



Memorandum

Office of the City Clerk
Fax: 623-5468
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TO: Members of Council
FROM: Dana Earle, Deputy City Clerk
DATE: Friday, September 10, 2021
SUBJECT: **Additional Information/New Business**
Committee of the Whole/City Council – September 13, 2021

COMMITTEE OF THE WHOLE

Additional Information

1. Establishment of Committee of the Whole – Closed Session

A resolution to establish the Committee of the Whole – Closed Session for September 13, 2021 was passed on August 23, 2021.

The following resolution will be presented to Committee of the Whole – Special Session in order to amend the purpose of Committee of the Whole – Closed Session on September 13, 2021:

WITH RESPECT to the resolution to establish the Monday, September 13, 2021 Committee of the Whole – Closed Session, we recommend that the following reason be added:

“a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.”

2. Report R 119/2021 (City Manager's Office - Human Resources & Corporate Safety) Mandatory COVID-19 Vaccine Disclosure – Policy.

New Business

1. Establishment of Committee of the Whole - Closed Session – September 20, 2021

The following resolution will be presented to Committee of the Whole for consideration:

THAT a Committee of the Whole – Closed Session meeting be scheduled for Monday, September 20, 2021 at 5:00 p.m. in order to receive information relative to personal matters about an identifiable individual, including municipal or local board employees; A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied: The meeting is held for the purpose of educating or training the members; and at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

CITY COUNCIL

Additional Information

1. August 23, 2021 City Council minutes
2. August 23, 2021 Committee of the Whole minutes



Corporate Report

DEPARTMENT/ DIVISION	City Manager's Office - Human Resources & Corporate Safety	REPORT NO.	R 119/2021
DATE PREPARED	08/31/2021	FILE NO.	
MEETING DATE	09/13/2021 (mm/dd/yyyy)		
SUBJECT	Mandatory COVID-19 Vaccine Disclosure - Policy		

RECOMMENDATION

WITH RESPECT to Report R 119/2021 (City Manager's Office – Human Resources & Corporate Safety) we recommend that the Mandatory COVID-19 Vaccine Disclosure Policy, appended to this report, be approved;

AND THAT any necessary by-laws be presented to City Council for ratification.

EXECUTIVE SUMMARY

The report provides a summary and recommendation to approve the Mandatory COVID-19 Vaccine Disclosure Policy for provincially mandated groups. Effective September 7, 2021, all provincially mandated employees, contractors, students and volunteers will be required to provide proof of their COVID-19 vaccination status. Those employees who are not vaccinated or who do not disclose their vaccination status by September 24, 2021, will be required to complete a COVID-19 vaccination education session, and effective November 1, 2021, unvaccinated employees will be subject to mandatory regular COVID-19 testing.

This report also contains information regarding the considerations for application of a vaccine policy to all City of Thunder Bay employees, students and volunteers, and includes a summary of the legislative considerations and municipal trends across the province.

DISCUSSION

On August 17, 2021, the Province of Ontario announced that “in response to evolving data around the transmissibility of the Delta variant and based on the recent experiences of other jurisdictions, the government, in consultation with the Chief Medical Officer of Health, is taking action to increase protection for our most vulnerable, including frail seniors, immunocompromised individuals and young children who are not yet eligible for vaccination.”

The Chief Medical Officer of Health issued Directive #6 on August 17, 2021, mandating that high risk settings including hospitals, home and community care service providers implement a COVID-19 vaccination policy for employees, contractors, students and volunteers, and for

ambulance services to implement a mandatory COVID-19 vaccination policy for paramedics, no later than September 7, 2021.

On September 7, 2021, the Chief Medical Officer of Health issued instructions under subsection 2(2.1) of Schedule 1 and Schedule 4 of O. Reg. 364/20: Rules for Areas at Step 3 and at the Roadmap Exit Step under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020. The instructions require all child care licensees to establish a mandatory COVID-19 vaccination policy by September 7, 2021 and to implement the policy by September 27, 2021. The policy will apply to employees, volunteers, students and contractors in licensed child care centres and home child care providers.

The Mandatory COVID-19 Vaccine Disclosure Policy does not apply to employees, students, volunteers and contractors working at Pioneer Ridge, who are governed by policies and procedures mandated and directed by the Ministry of Long Term Care, Chief Medical Officer of Health, and the Province of Ontario. Pioneer Ridge implemented a COVID-19 vaccination policy effective July 1, 2021, in accordance with the Minister's Directive – Long-Term Care Home COVID-19 Immunization Policy issued by the Minister of Long Term Care in June 2021.

The Mandatory COVID-19 Vaccination Disclosure Policy for provincially mandated employee groups applies to Paramedics, Specialized Transit Operators, and employees, students, volunteers and contractors working at Jasper Place, in Licensed Child Care Centres and Home Child Care, and the Friendly Visiting program at Thunder Bay 55 Plus Centre. The policy is required to be in place as of September 7, 2021 in order to meet the City's obligations as a Covered Organization under provincial directive and regulation. As it the responsibility of Administration to manage all legal requirements for employees under all applicable legislation, the policy is currently in effect as required by law and is presented to Council for formal approval and adoption within this report.

The policy requires employees, contractors, students and volunteers in the designated groups and/or workplaces to provide proof of:

- Full vaccination against COVID-19; or
- Completion of a COVID-19 vaccination education session.

Employees who do not provide proof of full vaccination against COVID-19 will be required to provide proof of a negative COVID-19 test and undertake regular testing at intervals to be determined by the City of Thunder Bay, in consultation with public health.

To support employee health and safety and to promote vaccination willingness, employees are granted paid time away from work to attend COVID-19 vaccination appointments or clinics. Employees are encouraged to schedule vaccination appointments outside working hours if possible. In the event that an appointment takes place during working hours, employees are granted up to two hours of regular paid time away from work for the purpose of vaccination.

All employees will continue to follow all workplace health and safety measures in place, including daily active screening, enhanced cleaning, mandatory masking, physical distancing and hand hygiene.

Considerations for Application of Policy to Other Employee Groups

Information requested by Council related to the possible extension of the policy to other employee groups will be provided in-camera as it relates to legal advice and labour relations matters as per section 239 of the *Municipal Act*.

At this time the policy does not apply to Members of City Council and members of Council Advisory Committees, should Council seek to extend a policy to include City Council and Advisory Committee Members, an amendment would be required to the policy provided.

Actions of Other Municipalities

Municipalities across Ontario have been sharing information regarding their intent to issue a policy that will extend vaccine policies to employee groups beyond those mandated by the Province under Directive 6. Outlined below is a summary of the information available at the time of writing this Report.

There is a clear trend toward increasing vaccination requirements in workplaces and other settings across the province. There are primarily two types of vaccination policies being implemented by employers in the public sector:

- Vaccine Disclosure Policies – following the approach established by the province in Directive #6; requiring employees to provide proof of vaccination, with rapid antigen testing requirements for staff that do not wish to disclose their vaccination status or choose not to be vaccinated.
- Mandatory Vaccine Policies – requiring employees to be vaccinated against COVID-19 unless legally entitled to accommodation. Employees who do not provide proof of vaccination are placed on leave of absence without pay. This type of policy is considered to be a true “mandatory vaccine” policy in the sense that vaccination is mandatory in order for the employee to remain actively in the workplace.

City of Kitchener

On August 23, 2021, Kitchener City Council unanimously passed a resolution calling on the provincial government to provide a coordinated and consistent approach across the province when it comes to vaccines for municipal workers.

City of Hamilton

On August 25, 2021, the City of Hamilton released a vaccination verification policy that applies to all employees, students, volunteers, members of Council and members of Council appointed committees. All employees will be required to disclose and provide proof of COVID-19 vaccination status. Effective November 1, employees who are unvaccinated will be required to submit to ongoing COVID-19 tests in order to attend work.

City of Toronto

On August 26, 2021, the City of Toronto released a mandatory vaccination policy that applies to all employees, students and volunteers. All employees will be required to disclose and provide proof of their vaccination status. Effective October 30, 2021, it will be mandatory for all City of Toronto employees to have received their first and second doses of the COVID-19 vaccine, exemptions will be made for human rights considerations.

City of London

On August 30, 2021, the City of London's Corporate Services Committee supported a vaccination policy presented by Administration that applies to all employees, students, volunteers and contractors. Employees are required to provide proof of vaccination status, and those employees who remain unvaccinated will be required to participate in education and submit to regular testing at intervals to be determined by the City of London in consultation with public health. The Corporate Services Committee asked Administration to draft a similar policy that would apply to city council.

On September 2, 2021, the Deputy Mayor asked Administration to revise and strengthen the policy in advance of a September 14, 2021 council meeting, in light of the Province's announcement regarding vaccination passports.

City of Guelph

On August 30, 2021, the City of Guelph released a vaccination disclosure policy that applies to all employees, contractors and volunteers. Employees are required to provide proof of vaccination, and employees who are not fully vaccinated will be required to undertake regular testing. No timeline is mentioned.

City of Ottawa

On September 7, 2021, the City of Ottawa released a mandatory vaccination policy that applies to all employees, volunteers, students and contractors. Effective November 1, 2021, it will be mandatory for all City of Ottawa employees to be fully vaccinated.

The cities of Windsor and Mississauga are developing policies requiring employees to disclose vaccination status, and requiring employees who are not fully vaccinated to undertake regular testing.

The City of Pickering is developing a policy that will make it mandatory for all employees be fully vaccinated by November 1, 2021.

Additionally, the Province of Ontario has announced that employees of the Ontario Public Service will be required to provide proof of vaccination or submit to regular testing. No timeline was mentioned for employees to be fully vaccinated.

Public Health Consultation

Thunder Bay is reported as having one of the highest levels of vaccination within its population in the Province of Ontario. The Thunder Bay District Health Unit (TBDHU) coverage rates from

the Ontario Ministry of Health as of September 6, 2021 report that 88.5% of the population aged 12+ has received one dose, and 81.5% of the population aged 12+ is fully immunized.

The Thunder Bay District Health Unit strongly recommends that the City of Thunder Bay have a COVID-19 vaccination policy that applies to all employees. TBDHU will be releasing further information about workplace vaccination policies in the near future.

Legislative Implications and Considerations

On September 1, 2021, the Province of Ontario announced that, beginning September 22, 2021, Ontarians will need to be fully vaccinated and provide proof of vaccination along with photo ID to access certain public settings and facilities. The City of Thunder Bay is assessing the impact of the vaccine passport plan on City services, particularly in recreation facilities.

The Province of Ontario has deferred the decision to mandate vaccinations for municipal employees beyond those already covered by provincial directive. At this time there has been no arbitration or legal decisions around the implementation of a mandatory COVID-19 vaccine disclosure policy.

Arbitrators and/or the Courts would seek to ensure that the privacy and human rights interests of employees are balanced against the interests of the employer in ensuring the health and safety of employees and the public. Such considerations would include (but are not limited to) areas such as:

Health and Safety

The City must ensure compliance with the broad duties as prescribed under the Occupational Health and Safety Act, and take every precaution reasonable in the circumstances in order to protect employees.

Human Rights

Employees are entitled to the protections set out in the *Human Rights Code* to be free from discrimination based on the protected grounds, including disability and creed. In circumstances where an employee is unable or otherwise refuses to receive a vaccination on the basis of a *Code* protected ground, including a disability or a sincerely held religious belief, and is adversely impacted for having done so, the City will follow normal accommodation principles to accommodate such employees to the point of undue hardship.

Privacy

Inquiries about an employee's immunization status is subject to provincial privacy legislation such as the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). MFIPPA defines "personal information" to include information relating to the medical history of an individual, which would likely be interpreted to include immunization status. Such request of information is permitted by law, provided it is requested for bona fide work-related reasons and the information is secured and stored appropriately.

Union Consultation

Human Resources consulted with all Union Leaders regarding the potential application of a COVID-19 vaccination policy to additional employees groups and welcoming the unions to provide input and views on mandatory vaccination policies. Further consultation with our union partners may be required should Council provide direction to implement a policy that will apply to employee groups beyond those mandated by the province.

FINANCIAL IMPLICATION

Administrative costs such as staffing and data management solutions to implement and track the Mandatory COVID-19 Vaccine Disclosure Policy will be managed within approved budgets and/or expenses will be tracked in COVID-19 cost centres as appropriate.

Corporate Policy 06-01-39 Mandatory COVID-19 Vaccine Disclosure will be followed up with an administrative procedure to address specific implementation details including the methods for submitting and documenting proof of vaccination, completing mandatory education, and instructions on obtaining rapid antigen tests.

Currently, the majority of non-vaccinated employees covered under provincial mandate, including Directive #6, have access to rapid antigen testing at the expense of the province, either through kits provided by the province and administered in the workplace (SNEMS and Jasper Place) or through an arrangement between the province and designated pharmacies (child care).

CONCLUSION

It is concluded that the Mandatory COVID-19 Vaccine Disclosure Policy should be approved.

BACKGROUND

In the year and a half since the World Health Organization declared that the COVID-19 virus was a worldwide pandemic, COVID-19 has become an extraordinary public health risk. The introduction of vaccines has provided hope that vaccination can get the pandemic under control and allow people to return to some sense of normalcy. However, many individuals remain unable or unwilling to receive the vaccine for a range of reasons.

In addition to minimizing severe illness and death in those infected, there have been some studies to date which suggest that COVID-19 vaccines may also reduce transmission of the virus. However, it is our understanding that these scientific studies assessing the effectiveness of COVID-19 vaccines in preventing the transmission of COVID-19 are still preliminary in nature. There continues to be a risk that the scientific evidence currently available may not be sufficient to defend a program requiring that employees must be vaccinated or submit to testing in order to enter the workplace.

Despite the limitations in the current science, a number of recent developments in both the public and private sector clearly show a willingness to assume the risk associated with disputes which may arise in response to workplace COVID-19 vaccination policies. In addition, the Office of the Chief Medical Officer of Health (“OCMOH”) has expanded the range of higher risk sectors now required to implement vaccination policies. These recent developments include the following:

- On July 1, 2021, the Minister of Long-Term Care issued a directive requiring all Ontario long-term care homes to implement COVID-19 vaccination policies for staff, student placements and volunteers.
- On Aug. 13, 2021, the government of Canada announced that vaccinations would be mandatory for all federal employees, and federally regulated employees in the air, rail and marine transportation sectors.
- On Aug. 17, 2021, the OCMOH issued Directive #6 expanding mandatory vaccination policy requirements to sectors including public hospitals, home and community care service providers, Local Health Integration Networks, and paramedics. Policies must include a requirement for employees, contractors, students and volunteers to provide proof of full vaccination against COVID-19, with rapid antigen testing requirements for non-vaccinated staff.
- Subsequent to the August 17th directive, the OCMOH issued similar directives (now called “instructions”) to employers of all publicly-funded school boards, private schools and licensed child care settings, with similar requirements to Directive #6, with rapid antigen testing requirements for non-vaccinated staff.
- On September 1, 2021, the Ontario government announced that it will require proof of vaccination for individuals to permit them to attend at a range of public and private settings, notably including restaurants and bars, meeting and event spaces, and recreational facilities. There has been no indication that this ‘vaccine passport’ requirement will apply to employees of the establishments. As of the date of this report, regulations regarding the vaccine passport system are not yet available.

REFERENCE MATERIAL ATTACHED:

1. Appendix A – Policy No. 06-01-39 Mandatory COVID-19 Vaccine Disclosure Policy

PREPARED BY: KARIE ORTGIESE, DIRECTOR HUMAN RESOURCES & CORPORATE SAFETY

THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)	DATE:
Norm Gale, City Manager	September 9, 2021

SECTION:	HUMAN RESOURCES AND CORPORATE SAFETY
DEPARTMENT/DIVISION:	CITY MANAGER'S OFFICE / HUMAN RESOURCES AND CORPORATE SAFETY
SUBJECT:	MANDATORY COVID-19 VACCINE DISCLOSURE

POLICY STATEMENT

The Corporation of the City of Thunder Bay (the "City") is committed to reduce the risk of COVID-19 in the workplace and to provide a safe work environment for our employees and members of the public with whom we interact, by putting in place a program to ensure identified employee groups are fully vaccinated against COVID-19, or are regularly tested for COVID-19.

COVID-19 is a highly contagious virus and the COVID-19 "variants of concern" have a higher rate of transmission and increase in the severity of illness caused by COVID-19. COVID-19 vaccination is a critical and effective measure for the hazard of COVID-19. Vaccinations and other health and safety precautions have shown to be effective in reducing COVID-19 transmission and severity.

The *Occupational Health and Safety Act, 1990* requires that the City of Thunder Bay take every precaution reasonable in the circumstances for the protection of workers. The City of Thunder Bay recognizes the importance of immunization to reducing the risk of serious infection and transmission of infection among its staff.

This Policy is subject to change based on evolving scientific evidence and Public Health directives/guidance.

PURPOSE

The purpose of this Policy is to provide guidelines pertaining to the expectations and requirements of employees, volunteers, students and contractors of the City of Thunder Bay with respect to COVID-19 vaccination.

LEGISLATIVE FRAMEWORK

- *Occupational Health and Safety Act, 1990*
- *Ontario Human Rights Code*
- *Municipal Freedom of Information Protection and Privacy Act (MFIPPA)*

SCOPE

This Policy applies to those City of Thunder Bay employees, contractors, students and volunteers expressly identified by the City (the "Covered Individuals").

DEFINITIONS

‘Fully vaccinated’ means having received the full series of a COVID-19 vaccine or a combination of COVID-19 vaccines approved by Health Canada; the final dose of a COVID-19 vaccine administered at least 14 days prior.

‘Vaccinated’ means to be “fully vaccinated”.

‘Proof of full vaccination’ means the COVID-19 vaccination receipts issued by the Ontario Ministry of Health, other province or territory or international equivalent confirming the person is fully vaccinated, with a vaccine approved by Health Canada. A Covered Individual must provide vaccination receipts for each dose received (which will vary depending on the vaccine), as well as any subsequent dose, booster or boosters, that may be required or recommended by the Public Health Canada and/or our Public Health Unit.

‘Covered Individuals’ means the City of Thunder Bay employees, contractors, students and volunteers identified in Directives and Instructions issued by the Office of the Chief Medical Officer of Health in accordance with the authority granted by the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, including Paramedics, Specialized Transit Operators, and employees, contractors, students and volunteers in Licensed Child Care Centres and Home Child Care, Jasper Place, and the Friendly Visiting Program at Thunder Bay 55 Plus Centre.

TERMS & CONDITIONS

Subject to the qualifications below, the City of Thunder Bay strongly urges each employee to get fully vaccinated against COVID-19. Vaccination includes any subsequent dose, booster or boosters that may be required or recommended by the Public Health Canada and/or our Public Health Unit.

All Covered Individuals are required to provide proof of COVID-19 vaccine administration by **September 24, 2021**. It is hoped that this notice will provide time for more Covered Individuals to seek vaccinations. Any employee who does not provide proof of vaccination will be treated as a non-vaccinated employee.

The City of Thunder Bay will verify and document the vaccination status of Covered Individuals, and will not retain a copy of the COVID-19 vaccination receipts. All vaccination records will be securely stored and information on vaccination status will not be disclosed to any third party without employee consent.

Employees who have not been vaccinated, or who do not disclose their vaccination status, will be required to complete mandatory education on the benefits of COVID-19 vaccination by **October 1, 2021**.

Effective **November 1, 2021**, employees who have not been fully vaccinated, or who do not disclose their vaccination status, will be required to submit to regular rapid antigen testing for COVID-19 and provide proof of a negative rapid antigen test for COVID-19. Testing will be required at intervals determined by the City of Thunder Bay in consultation with Public Health,

and will continue indefinitely until the individual provides proof of full vaccination against COVID-19, or until Public Health guidance dictates otherwise.

Employees on approved leave of absence are not required to comply with the above as long as they remain on the leave of absence. Employees must comply with the vaccination requirements of this Policy upon their return to work.

New employees must review the COVID-19 Policy before they begin employment with the City and comply with vaccination requirements of this Policy prior to commencing their employment, assignment, or placement into positions where this Policy applies. This Policy shall form one of the conditions of employment which new employees accept as part of an offer of employment into such positions.

PRIVACY

All Information relating to an individual's proof of vaccination against COVID-19, and proof of COVID-19 testing will be treated in compliance with the *Municipal Freedom of Information and Protection of Privacy Act*.

ACCOMMODATION

Despite any other provision in this policy, the City will comply with its duty to accommodate under the *Ontario Human Rights Code*.

Employees requiring any *Ontario Human Rights Code* accommodations under this Policy may request accommodations by advising their manager. The City of Thunder Bay is committed to fulfilling its obligations under the *Ontario Human Rights Code*.

COMPLIANCE

In accordance with City of Thunder Bay Human Resources policies, collective agreements and applicable legislation, any non-compliance with the Mandatory COVID-19 Vaccine Disclosure Policy will result in a meeting with the employee and union representative, if applicable, and may be subject to discipline up to and including termination of employment.

APPROVED BY:		Date:	September 7, 2021
Replacing/Amending:	New		
Originating Department:	City Manager's Office/Human Resources and Corporate Safety		
Contact:	Director, Human Resources and Corporate Safety		
Departmental Procedural Manual:	Yes		
Affected Departments:			



MEETING: City Council

DATE: Monday, August 23, 2021

Reference No. CC – 23/52

OPEN SESSION in the S.H. Blake Memorial Auditorium at 9:10 p.m.

City Council
Chair: Mayor Bill Mauro

PRESENT:

Councillor Albert Aiello
Councillor Aldo Ruberto

ELECTRONIC PARTICIPATION:

Mayor Bill Mauro
Councillor Shelby Ch'ng
Councillor Brian Hamilton
Councillor Rebecca Johnson
Councillor Brian McKinnon
Councillor Kristen Oliver
Councillor Peng You

OFFICIALS:

Krista Power, City Clerk
Gordon Stover, Committee & Meeting Management
System Coordinator

OFFICIALS – ELECTRONIC PARTICIPATION

Karen Lewis, Acting City Manager
Cynthia Cline, Acting City Solicitor
Linda Evans, General Manager – Corporate Services
& Long Term Care & City Treasurer
Kerri Marshall, General Manager – Infrastructure &
Operations
Kelly Robertson, General Manager – Community
Services
Karie Ortgiese, Director – Human Resources &
Corporate Safety

OPENING CEREMONIES

One Minute of Silence.

DISCLOSURES OF INTEREST

Councillor Albert Aiello declared a conflict relative to Board Appointment as the Thunder Bay Community Foundation is a funder of his employer.

CONFIRMATION OF AGENDA

Confirmation of Agenda - August 23, 2021 - City Council

MOVED BY: Councillor Rebecca Johnson
SECONDED BY: Councillor Brian Hamilton

WITH RESPECT to the August 23, 2021 City Council meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

MINUTES OF PREVIOUS MEETINGS

City Council Minutes

The Minutes of the following Meeting of the Thunder Bay City Council, to be confirmed:

1. The Thunder Bay City Council held on August 9, 2021.

MOVED BY: Councillor Brian Hamilton
SECONDED BY: Councillor Albert Aiello

THAT the Minutes of the following Meeting of the Thunder Bay City Council, be confirmed:

1. The Thunder Bay City Council meeting held on August 9, 2021.

CARRIED

REPORTS OF COMMITTEES, BOARDS AND OUTSIDE AGENCIES

Committee of the Whole Minutes

The City Clerk advised that the June 28, 2021 Committee of the Whole minutes adopted by City Council on August 9, 2021 contained a clerical error relative to Report 93/2021 (City Manager's Office – Office of the City Clerk) Procedural Rules for City Council and its Committees. The corrected minutes were distributed separately on Friday, August 20, 2021, for information.

The Minutes of the following Committee of the Whole meeting, to be adopted:

1. August 9, 2021 Committee of the Whole.

MOVED BY: Councillor Rebecca Johnson
SECONDED BY: Councillor Peng You

THAT the Minutes of the following Committee of the Whole meeting, be adopted:

1. August 9, 2021 Committee of the Whole.

CARRIED

Ratifying Resolution - August 23, 2021

The City Clerk advised that the resolutions previously adopted by Committee of the Whole held earlier in the evening relative to the above noted required ratification by Council. Under Council's policy a two-thirds vote of Council was necessary.

MOVED BY: Councillor Rebecca Johnson
SECONDED BY: Councillor Brian Hamilton

THAT the following ratifying resolutions be introduced, read, dealt with individually:

1. Contract 11, 2020: Boulevard Lake Dam Rehabilitation Costs.

CARRIED

BY-LAWS

BL 53/2021 - Closing of lane allowance Registered Plan W-185

A by-law to close the lane abutting 1311 Neebing Avenue, in the City of Thunder Bay, District of Thunder Bay

BL 54/2021 - Closing of Lane allowance Registered Plan 374

A By-Law to close the portion of lane abutting 107 Matthews Street, in the City of Thunder Bay, in the District of Thunder Bay

BL 55/2021 - Closing Portions of Road Allowance, Plan PA 606

A By-law to close portions of an unnamed and untraveled road allowance as described in this by-law.

BL 58/2021 - Site Plan Control Designation – 57 & 59 Court Street South

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (57 & 59 Court Street South)

BL 60/2021 - Site Plan Control Designation – 1001 Frederica Street West

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (1001 Frederica Street West)

By-law Resolution

By-law Resolution - August 23, 2021 - City Council

MOVED BY: Councillor Brian Hamilton

SECONDED BY: Councillor Brian McKinnon

THAT the following By-laws be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A by-law to close the lane abutting 1311 Neebing Avenue, in the City of Thunder Bay, District of Thunder Bay.

By-law Number: BL 53/2021

2. A By-Law to close the portion of lane abutting 107 Matthews Street, in the City of Thunder Bay, in the District of Thunder Bay.

By-law Number: BL 54/2021

3. A By-law to close portions of an unnamed and untraveled road allowance as described in this by-law.

By-law Number: BL 55/2021

4. A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (57 & 59 Court Street South)

By-law Number: BL 58/2021

5. A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (1001 Frederica Street West)

By-law Number: BL 60/2021

CARRIED

CONFIRMING BY-LAW

BL 62/2021 - Confirming By-law - August 23, 2021

A By-law to confirm the proceedings of a meeting of Council, this 23rd day of August, 2021.

Confirming By-law Resolution - August 23, 2021- City Council

MOVED BY: Councillor Brian Hamilton

SECONDED BY: Councillor Aldo Ruberto

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to confirm the proceedings of a meeting of Council, this 23rd day of August, 2021.

By-law Number: BL 62/2021

CARRIED

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Mayor

City Clerk



MEETING: Committee of the Whole

DATE: Monday, August 23, 2021

Reference No. COW – 35/52

OPEN SESSION via MS Teams at 5:00pm

Committee of the Whole - Special Session
Chair: Councillor Aldo Ruberto

ELECTRONIC PARTICIPATION: OFFICIALS – ELECTRONIC PARTICIPATION:

Mayor Bill Mauro
Councillor Albert Aiello
Councillor Shelby Ch'ng
Councillor Brian Hamilton
Councillor Rebecca Johnson
Councillor Brian McKinnon
Councillor Kristen Oliver
Councillor Aldo Ruberto
Councillor Peng You

Krista Power, City Clerk
Karen Lewis, Acting City Manager
Cynthia Cline, Acting City Solicitor
Linda Evans, General Manager – Corporate Services
& Long Term Care & City Treasurer

Establishment of Committee of the Whole - Closed Session

At the August 9, 2021 Committee of the Whole meeting, the following resolution was passed to establish the Committee of the Whole – Closed Session for August 23, 2021.

MOVED BY: Councillor Rebecca Johnson
SECONDED BY: Councillor Peng You

THAT a Committee of the Whole – Closed Session meeting be scheduled for Monday, August 23, 2021 at 5:00 p.m. in order to receive information relative to the security of the property of the municipality or local board; personal matters about an identifiable individual, including municipal or local board employees; and a proposed or pending acquisition or disposition of land by the municipality or local board.

Amending Resolution - Establishment of Committee of the Whole - Closed Session

MOVED BY: Councillor Albert Aiello

SECONDED BY: Mayor Bill Mauro

With respect to the resolution to establish the Monday, August 23, 2021 Committee of the Whole – Closed Session, we recommend that the following reasons be added:

“advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.”

AND THAT the following reasons be deleted:

“the security of the property of the municipality or local board; and a proposed or pending acquisition or disposition of land by the municipality or local board.”

CARRIED

Amended Resolution - Establishment of Committee of the Whole - Closed Session

MOVED BY: Councillor Rebecca Johnson

SECONDED BY: Councillor Peng You

THAT a Committee of the Whole – Closed Session meeting be scheduled for Monday, August 23, 2021 at 5:00 p.m. in order to receive information relative to a personal matters about an identifiable individual, including municipal or local board employees; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

CARRIED

CLOSED SESSION in the McNaughton Room at 5:01 p.m.

Committee of the Whole - Closed Session

Chair: Councillor Aldo Ruberto

ELECTRONIC PARTICIPATION: OFFICIALS – ELECTRONIC PARTICIPATION:

Mayor Bill Mauro

Councillor Albert Aiello

Councillor Shelby Ch'ng

Councillor Brian Hamilton

Councillor Rebecca Johnson

Councillor Brian McKinnon

Councillor Kristen Oliver

Councillor Aldo Ruberto

Councillor Peng You

Krista Power, City Clerk

Karen Lewis, Acting City Manager

Cynthia Cline, Acting City Solicitor

Linda Evans, General Manager – Corporate Services
& Long Term Care & City Treasurer

DISCLOSURES OF INTEREST

Councillor Albert Aiello declared a conflict relative to Board Appointment as the Thunder Bay Community Foundation is a funder of his employer.

REPORTS OF MUNICIPAL OFFICERS

Board Appointments

Confidential memorandum from City Clerk Krista Power, dated August 18, 2021 relative to the Thunder Bay Community Foundation was distributed to Members of Council, City Manager and City Solicitor only.

Councillor Albert Aiello declared a conflict relative to the above noted and left the meeting.

It was consensus of Committee that Administration proceed as directed.

The City Clerk advised that the resolution relative to the above noted will be presented at Committee of the Whole to be held later in the evening.

Councillor Albert Aiello re-entered the meeting.

Confidential memorandum from City Clerk Krista Power, dated August 18, 2021 relative to the above noted was distributed to Members of Council, City Manager and City Solicitor only.

Committee of the Whole – August 23, 2021

Confidential memorandum from City Clerk Krista Power, dated August 18, 2021 relative to the above noted was distributed to Members of Council, City Manager and City Solicitor only.

Confidential memorandum from City Clerk Krista Power, dated August 18, 2021 relative to the above noted was distributed to Members of Council, City Manager and City Solicitor only.

It was consensus of Committee that Administration proceed as directed.

Tbaytel Shareholder Update

Tbaytel President & CEO Dan Topatigh and Tbaytel Board Chair Jack Jamieson entered the meeting.

Confidential 2nd Quarter 2021 Operations Report was distributed to Members of Council, City Manager, City Solicitor and General Manager – Corporate Services & Long-Term Care only.

Dan Topatigh provided an overview and responded to questions relative to the above noted.

Dan Topatigh and Jack Jamieson left the meeting.

Legal Matter

Confidential Memorandum from Acting City Solicitor Cynthia Cline, dated August 19, 2021 relative to the above noted was distributed to Members of Council, City Manager, City Solicitor, General Manager – Corporate Services & Long-Term Care and General Manager – Infrastructure & Operations only.

Cynthia Cline provided an overview and responded to questions.

General Manager – Corporate Services & Long Term Care & City Treasurer Linda Evans responded to questions.

Synergy North President & CEO Tim Wilson entered the meeting.

Tim Wilson provided an overview and responded to questions.

OPEN SESSION in S.H. Blake Memorial Auditorium at 6:30 p.m.

Committee of the Whole - Planning Session

Chair: Councillor Aldo Ruberto

PRESENT:

Councillor Albert Aiello
Councillor Aldo Ruberto

OFFICIALS:

Krista Power, City Clerk
Gordon Stover, Committee & Meeting Management
System Coordinator

ELECTRONIC PARTICIPATION:

Mayor Bill Mauro
Councillor Shelby Ch'ng
Councillor Brian Hamilton
Councillor Rebecca Johnson
Councillor Brian McKinnon
Councillor Kristen Oliver
Councillor Peng You

OFFICIALS – ELECTRONIC PARTICIPATION

Karen Lewis, Acting City Manager
Cynthia Cline, Acting City Solicitor
Linda Evans, General Manager – Corporate Services
& Long Term Care & City Treasurer
Kerri Marshall, General Manager – Infrastructure &
Operations
Kelly Robertson, General Manager – Community
Services
Karie Ortgiese, Director – Human Resources &
Corporate Safety
Kayla Dixon, Director – Engineering & Operations
Mike Vogrig, Project Engineer

DISCLOSURES OF INTEREST

Councillor Albert Aiello declared a conflict relative to Board Appointment as the Thunder Bay Community Foundation is a funder of his employer.

CONFIRMATION OF AGENDA

Confirmation of Agenda - August 23, 2021 - Committee of the Whole

MOVED BY: Councillor Rebecca Johnson
SECONDED BY: Councillor Brian Hamilton

WITH RESPECT to the August 23, 2021 Committee of the Whole meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

PRESENTATIONS

Citizens of Exceptional Achievement – Thunder Bay’s 50th Anniversary Volunteer Service Awards

Memorandum from Deputy City Clerk Dana Earle, dated August 16, 2021 requesting that a presentation be provided by the Official Recognition Committee for the 50th Anniversary award recipient.

Chair - Official Recognition Committee Allison Hill provided a brief overview and presented a video honouring the following award recipients:

Alice Chony
Elsie Koivisto
Brenda Reimer
Crystal Kell

ITEMS ARISING FROM CLOSED SESSION

Board Appointments

Councillor Albert Aiello declared a conflict and refrained from discussion and voting relative to the above noted.

The following resolution relative to the above noted was previously presented at Committee of the Whole - Closed Session meeting held earlier in the evening.

MOVED BY: Mayor Bill Mauro
SECONDED BY: Councillor Rebecca Johnson

THUNDER BAY COMMUNITY FOUNDATION

WITH RESPECT to the confidential memorandum from City Clerk Krista Power, dated August 18, 2021 relative to the Thunder Bay Community Foundation Board of Trustees, we recommend that Michael Larizza be appointed.

CARRIED

REPORTS OF COMMITTEES, BOARDS AND OUTSIDE AGENCIES

Committee of Adjustment Minutes

Minutes of Meeting No. 06-2021 of the Committee of Adjustment held on June 23, 2021, for information.

Parking Authority Board Minutes

Minutes of Meeting 06-2021 of the Parking Authority Board held on June 8, 2021 for information.

REPORTS OF MUNICIPAL OFFICERS

Contract 11, 2020: Boulevard Lake Dam Rehabilitation Costs

Report R 109/2021 (Infrastructure & Operations - Engineering & Operations) summarizing the additional construction and engineering work required for the Boulevard Dam rehabilitation project and recommending a source of financing to cover the costs.

The City Clerk advised that the resolution relative to the above noted would be presented for ratification at the City Council meeting to be held later in the evening and would require a two-thirds vote.

MOVED BY: Councillor Brian Hamilton
SECONDED BY: Councillor Peng You

WITH RESPECT to Report R 109/2021 (Infrastructure & Operations – Engineering & Operations) we recommend that Appropriation No. 20 be approved to allow for payment of costs for construction and engineering for Contract 11, 2020 Boulevard Dam Rehabilitation up to the maximum values identified in this report;

AND THAT the General Manager of Infrastructure and Operations report any circumstances to City Council should significant variation in the contract quantities occur;

AND THAT the Mayor and City Clerk be authorized to sign all documentation related to the changes outlined in this report;

AND THAT any by-laws necessary be presented to Council for approval.

CARRIED

PETITIONS AND COMMUNICATIONS

Report on Potential Future Uses of the Former Dease Pool Site

Memorandum from General Manager - Community Services Kelly Robertson, dated August 11, 2021 providing information on the status of public engagement for potential future uses of the former Dease Pool site and to request the deferral of a report date.

MOVED BY: Councillor Brian Hamilton
SECONDED BY: Councillor Albert Aiello

WITH RESPECT to the memorandum from General Manager – Community Services Kelly Robertson, dated August 11, 2021, we recommend that the report back date relating to Outstanding Item No. 2021-100CS Potential Future Uses of Dease Pool be changed from September 13, 2021 to December 6, 2021.

CARRIED

Outstanding List – Historical Items Update

Memorandum from City Manager Norm Gale, dated August 11, 2021 providing an update relative to the City Council Outstanding Items List and advising a presentation date on or before September 27, 2021.

OUTSTANDING ITEMS

Outstanding List for Planning Services as of August 10, 2021

Memorandum from City Clerk Krista Power, dated August 11, 2021 providing the Planning Services Outstanding Items List, for information.

OPEN SESSION in the S.H. Blake Memorial Auditorium

Committee of the Whole - Administrative Services Session
Acting Chair: Councillor Brian Hamilton

REPORTS OF MUNICIPAL OFFICERS

2020 Corporate Safety Annual Review Report

Report R 110/2021 (City Manager's Office - Human Resources & Corporate Safety) providing an overview of the activities and initiatives undertaken in 2020 by the Human Resources & Corporate Safety Division.

MOVED BY: Councillor Peng You
SECONDED BY: Councillor Aldo Ruberto

WITH RESPECT to Report No. R 110/2021 (City Manager's Office – Human Resources & Corporate Safety) we recommend that City Council affirm its commitment to implementing, maintaining and continually improving an occupational health and safety program guided by the elements of ISO 45001:2018;

AND THAT any necessary by-laws be presented to City Council for ratification.

CARRIED

Work Life Initiatives - Policy

Report R 112/2021 (City Manager's Office - Human Resources & Corporate Safety) recommending that the amended Work Life Initiatives Policy, appended to this report, be approved.

MOVED BY: Councillor Rebecca Johnson
SECONDED BY: Councillor Peng You

WITH RESPECT to Report R 112/2021 (City Manager's Office – Human Resources & Corporate Safety) we recommend that the amended Work Life Initiatives Policy, appended to this report, be approved;

AND THAT any necessary by-laws be presented to City Council for ratification.

Amending Resolution - Work Life Initiatives - Policy

MOVED BY: Mayor Bill Mauro
SECONDED BY: Councillor Aldo Ruberto

WITH RESPECT to the resolution relative to Report R 112/2021 (City Manager's Office – Human Resources & Corporate Safety), we recommend that the following be added after the first paragraph:

“AND THAT Administration provide an update on or before June 27, 2022 on the rollout of the pilot Work from Home program including any financial impacts, number of staff involved, and overall cost benefit;”

CARRIED

Amended Resolution - Work Life Initiatives - Policy

MOVED BY: Councillor Rebecca Johnson
SECONDED BY: Councillor Peng You

WITH RESPECT to Report R 112/2021 (City Manager's Office – Human Resources & Corporate Safety) we recommend that the amended Work Life Initiatives Policy, appended to this report, be approved;

AND THAT Administration provide an update on or before June 27, 2022 on the rollout of the pilot Work from Home program including any financial impacts, number of staff involved, and overall cost benefit;

AND THAT any necessary by-laws be presented to City Council for ratification.

CARRIED

2020-2021 Ward, Town Hall and Committee Meeting Update

Report R 111/2021 (City Manager's Office - Office of the City Clerk) recommending that Ward and Town Hall meetings continue to be provided virtually until January 2022.

MOVED BY: Councillor Kristen Oliver
SECONDED BY: Councillor Brian McKinnon

WITH RESPECT to Report R 111/2021 (City Manager's Office – Office of the City Clerk), we recommend Ward and Town Hall meetings continue to be provided virtually until January 2022;

AND THAT the Office of the City Clerk report back to Council prior to December 20, 2021 should in-person Ward and Town Hall meetings be unable to resume in January 2022;

AND THAT any necessary by-laws be presented to City Council for ratification.

CARRIED

NEW BUSINESS

Vaccination Policy – Request for Information

Memorandum from Mayor Bill Mauro, dated August 19, 2021 containing a motion relative to the above noted was distributed separately on Friday, August 20, 2021.

MOVED BY: Mayor Bill Mauro
SECONDED BY: Councillor Rebecca Johnson

WITH RESPECT to the Memorandum from Mayor Bill Mauro dated August 19, 2021, we recommend that Administration report to Council on September 13, 2021 relative to Directive #6 issued under Section 77.7 of the Health Protection and Promotion Act (HPPA) RS, 1990 relative to any vaccination policy(cies) that they are developing for all employees, staff, contractors, students and volunteers, and for ambulance services, and provide any relevant information that will inform council on this matter;

Committee of the Whole – August 23, 2021

AND THAT the report back include information on all front facing customer service interaction with public that may or not apply as per Directive #6 (i.e. transit, sewer and water and other front facing customer service areas);

AND THAT any necessary by-laws be presented to Council for ratification.

CARRIED

Resolution to Establish Committee of the Whole - Closed Session - September 13, 2021

MOVED BY: Mayor Bill Mauro
SECONDED BY: Councillor Peng You

THAT a Committee of the Whole – Closed Session meeting be scheduled for Monday, September 13, 2021 at 4:30 p.m. in order to receive information relative to the personal matters about an identifiable individual, including municipal or local board employees; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

OUTSTANDING ITEMS

Outstanding List for Administrative Services as of August 10, 2021

Memorandum from City Clerk Krista Power, dated August 11, 2021 providing the Administrative Services Outstanding Items List, for information.

ADJOURNMENT

The meeting adjourned at 9:08 p.m.