 24, 00. At that time COHR would like to offer the sum of \$1.00 for the use, on an interim basis, of the aforementioned building. A short-term lease at this time is our request. With a view taken by the City of Ottawa to place COHR in another location after the amalgamation is complete.

With the present situation i.e. all decisions must be finalized in agreement with the Transition Board. All negotiations regarding the lease of any building at this time, COHR understands are conditional and subject to approval of the Transition Board.

If a lease agreement can be reached in compliance with the amount of \$1.00, or a final sum agreed upon by all parties. COHR would be responsible for the following:

- **Repairs** All repairs will be done in a manner to bring the building up to City Code and satisfactory to the City of Ottawa
- **Rent** \$1.00 is suggested.
- **Insurance** Insurance will comply with the City of Ottawa, a standard insurance requirement, for a non-profit organization utilizing a City of Ottawa property.

- | | |
|----------------------|--|
| Sales Clause | If this building is placed on the market for sale. COHR would be consulted firsthand. |
| • Lease | Short term-interim location. To be negotiated with the City of Ottawa but subject to the approval of the Transition Board. |
| • Termination | COHR is of the understanding the building discussed is slated for demolition. Terms of the lease would state that if a demolition date were reached COHR would be expected to vacate the premises within 2 to 3 months. Hopefully, the City of Ottawa will offer another location. |

You are presently in possession of a file of reference letters and past endeavors that outline the history of COHR as it relates to providing a chance to those people suffering undue hardship when attempting to enter the work force. Whether it is because they possess a criminal record or they have not worked for a lengthy period of time. Regardless of the reason, they are still entitled to earn a living. At present there is a gap in the judicial system that allows the release of the vast majority of federal offenders from federal institutions with no vocational trades training or skills obtained while incarcerated. Skills capable of assisting people when released and in need of employment. This is the COHR target clientele.

COHR believes with the proper guidance and training the COHR workshop will provide an avenue of hope and help to a segment of society that is in dire need of consideration. Their need becomes extremely obvious when viewing the annual deficit recognized each year at the Innes Road Detention Center and the Ottawa Courthouse. Add to this the cost recidivism imposes on the taxpayer at \$40,000.00 plus per year to incarcerate an individual in a federal institution. One can form no other conclusion than to address this situation by creating a method that will help diminish these exorbitant costs.

Surely the idea of assisting the COHR job creation project is a reasonable request. This is a project that will pay a basic minimum wage and progresses to a point that envisions the person leaving the workshop to enter the workforce. Having acquired newly obtained skills that will assist him or her to find and maintain employment. This transition comes with a minimal cost that is far more appealing than the costs presently recognized by incarceration. Any consideration the City of Ottawa can extend to COHR will be appreciated.

Should you require further information regarding any facet of this worthwhile endeavor? Please contact either of the undersigned we would be happy to elaborate. Data is also available @ www.cohr.org

Sincerely,

Gaston Nicholas
Founder-Director

James A. Hertrich
Exec. Director

City of Ottawa - Response to Request of a Council Member
Ville d`Ottawa - Réponse à une demande d`un membre du Conseil

FROM/EXP.:

DATE: February 24, 2000

Motion/Motion

Moved by Councillor Deans

BE IT RESOLVED THAT city staff be directed to review Mr. Gaston Nicholas' February 14th, 2000 letter requesting the Canadian Office of Human Rights be granted a short term lease of the City of Ottawa building, located at 7 Bayview Avenue; with the possibility that they be assisted in relocating into a permanent building once the amalgamation process has been completed;

AND BE IT FURTHER RESOLVED THAT city staff prepare a written report, to be mailed to all those who attended the PP & B meeting and spoke on behalf of Mr. Nicholas;

AND BE IT FURTHER RESOLVED THAT city staff report back to the March 30th, 2000 PP & B committee with their recommendations.