



City of
Peterborough

To: **Members of the General Committee**

From: **Cynthia Fletcher**
Commissioner of Infrastructure and Planning

Meeting Date: **June 11, 2020**

Subject: **Report IPSPL20-010**
CAO Delegation to Assist with Economic Recovery from COVID-19

Purpose

A report to seek authority for the CAO (Chief Administrative Officer) to close sidewalks, roads and adjust speed limits in the downtown and other areas of the City, as required, to aid the City's efforts for economic recovery from the COVID-19 pandemic and respond to the June 8th recommendations from General Committee.

Recommendation

That Council approve the recommendation outlined in Report IPSPL20-010 dated June 11, 2020, of the Commissioner of Infrastructure and Planning, as follows:

That the draft CAO Delegation By-law, COVID-19 Recovery, attached as Appendix A, be approved.

Budget and Financial Implications

There are no direct budget or financial implications as a result of the recommendation. Direct cost impacts will be tracked and reported to Council separately; additional road barricades, signage, parking revenues etc.

Background

Due to the COVID-19 pandemic and the subsequent declarations of emergency at both the municipal and provincial levels, the economy has been adversely affected in the City of Peterborough and surrounding areas. The Mayor, Council members and staff are working on plans for economic recovery. As part of the City's Emergency Control Group, staff have initiated a cross functional working group to support businesses re-opening in the downtown while maintaining public safety in relation to the pandemic.

As the province begins to ease restrictions and permit businesses to open back up to the public, the situation is evolving daily. It is important that timely responses from the City are provided to the restaurant and retail sectors to aid the City's efforts for economic recovery.

Some parts of the country that are re-opening after COVID-19 closures are introducing or extending outdoor patios and service areas. This approach, particularly in urban areas, allows customers to be served in a safe manner by maintaining social distancing. This is particularly important for small cafes and boutiques, which are often located in downtown areas, and are unable to accommodate many shoppers indoors due to their limited floor space. Dedicating pedestrian access and curb side pick-up points are also important aspects of the planning.

The Province announced on June 8, 2020 that the City of Peterborough is moving toward phase 2 of reopening and outdoor dining and patios are permitted (if they are able to meet physical distancing requirements). Local businesses may need to utilize any available outdoor space they may have as well as potentially requesting to extend their services onto sidewalks and roads. For this reason, it may be necessary to adjust traffic speeds in some areas or even close roads to enable patronage of these businesses in a safe manner.

In response to the announcement on June 8th, General Committee passed the following motion:

- a) **That Council direct the CAO, on a case by case basis, to work with businesses to facilitate timely re-opening;**
- b) **To report to Council in September on any costs incurred during the process;**
- c) **That staff provide an ongoing update to the Mayor and Warden's Economic Recovery Task Force; and**

d) That a Special Council meeting be scheduled for Thursday, June 11, 2020 to pass a by-law delegating authority to the CAO.

As part of the planning process, staff, in consultation with the Downtown Business Improvement Area, are reviewing options to adjust traffic speeds or close lanes of roads in the downtown area. In order to be able to provide the flexibility to respond quickly as pandemic protocols change, it is recommended that the CAO be delegated the authority to close sidewalks, roads and to adjust speed limits and to grant licenses, as needed. While much of the focus has been on the downtown, the delegated authority is intended to extend to other parts of the City, as deemed necessary by the CAO. The Downtown Planning Workgroup provides weekly updates to the City's Emergency Control group and bi-weekly to the representatives on the Mayor and Warden's Task Force. It is anticipated the delegated authority would be required for the second half of 2020. The by-law, attached as Appendix A to this report, would provide the delegated authority to the CAO until January 1, 2021, 3:00 a.m.

If the Committee supports the recommendation it is intended that the delegation by-law be presented to Council on the same night for consideration and approval.

Summary

Recovery from the economic effects of COVID-19 is very important for the residents and business owners in the City of Peterborough. Staff is requesting that the ability to close sidewalks, roads and adjust speed limits and to grant licenses in the City be delegated to the CAO to enable the City to implement recovery plans in a timely manner.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning

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Attachments

Appendix A – Draft CAO Delegation By-law, COVID-19 Recovery

Appendix A



The Corporation of the City of Peterborough

By-Law Number 20-XXX

Being a By-law to delegate authority to the CAO for sidewalk and road closures and speed adjustments during COVID-19 pandemic recovery to support businesses re-opening

WHEREAS:

The province of Ontario issued a Declaration of Emergency under the **Emergency Management and Civil Protection Act** on March 17, 2020 due to a world-wide pandemic.

Many businesses have been closed due to the COVID-19 pandemic.

Council considers it to be in the City's interests to delegate certain authority respecting certain Highways in furtherance of the City's plans to recover from the COVID-19 pandemic.

NOW THEREFORE, The Corporation of the City of Peterborough by the Council thereof enacts as follows:

Short Title

1. This By-law may be referred to as the "CAO Delegation By-law, COVID-19 Recovery".

Interpretation

2. Unless otherwise stated:
 - a) a reference to a statute or regulation refers to a statute or regulation of the Province of Ontario;
 - b) a reference to a statute, regulation or by-law refers to that enactment as it may be amended or replaced from time to time; and

- c) a reference to a section, paragraph, clause or schedule is a reference to this By-law's section, paragraph, clause or schedule.
- 3. The headings in this By-law are for convenience only and do not form part of this By-law.
- 4. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.
- 5. The delegations of authority by this By-law are in addition to delegations of authority established by other City by-laws and otherwise at law. In the event of any inconsistency between this By-law and any other City by-law, the provision that more effectively delegates authority prevails to the extent of the inconsistency.

Definitions

- 6. In this By-law:
 - a) "By-law" means this By-law.
 - b) "CAO" means the City's Chief Administrative Officer.
 - c) "City" means The Corporation of the City of Peterborough or the geographic area of the City of Peterborough as the context requires.
 - d) "Council" means the City's Council.
 - e) "Highway" means each highway as defined by the **Municipal Act, 2001**, S.O. 2001, c. 25, as amended, including sidewalks thereon, within the City.

Delegation

- 7. The CAO may do any of the following respecting a Highway:
 - a) Temporarily close all or any part of a Highway for such period as the CAO may determine;
 - b) Grant a licence to a person for the use of all or any part of such closed Highway on such terms as the CAO may determine; and
 - c) Pass by-laws from time to time respecting all or part of any Highway to prescribe a rate of speed that is less than or equal to 50 kilometres per hour.
- 8. The CAO is authorized to execute such documents as the CAO determines, in consultation with the City Solicitor, to be necessary to give effect to the authority delegated by this by-law.

9. It is Council's opinion that the powers being delegated by this by-law are of a minor nature, having regard to the number of people, the size of geographic area and the time period affected by an exercise of the powers.

Repeal

10. This by-law is repealed at 3:00 a.m. on January 1, 2021.

By-law passed this 11th day of June, 2020.

Diane Therrien, Mayor

John Kennedy, City Clerk