

 concerning items 40.04 → 40.08

Montreal, one of the largest cities in Canada

Montreal, a member of Local Governments for Sustainability (ICLEI
<http://www.iclei.org/>)

In these times of heightened awareness of how city business is done

Our mayor on Montreal's Executive and 2 councilors on Montreal City council

Since 2007, borough officials have worked behind the scenes with a private consultants - Daniel Arbour & Associates (DA&A)

Recall DA&A were same consultants that updated the urban plan and zone changes in 2007

Same consultants that added sustainable development actions in Objective 22 in urban plan in 2007

Recall the 2007 public consultation was criticized by the OCPM for combining too many urban planning and zone changes simultaneously

Now the borough and same consultants have rewritten 10 urban planning and zoning bylaws into 5 versions

At cost to taxpayers likely over \$600,000 (the borough has spent almost \$300,000 since 2007 AND has decided NOT to collect over \$300,000 in zone change fees as part of zoning change project)

Oddly, public not informed in this since June 2007

1000+ pages of documents made available to residents during 2010 Olympics period

Many concerns after participating in public consultation

It is very likely new bylaws may not respect several parts of the borough's own urban plan – difficult to determine since no objective evaluation provided

In particular objective 22 on sustainable development is likely not respected even though it reads:

“Assurer l'integration des principes de developement durable with priority A (short term)

It appears elected officials may not have read proposed bylaws that will replace existing bylaws

The public has asked for but has not received a clear comparison between existing bylaws and proposed bylaws

We don't really know how our bylaws are changing w.r.t. existing bylaws

Which versions of bylaws will be adopted?

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Versions of bylaws posted on borough web site contain consultant logos, errors not corrected, references to other municipalities

Difficult to follow which versions of bylaws will actually be adopted

The net result is a high risk situation for the borough administration, for elected officials and for the public and the public interest

Council must be made aware of these risks and choose to update bylaws using a more prudent approach:

Produce a clear table describing how existing bylaws are changed w.r.t. new bylaws

Failure to do this risks losing information from existing bylaws as M. Quesnel has shown on May 31

Properly and completely evaluate how new bylaws confirm with our urban plan

This should be easy to do since same consultant worked on the urban plan in 2007

Review Objective 22 checklist and update wording of new bylaws to ensure we get maximum benefit from simple actions listed in objective 22 of urban plan

Presently the new bylaws may go against objective 22

This review will ensure lower risks for infrastructure and residents and create better visibility for the borough

Clarify for all which versions of the bylaws are the ones that will be adopted

In these challenging economic times, evaluate how to recoup the more than \$300,000 from zone changes that will presently not be collected rethink how the zone changes can be done

The above recommendations are not difficult to do, they are common sense recommendations that will reduce risk and enhance the changes to our community

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Sous toutes réserves – Without Prejudice

The risky business of harmonizing borough bylaws in Montreal

On Monday June 7th, Pierrefonds-Roxboro council plans to continue the process to adopt 5 urban planning and zoning bylaws that would replace 10 existing versions of those important bylaws.

Let's review a bit to see if the proper checks and balances have occurred along the way to protect the interests of the residents and taxpayers.

The project started when the borough hired a very well-known private consulting firm (Contracts provided to Daniel Arbour & Associés (DA&A) in the council minutes yet the main contractor is now listed as Le Groupe IBI) and paid them just under \$300,000 over the last 2-3 years to prepare the new versions of our urban planning and zoning bylaws.

It is also relevant to note the ongoing high level interest in "how city business is done in Montreal" especially in the wake of the water meter scandal and other scandals. One would have thought that in these particular times there would have been a greater concern to provide the residents with a much clearer process to residents. Instead, residents were forced to ask the Montreal Ombudsman for assistance and to investigate.

Though the borough has been working since about June 2007, it is difficult to find any information made available to the public prior to Feb 9 2010.

Q.1 Did the borough recognize that existing bylaws reflect the cultural and historical heritage of the community and treat their content with the respect they deserve?

A.1: The borough never made available to residents a complete and original version of existing bylaws that would now be replaced by the consultants' new bylaws.

Q.2. Why did the borough schedule the public consultation on 1000+ pages worth of documents and regulations during the 2010 Olympics?

A.2: Again the timing was not fair to residents, especially since residents had not had any substantial information on this project prior to Feb 9 2010.

Q.3. If Pierrefonds-Roxboro asked residents to review the 1000+ pages of bylaws, did our own mayor and councillors read the documents?

A.3: On the evening of May 31, the mayor admitted to not having read the new bylaws and was not aware if her councillors had read the more than 1000 pages that are destined to become law in the borough.

Again the question can be asked: Will council vote for and adopt 1000+ pages of critical urban planning and zoning regulations that it may not have read and which they may not understand if they have not read the documents?

Q.4. Should the borough have hired a well-known private consultant that has also worked closely with local developers on Pierrefonds projects in the past and who may stand to profit from the re-write of these bylaws?

A.4: On one hand, previous experience is good, on the other hand, is the public's interest protected when private consultants, with work ties to local developers, get to re-write the urban planning and zoning bylaws?

Q. 5. For \$300,000, should the borough have been satisfied if the consultants write our bylaws starting from work they did on similar contracts for smaller municipalities?

A.5: The borough appears aware that DA&A may have started the work on new bylaws using work prepared from other previous contracts (Ville de Mont St Gregoire, Ville de Lafontaine to name a few). Until we can compare new and existing bylaws, it is difficult to say how much of the new bylaws simply come from bylaws taken from other municipalities.

Q.6. Did the borough demand that the consultants prepare an item by item comparison between the existing and new bylaws so that, administrators, council and residents would know exactly how the bylaws will be changed?

A.6: Despite repeated requests for the borough to provide an item by item accounting of existing and new bylaws, the only table provided was one describing the 68 zone changes on the borough territory. There was also a powerpoint presentation giving some brief comments on the changes. The bottom line is there appears to be no comprehensive table, with appropriate signatures and dates, that details exactly how all details of the new bylaws compare against all the details of the existing bylaws.

This lack of information leaves residents and even administrators at a disadvantage as there is a real risk items have been lost during the process.

In fact, during the public meeting on May 31, Mr. Quesnel of the borough admitted they had to make at least 3 corrections to the new bylaws since some items had been inadvertently omitted from the new proposed bylaws.

Q.7. Did the borough perform a detailed accounting of how the new bylaws respect the borough's own urban plan, especially the parts the borough and those same consultants added almost 3 years ago on sustainable development?

A.7: Despite the fact the borough claims the new bylaws must respect the urban plan and the new bylaws will help sustainable development, there is no documented evidence provided by the borough to support these claims.

The borough has been asked repeatedly (council meetings, consultation) if the new bylaws will respect the urban plan, especially objective 22 on sustainable development. Repeatedly the borough answers that the borough is not considering objective 22 at this time (Despite the fact it is in the urban plan since Dec 2007)

Q.8. Will the borough vote to adopt new bylaws that may be shown to go against their own urban plan, especially when it comes to sustainable development?

A.8 This appears to be the case. Particularly Objective 22 on sustainable development has a number of actions that could have easily been considered in the PIIA, zoning and administrative bylaws yet, despite request to do so, the borough seems intent to wait before making use of the actions identified in its own urban plan.

A good example: The consultation process occurred during an emerging and important water shortage. The borough was asked to include language in the bylaws that would make it easier and possibly mandatory to encourage water conservation and energy conservation (ex: PIIA could recommend smaller lawns, promote rain water collection guidelines, passive solar heating guidelines, adhere to objective 22, etc.) On this matter the borough's own urban planners seem intent on excluding such information during these updates to the bylaws. It is not clear why. We must collectively wait some more for what appears could be obvious and easy actions on this environmental front.

Q.9. Why has the borough scheduled the consultation and adoption of the new bylaws at the same time that the Quebec government is changing the law of the land (LAU) governing urban planning and zoning issues?

A.9: One the one hand residents participate in the borough consultation. Then go home and can watch on TV the national assembly committees discussing changes coming to the LAU. Changing local bylaws while Quebec changes the LAU at the same time is very risky and prone to errors along the way.

Q.10. Why is the borough allowing about 68 or so "free" zone changes during this process?

A.10 In 2007 the Office de Consultation Publique de Montréal (OCPM) criticized the borough for confusing residents by combining urban planning changes and about a dozen zone changes during the same consultation.

Again in 2010 the borough and same consultants are combining urban planning and this time about 68 "Free" zone changes. Normally a zone change costs \$5000 to those requesting the zone change. The 68ish "Free" zone changes end up costing taxpayers and the City over \$300,000 in lost revenue.

It is easy to ask the question who may be benefitting from these "Free" zone changes.

Instead of "free" zone changes, the borough should instead do the zone changes individually, as they normally do, so that due process and public participation can provide a more transparent accounting of changes to the community?

There are many other concerns to this project that are not listed here.

The Montreal Ombudsman is presently investigating how the borough's own process may not have respected the Montreal Charter of Rights and Responsibilities. The Ombudsman should be allowed to thoroughly complete her investigation before the borough proceeds further.

Residents are also concerned the voter register process scheduled for the zoning bylaw may make it challenging to residents to participate, especially if the published date of June 21-22 is suddenly changed by the borough at the last minute.

And a number of residents have offered feedback and questions and it is not clear if their concerns have been properly addressed.

So it now up to you, resident and taxpayers, to determine if you believe the proper checks and balances have been used to protect your interests as council proceeds to replace the community's 10 existing bylaws with 1000+ pages of information they may not yet have even read.

www.aprpr.org -- <http://aprpr.org/?p=1117> - Page on Harmonizing of bylaws