

Policies and Priorities Committee Meeting Agenda

Tuesday, January 28, 2020, 5:30 pm
Tecumseh Arena - Horwood Room, 1st Floor
12021 McNorton Street
Tecumseh, ON N8N 3C7

Pages

| | | |
|-----------|---|----------|
| A. | Call to Order | |
| B. | Roll Call | |
| C. | Disclosure of Pecuniary Interest | |
| D. | Delegations | |
| E. | Communications | |
| F. | Reports | |
| 1. | CS-2020-02 Procedural By-Law Review | 2 - 35 |
| 2. | CS-2020-05 Appointment of an Alternate to County Council Policy | 36 - 47 |
| 3. | CS-2020-03 Code of Conduct for Members of Council and Local Boards Review | 48 - 73 |
| 4. | CS-2020-04 Urban Hens Draft By-Law | 74 - 89 |
| 5. | FS-2020-02 Financial Management Policy | 90 - 112 |
| G. | Unfinished Business | |
| H. | New Business | |
| I. | Next Meeting | |
| J. | Adjournment | |



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Policies and Priorities Committee

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: January 28, 2020

Report Number: CS-2020-02

Subject: Procedural By-Law Review

Recommendations

It is recommended:

That Report CS-2020-02 regarding a review of the Procedural By-law No. 2017-62 and recommended revisions **be received**;

And that the recommended revisions to the Procedural By-law in the Report **be accepted**;

And further that consideration be given to appointing a Committee of Council to review and recommend any further revisions to the Procedural By-law.

Background

At the August 8, 2017, Regular Meeting of Council, Corporate Services Report 26/17 was presented to Council regarding a Procedural By-law Review and recommended revisions, resulting from the *Modernizing Ontario's Municipal Legislation Act, 2017* (Bill 68) which received Royal Assent on May 30, 2017. Bill 68 changes came into effect in phases and amended the *Municipal Act, 2001*, *Municipal Elections Act*, *Municipal Conflict of Interest Act* (Acts), and other legislation under three key themes: 1) enhance municipal accountability and transparency, 2) promote municipal financial sustainability; and 3) help ensure responsive and flexible municipal governments.

As a result of the amendments made by Bill 68 to the Acts, changes to the Town's Procedural By-law were recommended under Corporate Services Report 26/17 and subsequently approved by Council through the adoption of Procedural By-law No. 2017-62 (By-law) at their September 12, 2017 meeting.

As previously mentioned, changes to the Acts by Bill 68 came into effect in phases. The purpose of this report is to recommend further revisions to the Procedural By-law as the other amendments have come into effect. Additionally, the Procedural By-law has been reviewed and amendments are being recommended to reflect current practices, to provide clarity and for meeting efficiencies.

Comments

For the purpose of this report and clarity, sections of the Acts and/or Bill 68 which may be referenced in this report, and taken directly from the Acts, will be shown in italics.

Recommended amendments to the Procedural By-law have been indented, where possible, and identified in blue where new language has been proposed to be added.

Section 4 A of the By-law describes when and where the **Inaugural Meeting of Council** will be held following a municipal election. The By-law currently states that the Inaugural Meeting will be held in the Council Chambers at Town Hall. In light of the limited seating capacity in the Chambers, the 2018 Inaugural Meeting was relocated to the Ciociaro Club of Windsor. In order to provide greater flexibility in determining where the Inaugural Meeting may be held, the following revision is recommended:

The Inaugural Meeting of Council, after the 2022 regular election and regular elections thereafter, shall be held on the first Tuesday that next follows November 15 at 7:00 pm in the Council Chambers of the Tecumseh Town Hall located at 917 Lesperance Road, *or at an alternate location determined by resolution of Council.*

The following amendment by Bill 68 to subsection 239(2) of the *Municipal Act, 2001* have come into effect and add the following subject matters for which a **meeting may be closed** to the public. They are also recommended to be added to the By-law in paragraph 4 f) (2):

- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;*
- i) 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;*
- j) 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; or*
- k) 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.*

A new paragraph regarding **prolonged absence** is suggested to be added to the By-law in keeping with Section 259 (1)(c) of the *Municipal Act, 2001* which states that “*The office of a member of council of a municipality becomes vacant if the member... is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council.*”

The office of a Member becomes vacant if the Member is absent from the meetings of Council for three (3) successive months without being authorized to do so by a resolution of Council.

This section does not apply to vacate the office of a Member if the absence is a result of the Member's pregnancy, the birth of the Member's Child or the adoption of a child by the Member.

The foregoing is also in keeping with the Pregnancy and Parental Leave for Members of Council Policy No. 100.

The eScribe software, which is used to prepare meeting minutes and agendas, is programmed to have "Roll Call" first in the **Order of Business**. Administration must currently manually adjust agendas and minutes to be consistent with the By-law. It is therefore recommended that Sections 8 C, D and E of the By-law, which set out the Order of Business for meetings of Council; special, public and closed meetings and Committees and Local Boards, be amended to have "Roll Call" as this first item of business followed by the other business items as currently listed.

The Order of Business for meetings of Council is also recommended to be revised to add "Report Out on Closed Meeting" as the third business item and immediately after calling the meeting to order. Council must report out, at the next open meeting after a closed meeting, on any business carried out in closed session and any direction that may have been given to Administration.

Section 14 E of the By-law describes how **Delegations** may request to present a matter before Council and when such requests may be denied by the Clerk, in consultation with the CAO and Mayor.

When administering requests for delegations at a regular meeting regarding matters that will be considered; or if a matter already has been considered at a public meeting, the following paragraph is recommended to be added to assist the Clerk in responding to such requests:

The Clerk may refuse, or postpone, a delegation when there has been, or will be, at least one (1) public meeting held at which the public was, or will be, provided the opportunity to make formal presentations on that subject matter.

In order to keep Council informed of delegation requests that are denied, or postponed, the following new paragraph is also recommended:

In the event that a delegation request is refused, the Clerk shall provide to the person(s) in writing the reasons for the refusal with a copy to Council.

This report provides revisions to the By-law identified by Administration. There may be matters which Council may wish to consider reviewing, or providing further direction to Administration.

As an example, Council may wish to consider the new provision in Section 238 (3.1) of the *Municipal Act* which permits that a:

"procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time. This new provision does not

however include participation electronically in a meeting which is closed to the public.”

A separate report has been prepared under CS-2020-05 for Council to consider appointing an alternate member to County Council, as now permitted under Section 268 of the *Municipal Act, 2001*.

In order to provide greater opportunity for review of the By-law by Council Members and the new provisions of the *Municipal Act* (i.e. electronic participation in meetings), consideration could be given to appointing a Committee of Council to undertake the review with support from the Clerk’s Office.

Consultations

AMCTO
AMO
Ministry of Municipal Affairs and Housing

Financial Implications

There are no financial implications from the proposed changes to the Procedural By-law.

Link to Strategic Priorities

| Applicable | 2019-22 Strategic Priorities |
|-------------------------------------|---|
| <input type="checkbox"/> | Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers. |
| <input checked="" type="checkbox"/> | Ensure that Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making. |
| <input type="checkbox"/> | Integrate the principles of health and wellness into all of Tecumseh’s plans and priorities. |
| <input checked="" type="checkbox"/> | Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses. |
| <input checked="" type="checkbox"/> | Demonstrate the Town’s leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals. |

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

**Attachment
Number**

**Attachment
Name**

1

Procedural By-law with tracked proposed revisions

The Corporation of The Town of Tecumseh

By-Law Number 2017 - 62

A By-law to govern the proceedings of Council and its committees/local boards, the conduct of its members and the calling of meetings.

WHEREAS ~~Whereas~~ pursuant to Section 238(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, (Act) every Council and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS ~~And Whereas~~ Section 238(2.1) of the Act requires the procedure by-law to provide for public notice of meetings;

AND WHEREAS ~~And Whereas~~ the Council of The Corporation of the Town of Tecumseh adopted By-law No. 2008-69 on October 28, 2008 to provide for rules governing the order and procedure of and its Committees/Local Boards (Procedural By-law);

AND WHEREAS ~~And Whereas~~ in accordance with recent amendments to the Act and the *Municipal Elections Act, 1996*, S.O. 1996 c.32, amendments to the Procedural By-law are in order;

Now Therefore, The Council of The Corporation of The Town of Tecumseh, Hereby Enacts As Follows:

1. Definitions:

For the purpose of this by-law the following definitions are applicable:

- A) "CAO" shall mean the Chief Administrative Officer of the Town of Tecumseh;
- B) "Chair" shall mean the person presiding over a Council Meeting, Committee Meeting or Meeting of a Local Board;
- C) "Clerk" shall mean the Clerk of the Town of Tecumseh and shall include a Deputy Clerk or anyone designated by the Clerk to carry out duties of the municipal Clerk;
- D) "Committee" means any advisory or other committee, subcommittee or similar entity appointed by Council and which one or more members are also a member of Council and includes the Committee of Adjustment;
- E) "Corporation" means the Corporation of the Town of Tecumseh;
- F) "Council" shall mean the Council of the Town of Tecumseh;
- G) "Head of Council", as Chief Executive Officer, means the Mayor;
- H) "Local Board" does not include Police Service Board or public library board;
- I) "Meeting" means any regular, special or other meeting of a Council, of a Local Board or of a Committee of either of them where:

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~~A)1.~~ A quorum is present and

~~B)2.~~ Members discuss or otherwise deal with any matter in a way that materially advances the business or decision make of the Council, Local Board or Committee;

J) "Town" means the Corporation of the Town of Tecumseh;

K) "Quorum" shall mean the majority of the whole number of the members of Council who are present in person. The quorum for the purpose of the Council of the Corporation of the Town of Tecumseh shall be 4 members of Council.

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2. Scope

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council, Local Board and Committees and shall be the rules and regulations for the dispatch of the Order of Business by Council, Local Boards and its Committees.

3. Establishment - Committees - As Necessary

- A) Council may appoint such standing, special and community Committees as are necessary or expedient for the orderly and efficient handling of the affairs of the Corporation and may establish generally or in detail the duties and responsibilities, composition, duration of a Committee established.
- B) The dates and times for meetings of Committees shall be established by resolution of Council.
- C) Notice of Committee meetings shall be posted on the Town's website and/or declared at a prior meeting of Council.

4. Meetings of Council

A) Inaugural Meetings

~~A)1.~~ The inaugural meeting of Council, after the 2018 regular election, shall be held on the first Tuesday in December at 7:00 pm in the Council Chambers of the Tecumseh Town Hall located at 917 Lesperance Road.

2. The inaugural meeting of Council, after the 2022 regular election and regular elections thereafter, shall be held on the first Tuesday that next follows November 15 at 7:00 pm in the Council Chambers of the Tecumseh Town Hall located at 917 Lesperance Road or at an alternate location determined by resolution of Council.

~~B)3.~~ The Clerk shall call the inaugural meeting to order and chair the meeting until the Mayor-elect has taken the Oath of Office. The Mayor shall then assume the chair.

B) Regular Meetings

After its inaugural meeting, the Council shall meet on the second and fourth Tuesday of every month during the year, at 7:00 p.m. at the Tecumseh Town Hall, located at 917 Lesperance Road, unless such day shall be a legal, public or civic holiday, in which case, the Council shall meet at the same hour the next following day which is not a legal, public or civic holiday and at the same place, or unless altered in the manner hereinafter provided.

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C) Altering of Regular Meetings

~~A)~~1. Any regular meeting of the Council may be altered to a day named in:

~~1-a)~~ A notice by the Mayor or Acting Mayor of Council given through the Clerk's office and two (2) clear days in advance of the regular meeting, or

~~2-a)~~ A by-law or resolution of Council passed by a majority of the whole number of the members thereof providing therefore;

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- ~~B~~1. Notice of the alteration shall be posted on the Town's website and/or declared at a prior meeting of Council and/or in accordance with the relevant provisions of the Act, as amended from time to time and/or any by-law by the Town specifying requirements for the giving of notice.

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D) Special Meetings

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- ~~A~~1. The Mayor may at any time summon a special meeting on one (1) clear days' notice specifying the purpose of such meeting which shall be the sole business transacted thereat.

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- ~~B~~1. Upon receipt of a petition by the majority of the members of Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition.

- ~~C~~1. Notice of the meeting to members of Council may be given by the Clerk through electronic communication, telephone or in person.

- ~~D~~1. Notice to the public of the Special meeting shall be posted at the Town Hall and on the Town's website.

E) Adjourned Meetings

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Unless otherwise determined by a resolution of Council, passed by a majority of the whole number of the members thereof, the Council shall adjourn at the hour of 11:00 p.m., if it is then in session, and shall reconvene at the hour, date and place determined in such resolution when the unfinished business of the preceding meeting shall be transacted, including any business that might have been transacted at such preceding meeting but was not for want of time or opportunity to do so.

F) Closed Meetings

- ~~A~~1. All Council, Local Board and Committee meetings shall be open to the public;

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- ~~B~~2. Notwithstanding paragraph 4. F) (1) above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:

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- ~~1-a~~ The security of the property of the Corporation or a Local Board;

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- ~~2-b~~ Personal matters about an identifiable individual including municipal or Local Board employees;

- ~~3-c~~ A proposed or pending acquisition or disposition of land by the Corporation or Local Board;

- ~~4-d~~ Labour relations or employee negotiations;

5-e) Litigation or potential litigation including matters before administrative tribunals, affecting the Corporation or Local Board;

6-f) A matter in respect of which the Council, Local Board, Committee or other body has authorized a meeting to be closed under another Act;

7-g) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

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- h) The consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* while the Council, local board, commission, committee or other body is designated as the head of the institution for the purpose of that Act;
- i) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- j) 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;
- k) 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; or
- ~~8-l)~~ 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-
- ~~C)3.~~ A meeting of a Council or Local Board or of a Committee or either of them may be closed to the public if the following conditions are both satisfied:
- 4-a) The meeting is held for the purpose of educating or training the members, and
- 2-b) 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.
- ~~D)4.~~ Before all or part of a meeting is closed to the public, the Council or Before all or part of a meeting is closed to the public, the Council or Committee shall state by resolution:
- 4-a) The fact of the holding of the closed meeting; and
- 2-b) The general nature of the matter to be considered at the closed meeting.
- ~~E)5.~~ Subject to Subsection 4. F) (2), a meeting shall not be closed to the public during the taking of a vote;
- ~~F)6.~~ A meeting may be closed to the public during a vote if:

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~~4-a)~~ Subsection 4. F) (2) permits or requires a meeting to be closed to the public and;

~~2-b)~~ The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Corporation, Local Board, Committee or persons retained by or under contract with the Corporation.

~~G)7.~~ Meetings or sessions which are closed to the public may be referred to as 'in-camera' meetings or sessions.

5. Role of Council

~~A)~~ It is the role of Council:

A) to represent the public and to consider the well-being and interests of the municipality;

~~B)A)~~ to develop and evaluate the policies and programs of the Corporation;

~~C)A)~~ to determine which services the Corporation provides;

~~D)A)~~ to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;

~~E)A)~~ to ensure the accountability and transparency of the operations of the Corporation, including the activities of the senior management of the Corporation;

~~F)A)~~ to maintain the financial integrity of the Corporation; and

~~G)A)~~ to carry out the duties of Council under this or any other Act.

6. Role of Head of Council

It is the role of the Head of Council:

A) to act as Chief Executive Officer of the Corporation;

~~B)A)~~ to preside over Council meetings so that its business can be carried out efficiently and effectively;

~~C)A)~~ to provide leadership to the Council;

~~D)A)~~ without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in subsection 5 (d) and (e);

~~E)A)~~ to represent the municipality at official functions; and

~~F)A)~~ to carry out the duties of the Head of Council under this or any other Act.

7. Head of Council as Chief Executive Officer

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As Chief Executive Officer of the Corporation, the Head of Council shall:

- A) uphold and promote the purposes of the Corporation;
- ~~B)~~A) promote public involvement in the Corporation's activities;
- ~~C)~~A) act as the representative of the Corporation both within and outside the Town, and promote the Corporation locally, nationally and internationally; and
- ~~D)~~A) participate in and foster activities that enhance the economic, social and environmental well-being of the Corporation and its residents.

In the absence of the Head of Council the Deputy Mayor will act as the Head of Council and while so acting, the Deputy Mayor has and may exercise all the rights, powers and authority of the Head of Council.

8. Order of Proceedings at a Meeting of Council, Local Board or Committee

A) When meeting is to be called to order

As soon after the hour fixed for a meeting as a Quorum is present, the meeting shall be called to order.

B) When meeting is NOT to be called to order

Where a Quorum is not present within fifteen (15) minutes after the hour fixed for a meeting, the Clerk shall record the names of the members of Council or Committee present and the meeting shall stand adjourned until the next meeting.

C) Order of Business: Council

The Order of Business for the ordinary meetings of Council shall be as follows:

1. Roll Call
2. Call to Order
- ~~A)~~3. Report Out on Closed Meeting
- ~~B)~~4. Moment of Silence
- ~~C)~~5. Roll Call & Disclosure of Pecuniary Interest
- ~~D)~~6. Minutes
- ~~E)~~7. Adoption of Supplementary Agenda
- ~~F)~~8. Delegations
- ~~G)~~9. Communications
- ~~H)~~10. Committee Minutes
- ~~I)~~11. Reports

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By-law No. 2017-62

Page 10

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- 12. By-laws
- 13. Unfinished Business
- 14. New Business
- 15. Motions
- 16. Notice of Motions
- 17. Next Meetings
- 18. Adjournment

L) Motions

M) Notice of Motions

N) Next Meetings

O) Adjournment

All business shall be taken up in the Order of Business in which it stands, unless otherwise decided by Council.

D) Order of Business – Special, Public and Closed meetings of Council

The Order of Business for the ordinary meetings of Council shall be as follows:

1. Roll Call

A)2. Call to Order

B) Roll Call

C)3. Disclosure of Pecuniary Interest

D)4. Delegations

E)5. Communications

F)6. Reports

G)7. Adjournment

E) Order of Business – Committees and Local Board

The Order of Business for Committee and Local Board meetings shall be as follows:

1. Roll Call

A)1. Call to Order

B) Roll Call

C)2. Pecuniary Interest

D)3. Delegations

E)4. Communications

F)5. Reports

G)6. Unfinished Business

H)7. New Business

I)8. Next Meeting

J)9. Adjournment

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All business shall be taken up in the Order of Business in which it stands, unless otherwise decided by Committee or Local Board.

F) Delivery of Agendas

- A)1.** The Clerk shall post on the municipal website notice for all Council, Committee and Local Board Meetings established by Council and such posting serves as notice of the Meeting to the public as required by the Act.
- B)1.** Prior to the first Meeting in January of each year the Clerk shall post on the Corporation's website the schedule for all regular Council Meetings for the calendar year.
- C)1.** The Clerk shall give at least twenty-four (24) hours' notice to the public of all special Meetings of Council, Committee and Local Board Meetings and post an agenda.
- D)1.** The Clerk shall post on the Corporation's website the full and complete agenda for each Council, Committee and Local Board Meeting not less than five (5) days in advance of the day appointed for holding the Meeting which posting may also serve as notice to the public of the Meeting.

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- ~~E)~~1. Where notice of intention to pass a by-law or notice of a public Meeting is required to be given by statute, the Clerk shall cause such notice to be published in a newspaper in addition to posting on the Corporation's website.
- ~~F)~~2. Where notice of intention to pass a by-law or notice of a public Meeting is required to be given by statute, such notice shall be provided in the timeframe prescribed in the said statute, or its regulations, and if not so prescribed, notice shall be given at least four (4) calendar days prior to the proposed action being taken.
- ~~G)~~3. The Corporation's annual budget shall be adopted by by-law at a regular Council Meeting and the Clerk shall provide a minimum of four (4) days' notice by posting the notice on the municipal website and publishing the notice in a local newspaper. Normal operating costs incurred prior to the adoption of the annual budget shall not require notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.
- ~~H)~~4. Unless otherwise prescribed, where notice of intention to pass a by-law or notice of a public Meeting is required to be given by statute, the form of the notice shall include the following information:
- ~~1-a)~~ a description of the purpose of the meeting, or the purpose and effect of the proposed bylaw;
- ~~2-b)~~ the date, time and location of the meeting;
- ~~3-c)~~ where the purpose of the meeting or proposed by-law is related to specific lands within the municipality, a key map showing the affected lands; and
- ~~4-d)~~ the name and address of the person who will receive written comments on the issue that is the subject of the meeting and the deadline for receiving such comments.
- ~~I)~~5. Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period.
- ~~J)~~6. Lack of receipt of notice or failure to comply with the notice provisions of this by-law shall not invalidate the holding of the Meeting or any decision of Council or a Committee made at the Meeting.

9. Conduct of Proceedings at a Meeting of Council or Committee

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A) Presiding Officer

It shall be the duty of the Mayor or Acting Mayor or Chair or the Chair of the Committee or of a Local Board:

- A)1. To open the meeting of Council, Local Board or the Committee by taking the chair and calling the members to order;
- B)1. To announce the business before the Council or Committee or Local Board in the order of which it is to be acted upon;
- C)1. To receive and submit, in the proper manner, all motions presented by the members;
- D)1. To put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
- E)1. To decline to put to vote motions which infringe the rules of procedure;
- F)1. To restrain the members, when engaged in debate, within the Rules of Order;
- G)1. To enforce on all ~~occasions~~ occasions, the observance of order and decorum among the members;
- H)1. To call by name any members persisting in breach of the Rules of Order of the Council or Committee or Local Board, thereby ordering him to vacate the Council or Committee chambers;
- I)1. To receive and announce all messages and other communications and announce them to the Council or Committee or Local Board;
- J)1. To authenticate, by his signature, when necessary, all by-laws, resolutions and minutes of the Council or Committee or Local Board;
- K)1. To inform the Council, Local Board or Committee, when necessary or when referred to for the purpose, in a point of order or usage;
- L)1. To select members of Council who are to serve on Committees or Local Board, after written submissions by members, which are to be delivered prior to the first meeting in each year;
- M)1. To represent and support the Council or Local Board or Committee, declaring its will, and implicitly obeying its decisions in all things;
- N)1. To ensure that the decisions of Council, Local Board or Committee are in conformity with the laws and by-laws governing the activities of the Council, Local Board or Committee;
- O)1. To adjourn the meeting when the business is concluded;

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- ~~P~~1. To expel any person for improper conduct at a meeting;
- ~~Q~~2. To adjourn the meeting without question put in the case of grave disorder arising in the Council or Committee or Local Board chamber.

10. Decorum

No member shall:

- A) Disturb one another, or the Council or Committee or Local Board itself, by any disorderly deportment disconcerting to any member speaking;
- ~~B~~A) Resist the Rules of Order or disobey the decision of the Presiding Officer or of the Council or questions of order or practice or upon the interpretations of the Rules of Order of the Council or Committee or Local Board;
- ~~C~~B) Be permitted to retake his seat at any meeting after being ordered by the presiding officer to vacate, after committing a breach of any Rule of Order of the Council or Committee or Local Board, without making apology and obtaining the consent of Council or Committee or Local Board expressed by a majority vote of the other members present, determined without debate;
- ~~D~~C) Leave his place on adjournment until the Presiding Officer leaves the chair;
- ~~E~~D) Speak until he has addressed himself to the Presiding Officer;
- ~~F~~E) Walk across or out of the chamber or make any noise or disturbance when the Presiding Officer is putting a question and shall occupy his seat while a vote is being taken and until the result thereof is declared.

11. Rules of Order

A) The Presiding Officer

In directing the course of debate, the Mayor, Acting Mayor or the Chair of the Local Board or Committee shall:

- ~~A~~1. Designate the member who has the floor, when two or more members wish to speak;
- ~~B~~2. Preserve order and decide questions of order;
- ~~C~~3. Read all motions presented in writing and state all motions presented verbally before permitting debate on the question, except when otherwise provided in this by-law.

B) Members

In addressing the Council or Committee or Local Board, no member shall:

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~~A~~1. Speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of Ontario;

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~~B~~1. Use indecent, offensive or insulting language in or against the Council or Committee or Local Board or any member thereof;

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~~G~~1. Speak beside the question in debate;

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~~D~~2. Reflect upon any prior determination of the Council or Committee or Local Board, except to conclude such remarks with a motion to rescind such determination;

~~E~~3. Speak more than once to the same question, except:

~~4-a~~ upon the consideration of a report from a Committee to which it was referred by Council after being properly introduced and debated, but not determined, or

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~~2-a~~ in explanation of a material part of his speech which may have been interpreted incorrectly, or

~~3-b~~ with leave of the Council or Committee or Local Board after all other members so desiring have spoken, or

~~4-c~~ a reply may be allowed by leave of the Council or Committee or Local Board to the member who presented the motion to Council, in which case, he shall speak for no longer than a five (5) minute period without leave of Council or Committee or Local Board;

~~F~~4. Ask a question except of the previous speaker and in relation to that Speaker's remarks;

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~~G~~1. Interrupt the member who has the floor, except to raise a point of order.

C) General

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~~A~~1. Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.

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~~B~~1. Any member may appeal the decision of the Presiding Officer on a point of order to the Council or Committee, which shall decide the question without debate upon a majority vote of the members present.

~~G~~2. Debate shall be restricted to each proposal in its turn when a question has been divided upon leave of Council or Committee or Local Board.

12. Motions

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A) Notice

At least three (3) working days' notice shall be given to all new motions, except motions respecting:

- ~~A~~1. matters of privilege,
- ~~B~~1. the presentation of petitions,
- ~~C~~2. to table a matter to a later date,
- ~~D~~3. to move the previous question,
- ~~E~~4. to refer a matter,
- ~~F~~5. to adjourn,
- ~~G~~6. to amend,
- ~~H~~7. to suspend the Rules of Order, or
- ~~I~~8. on the previous question.

B) "Notice of Motion"

Means a motion received by the Clerk in writing, moved by a member for inclusion on a future agenda of a meeting of the Council.

C) Must be Seconded

- ~~A~~1. A motion must be formally seconded before the Presiding Officer can put the question or be recorded in the Minutes.
- ~~B~~1. Motions which have not been seconded shall be recorded in the minutes and noted as defeated.

D) Withdrawal

After a motion is read or has been stated by the presiding officer, it shall be deemed to be in possession of the Council or Committee or Local Board and can be withdrawn before decision or amendment only with leave of the Council or Committee or Local Board, expressed by resolution.

E) Priority of Disposition

A motion properly before Council or Committee or Local Board for decision must receive disposition before any other motion can be received, except a motion to amend, for the previous question, to adjourn, to extend the hour of closing proceedings, to commit, or on a matter of privilege.

F) To Amend

A notice to amend:

- ~~A~~1. May be presented in writing;

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- ~~B~~1. Shall receive disposition of Council or Committee or Local Board before a previous amendment or the question;
- ~~C~~2. Only one motion to amend an amendment to the question shall be allowed and any further amendment must be to the main questions;
- ~~D~~3. Shall be relevant to the question to be received;
- ~~E~~4. Shall not be received proposing a direct negative to the question;
- ~~F~~5. Two separate distinct proposals of a question may be made;
- ~~G~~6. Shall be put in the reverse order to that in which it is moved.

G) Previous Question

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A motion for the previous question:

- ~~A~~1. Cannot be amended;
- ~~B~~1. Cannot be proposed when there is an amendment under consideration;
- ~~C~~2. Shall preclude all amendment of the main questions;
- ~~D~~3. When resolved in the affirmative, the question is to be put forthwith without debate or amendment;
- ~~E~~4. When resolved in the negative, the question shall not be put at the meeting, but placed on the Order [routine] of Business for the next ordinary meeting of Council or the Committee, or such later meeting as the Council or the Committee or Local Board may decide, but not later than the last ordinary meeting of the Council or the Committee or Local Board to be held in the year in which the original motion was made;
- ~~F~~5. Cannot be received in any Committee of Council;
- ~~G~~6. Can only be moved in the following words: "That the question be now put"; and
- ~~H~~7. May be voted against by the mover and seconder.

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H) To Adjourn

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A motion to adjourn:

- ~~A~~1. The meeting shall always be in order, except as provided in this paragraph and shall be put immediately without debate;
- ~~B~~1. When resolved in the negative, cannot be made again until after some intermediate proceeding shall have been completed by Council or Committee or Local Board;

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~~G)1.~~ Is not in order when a member is speaking, nor during the verification of a vote;

~~D)2.~~ Cannot be amended;

~~E)3.~~ Is not in order immediately following the affirmative resolution of a motion for the previous question.

I) Repetition

A motion called in the order in which it stands upon the agenda of the order of business of a meeting and which is not decided by Council or Committee or Local Board, shall be allowed to stand, retaining its precedence upon the agenda of the order of business of the next ordinary meeting of Council or Committee or Local Board.

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J) Ultra Vires

A motion on a matter beyond the jurisdiction of the Council or Committee or Local Board shall not be received by the Presiding Officer.

K) Privilege

A motion on a matter of privilege shall receive disposition of Council or Committee or Local Board forthwith upon receipt and, when settled, the question so interrupted shall be removed at the point where it was suspended.

L) Reconsideration

A motion for reconsideration of a question which has been decided upon but not acted upon may be made at any time by a member who voted thereon. A motion to reconsider will be carried by a two-thirds (2/3) majority of the members present and voting. No such motion can be received which would require reconsideration of the same question more than once during the twelve (12) months following the date on which the question was decided.

M) To Commit

A motion to commit or recommit a question to a Committee, with or without instructions, may be amended but must receive disposition by Council before the question, or an amendment to the question; and when made prior thereto, before decision on a motion for the previous question or postponement.

N) Verbal Motions

Incidental motions in respect of a matter of special privilege, suspension of Rules of Order, adjournment, postponement, for the previous question, or commitment may be made verbally.

O) Divided Motion

A motion containing distinct proposals may be divided with leave of Council or Committee or Local Board.

13. Voting on Motions**A) Question Stated**

Immediately preceding the taking of the vote thereon, the Presiding Officer may state a question in the form introduced, and shall do so if required by a member except when a motion for the previous question has been resolved in the affirmative, he shall state the question in the precise form in which it will be recorded in the minutes.

B) No Interruption After Question Stated

After a question is finally put by the Presiding Officer, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

C) Division of Question

A separate vote shall be taken upon each proposal contained in a question divided with leave of Council or Committee.

D) Vote of Presiding Officer

~~A)1.~~ The Presiding Officer, except where disqualified to vote, may vote on all questions, and when so doing, shall vote last;

~~B)1.~~ When the Presiding Officer determines to vote on a question, his vote shall be spoken, signified, polled and recorded after the votes of each member voting.

E) Vote Not Allowed

A member not present before the result of a division on a question is declared shall not be entitled to vote on that question.

F) Unrecorded Vote

The manner of determining the decision of Council or Committee or Local Board on a motion shall be at the discretion of the Presiding Officer, and may be by voice, show of hands, standing or otherwise.

G) Recorded Vote

Upon a request made before proceeding to another item of business, by a member who was present when the question was stated, a recount of the vote shall be taken and the previous decision of a vote determined in any other manner, and whether declared or not, shall not be binding upon the Council or Committee or Local Board.

14. General:**A) Order of Business**

The Clerk shall have prepared an agenda for the routine of business in paragraph 8 C), ~~and D)~~ and E) for the use of each member at a Council or Committee or Local Board meeting.

B) Disclosure of Pecuniary Interest

~~A)1.~~ At a meeting at which a member discloses an interest under section 5 of the *Municipal Conflict of Interest Act, R.S.O. 1990 c.M.50*, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk.

~~B)1.~~ The Clerk shall maintain a registry in which shall be kept,
~~1-a)~~ a copy of each statement filed under section 5.1; and
~~2-a)~~ a copy of each declaration recorded

~~C)2.~~ The registry shall be available for public inspection on the Town's website and the Clerk's Department.

C) Minutes

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~~A)1.~~ The Minutes shall record:

~~1-a)~~ The place, date and time of the meeting;

~~2-a)~~ The names of the Presiding Officer or officers and of the members present;

~~3-a)~~ The reading, presentation, correction and the adoption of the minutes of prior meetings.

~~B)2.~~ It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting and all subsequent special meetings held more than three (3) days prior to a regular meeting, are placed on the next following regular Council meeting agenda.

D) Communications

Letters or written communications requiring consideration and action will be listed on the agenda

E) Delegations

~~A)1.~~ Persons desiring to verbally present information on matters of fact or make a request of council, shall give written notice to the Clerk seven (7) days in advance of the meeting at which they wish to appear.

~~B)1.~~ The written notice of delegation shall state the topic to be discussed and any request to be made of the members.

~~C)2.~~ Delegations shall be limited in speaking not more than ten minutes (10), except that a deputation consisting of more than five persons (5) shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes in total time.

~~D)3.~~ May be heard upon approval of Council, by resolution stated at the meeting.

~~E)4.~~ The Clerk in consultation with the Mayor and CAO has authority to deny Delegation requests under the following circumstances:

~~1-a)~~ The request is not submitted within the time required in Paragraph 14. E) (1) of this By-law;

~~2-b)~~ No written submission together with handouts or materials is provided with the request or the submission is incomplete;

~~3-c)~~ The subject matter is deemed to be beyond the jurisdiction of Council;

~~4-d)~~ The issue is specific to a labour/management dispute, or other matter properly held in closed session;

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- ~~5-e)~~ The issue has been or is to be considered by the Committee of Adjustment;
- ~~6-f)~~ Council has previously considered or made a decision on the issue and a Delegation has appeared before Council with respect to the same issue previously considered or decided by Council within a period of twelve (12) months following the date on which the issue was last considered or decided by Council;
- ~~7-g)~~ Council previously indicated it will not hear further from this Delegation; or
- ~~8-h)~~ The issue should be referred to Administration for action.
5. A Delegation shall not be received by Council on matters relating to litigation or potential litigation affecting the Corporation, including matters which are before and under the jurisdiction of any court or tribunal, unless such matter is referred to Council by the said court or tribunal, in the alternative, Council deems the matter to be sufficiently important to allow the Delegation to be heard.
6. The Clerk may refuse, or postpone, a delegation when there has been, or will be, at least one (1) public meeting held at which the public was, or will be, provided the opportunity to make formal presentations on that subject matter.
7. In the event that a delegation request is refused, the Clerk shall provide to the person(s) in writing the reasons for the refusal with a copy to Council.

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8. ~~If~~ applicable, Delegations shall provide a copy of their presentation to the Clerk seven (7) days in advance of the meeting at which they will be appearing. If using presentation software, such as PowerPoint, Delegations shall provide an electronic version to the Clerk, which shall be uploaded onto a Town-supplied laptop that Delegations may use during the Meeting. Presentation materials shall be attached to the circulated Agenda, whenever possible.
9. Delegations shall not distribute printed materials during the Meeting. All printed materials must be submitted to the Clerk prior to the commencement of the Meeting.
10. The display of placards and signs is not permitted during a Meeting.
11. The Clerk will only circulate material that complies with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.
12. Delegations will be scheduled in an order to be determined by the Clerk.
13. Delegations shall address their remarks through the Chair.
14. Delegations shall confine their remarks to the business stated in the written notice given to the Clerk.
15. Except on matters of order, Members shall not interrupt a Delegation while he/she is addressing Council, the Committee or Local Board.
16. Members may address a Delegation only to ask questions and not to express opinions or enter into debate or discussion.
17. Once a motion to receive the presentation or to decide on the matter or to provide direction, has been moved and seconded, no further representation or questions of the Delegation shall be permitted.
18. The Chair may curtail any Delegation, any questions of a Delegation or debate during the presentation, as a result of disorder or other breach of the Procedural By-law. If the Chair rules that the Delegation is concluded, the person or persons appearing before Council shall withdraw from the table.

F) Petitions

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A petition in regard to a matter within the jurisdiction of Council or Committee or Local Board made over the signatures of the subscribers, shall be presented by a subscriber or agent who knows the contents thereof and vouches for the propriety of the petition may be received on leave of Council or Committee or Local Board, may be

disposed forthwith, assigned some future time for consideration by Council or Committee or Local Board, or referred to a Committee.

G) Reports

- A)1. Shall be received upon leave of Council or Committee or Local Board; or
- B)1. May be accepted or approved upon resolution of Council or Committee or Local Board;
- C)1. May be recommitted to Council or Committee or Local Board or a different Committee.

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H) Unfinished Business

The items listed in the Order of Business of prior meetings which have not been disposed of by Council or Committee or Local Board and the date of their first appearance on the order of business shall be noted and repeated on each subsequent order of business until disposed of by Council or Committee or Local Board, unless removed from the order of business by leave of Council or Committee or Local Board.

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I) By-laws

Every proposed by-law shall:

~~A)~~1. be introduced by the Clerk, specifying the title or upon the report of a committee;

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~~B)~~1. receive three (3) separate readings;

~~C)~~1. be endorsed by the Clerk with the date of the several readings thereof;

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~~D)~~2. be the responsibility of the Clerk for correctness when amended;

~~E)~~3. be finally passed by Council before signature by the Mayor or Acting Mayor of Council and the Clerk, and

~~F)~~4. be stamped with seal of the Corporation of the Town of Tecumseh;

Every proposed by-law may be referred to a Committee for report after second reading, and such reference may be made with or without debate on either or both the proposed by-law or the motion to so commit, as the Council may decide.

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J) Suspension of Rules

Any procedure required by this by-law may be suspended with consent of not less than four-fifths (4/5) of the members present.

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K) Electronic Recordings and Photographs

Any person may make an electronic recording of Council, Committee or Local Board Meetings or take photographs provided that the activity does not, in the opinion of the Chair, interfere with the Meeting proceedings or interfere with the Corporation's recording of Council Meetings.

15. Former By-laws Repealed

By-law No. 2008-69, as amended, by the Corporation, is hereby repealed and any by-law inconsistent with this by-law.

16. ~~16.~~ Prolonged Absence

The office of a Member becomes vacant if the Member is absent from the meetings of Council for three (3) successive months without being authorized to do so by a resolution of Council.

~~16.~~ This section does not apply to vacate the office of a Member if the absence is a result of the Member's pregnancy, the birth of the Member's Child or the adopt of a child by the Member.

~~Effective~~

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By-law No. 2017-62

Page 29

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18.17. Effective

This by-law shall come into full force on the date of the final passing thereof.

Read a first, second, third time and finally passed this **Choose an item.** day of **Choose an item.**, 2020.

Gary McNamara, Mayor

Laura Moy, Clerk

~~**READ** a first, second and third time and finally passed this 12th day of September, 2017.~~

Gary McNamara, Mayor

Laura Moy, Clerk

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The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Policies and Priorities Committee

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: January 28, 2020

Report Number: CS-2020-05

Subject: Appointment of an Alternate Member to Essex County Council

Recommendations

It is recommended:

That Report No. CS-2020-05 entitled “Appointment of an Alternate Member to Essex County Council” **be received**;

And that the draft policy entitled, “Appointment of an Alternate Member to County Council” **be approved** should Council wish to appoint an Alternate to Essex County Council;

And further that the Clerk **be directed** to commence the process to appoint an Alternate Member to County Council and prepare the approval by-law.

Background

Bill 68, *Modernizing Ontario’s Municipal Legislation Act, 2017*, which received Royal Assent May 30, 2017, amended the *Municipal Act, 2001*, *Municipal Conflict of Interest Act* and the *Municipal Elections Act*. Among other changes to the *Municipal Act, 2001* (Act), which were previously reported to Council under Corporate Services Report 2017-26 and CS-2020-02, is the addition of Section 268 “Temporary Replacement, Member of Upper-Tier Council”. Section 268 provides that:

“... the council of a local municipality may appoint one of its members as an alternate member of the upper-tier council, to act in place of a person who is a member of the councils of the local municipality and its upper-tier municipality, when the person is unable to attend a meeting of the upper-tier council for any reason.”

The appointment is not mandatory; it is at the option of each lower-tier municipality. In accordance with the Act, the appointment of an Alternate Member is for the full term of Council and the Alternate cannot act as the head of council of the upper-tier council (Warden).

The County of Essex (County) has demonstrated its support and acknowledgement of the power conferred upon its lower-tier municipalities under Section 268 by passing By-law 40-2018 to ensure the consistent treatment of Alternate Members appointed in accordance with Section 268. Attached as **Appendix 1** is a copy of County By-law No. 40-2018.

Comments

The Mayor and Deputy Mayor are the Town's representatives on County Council. If either cannot attend a meeting, there is currently no mechanism to replace them for that particular meeting.

The benefits of appointing an Alternate include:

- Ensuring representation from the Town at County Council Meetings; and
- Additional experience at the County Council level for the Alternate.

The challenge of appointing an Alternate Member is the additional work for the Alternate to become familiar with the procedures and business at the County level.

To date, all of the area municipalities have appointed an Alternate Member to County Council, save and except the Town of Tecumseh and Municipality of Leamington. According to the County Clerk, the following summarizes the number of times Alternate Members have attended a County Council meeting due to their respective representative being on vacation, or in one instance when a member who had been ill for a while knew in advance they would not be able to attend. An Alternate Member has not attended a meeting last minute due to an unexpected absence.

- Town of Kingsville – Alternate has attended once
- Town of LaSalle – Alternate has attended four times
- Town of Lakeshore – Alternate has attended once
- Town of Essex – Alternate has attended two times
- Town of Amherstburg – Alternate has attended once

To appoint an Alternate Member, Council should decide on a process by which an Alternate Member is to be selected. In this regard, there are two suggested options which bear similarities to the Council Vacancy Policy: 1) Call for Nominations, or 2) Appointment by Votes.

Under Option 1, Council would receive nominations from amongst the Members of Council at an open meeting and a vote would be conducted to elect the Alternate Member. Following the

election of an Alternate, Council would pass a by-law appointing that member as the Alternate for the term of Council. A sample by-law is attached as [Appendix 2](#).

Under Option 2, the Councillor that received the highest number of votes in the regular municipal election would be given the first right of refusal to be appointed as the Alternate Member. If that Member refuses or declines, the Councillor with the next highest number of votes would be offered the opportunity to act as the Alternate, and so on until the position is accepted or the list of Councillors is exhausted. The necessary by-law would then be prepared for adoption as soon as possible after the position is accepted. If there are no Councillors willing to accept the appointment, then no Alternate would be appointed.

In the event Council wishes to appoint an Alternate Member, Option 2 is the recommended process for the appointment. The draft Policy attached as [Appendix 3](#), if approved, would fully described the process to appoint an Alternate Member to attend County Council Meetings when the Mayor or Deputy Mayor cannot attend.

Consultations

County of Essex

Financial Implications

There are no direct financial considerations for the Town. Any costs associated with an Alternate attending a County Council meeting will be borne by the County of Essex. The compensation for an Alternate Member to attend a County Council meeting is \$582.73 plus mileage per meeting.

Link to Strategic Priorities

| Applicable | 2019-22 Strategic Priorities |
|-------------------------------------|---|
| <input type="checkbox"/> | Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers. |
| <input checked="" type="checkbox"/> | Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making. |
| <input type="checkbox"/> | Integrate the principles of health and wellness into all of Tecumseh's plans and priorities. |
| <input checked="" type="checkbox"/> | Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses. |
| <input type="checkbox"/> | Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals. |

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

| Attachment Number | Attachment Name |
|------------------------------|--|
| 1 | County of Essex By-Law 40-2018 Alternate Member of Essex County Council |
| 2 | Sample By-Law – Appointment of an Alternate Member to County Council |
| 3 | Draft Policy - Appointment of an Alternate Member to Essex County Council |



The Corporation of the County of Essex

By-Law Number 40-2018

A By-Law to Establish the Roles and Duties of An Alternate Member of Essex County Council, appointed by a Local Municipality.

Whereas Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 received Royal Assent on May 30, 2017, and amended the Municipal Act, 2001, S.O. 2001, c. 25, herein referred to as the "Act";

And Whereas the Lieutenant Governor proclaimed that Section 268(1) of the Act came into force on January 1, 2018;

And Whereas Section 268(1) of the Act provides that the council of a local municipality may appoint one of its members as an alternate member of the upper-tier Council, to act in place of a person who is a member of the councils of the local municipality and its upper-tier municipality, when the person is unable to attend a meeting of the upper-tier council for any reason;

Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

1. Definitions:

"Alternate Member" means an elected member of a local municipality in Essex County that has been appointed under section 268 of the Municipal Act to attend meetings of Essex County Council on behalf of the local municipality's County Councillor when the County Councillor is unable to attend a meeting of Essex County Council. Where appropriate, when reference to a "member" is cited, it may also be read to include "Alternate member" in the execution of their prescribed duties;

"Member" means a Member of Council and includes the Head of Council. See also "Alternate member";

1. An Alternate Member may take their seat on Essex County Council upon the County Clerk receiving a certified appointment by-law passed by the local municipality, which names the Alternate Member, and the Alternate Member has taken the Oath of Office as administered by the County Clerk.
2. An Alternate Member's appointment shall be for the term of the Council that appointed them, or until their appointment by-law is rescinded, or until such time as the Alternate Member's seat is declared vacant in accordance with section 259 of the Act.
3. An Alternate Member may, in the absence of the elected member, participate at meetings of Essex County Council, however membership and voting rights are limited to only those privileges held by the elected member they are deemed to be the Alternate Member for.
4. An Alternate Member shall be limited to replacing the elected member of the municipality at a meeting of County Council, with the exception of the Inaugural Meeting, and not at a Committee, Board or Agency, to which County Councillor has been appointed.
5. An Alternate Member shall not be eligible for election to the County's Head of Council (Warden) or Deputy Warden, nor shall an Alternate Member assume the role of Warden/ Deputy Warden/Presiding Officer when attending meetings of Essex County Council.
6. An Alternate Member shall receive a meeting per diem, as well as mileage (where applicable) in accordance with the County of Essex Procedure By-law, for any meetings of Essex County Council he/she is required to attend in the absence of the elected member.
7. An Alternate Member shall not be eligible to be reimbursed for a convention, or seminar, or training.
8. An Alternate Member, while acting in their capacity, shall be governed by all applicable policies of Essex County

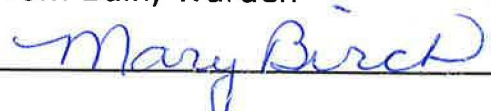
Council, such as but not limited to the Council Code of Conduct and shall have access to applicable support resources, such as but not limited, to the Integrity Commissioner.

9. An Alternate Member, when possible, shall provide at least 48 hours notice to the County Clerk, regarding the absence of the member, at which time the County Clerk shall provide a copy of the Agenda and any additional information for the meeting.
10. This By-law shall come into force and take effect after the final passing.

Read a first, second and third time and Finally Passed this 7th day of November, 2018.



Tom Bain, Warden



Mary S. Birch, Clerk

Clerk's Certificate

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of **By-law Number 40-2018** passed by the Council of the said Corporation on the 7th, day of November **2018**.

Mary S. Birch, Clerk
Corporation of the County of Essex

The Corporation of the Town of Tecumseh

By-Law Number 2020 - [Subject]

A By-Law to Appoint an Alternate Member to the Council of the County of Essex during an absence of the Mayor or Deputy Mayor

Whereas Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017* received Royal Assent on May 30, 2017, and amends the *Municipal Act, 2001*, S.O. 2001, c. 25, herein referred to as the "Act";

And Whereas section 268(1) of the Act provides that the council of a local municipality may appoint one of its members as an Alternate Member to the upper-tier council, to act in place of a person who is a member of the councils of the local municipality and its upper-tier municipality, when the person is unable to attend a meeting of the upper-tier council for any reason;

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. **That** [Councillor XXX] is hereby appointed as the Alternate Member to County Council for the term of the council ending [XXXXX], or until this appointment by-law is rescinded or until such time as the Alternate Member's seat is declared vacant in accordance with section 259 of the Act.
2. **And that** the Alternate Member appointed herein shall not sit on behalf of the Mayor or Deputy Mayor at an Inaugural Meeting of Essex County Council.
3. **And further that** this by-law shall come into force on the day it is passed, and take effect on the day the Alternate Member takes the oath of office as administered by the County Clerk.

Read a first, second, third time and finally passed this [Choose an item.] day of [Choose an item.], 2020.

Gary McNamara, Mayor

Laura Moy, Clerk



The Corporation of the Town of Tecumseh

Policy Manual

Policy Number: [Keywords]

Effective Date: Click here to enter a date.

Supersedes: Click or tap here to enter text.

Approval: Click or tap here to enter text.

Subject: **Appointment of An Alternate to County Council Policy**

1.0 Purpose

- 1.1 To establish a procedure to be followed for the appointment of an Alternate Member to Essex County Council following a Municipal Election.

2.0 Scope

- 2.1 This policy applies to all Members of Council. This policy is intended to:
- a) Ensure compliance with the *Municipal Act, 2001*.
 - b) Establish a clear process for the appointment of an Alternate Member to Essex County Council who can attend those Council meetings in the event that the Mayor or Deputy Mayor are unable to attend, for any reason.
 - c) Provide direction in the event that no Member of Council wishes to accept the appointment of Alternate Member to Essex County Council.

3.0 Definitions

- 3.1 **Alternate Member** means the Member of Council of the Town appointed by Council who will attend a County Council meeting in the place of the Mayor or Deputy Mayor in the event that either are unable to attend a County Council meeting for any reason.

- 3.2 **Clerk** means the Clerk, or designate, of the Town as appointed by Council.
- 3.3 **County Council** means the Council of The Corporation of the County of Essex.
- 3.4 **Council** means the Council for The Corporation of the Town of Tecumseh.
- 3.5 **Inaugural Meeting** means the first Council meeting in the Town after the new Council Term commences in which elected members are sworn into office for the Term of Council.
- 3.6 **Lower Tier** means the Council of the Town.
- 3.7 **Municipal Election** means the voting process undertaken by municipalities in accordance with *the Municipal Elections Act, 1996*, to elect members to municipal council and School Board Trustees.
- 3.8 **Policy** means the Appointment of an Alternate to County Council Policy.
- 3.9 **Town** means The Corporation of the Town of Tecumseh.
- 3.10 **Upper Tier** means the Council of The Corporation of the County of Essex.

4.0 Reference Documents

- *Municipal Act, 2001*

5.0 Responsibilities

- 5.1 The Clerk shall be responsible for interpreting and, where appropriate, administering the Policy.
- 5.2 This Policy will be reviewed by the Clerk once per Council term, and will be updated in accordance with legislative requirements.

6.0 Procedure

- 6.1 Following the Inaugural Meeting, the Clerk of the Town will contact the newly appointed Councillors in the order of highest votes received in the most recent Municipal Election, until a Councillor agrees to the Alternate Member appointment.
- 6.2 The Councillor who receives the most votes in the most recent Municipal Election has the first right of refusal to be appointed as the Alternate Member for the term of Council, and to attend the County Council Meetings in the place of the Mayor or Deputy Mayor, when absent.

- 6.3 If the seat of the council member appointed as the Alternate Member becomes vacant, Council may appoint another of its Councillors as the Alternate Member for the remainder of the Council term, following the same process identified above.
- 6.4 If no Councillor wishes to be appointed as the Alternate Member, no Alternate Member appointment will be made for the term of Council.
- 6.5 The Clerk will prepare the necessary by-law to give effect to an appointment under this Policy.

7.0 Exclusions

- 7.1 The appointed Alternate Member cannot act as the alternate for the Warden of the County.
- 7.2 The appointed Alternate Member cannot cover vacancies of the local council where a seat has been declared vacant in accordance with Section 259.
- 7.3 The appointed Alternate Member shall only attend County Council Meetings when the Mayor or Deputy Mayor cannot attend for any reason.

Questions about this Policy can be referred to the Director of Corporate Services & Clerk.



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Policies and Priorities Committee

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: January 28, 2020

Report Number: CS-2020-03

Subject: Code of Conduct for Members of Council and Local Boards Review

Recommendations

It is recommended:

That CS-2020-03 entitled “Code of Conduct for Members of Council and Local Boards Review” (Code of Conduct), **be received;**

And that the revised Code of Conduct as appended to CS-2020-03, **be accepted;**

And further that a by-law to approve the revised Code of Conduct, for Council’s consideration at their next regularly scheduled meeting to be held on Tuesday, February 11, 2020, **be prepared.**

Background

Bill 68, *Modernizing Ontario’s Municipal Legislation Act, 2017* (Bill 68), which amended the *Municipal Act, 2001* (Municipal Act), *Municipal Conflict of Interest Act* (MCIA) and the *Municipal Elections Act* (MEA), received Royal Assent in May 2017. The changes to these Acts came into effect in phases.

The purpose of this report is to advise on the changes to the Municipal Act regarding the new requirement for municipalities to appoint an Integrity Commissioner (IC), or make arrangements for all of the responsibilities of an IC as set out in the Municipal Act to be provided by an IC of another municipality, and to establish codes of conduct for members of the council of the municipality and of its local boards. Previously, appointing an IC and establishing a code of conduct were discretionary.

This report will also recommend amendments to the Code of Conduct for Members of Council, Committees and Local Boards Policy No. 63, as adopted by By-law No. 2014-01, in order to conform with the amendments to the Municipal Act.

Comments

Section 223.3 (1) of the Municipal Act authorizes a municipality to appoint an IC who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the MCIA to members of council and of local boards. (Note: these sections of the MCIA are in respect to disclosure by a member, when present at a meeting, to disclose any pecuniary interest, direct or indirect, in a matter.)
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality, or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the MCIA.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's code of conduct for members of council and members of local boards, and about the MCIA.

The functions of the IC were expanded to include investigations under the MCIA in respect of members' of council, and members' of local boards, responsibility to a disclosure of pecuniary interest, whether direct or indirect, when attending a meeting. Additionally, a member may seek advice from the IC respecting their obligations under the MCIA.

The Municipal Act also now requires, in subsection 223.3 (6), a municipality to indemnify and save harmless the IC, or any person acting under the instructions of the IC, for costs reasonably incurred by either of them in connection with the defence of a proceeding, if the proceeding relates to an act done in good faith in the performance, or intended performance, of a duty or authority under the Municipal Act, or a by-law passed under the Municipal Act; or an alleged neglect or default in the performance in good faith of the duty or authority.

Municipalities, and their local boards, must give the IC such information as the IC believes to be necessary for an inquiry. The IC is also entitled to have free access to all books, accounts,

financial records, electronic data processing records, reports, files and all other papers, things or property belonging to, or used by the municipality, or a local board that the IC believes to be necessary for an inquiry.

New provisions are now also included in the Municipal Act in subsections (7) and (8) which relate to the Municipal Election. These sections state that if the IC has not completed an inquiry before nomination day for a regular election, as set out in the MEA, the IC shall terminate the inquiry on that day. If an inquiry is terminated under subsection (7), the IC shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, the person or entity who made the request, or the member or former member whose conduct is concerned, makes a written request to the IC that the inquiry be commenced.

The added functions of the IC in respect of investigations under the MCIA are contained in Section 223.4.1 of the Municipal Act and permit a person demonstrably acting in the public interest to apply in writing to the IC for an inquiry to be carried out concerning an alleged contravention of sections 5, 5.1 or 5.2 of the MCIA by a member of council, or local board.

No application for an inquiry under this section can be made to the IC during the period of time starting on nomination day for a regular election and ending on voting day in a regular election.

An application may only be made within six weeks after the applicant became aware of the alleged contravention. Except that an application may be made more than six weeks after the applicant became aware of the alleged contravention if both of the following are satisfied:

1. The applicant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election and ending on voting day in a regular election, and
2. The applicant applies to the IC within six weeks after the day after voting day in a regular election.

The application must set out the reasons for believing that the member has contravened the above-referenced sections of the MCIA and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application.

The IC may conduct such inquiry as he or she considers necessary and the IC may have a public meeting to discuss the inquiry. The IC must complete the inquiry within 180 days after receiving the completed application, unless the inquiry is terminated, due to a regular election.

Upon completion of the inquiry, the IC may, if he or she considers it appropriate, apply to a judge under Section 8 of the MCIA for a determination as to whether the member has contravened section 5, 5.1 or 5.2 of MCIA. The IC must advise the applicant if he or she will not be making an application to a judge and, after deciding whether or not to apply to a judge, the IC is required to publish written reasons for the decision.

The IC's costs of applying to a judge are to be paid by the municipality, if a member of council is alleged to have contravened the MCIA, and in the case of a member of a local board, the local board.

ICs may now also elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009* to conduct the inquiry, which includes powers to summons witnesses and to hold hearings open to the public.

The Code of Conduct adopted in January 2014 under By-law No. 2014-01 has been reviewed in consultation with the Town's IC, Robert Swayze. Changes recommended to the Code to conform with the Municipal Act are shown on the revised draft Code of Conduct attached as [Appendix 1](#). The recommended revisions include the acquisition of duties under the MCIA by the IC, as well as revisions to how the IC will conduct an investigation based upon best practices. References to 'Committee' have been removed, as the definition of 'Local Board' in the Municipal Act includes committees.

Consultations

Robert Swayze, Integrity Commissioner

Financial Implications

There are no financial implications to the revisions to the Code of Conduct. Funding is included in the annual budget for any costs that may be incurred for services rendered by the IC.

Link to Strategic Priorities

| Applicable | 2019-22 Strategic Priorities |
|-------------------------------------|---|
| <input type="checkbox"/> | Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers. |
| <input type="checkbox"/> | Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making. |
| <input type="checkbox"/> | Integrate the principles of health and wellness into all of Tecumseh's plans and priorities. |
| <input checked="" type="checkbox"/> | Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses. |
| <input type="checkbox"/> | Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals. |

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

**Attachment
Number**

**Attachment
Name**

1

Code of Conduct for Members of Council and Local Boards with
recommended revisions



The Corporation of the Town of Tecumseh

Policy Manual

Policy Number: 63

Effective Date:

Supersedes: By-law No. 2008-47 RCM July 8, 2008 (RCM-193/08)

Approval:

Subject: Code of Conduct for Members of Council, ~~Committees~~ and Local Boards

Preamble

1.0 Members of Council, ~~Committees~~ and Local Boards [Members] have important obligations and responsibilities to those they represent, serve and interact with in connection with carrying out the roles and duties of a Member's office. A Member's conduct and behavior in terms of ethics and interpersonal conduct and communications are regulated by legislative acts including:

- a) Municipal Act, 2001, S.O. 2001, c. 25 [Municipal Act];
- b) Public Inquiry Act, 2009, S.O. 2009, c. 33 [PIA];
- c) Occupational Health and Safety Act [OHSA];
- d) Ontario Human Rights Code [OHRC];
- e) Municipal Freedom of Information and Protection of Privacy Act, R.S. 1990, c.M. 56 [MFIPPA];
- f) Municipal Elections Act, 1996, S.O. 1996, c. 32 [MEA]; and
- g) Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50 [MCIA].

1.1 This Code applies to every Member of Council and to members of Local Boards, who are not members of Council, with necessary modifications applied at the discretion of the Integrity Commissioner

Purpose

2.0 The purpose and intent of this Code of Conduct for Members of Council, and Local Boards is as follows:

- e) to establish rules to encourage and ensure interpersonal conduct, communications and interactions consistent with legal requirements (i.e. the rules);
- e)c) to provide mechanisms to ensure accountability and compliance with the required ethical and interpersonal conduct standards of this Code of Conduct.

General Standards of Conduct:

- 3.0 Members shall conduct themselves at all times in a manner that:
- a) is consistent with and advances the interests of the community they serve;
 - b) is consistent with the well-being and interests of The Corporation of the Town of Tecumseh [Corporation];
 - c) is consistent with the Corporation's interest in transparency and accountability;
 - d) reflects a diligent and impartial exercise of the office held to the best of the Member's knowledge and ability;
 - e) reflects the Member's adherence to obligations in connection with avoidance of conflicts of interest; and
 - f) is consistent with the legal deliverables governing interpersonal interactions (i.e. civil and respectful, free from harassment or discrimination, free from violence or the threat of violence).

Ethical Conduct Requirements:

Decision-making Process

- 4.0 Members shall conduct themselves with decorum during the proceedings of meetings. Members shall show courtesy and not distract from the business of the Council or Committee during presentations and when other Members have the floor.
- 4.1 Members shall accurately and adequately communicate the attitudes and decisions of Council and Local Boards, such that respect for the decision and decision-making process is fostered.

Conflict of Interest

- 4.2 Members shall conduct themselves in accordance with the MCIA, as amended from time to time.
- 4.3 Members have strict obligations to avoid conflicts of interest by taking the following steps whenever a Member has a direct or indirect pecuniary interest in any matter that is before them in a meeting where the Member is present:
- a) disclose the general nature of the Member's interest prior to any consideration of the matter in the meeting;
 - b) refrain from participating in the discussion of the matter or in any vote on the matter; and
 - c) refrain from attempting to influence the voting on the matter or question, before, during or after the meeting.
- ~~4.45.2~~ Members have important ethical and statutory obligations to adhere to the steps outlined above to ensure avoidance of any conflict of interest in connection with carrying out the obligations of the Member's office.
- ~~5.3 — While the Integrity Commissioner may provide general interpretation of the MCIA, it is expected that Members seek independent legal advice on a specific question of individual compliance with the MCIA.~~
- ~~4.56.0~~ Members have a duty to hold in strict confidence all information concerning matters dealt with at In-Camera meetings (meetings closed to the public). Members shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the In-Camera deliberations to anyone, unless expressly authorized by Council or required by law to do so.
- ~~4.66.4~~ Members shall not release information in contravention of the provisions of the MFIPPA.
- ~~4.76.2~~ Members shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.
- ~~4.86.3~~ Members shall not misuse confidential information (information that they have knowledge of by virtue of their position as a Councillor, Board or Committee Member that is not in the public domain, including e-mails and correspondence from other Members of Council, Board or Committee Member or third parties) such that it may cause detriment to the Corporation, Council or others, or benefit or detriment to themselves or others.

Release of Information to Public and Media

~~4.97-9~~ Members acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Council as a whole or the Mayor as Head of Council, or by his/her designate. Further guidelines on the release of information to public and media are outlined in the Corporate Communication Policy No. 76.

Acceptance of Gifts

~~4.108-9~~ The stipend paid to each Member is intended to fully remunerate Members for service to the Corporation. Members shall not solicit, accept, offer or agree to accept a commission, reward, gift, advantage or benefit of any kind, personally or through a family member or friend, which is connected directly or indirectly with the performance or duties of office.

~~8.1~~ 4.11 Members are not precluded from accepting:

- a) personal gifts, normal hospitality among persons doing business, benefits, rewards, commissions or advantages from any person or organization not connected directly or indirectly with the performance or duties of office;
- b) political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- c) food, beverages and/or admission fees provided by banquets, receptions or similar events if attendance is the result of protocol or social obligation consistent with the responsibilities of office, and the person extending the invitation has done so infrequently and that person or a representative of the donor is in attendance;
- d) services provided without compensation by persons volunteering their time;
- e) food, lodging, transportation and entertainment provided by other levels of governments or by other local governments, boards or commissions;
- f) reimbursement of reasonable expenses incurred in performing the duties of office;
- g) reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations;
- h) token gifts such as souvenirs, mementos and commemorative gifts that are given in recognition of service on a committee, for speaking at an event or representing the Corporation at an event; or

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- i) gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

4.128-2 Members shall return any gifts or benefits which exceed these limits, along with an explanation why the gifts or benefits cannot be accepted.

Engaging in Incompatible Activity

4.139-0 Members shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties or the public interest.

4.14 Without limiting the generality of the foregoing, Members shall not:

- a) use any influence of office for any purpose other than official duties;
- b) act as an agent before Council or any Committee, Board or Commission of Council;
- c) solicit, demand or accept the services of any employee of the Corporation, or any individual providing the services under contract of the Corporation, for re-election purposes during hours in which the employee, or individual providing services under contract, is in the paid employment of the Corporation;
- d) use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- e) place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment;
- f) give preferential treatment to any person or organization in which a Member has a financial interest;
- g) influence any decision or decision-making process of Administration or Council involving or affecting any person or organization in which a Member has a financial interest; or
- h) use the Corporation's materials, equipment, facilities or employees for personal gain or for any private purpose.

Avoidance of Waste

[4.1540-0](#) Members shall avoid waste, abuse and extravagance in the provision or use of public resources, or any other Corporation property.

Interpersonal Behaviour

[4.1644-0](#) Members shall be respectful of the fact that staff work for the Corporation and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any Member(s). Accordingly, no Member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the Corporation.

[4.1744-4](#) No Member shall compel staff to engage in partisan political activities or be subject to threats or discrimination for refusing to engage in such activities. Nor shall any Member use, or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering with that person's duties, including duty to disclose improper activity.

[4.1844-2](#) Members shall be respectful of the fact that staff carry out direction of Council and administer the policies of the Corporation, and are required to do so without any undue influence from any Member.

Interpersonal Conduct and Communication Requirements

General

[5.042-0](#) Members have important legal responsibilities and accountabilities in connection with the tone and substance of interpersonal interactions, conduct or communications pursued in the context of carrying out the activity of a Member's office.

[5.142-4](#) The purpose of this section of the Code of Conduct and the referenced policies is to ensure that Members governed by this Code of Conduct understand and comply with standards of conduct required by law in terms of their interpersonal interactions, communications and conduct; as well as the Corporation's Violence and Harassment in the Workplace Policy No. 68 and Harassment Policy No. 6.

[5.242-2](#) The Corporation and Members, as agents of the Corporation, share important obligations in ensuring compliance with required standards of interpersonal conduct and interactions. A failure to adhere to the required standards of interpersonal conduct can expose both the Corporation and individual Members to potential liabilities.

Ontario Human Rights Code

[5.343-0](#) The OHRC extends equality rights guarantees in the context of employment and the delivery of services. The Corporation is both an employer and service provider. As a result, the interactions and conduct of Members governed by this Code of Conduct generally occur in the context of providing services or interacting with employees.

[5.413-1](#) In connection with such interactions, Members have a legal obligation to ensure adherence to equality rights guarantees. Members have an obligation to ensure that all individuals dealt with are treated with dignity and respect, and not exposed to harassment or discrimination as prohibited by the OHRC.

5.5 Members' obligations, in this regard, extend to anyone dealt with in the context of employment or delivery of services including, but not necessarily limited to, the following: other Members, employees of the Corporation, individuals providing services to the Corporation, contractors, students and the public.

Discrimination

[5.6](#) In accordance with the OHRC, Members shall not discriminate against anyone on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. The terms "age", "disability", "family status", "record of offences", "same-sex partnership status" shall be interpreted as they are defined in the OHRC.

Harassment

[5.7](#) In accordance with the OHRC, Members shall not expose anyone to conduct representing harassment. Harassment includes engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome.

5.8 Without limiting the generality of the definition of "harassment", Members shall not:

- a) make racial, homophobic, sexist or ethnic slurs;
- b) display pornographic, homophobic, sexist, racist or other offensive or derogatory material;
- c) make leering (suggestive staring) or other offensive gestures;
- d) make written or verbal abuse or threats;

- e) vandalize the personal property of others;
- f) commit physical or sexual assault;
- g) make unwelcome remarks, jokes, innuendoes or taunting statements about a person's physical appearance, racial background, colour, ethnic origin, place of origin, citizenship, ancestry, creed (religion or belief), sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, disability (physical or mental);
- h) make unwelcome remarks, insulting gestures or jokes which cause embarrassment or awkwardness;
- i) refuse to converse or interact with anyone because of their racial or ethnic background, colour, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability;
- j) make unnecessary or unwanted physical contact, including touching, patting, or pinching; or
- k) demand or request sexual favours.

5.9 Harassment which occurs in the course of, or related to, the performance of duties by Members is subject to this policy and the Violence and Harassment in the Workplace Policy and Harassment Policy appended.

Occupational Health and Safety Act

5.10 The OHSA has identified and prohibited the potential health risk of "personal harassment" or "psychological harassment" in workplaces. The OHSA has also serious and significant obligations to ensure the removal of the risk, threats, or acts of violence in Ontario workplaces.

Personal or Psychological Harassment

- 5.11 Members must ensure that their interactions, personal communications and conduct are constructive, civil, respectful, and devoid of any content or tone that would constitute "personal harassment" or "psychological harassment".
- 5.12 Personal and Psychological Harassment includes unwelcome words and/or actions that are known, or should have been known, to be embarrassing, humiliating or demeaning. Such conduct can include, but is not limited to, the following:

- a) remarks, jokes, comments or innuendo that demean, ridicule, intimidate or offend;
 - b) bullying;
 - c) repeated offensive or intimidating phone calls, e-mails or verbal outbursts;
 - d) yelling, screaming or rude, demeaning remarks;
 - e) volatile displays of temper or anger; and
 - f) exposing people to foul, abusive or obscene language.
- 5.13 Members are required to ensure that they interact and communicate in a manner that is respectful and consistent with the well-being of those they deal with. Members must ensure that their interactions and communications are free of any conduct that would be considered personal or psychological harassment.

Violence

- 5.14 Members must ensure that they avoid any interactions, communications or conduct with employees that would constitute "Workplace Violence". Employees of the Corporation have significant rights and recourses if exposed to any threat of violence or act of violence in connection with work or work related activity including conduct by or interactions with Members.
- 5.15 Workplace violence is defined as the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker. To appreciate the broad nature of the definition of violence, it is important to understand that violence includes the following:
- a) attempts to exercise force that could cause physical injury (does not have to cause injury); and
 - b) statements or behaviour that could reasonably be interpreted as a threat to exercise physical force (verbal threats will constitute violence).

Examples of violence include:

- a) verbal threats, attacks or physical conduct;
- b) threatening notes, e-mails, or voice mail communications;

- c) shaking a fist or other threatening physical gestures; and
- d) wielding an object as a weapon at an individual.

34-15.16 Members are required to ensure that they avoid any interactions, conduct, communications, or gestures that would constitute violence or a threat of violence.

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Municipal Elections Act

- 5.17 Members are required to follow the provisions of the MEA.
- 5.18 No Member shall use the property, facilities, equipment, supplies, services or other resources of the Corporation (including Councillor newsletters, telephone system and Councillor websites linked through the Corporation's website) for any election campaign-related activities. No Member shall undertake campaign-related activities on Corporation property. No Member shall use the services of persons during hours in which those persons receive any compensation from the Corporation.
- 5.19 Further guidelines on Member conduct during an election are outlined in the Corporation's Use of Corporate Resources for Election Purposes Policy No. 69.

Compliance, Accountability, and Enforcement

General

- 6.0 The Corporation has important obligations and interests in ensuring compliance with the ethical and interpersonal conduct standards required of Members by this Code of Conduct.
- 6.1 The Corporation has an interest and obligation to respond to all allegations, complaints or incidents of alleged conduct inconsistent with the standards outlined in this Code of Conduct (and the Violence and Harassment in the Workplace Policy) in a manner consistent with the interests and legal obligations of the Corporation.
- 6.2 The Corporation recognizes that the Corporation and the Members have a mutual interest in providing and encouraging access to compliance/enforcement mechanisms in connection with the conduct required by this Code of Conduct that deliver objective, independent, skilled and efficient determinations in connection with alleged misconduct by any Member.

Integrity Commissioner

~~38-06.3~~ The Corporation shall appoint an Integrity Commissioner pursuant to Section 223.3(1) of the *Municipal Act* to inquire into and determine any alleged non-compliance with the standards of conduct defined in the Code of Conduct by a Member.

~~39-06.4~~ The referral of alleged breaches of the Code of Conduct to the Integrity Commissioner under this Code of Conduct does not preclude the rights of potential claimants/complainants at law or pursuant to Corporation policies.

~~The function of the Integrity Commissioner is to provide advice and opinion to Council and Members thereof, to provide independent complaint prevention, investigation, adjudication, and resolution to Members of Council and the public, and education respecting adherence with the Code of Conduct and other procedures, rules, and policies governing ethical behavior. The Integrity Commissioner shall perform the duties and have the powers provided for in the *Municipal Act*, including but not limited to the following:~~
~~Advisory~~

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~~Upon proper request, provide written and/or verbal advice to individual Members of Council respecting the application of the Code of Conduct and/or any other procedures, rules, and policies relating to and reflecting upon their ethical behavior, including but not limited to general interpretation of the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, and furthermore and when appropriate, providing the full Council with specific and general opinions and advice respecting compliance by elected officials in respect of the provisions of governing statutes the Code of Conduct and any other applicable procedures, rules, and policies.~~

Compliance Investigation/Determinations

~~Upon proper request from a Member of Council, Committee or Local Board, Administration or one or more members of the public, to conduct an inquiry and make a determination as to any alleged contravention of the Code of Conduct or applicable procedures, rules, and policies by a Member of Council, Committee or Local Board and, thereafter, to report the details and results of such inquiry to Council.~~

Educational

~~Provide the Chief Administrative Officer, with an annual report, or as directed, of activities during the previous calendar year as Integrity Commissioner, including but not necessarily limited to advice given to~~

~~Council or individual Members of Council and a summary of inquiry results and determinations. Furthermore, provide outreach programs to Members of Council, Committees, Local Boards and relevant staff on legislation, protocols, and office procedures emphasizing the importance of compliance with a Code of Conduct for public confidence in Municipal Government and, furthermore, dissemination of information available to the public on the Corporation's Website.~~

~~40-06.5~~ The Integrity Commissioner shall provide the following services:

- a) The application of the code of conduct for members of council and the code of conduct for members of local boards or of either of them.
- b) The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards or of either of them.
- c) The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to members of council or of local boards.
- d) Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
- e) Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
- f) Requests from members of council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act.
- g) The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's code of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

Informal Code of Conduct Complaint Procedure for Complainants

~~44-46.6~~ Individuals (for example, municipal employees, members of the public, Members of Council, Committees or Local Boards), or organizations who have identified or witnessed behaviour or an activity by a Member that they believe is in contravention of the Code of Conduct may address the prohibited behaviour or activity themselves as follows.

- a) Advise the Member that the behaviour or activity contravenes the Code of Conduct.
- b) Encourage the Member to stop the prohibited behaviour or activity.
- c) Keep a written record of the incident(s) including dates, times, locations, other persons present and any other relevant information.
- d) Tell someone else (for example, a senior staff member or an officer of the

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organization) about your concerns, your comments to the Member and the response of the Member.

- e) If applicable, advise the Member of your satisfaction with their response or, if applicable, advise the Member of your dissatisfaction with their response.
- f) Consider the need to pursue the matter in accordance with the formal complaint procedure or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

Formal Code of Conduct Complaint Procedure for Complainants

42-46.7 Individuals (for example, municipal employees, members of the public, Members of Council, or Local Boards), or organizations who have identified or witnessed behaviour or an activity by a Member that they believe is in contravention of the Code of Conduct may file a formal complaint and request an investigation by executing the following steps.

- a) The complainant shall submit the complaint in writing by filling out the appended Affidavit [Appendix 1] and submitting it to the Integrity Commissioner by mail, E-mail, fax or courier. The Affidavit must be signed by an identifiable individual.
- b) The Affidavit shall set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct and set out the evidence in support of the complaint with specific reference to sections of the Code which have been breached.
- c) A Complaint Procedure Information Package shall be available at the Director Corporate Services & Clerk's office.

Complaint Procedure for the Corporation

6.843.4 The Integrity Commissioner shall undertake an initial review of a complaint that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint, if the complaint is not alleging a contravention of the Code or other corporate policy applying to Members or if the complaint relates to the following matters:

- a) **Criminal Matter** – if the complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
- b) **Municipal Freedom of Information and Protection of Privacy** – if the complaint relates to a matter under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be referred to the Clerk.
- c) **Municipal Elections Act** – if the complaint relates to the enforcement of the Municipal Elections Act, the complainant shall be referred to the Compliance

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Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that Act.

6.943.2 If the Integrity Commissioner determines they do not have jurisdiction as described in Section 6.5 the Integrity Commissioner shall advise the complainant in writing accordingly.

6.10 43.2 The Integrity Commissioner may dispose of a complaint on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may do so confidentially or report same to Council. The Integrity Commissioner may also seek further information or clarification from the complainant and shall endeavour to apprise the complainant of subsequent steps and the processing of the complaint and any ensuing investigation.

6.1143.3 If the Integrity Commissioner is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. The Integrity Commissioner shall advise the complainant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.

6.1243.4 If the Integrity Commissioner has decided to commence an investigation of a complaint (except where otherwise required by the *Public Inquiries Act*, 2009, if applicable), the Integrity Commissioner shall provide a copy of the complaint and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within fourteen (14) days. The Integrity Commissioner may provide the response from the Member to the complainant with a request for a written reply also within fourteen (14) days.

6.1343.5 The Integrity Commissioner shall review the written responses and may, if necessary discuss the matter with anyone that the Integrity Commissioner considers is relevant to the complaint. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act, 2001* and may access any Town workplace relevant to the complaint, including any documents or records under the custody or control of the Town.

6.1443.6 Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the respondent Member with the basis for their findings and any sanctions that may be recommended. The Member shall have the opportunity to comment further, either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.

6.1543-7 Upon conclusion of a complaint investigation, the Integrity Commissioner shall:

- (a) issue a report to Council on the findings of the investigation and, where there is a finding of contravention of the Code, the report shall contain the detailed findings, any recommended sanctions, or any settlement; and
- (b) provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the complainant at the same time as the report becomes public.

Application Under The Municipal Conflict Of Interest Act

6.1644-0 An Application to the Integrity Commissioner to inquire into an alleged contravention of Sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* ("MCIA") may be made by an elector as defined in Section 1 of the MCIA or by a person demonstrably acting in the public interest, as follows:

- a) An application shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
- b) An Application must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);
- c) An Application shall include:
 - (i) An explanation with specific reference to sections of the MCIA, as to why the issue raised is alleged to be a contravention of the Act;
 - (ii) any evidence in support of the allegation;
 - (iii) any witnesses in support of the allegation must be identified; and
 - (iv) a statutory declaration attesting to the fact that the applicant became aware of the alleged contravention not more than six weeks before the date of application in accordance with Section 223.4.1 (5) & (6) of the *Municipal Act*, as amended.
- d) An Application may only be made within six weeks after the applicant became aware of the alleged contravention and otherwise in compliance with Section 223.4.1(5) & (6) of the *Municipal Act*, as amended.

6.1745-0 Upon conclusion of an Application investigation, the Integrity Commissioner may, if he/she considers it appropriate, apply to a Judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the member has contravened Section 5, 5.1 or 5.2 of the Act.

6.1845.1 The Integrity Commissioner shall:

- a) advise the applicant if he or she will not be making an application to a judge; and
- b) after deciding whether or not to apply to a judge, provide a written report providing reasons for the decision.

Opportunity for Resolution

~~6.1946.0~~ If at any time, following the receipt of a formal complaint or during the investigation process, the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be made to achieve informal resolution.

Investigation

~~6.2047.0~~ The Council shall consider the report of the Integrity Commissioner within thirty (30) days of it being received by the Clerk and shall take the action it considers appropriate with regard to the recommendation(s) of the Integrity Commissioner.

~~6.2148.0~~ In circumstances where the alleged breach of trust or other misconduct is serious in nature, Council may pass a resolution, pursuant to the *Municipal Act*, requesting a judicial investigation into the Member's conduct.

Election Blackout Period

~~6.2249.0~~ No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, within the election period between nomination day and six weeks after voting day, except as provided in s.223.4 and 223.4.1 of the *Municipal Act*.

~~Complaints or Reports Prior to Election~~**Confidentiality of Complaint Documents**

~~6.2350.0~~ The Integrity Commissioner and every person acting under his/her instructions shall preserve the confidentiality of all documents, material or other information, whether belonging to the Town or not, that come into their possession or to their knowledge during the course of their duties as required by section 223.5 of the *Municipal Act*.

~~6.2450.1~~ Pursuant to section 223.5(3) of the *Municipal Act*, this section prevails over the MFIPPA.

6.25~~50.2~~ If the Integrity Commissioner reports to the Council on an investigation into an alleged breach of the Code of Conduct, the report shall only disclose such information, that in the Integrity Commissioner's opinion, is required for the purposes of the report.

6.26~~50.3~~ If the Integrity Commissioner issues an annual or other periodic report to Council on his/her activities, the Integrity Commissioner shall summarize the advice he/she has given but shall not disclose confidential information that could identify a person concerned.

Penalties

6.27~~54.0~~ Penalties imposed in connection with breaches of the Code of Conduct to the Code of Conduct may include:

- a) a written reprimand; and/or
- b) suspension of remuneration paid to a Member with respect to services up to ninety (90) days (section 223.4(5) of the *Municipal Act*).

Conduct Investigation Refusal

6.28~~55.0~~ If the Integrity Commissioner is of the opinion that the referral of a matter to him/her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

6.29~~55.4~~ Complaints referred that are repetitious in nature, not germane to the Code of Conduct in the opinion of the Integrity Commissioner, deemed frivolous and without substance in the opinion of the Integrity Commissioner, or, where the complaint is deemed vexatious in the opinion of the Integrity Commissioner, complaints shall not be advanced to an investigation stage.

6.30~~55.2~~ Other than in exceptional circumstances, the Integrity Commissioner will not report to Council or a Local Board on any complaint described in subsections (a) and (b) except as part of an annual or other periodic report.

Other Avenues of Complaints

6.31~~56.0~~ While the Corporation encourages and supports the use of the Integrity Commissioner as the means of addressing any issues of non-compliance with the Code of Conduct by Members, the Corporation has an obligation and commitment to support complainants or potential complainants' use of the following avenues of complaint.

6.32~~56.4~~ Complainants have the right to the procedures committed to in the Corporation's relevant policies for harassment, discrimination and violence.

6.356.2 Complainants have the right to file complaints with the Ontario Human Rights Tribunal (in connection with human rights allegations).

6.3456.3 Complainants have the right to file complaints with the ministry of Labour (in connection with allegations of violence, threats of violence or personal harassment).

6.3556.4 Complainants have the right to bring a matter to the Ontario Provincial Police to pursue an investigation under Section 122 of the Criminal Code of Canada where allegations of fraud, of breach of trust or of a Member's involvement with demands for, acceptance of, offering of or agreement to accept a loan, reward, benefit or other advantage from any person, are made in connection with a Member carrying out the duties of office.

Judicial Investigation

6.3657.0 In circumstances where liability is denied and the alleged misconduct is serious in nature, Council may pass a resolution, pursuant to section 274(1) of the *Municipal Act*, requesting a judicial investigation into the Member's conduct.

Summary

7.058.0 The Corporation and all Members of Council share an important interest and responsibility in ensuring that the standards of conduct required under this Code of Conduct are understood, maintained and, where necessary, enforced by holding Members accountable.

7.158.1 The standards reflect the ethical and legal context in which the Corporation and Members must deliver services to the community served by the Council and Members.

58.27.2 Deviations from the standards of conduct outlined in this Code of Conduct leave the Corporation, Council and individual Members exposed to the following:

- a) reputational risk;
- b) loss of credibility in the community; and
- c) risks of significant liabilities.

7.358.3 All Members are expected to be knowledgeable of the contents of this Code of Conduct and to adhere to the standards of conduct defined in the Code of Conduct.

References

- Harassment Policy No. 06
- Accountability and Transparency Policy No. 61
- Violence and Harassment in the Workplace Policy No. 68
- Use of Corporate Resources for Election Purposes Policy No. 69
- Corporate Communication Policy No. 76



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Policies and Priorities Committee

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: January 28, 2020

Report Number: CS-2020-04

Subject: Urban Hens Draft By-Law

Recommendations

It is recommended:

That Report CS-2020-04 entitled “Urban Hens Draft By-Law” **be received**;

And that the draft by-law authorizing the two-year Urban Hen Licensing Pilot Program for the period March 1, 2020 to April 30, 2022, **be considered** at the next Regular Council Meeting (RCM);

And further that the 2020 Fees & Charges By-Law **be amended** to include an annual license fee of \$25.00 for an Urban Hen License.

Background

Report CS-2019-36 Urban Hen Licensing Pilot Program (Pilot Program) was presented at the October 22, 2019 Policies & Priorities Committee Meeting outlining a proposed two-year Pilot Program.

As previously reported, the Pilot Program, if approved, would establish a limit of six (6) female hens, four months or older, for properties under 10,000 square feet. For properties over 10,000 square feet, an additional hen would be permitted per 3,000 square feet up to a maximum of twelve (12) hens.

Owners desirous of keeping urban hens would need to complete the Pilot Program registration form, meet all of the eligibility requirements and submit an annual license fee of \$25.00. An on-site inspection of the property to assess and ensure compliance with the terms and conditions

outlined in the Pilot Program, and registration form, would be conducted by the Planning and Building Services Department, prior to issuing a license and identification band for each hen.

During the two years, the Pilot Program would be evaluated to determine whether it may continue in future years.

In accordance with the direction at the October 22, 2019 Policies & Priorities Committee Meeting, a Public Information Centre (PIC) was held to receive input from the public on the proposed Pilot Program.

Subsequently, Report CS-2019-43 was presented at the December 10, 2019 Regular Council Meeting (RCM) summarizing the comments and concerns received from both the PIC and online feedback relating to the Pilot Program.

Comments

At the December 10, 2019, RCM direction was given to amend the definition of “Hen” by removing the four (4) month old age requirement and to allow for “Pullets.” A “Pullet” is a young female chick that is under the age of one (1). Hens referred to as pullets have not started laying eggs yet.

The amended definition of Hen, together with the added definition of Pullet are reflected in the Terms and Conditions on the attached Registration Form ([Attachment 1](#)).

Additionally, provisions for requesting a variance have been incorporated into the Terms and Conditions as also directed at the December 10 RCM as follows:

15. Variance Request

When a Registration Form was not approved due to failure to meet the requirements as outlined in the Urban Hens Licensing Pilot Program Registration Form and Terms and Conditions, the Applicant may submit a written request for a variance to the Clerk detailing the circumstances for which they are seeking a variance from Council. The written request must be submitted at least seven (7) days in advance of the Council meeting at which the Applicant wishes to appear to request the variance.

Following delivery to the Clerk of written notice seeking a variance from the Pilot Program, the Applicant will be scheduled to appear as a Delegation before Council, in keeping with the Procedural By-Law.

The provision for requesting a variance will also be evaluated during the Pilot Program. Should the Program continue, alternative variance provisions will be explored such as the potential to create an appeal mechanism via the Committee of Adjustment.

Administration was further directed at the December 10 RCM to prepare a by-law to approve the Terms and Conditions of the two-year Urban Hen Licensing Pilot Program. ([Attachment 2](#))

Conditional upon the direction of the Policies & Priorities Committee at their January 28, 2020 meeting, the draft by-law appended to this report will be presented at the next regular meeting of Council to consider adoption. Subject to the adoption of the by-law, notice will be given on

the Town's website and social media, to advise residents of the Pilot Program and registration process, together with commencement details.

It is recommended that the Pilot Program commence March 1, 2020 (early spring) to coincide with the birth of hatchlings, as well as when most hatcheries start selling hens.

Throughout the Pilot Program term of March 1, 2020, through April 30, 2022, concerns and/or complaints regarding the keeping of urban hens will be monitored and tracked in Cityworks. The Planning & Building Department will enforce the provisions consistent with property standards.

As previously reported, the two-year Pilot Program will be evaluated and a course of action with respect to the continuation of the Program, or not, will be recommended to Council prior to the end of the Pilot Program.

Consultations

Planning & Building Services

Financial Implications

An annual license fee of \$25.00 per registration form is being recommended to cover the cost to acquire identification bands, and nominal recovery for staffing resources to administer, monitor and enforce the Pilot Program.

Expenses relating to the identification bands, in the approximate amount of \$100.00 for 500 bands would be funded from the Animal Control Budget.

Link to Strategic Priorities

| Applicable | 2019-22 Strategic Priorities |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers. |
| <input type="checkbox"/> | Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making. |
| <input checked="" type="checkbox"/> | Integrate the principles of health and wellness into all of Tecumseh's plans and priorities. |
| <input checked="" type="checkbox"/> | Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses. |
| <input type="checkbox"/> | Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals. |

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Christina Hebert, BA (Hons), MA, Dipl. M.A.
Manager Committee & Community Services

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Planning & Building Services

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

**Attachment
Number**

**Attachment
Name**

- | | |
|---|--|
| 1 | Urban Hens Licensing Pilot Program Registration Form |
| 2 | Urban Hens Licensing Pilot Program By-Law |

2020 Urban Hens Licensing Pilot Program
Registration Form

Applicant Information

| | | | |
|---|--|------------------|--|
| First Name: | | | |
| Last Name: | | | |
| Permit Street Address (where hens will be housed): | | | |
| Town: | | Postal Code: | |
| Phone: | | Alternate Phone: | |
| E-mail: | | | |

Registered Owner Information

***If the Applicant is a Tenant at the above-referenced property, the Owner's information and consent is required to permit hens.**

| | | | |
|----------------|--|------------------|--|
| First Name: | | | |
| Last Name: | | | |
| Street Address | | | |
| Town: | | Postal Code: | |
| Phone: | | Alternate Phone: | |
| E-mail: | | | |

Property Information

| | | | |
|---|-----------------------------------|--------------------------------|---------------------------------|
| Size of the permit property in metric units: | <input type="checkbox"/> Frontage | <input type="checkbox"/> Depth | <input type="checkbox"/> Area |
| What type of dwelling is the permit property: | <input type="checkbox"/> Single | <input type="checkbox"/> Semi | <input type="checkbox"/> Duplex |
| Number of Hens to be kept at permit address (Minimum of 2): *if property is less than 10,000 sq feet, max 6 *if property is greater than 10,000 sq feet, for every additional 3,000 sq feet, permitted 1 extra hen to max of 12 | _____ _____ | | |
| If not the Owner, have you attached written consent from the property owner to allow for hens: | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |

Property Lot Size Requirements

| Lot Size Less Than 10,000 Sq. Ft. | | | |
|--------------------------------------|--------------------------|-------------------------|--------------------------------|
| No. of Hens | Minimum Coop Area (S.F.) | Minimum Run Area (S.F.) | Maximum Coop & Run Area (S.F.) |
| 2 | 8 | 20 | 120 |
| 3 | 12 | 30 | 120 |
| 4 | 16 | 40 | 120 |
| 5 | 20 | 50 | 120 |
| 6 | 24 | 60 | 120 |
| Lot Size Greater Than 10,000 Sq. Ft. | | | |
| 7 | 28 | 70 | 168 |
| 8 | 32 | 80 | 168 |
| 9 | 36 | 90 | 168 |
| 10 | 40 | 100 | 168 |
| 11 | 44 | 110 | 168 |
| 12 | 48 | 120 | 168 |

Hen Coop & Run Information

| | | |
|--|------------------------------|-----------------------------|
| The total area of all hen coops and runs are less than 11.15 square metres (120 square feet) for properties under 10,000 sq ft; or 15.60 square metres (168 square feet) for properties greater than 10,000 sq ft: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| The hen coop and hen run are less than 3 metres (10 feet) in height: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is there an enclosed hen run: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Do you meet the 0.37 square metres (4 square feet) minimum coop floor area per hen: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Do you meet the 0.92 square metres (10 square feet) minimum hen run per hen: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Do you meet the 1.2 metres (4 feet) setback from the lot lines: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Do you meet the 1.5 metres (5 feet) setback from the main dwelling: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Did you include a site plan illustrating where the hen coop and run will be located on permit property (Note: must be located in rear yard): See Appendix A for sample illustration | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are you in compliance with the food and water provisions as outlined in the Terms & Conditions: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

*Please note: if answered No to any of the above questions, the Application cannot be accepted.

Applicant's Signature: _____

Date (mm/dd/yyyy): _____

Owner's Signature: _____

Date (mm/dd/yyyy): _____

2020 Urban Hens Licensing Pilot Program

Terms and Conditions

*Please ensure you have read the Urban Hens Licensing Pilot Program Terms and Conditions and confirm same by signing under the 'Signature' section of this application.

1. Definitions:

"At Large" means a hen found at any place other than on the property of the owner of the hen outlined in their Urban Hens Pilot Registration Form.

"Coop" means a fully-enclosed weatherproof structure where hens are kept and the interior of which includes nest boxes for egg laying, perches for hens to roost on and food and water containers.

"Front Yard" means the area on a lot;

A. Between the front lot line and all front main walls of the building, and

B. Between the front lot line and a line extending parallel to the front lot line across the full width of the lot from the point where the front main wall of the building meets the building's side main walls closest to the respective side lot lines

"Hen" means a domesticated female chicken including a pullet.

"Hen Run" means a covered area typically made of chicken wire or other similar material that allows hens' access to the outdoors.

"Noise" means no person shall permit the persistent clucking, calling or other similar persistent noise made by any hens.

"Owner" includes any person who possesses, harbours or keeps a hen.

"Pullet" is a young female chick that is under the age of one (1).

"Rear Yard" means the area on a lot:

A. Between the rear lot line and all rear main walls of the building, and

B. Between the rear lot line and a line extending parallel to the rear lot line across the full width of the lot from the point where the rear main wall of the building meets the building's side main walls closest to the respective side lot lines

"Town" means the Corporation of the Town of Tecumseh.

"WECHS" means the Windsor Essex County Humane Society who shall have the right to enforce the provisions of this program.

2. Eligibility for the Keeping of Hens

The Owner agrees to keep hens only on the property outlined in their Urban Hens Pilot Registration Form.

Only residential properties are permitted to be registered. Neither apartment buildings, condominium buildings, nor properties without sufficient outdoor space to house the hens, as determined by the Planning and Building Department will be permitted.

3. Hens At Large

No Owner shall allow or permit any of his or her hens to be at large at any time.

Where the Town has taken possession of a hen at large, it shall be impounded with the Windsor Essex County Humane Society (WECHS) for 24 hours after the date of its seizure. If the hen was seized on a day when the WECHS is closed, the hen will be held for 24 hours after the time when the WECHS is next open for business. During the applicable 24 hour time period, the Owner may redeem the hen subject to a fee imposed by the WECHS.

If the hen is not redeemed within the 24 hour time period referred to above, the hen shall become the property of the WECHS and the WECHS may:

- a) transfer ownership of the hen; or
- b) euthanize the hen which costs will be charged back to the Owner.

4. Number of hens restricted

No Owner shall keep more than the number of hens, as indicated in the Property Lot Size Table, at any eligible residential property within the Town. Only hens, a minimum of two (2) are permitted, no roosters may be kept.

5. Non-Commercial use only

Owners shall keep hens as pets and for personal use only. The Owner agrees not to sell or offer for sale any part of a hen or its eggs or manure or engage in hen breeding or fertilizer production for commercial purposes. No person shall give or provide a hen, a part of a hen, eggs, or manure to any other person or entity.

6. Hen Coops & Runs

- a) The Owner agrees that no hen coops are permitted in any front yard.
- b) The Owner must ensure that all zoning requirements are followed on their property, including the zoning requirements for minimum setbacks for ancillary structures such as their coop, and comply with all other legal standards and requirements applicable to the coop.
- c) The Owner shall ensure each coop has a minimum coop floor area of 0.37m² (4 sq ft) per each hen kept in the coop.
- d) The Owner shall ensure each run has a minimum of at least 0.92 m² (10 sq ft) of enclosed space per hen kept in the coop.
- e) The Owner shall ensure that no hen coop exceeds a height of three (3) metres and a maximum floor area of 9.2 m² (100 square feet).
 - i. If property is greater than 10,000 square feet, the Owner shall ensure that no hen coop exceeds a height of three (3) metres (10 feet) and a maximum floor area of 15.6 m² (168 square feet)
- f) The Owner shall provide and maintain in each coop the following items:
 - i) at least 20 cm or (8 inches) perch for each hen; and
 - ii) one nest box, of a size and nature that is suitable for the number of hens kept in the coop.
- g) The Owner shall ensure all coops are enclosed on all sides and have a roof and doors. Access doors must be able to be shut and locked at night. If there are any windows and vents, they must be predator- and bird-proof.
- h) The Owner shall keep all coops in a clean, dry, odour-free, neat and sanitary condition at all times, and in a manner that will provide healthy living conditions for the hens while minimizing adverse impacts to other residents in the neighbourhood to the satisfaction of the Town. The Owner agrees

to undertake any repairs directed by the Town at the Owner's sole cost and expense in order to comply with this section.

- i) During daylight hours, hens may be allowed outside of their coop in a securely-fenced hen run on the property of the Owner. Hens shall be secured within a locked coop during non-daylight hours [9:00 pm – 6:00 am].
- j) The Owner shall ensure the coop is weather-proofed, and the enclosure is insulated with air temperature suitable for the health of the hens. In addition, the Owner shall ensure the coop has adequate ventilation and adequate sun and shade and is impermeable to rodents, birds, and predators, including dogs and cats, to the satisfaction of the Town. The Owner agrees to undertake any repairs directed by the Town at the Owner's sole cost and expense in order to comply with this section.

7. Predators, Rodents, Insects, and Parasites

The Owner agrees to take necessary action at the Owner's sole cost and expense to reduce the attraction of predators and rodents and the potential infestation of insects and parasites to the satisfaction of the Town. Hens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation must receive treatment in consultation with a veterinarian in a timely fashion. Non-compliance with this section may result in notice that the permission to keep hens in the Town is revoked and continued keeping of hens will be an offence under By-Law No. XX/20.

8. Feed and Water

The Owner shall ensure that hens are provided with access to clean water at all times, and shall ensure that:

- a) such feed and water shall be protected against and unavailable to rodents, pests, birds and predators; and
- b) uneaten or spoiled feed must be removed in a timely manner.

9. Disposal of Hens

The Owner shall ensure that all dead hens are disposed of immediately by the Owner in a sanitary manner at the Owner's sole cost and expense.

10. Waste

The Owner agrees to ensure that all manure and waste are cleaned out regularly and stored in a secured container or composted and disposed of safely from any coop in a timely manner.

The Owner further agrees to ensure:

- a) coop floors are lined with shavings, straw, or other appropriate materials to absorb manure and facilitate cleaning; and
- b) coops are deep cleaned at least two times yearly including disinfecting of troughs, perches, and nests to ensure no waste residue.

11. Seizure and impoundment

Any hen found at large contrary to the provisions of the terms and conditions, may be seized and impounded by the WECHS in accordance with 'Hens at Large' section and this section.

Seized hens may be released back to the Owner only if the WECHS determines, in its sole discretion, that the issues that warranted the seizure have been resolved and the hen's health and safety are not at risk.

Despite the 'Hens at Large' section 3, where, in the opinion of the WECHS, a hen is injured or ill and should be euthanized without delay for humane reasons or safety to persons, the hen shall be euthanized by the WECHS without permitting any person to reclaim the hen. The Owner understands and agrees to this process, as well as assumes responsibility for all euthanized costs.

12. Pilot Duration

The pilot is for a period of two (2) years, commencing March 1, 2020 and ending on April 30, 2022. **If the pilot is not continued beyond April 30, 2022, the Owner agrees to take all necessary steps to remove the hens from their property and the Town..** The Owner understands and agrees that upon notice, the Town may revoke the permission to keep hens in the Town during the pilot period, and continued keeping of hens after the date of such a notice shall be an offence under By-Law No. XX/20.

13. Indemnity

The Owner shall save and hold harmless the Town, its servants, agents, successors or assigns, and ensure the same shall not be held liable for any injury, loss or damage, however caused, arising out of the granting of the permissions in these terms and conditions. The Owner further agrees that it will from time to time, and at all times hereafter, truly save, keep harmless and fully indemnify the Town, its servants, agents, successors and assigns from any and all actions, causes of actions, claims and demands whatsoever which may be brought against or made upon the Town, its servants, agents, successors and assigns and against all loss, liability, judgements, costs or expenses which the Town its servants, agents, successors or assigns may sustain, incur or be put to resulting from or arising out of any act or omission on the part of the Owner, its servants, agents, successors or assigns which was done, or purported to have been done, in relation to the granting of the permission to keep hens or the keeping of hens by the Owner.

14. Inspections

The Owner agrees to permit Town staff to attend and inspect their property as deemed necessary by the Town to assess and ensure compliance with these terms and conditions and any applicable by-laws, statutes or regulations. The Town will provide reasonable notice before an inspection.

15. Variance Request

When a Registration Form was not approved due to failure to meet the requirements as outlined in the Urban Hens Licensing Pilot Program Registration Form and Terms and Conditions, the Applicant may submit a written request for a variance to the Clerk detailing the circumstances for which they are seeking a variance from Council. The written request must be submitted at least seven (7) days in advance of the Council meeting at which the Applicant wishes to appear to request the variance.

16. Contact Information and Notice

If the contact information provided in the Urban Hens Licensing Pilot Program Registration Form changes, the Owner will update the Town forthwith. The Owner also understands and agrees that the Town may contact me and provide information or official notices by mail or by email to me at the addresses in the Urban Hens Pilot Registration Form and any notice so made or given shall be deemed to have been duly and properly made or given and received on the day on which it shall have been so delivered or, if mailed, then, in the absence of any interruption in postal service in the Town of Tecumseh affecting the delivery or handling thereof, on the day following three (3) clear business days following the date of mailing.

17. Non-Compliance with Terms and Conditions

Any violation of the provisions of these terms and conditions shall be grounds for a notice by the Town revoking permission for the Owner to keep the hens and ordering the Owner to remove the hens from the Town of Tecumseh. Continued keeping of hens after the date of such a notice will be an offence under By-Law No. XX/20.

Signature

I _____ of _____, in the Town of Tecumseh, do solemnly declare:

That I am the applicant for the grant of a permit authorizing me to keep backyard hens at the above indicated address. I have read and agree to abide by the Urban Hens Licensing Pilot Program Terms and Conditions.

I understand that any permit issued pursuant to the said application is subject to revocation.

I understand that should the Pilot Program not continue beyond April 30, 2022, I agree to take all necessary steps to remove the hens from the property and the Town.

I have served written notice to the abutting property owner(s) that I have made application for a hen coop and hen run permit. These notices are attached to this application.

The information I have provided is complete and true

Applicant's Signature: _____ Date (mm/dd/yyyy): _____

Owner's Signature: _____ Date (mm/dd/yyyy): _____

DECLARED BEFORE ME at the Town of Tecumseh,

this _____ day of _____, 20____.

A Commissioner, etc. _____

Unsigned applications will be returned, unprocessed.

The personal information being collected on this Registration for Hen Coop Permit is being collected for the purpose of determining eligibility under the 2020 Urban Hens Pilot of the Town of Tecumseh. The information collected is under the authority of the *Municipal Act, 2001*, and in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. Questions regarding the collection, use and disclosure of this personal information may be directed to the Director Corporate Services & Clerk.

17. Submission of Registration

The complete registration form must be submitted in person at the following address:

Town of Tecumseh
917 Lesperance Road
Tecumseh, ON N8N 1W9

Please contact the Corporate Services & Clerk's Department at the Town of Tecumseh at 519-735-2184 Extensions 143 or 116 with any questions regarding the registration process.

| | | | |
|-----------------------------|-----|------------|--|
| For Office Use Only | | | |
| Permit Application Number: | | Issued By: | |
| Permit Number(s) Issued: | | | |
| Registration Fee Collected: | Yes | No | |

DRAFT

2020 Urban Hens Licensing Pilot Program
Appendix A
Sample Site Plan



The Corporation of the Town of Tecumseh

By-Law Number 2020-XX

Being a by-law to approve a two year Pilot Program for Licensing Urban Hens

Whereas Sections 11 (3) 9, and 103 of the Municipal Act 2001, S.O. 2001, c. 25, provide that by-laws may be passed by councils of municipalities for prohibiting or regulating the keeping of animals; if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for the seizure and impounding of animals being at large or trespassing contrary to the by-law and for the sale of impounded animals under certain conditions;

AND WHEREAS Section 425 of the Act authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under that Act is guilty of an offence;

AND WHEREAS Council deems it desirable to pass a by-law providing for a system of licensing, controlling, regulating and urban hens;

Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:

1. **That** an Urban Hens Licensing Pilot Program (Pilot Program) be approved for a two (2) year term commencing March 1, 2020, to permit the keeping of hens in the urban areas of the Town of Tecumseh;
2. **And That** the Terms and Conditions of the Pilot Program be approved as set out in Schedule A attached hereto and forming part of this by-law;
3. **And That** the Registration Form for the Pilot Program be approved as set out in Schedule B attached hereto and forming part of this by-law;
4. **And that** every person who contravenes any section of the Terms and Conditions as set out in Schedule A is, upon conviction, guilty of an offence and shall be liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended, and be subjected to any other penalties permitted by law for each offence. Each day such violation continues, shall constitute a separate offence and may be punishable as such.
5. **And That** this By-law shall come into force and take effect upon third and final reading.

Read a first, second and third time and finally passed this XX day of February, 2020.

Gary McNamara, Mayor

Laura Moy, Clerk



The Corporation of the Town of Tecumseh

Financial Services

To: Policies and Priorities Committee

From: Tom Kitsos, Director Financial Services & Chief Financial Officer

Date to Council: January 28, 2020

Report Number: FS-2020-02

Subject: Financial Management Policy

Recommendations

It is recommended:

That Report No. FS-2020-02 Financial Management Policy **be received;**

And that the Financial Management Policy as appended to FS-2020-02 **be adopted.**

Background

The purpose of this policy is to provide decision-making guidance to allow for financial sustainability through changing conditions.

Financial sustainability is about being mindful of the financial well-being of future generations. It requires:

- Servicing of current needs of the municipality,
- Providing a strong foundation for future needs,
- Flexibility to meet unforeseen challenges and take advantage of opportunities as they arise.

Long-term financial planning aligns the Town's financial capacity with the Town's strategic priorities, vision and long-term service objectives.

Comments

The Financial Management Policy is divided into three sections:

- Goals and Objectives,
- Key Principles, and
- Financial Policy Framework.

Goals and Objectives

The policy has several goals and objectives, including:

- Providing reference to decisions involving the use of funds,
- Guiding policy creation,
- Ensuring financial operational activities are implemented as intended by Council,
- Setting forth principles to maintain financial stability and sustainability,
- Promoting sound financial management by providing accurate, timely, concise and relevant information on the Town's financial condition,
- Ensuring legal and effective use of financial resources through internal control systems,
- Protecting the ability to maintain a solid credit rating and meet debt obligations, and
- Defining roles and responsibilities related to financial management.

Key Principles

The foundation of the Financial Policy Framework is the set of overarching principles of responsible financial management. The principles outline the Town's basic philosophy on financial matters and align with the Town's strategic plan. The following principles apply to all decisions:

- Respect the taxpayer,
- Be transparent and accountable,
- Manage financial condition,
- Look and plan ahead,
- Manage assets for serviceability, affordability and longevity,
- Manage long term liabilities,

- Invest pragmatically, and
- Diversify revenues.

Financial Policy Framework

The Financial Policy Framework is guided by the Key Principles and consists of eight distinct elements. The elements categorize areas of financial management and include:

- Budget and Financial Planning,
- Revenues,
- Expenditures,
- Reserve and Reserve Funds,
- Asset Management Planning,
- Debt,
- Investment, and
- Accounting, Auditing & Financial Reporting.

Fundamentals, accountabilities and reference documents are identified for each element.

As this policy aligns with the Town's strategic priorities, it should be reviewed/updated by Council and Administration for each new term of Council at a minimum.

Consultations

Chief Administrative Officer
Lisa Armstrong Consulting

Financial Implications

There are no financial considerations to the implementation of this policy.

Link to Strategic Priorities

| Applicable | 2019-22 Strategic Priorities |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers. |
| <input checked="" type="checkbox"/> | Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making. |
| <input type="checkbox"/> | Integrate the principles of health and wellness into all of Tecumseh's plans and priorities. |
| <input checked="" type="checkbox"/> | Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses. |
| <input checked="" type="checkbox"/> | Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals. |

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

**Attachment
Number**

**Attachment
Name**

1

Financial Management Framework Policy



The Corporation of the Town of Tecumseh

Policy Manual

Policy Number: TBD

Effective Date: January 28, 2020

Supersedes: N/A

Approval: TBD

Subject: **Financial Management Policy**

1.0 Purpose

The Financial Management Policy is a framework that provides decision-making guidance to allow for financial sustainability through changing conditions.

Financial sustainability is about being mindful of the financial well-being of future generations. It requires the servicing of current needs of the municipality while providing a strong foundation for future needs, as well as the flexibility to meet unforeseen challenges and take advantage of opportunities as they arise. Long-term financial planning aligns the Town's financial capacity with the Town's strategic priorities, vision and long-term service objectives.

The foundation of this framework is a set of overarching key principles of responsible financial management.

2.0 Scope

This policy shall apply to the financial activities of the Town of Tecumseh and Agencies, Boards and Commissions funded in whole or part by the Town of Tecumseh.

3.0 Goals and Objectives

3.1 This framework has multiple goals and objectives including:

- Providing reference to decisions involving the use of funds;
- Guiding policy creation;
- Ensuring financial operational activities are implemented as intended by Council;
- Setting forth principles to maintain financial stability and sustainability;
- Promoting sound financial management by providing accurate, timely, concise and relevant information on the Town's financial condition;
- Ensuring legal and effective use of financial resources through internal control systems;
- Protecting the ability to maintain a solid credit rating and meet debt obligations; and
- Defining roles and responsibilities related to financial management.

3.2 This framework is integrated with various policies and procedures, however some contradictions are inevitable. For instance, a policy of limiting debt may impede a goal of maintaining assets. Utilization of this framework ensures that long-term financial objectives are fully considered when conflicts arise and helps ensure that a series of individual decisions do not result in an unintended erosion of long-term goals.

3.3 Given the importance and encompassing nature of this document, there is a requirement for Council to review and approve the framework at the beginning of each term.

4.0 Key Principles

The foundation of the Financial Policy Framework is the set of overarching principles of responsible financial management. The principles outline the Town's basic philosophy on financial matters and align with the Town's strategic plan. The following principles apply to all decisions.

| Principle | Actions |
|----------------------|--|
| Respect the taxpayer | <ul style="list-style-type: none">• Tax/User rates are predictable and service levels are sensitive to affordability;• Economic, efficient and effective use of tax dollars;• Periodic review and continuous improvement in productivity, programs and activities; and• Community engagement through input and Involvement. |

| | |
|---|---|
| Be transparent and accountable | <ul style="list-style-type: none"> • Proactively pursue ways to make financial information publicly available, accessible, and easy for all to understand; • Direct attention to the total financial picture of the Town rather than single-issue decisions; • Comply with federal, provincial and local legislative and reporting requirements; • Work together cooperatively to ensure that all financial matters are addressed with care, integrity, and in the best interest of the Town; • Ensure decisions and activities support the strategic priorities of Council; and • Measure and assess targets and outcomes. |
| Manage financial condition | <ul style="list-style-type: none"> • Raise sufficient revenues to fund operations, while maintaining appropriate levels of debt and equity; • Ensure liabilities arising out of current operations are fully funded by current taxpayers and user ratepayers; • Spend within approved budgets. When emerging conditions occur, implement necessary trade-offs or receive appropriate approval to exceed. • Allow an element of flexibility to respond to evolving circumstances; • Maintain sufficient Reserve and Reserve Fund balances; and • Estimate conservatively. |
| Look and plan ahead | <ul style="list-style-type: none"> • Be informed on emerging changes to legislation, economy, demographics and community needs; • Leverage external funding opportunities and reprioritize as needed (example Grants); • Take a balanced approach to growth in residential and employment areas; and • Ensure growth pays for growth. |
| Manage assets for serviceability, affordability and longevity | <ul style="list-style-type: none"> • Maximize benefits, manage risk and provide satisfactory levels of service to the public in a financially sustainable manner; • Apply sound technical, social and economic principles; • Consider present and future user needs; and |

| | |
|------------------------------|--|
| | <ul style="list-style-type: none"> • Integrate asset management with other strategic activities. |
| Manage long term liabilities | <ul style="list-style-type: none"> • Identify, monitor and adapt plans to fund long-term financial liabilities; • Practice Pay-As-You-Go approach when practical; • Borrow only for long-lived assets when affordable; and • Maintain and/or improve credit rating. |
| Invest pragmatically | <ul style="list-style-type: none"> • Carefully balance cash requirements with investment returns; and • Preserve capital, remain liquidity and diversify. |
| Diversify revenues | <ul style="list-style-type: none"> • Charge User Fees to identifiable users when appropriate; • Set User Fees based on supportable data; • Investigate impact of new methods of funding/financing; • Leverage private-sector expertise where appropriate; and • Pursue grant funding opportunities. |

5.0 Financial Policy Framework

The Financial Policy Framework is guided by the Key Principles and consists of eight distinct elements. The elements categorize areas of financial management and include:

1. Budget and Financial Planning
2. Revenues
3. Expenditures
4. Reserve and Reserve Funds
5. Asset Management Planning
6. Debt
7. Investment
8. Accounting, Auditing & Financial Reporting

Financial elements outline fundamentals, accountabilities and reference documents.

Fundamentals – Describe the standards and understood practices that regulate each element. They summarize the approach the Town supports and expects in action.

Accountabilities - Identifies accountabilities of Council and Senior Staff and reporting requirements. Senior staff may assign specific responsibilities to their staff; however, the accountability remains with them as identified.

Reference Documents – Includes internal documents that are approved by Council and identify specific targets and expected outcomes.

5.1 Budget and Financial Planning

Annually Council adopts a budget that meets all the requirements of the Municipal Act. The budget (also referred to as business plan) outlines the plans for the delivery of programs and services. The budget must be balanced, meaning that revenues equal expenses, and the budget is finalized and approved by Council before final property tax bills can be issued.

The approved budget provides for financial resources to:

- Implement plans to achieve strategic priorities;
- Effectively deliver mandated programs and services;
- Maintain or change service levels;
- Provide an operational framework to implement recommendations from higher-level plans such as master plans and studies; and
- Support capital investment.

Financial planning is used to identify future challenges and opportunities through forecasting and analysis, and then, devising strategies to achieve financial sustainability. It is about balancing:

- Costs and benefits between existing and future taxpayers;
- Financial stability/solid credit rating and achieving strategic initiatives and community priorities; and
- Maintenance of existing infrastructure and having infrastructure in place to support new growth and economic development.

Fundamentals

- Budget approval occurs annually, with a multi-year outlook including mid-range (five-year) tax rate projections;
- Approved budget is effectively communicated to Council, administration and citizens;
- Budgets align with the strategic priorities of Council;
- Consideration is given to the expected long-term impact of annual decisions;
- Incorporate efficiency and effectiveness as well as all lifecycle costs in decision making (including staff efficiency, operating, maintenance, debt service costs and asset replacement);
- For transparency, rate-supported (water & wastewater) operating budgets are shown separately from the tax-supported general operations;
- Operating, Lifecycle/Capital and Reserve and Reserve Funds budgets are shown separately;
- Allocations of Lifecycle funding are approved by lifecycle category;
- Operating impact of Lifecycle/Capital projects, including long-term maintenance costs, are included in the operating budget;
- Recurring expenditures are financed from recurring sources of revenue;

- Non-recurring revenue is only used for non-recurring expenditures or to replenish a reserve or reserve fund;
- Compensation planning and collective bargaining focuses on the total cost of compensation (includes direct salary/wage, benefits, pension);
- Operate within the existing staffing levels to the extent possible and rationalize changes through a RNSE form (Recommend New Staffing Enhancements); and
- Financial Key Performance Indicators (FKPI) are evaluated regularly.

Accountability

- Council:
 - Establish priorities through the Strategic Plan;
 - Establish services to be provided and desired service levels;
 - Provide direction to administration during pre-budget council consultation;
 - Scrutinize the budget submission taking into account public input, administration recommendations, and future needs;
 - Annually adopt the budget via by-law; and
 - Annually approve the rates required for taxation and user fees via by-law.
- Chief Administrative Officer (CAO):
 - Ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
 - Measure/monitor actions against the strategic plan;
 - Direct the preparation of the budget in an open and collaborative manner with the Senior Management Team;
 - Exercise financial control over all corporate operations, in conjunction with the Chief Financial Officer (CFO) and Senior Management Team, to ensure compliance with the budgets approved by Council; and
 - Recognize the priorities of the Town as a whole, separate from specific departmental priorities, during the decision-making process.
- Director Financial Services/CFO:
 - Measure/monitor financial health and maintain financial integrity;
 - Establish/maintain appropriate forecasting methodologies;
 - Lead the preparation and administration of the annual budget; and
 - Ensure adherence to legislation and Town policies.
- Department Directors:
 - Identify financial needs of program/activity delivery;
 - Lead the development of realistic and responsible departmental budgets in accordance with the established guideline, timeline, and process;
 - Provide decision makers complete and meaningful information/analysis;
 - Submit budget requests based on supportable facts that can be well understood by Council and the general public; and
 - Ensure resources and assets under their authority are effectively managed on an ongoing basis, with a focus on continuous improvement.

Reference Documents

- Budget Approval Process Policy (#19, PC 127/01)

5.2 Revenues

A fiscally sustainable municipality should have a diverse array of revenue tools to ensure that funding remains stable and predictable in the long-term. Municipalities have various forms of revenue, including:

- Property taxes;
- Special area rates;
- Payment-in-lieu of taxes (PILT) – for properties exempt from taxes, such as hospitals and properties owned by the province and federal government
- Water/Wastewater fees;
- User fees (such as ice time, or facility rental);
- Development charges (DCs), including Community Benefit Charges(CBC) – may charge a portion of growth-related capital costs to new residents/businesses;
- Conditional/unconditional grants;
- Local improvement charges – may charge all/part of capital costs to benefiting/abutting properties (such as sewers);
- Fines and penalties; and
- Investment income.

Tax levels are set to adequately fund/protect the Town's:

- Financial condition;
- Infrastructure investment;
- On-going expenditures; and
- Liabilities.

Fundamentals

- Balance the request for services with the ability to raise fees, charges, and taxes to support those services;
- Assess affordability by the overall level of revenue required to finance the Town's services and programs relative to comparable towns;
- Strive to maintain a diversified mix of revenues to balance the sources of revenue amongst citizens, to provide on-going stability and predictability, and shelter from short-term fluctuations in any one revenue source;
- Estimate revenue conservatively, given that revenues are sensitive to local, regional and provincial economic activities;
- Set Water and Wastewater rates to ensure all costs are fully recovered and align with the Water Division Financial Plan;
- User fees are approved through the Schedule of Fees By-Law;
- User fees for programs/activities are reviewed annually and consider:
 - the operating and capital costs including an allocation of overhead;
 - the extent of subsidization through property taxation; and
 - market analysis, impact of changing fees on demand, and fees for similar services in other communities;

- Non-recurring revenues are managed carefully to ensure the Town does not become reliant on them for regular operations;
- Generally, revenue from sale of assets is credited to the capital/lifecycle reserve based on functional area; and
- Report on variances in revenue versus the approved budget and provide total year forecasted revenue at least 2 times per year.

Accountability

- Council:
 - Establish priorities through the Strategic Plan;
 - Approve policies, such as Investment Policy;
 - Adopt the budget, including revenue, via by-law;
 - Approve the rates required for taxation and Schedule of Fees by-law; and
 - Approve collection method for property taxes via by-law.
- Chief Administrative Officer (CAO):
 - Direct the preparation of the budget, including revenue, in a collaborative manner with the Senior Management Team,
 - Ensure that administrative policies, practices and procedures are in place to implement the decisions of Council, and
 - Measure/monitor actions against the strategic plan.
- Director Financial Services/CFO:
 - Implement revenue collection methodologies as directed by Council;
 - Ensure adherence to legislation and policies as approved by Council;
 - Remain up-to-date regarding municipal revenue legislation, tools and methodologies; and
 - Report to Council on revenue variances versus the approved budget.
- Department Directors:
 - Review/recommend user rates annually, and recommend revenue optimization approaches for their area of responsibility.

Reference Documents

- Investment Policy (#87,RCM 15/16)
- Water Division Financial Plan (#40-301)

5.3 Expenditures

Financial expenditure policies/procedures cover a wide range of topics. Council will approve policy direction and high-level targets, while Administration has more detailed and prescriptive procedures and targets for internal management purposes.

Fundamentals

Operating Budget Control and Variance Reporting:

- Spend within approved budgets. Manage a global budget; when emerging conditions occur, implement necessary trade-offs. If trade-offs are insufficient, receive appropriate approval to exceed the budget (in advance unless emergency spending is required).
- Report at least 3 times per year on budget versus actual spending, identifying major variance drivers (generally June, August and year-end); and
- Provide a forecast of expected results (generally June and August), identifying actions that may be required to eliminate a potential deficit.

Capital Works Status Reporting:

- Spend within approved budgets. When emerging conditions occur, implement necessary trade-offs. If trade-offs are insufficient, receive appropriate approval to exceed the budget (in advance unless emergency spending is required).
- Report regularly, at least 3 times per year, on budget versus actual spending and the expected cost to complete the project in entirety.

Purchasing/Procurement Policy:

- Purchasing policy objectives include:
 - corporate efficiency;
 - process that is competitive, open, transparent, accountable and fair;
 - insurance & WSIB coverage;
 - authorization of capital works;
 - environmental consideration; and
 - total cost consideration.

Surplus/Deficit Management:

- Spend as necessary within limits set by budget (spending less than budget results in a surplus);
- A surplus is allocated to the Tax Rate Stabilization Reserve and/or Infrastructure Reserve; and
- A deficit (when unavoidable) is funded through the Tax Rate Stabilization Reserve.

Accountability

- Council:
 - Ensures accountability and transparency of the operations and financial management of the municipality.
- CAO:
 - Ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
 - Measure/monitor actions against the approved budget; and
 - Anticipate variances and provide options to Council.
- Director Financial Services/CFO:
 - Report to Council on budget variances and forecasts; and
 - Disposition of annual surplus or deficit.
- Department Directors:
 - Spend within approved budgets, identify necessary trade-offs and gain approvals as needed;
 - Provide forecasted spending updates at least 2 times per year; and
 - Report to Council on Capital Works status at least 3 times per year.

Reference Documents

- Purchasing Policy and By-Law (#17, #2017-63, Res #224/17)
- Capital Budget Implementation and Reporting (#20, PC 127/01)
- Operating Budget Implementation and Reporting (#21, PC 127/01)
- Post Budget Adjustments (#22, PC 127/01)

5.4 Reserve and Reserve Funds

Reserves and Reserve Funds are a critical component of the Town's long range financial planning. They provide for:

- tax rate and user rate stability by smoothing the effect of variable/unanticipated expenditures or revenues;
- funding for one-time or short-term requirements;
- future lifecycle replacement or asset acquisition; and
- flexibility to manage debt.

Reserve – An allocation of accumulated net revenue that is established by Council for a particular purpose. It has no reference to any specific asset and does not require the physical segregation of money or assets. Interest earned on investment is reported as operating fund earnings and not accumulated in the reserve.

Reserve Fund – An allocation of accumulated net revenue, similar to a reserve. Reserve fund assets are segregated and restricted to meet a specific purpose, and interest earned accumulates in the reserve fund. There are two types of reserve funds. Obligatory reserve funds are required under provincial statute, while discretionary reserve funds are created by Council for a specified future use.

Fundamentals

- Maintain sufficient levels of Reserves and Reserve Funds to meet lifecycle asset needs, manage unexpected/unpredicted expenditures, and meet future obligations;
- All Reserves and Reserve Funds are supported by a plan identifying contribution sources and projected disbursements required to meet future obligations;
- Lifecycle and Infrastructure Reserves are generally used for the future replacement or acquisition of new capital assets;
- Use Reserves and Reserve Funds for intended purpose. If needed for another purpose, approve via resolution or by-law; and
- Measure/evaluate Reserve and Reserve Fund adequacy annually.

Accountability

- Council:
 - Reviews, evaluates and approves the policy;
 - Approves creation/closure/amalgamation of Reserve and Reserve Funds; and
 - Approves activity through the Budget process or Resolution/By-Law.
- Director Financial Services/CFO:
 - Manages Reserves and Reserve Funds in accordance with legislation, Council direction and prudent business practices;
 - Provides long-range financial planning recommendations to link the lifecycle and asset management plan with reserve planning;

- Provides recommendations on the adequacy levels of Reserves and Reserve Funds;
 - Prudently invest Reserve and Reserve Funds per the Investment Policy, and allocates interest appropriately; and
 - Report on the status of the Town's Reserves and Reserve Funds and the future demands associated with each.
- Department Directors:
 - Plan for long-term asset lifecycle management including cost and revenue estimates; and
 - Spend within approved budgets.

Reference Documents

- None currently

5.5 Asset Management

Assets are a critical part of a municipality and their delivery of service. There are a number of documents and activities that ensure on-going stewardship of the Town's assets, such as master plans, assessments, DC background study, and Water Division Financial Plan (Water & Wastewater Rate Study).

"Asset Management" includes all activities involved in an asset's lifecycle from planning and acquisition/creation; to operational and maintenance activities, rehabilitation, and renewal; to replacement or disposal. The Town's Strategic Asset Management Policy identifies the importance of establishing consistent standards and guidelines for the management of assets applying sound technical, social and economic principles that consider present and future needs of users, and the service expected from the assets. This means leveraging the lowest total lifecycle cost of ownership with regard to the service levels that best meet the needs of the community while being cognizant of acceptable asset condition.

The Asset Management Plan (AMP) development/maintenance is multi-disciplinary and takes into consideration:

- Strategic priorities
- Expected levels of service
- Risk
- Maintenance strategies
- Asset integration
- Financing strategies

Additionally, the Town completes prescribed accounting activities for the recording and reporting of Tangible Capital Assets (TCAs). Asset Management planning focuses on the total lifecycle cost of ownership and replacement costs, while TCA accounting focuses on historical purchase cost and depreciation over useful life.

The Town differentiates the following when referring to capital assets/spending:

- Lifecycle – replacement of existing assets; and
- New Infrastructure – New Infrastructure Levy (NIL), purchase of new assets (to support service level enhancements and growth).

Fundamentals

- The legislated Asset Management Plan (AMP) is an active document that is updated on a regular basis and will eventually include all municipal capital assets;
- Applicable information and documents, including master plans, are utilized collectively to inform and support asset management decisions;
- Capital assets are maintained and/or replaced based on lifecycle ownership cost/benefit analysis;
- Capital assets that are not required to meet current or future program or operational requirements are disposed;
- An objective and transparent method is used to evaluate asset condition and the corresponding need and priority for maintenance or replacement; and

- Where a funding shortfall exists, priority in spending is as follows:
 - Assets that impact public health, safety and operational requirement;
 - Strategic Priority Rank; and
 - Where long term financial returns are highest.

Accountability

- Council, senior administration and department staff responsibilities are outlined in the Strategic Asset Management Policy; and
- Director Financial Services/CFO:
 - Facilitate the financial strategy in the AMP in alignment with the budgeting process and Water Division Financial Plan; and
 - Comply with regulation/principles in relation to Tangible Capital Assets.

Reference Documents

- Strategic Asset Management Policy (#95, RCM-177/19)
- Asset Management Plan (version 2.0, 2018, RCM-157/18)
- Tangible Capital Asset Accounting Policy (#83, RCM-176/14)
- Water Division Financial Plan (2019, #40-301)

5.6 Debt

Debt includes long-term borrowing and capital lease obligations. As stipulated in the Municipal Act, long-term debt can only be used to finance capital assets. The term of the debt must be equal to or less than the life of the asset, subject to limitations. The Province limits the total amount of debt that a municipality can issue to 25% of its own-source revenues (all revenue received less Federal and Provincial Grants).

In 2005, the Town has adopted an aggressive strategy to use long-term debt to be ready for development and at the same time embarked on a Lifecycle plan to fund the replacement of existing infrastructure assets.

Debt is repaid from a variety of sources including general tax levy allocated funds, water and wastewater rate funds or, in some cases where allowed, senior government grants.

Fundamentals

- Short-term borrowing (e.g. line of credit, bank overdraft) is used only as an interim measure as necessary if cash flow is forthcoming;
- Feasibility of Pay-as-you-go Plan for asset funding is analyzed first, before considering the use of Debt;
- Long-term debt is only issued to fund long-lived capital assets;
- Debt must be affordable to citizens. The debt affordability measure is the burden of principal and interest relative to the Town's own-source revenue.
- Debt will be considered when it leverages funds from other levels of government
- Impacts of debt on credit rating factors is evaluated;
- Inter-fund loans may be considered to meet short-term cash flow needs if there are excess funds and the use does not impact the fund's current operations;
- All inter-fund short-term borrowing is approved by resolution/by-law and borrowing from Reserve Funds bears interest based upon prevailing rates;
- Lease purchase financing may be used when the cost of borrowing or other factors make it the best option; and
- Regularly measure and evaluate Debt Capacity and its affordability.

Accountability

- Council:
 - Evaluate/approve the Debt Policy; and
 - Authorizes new debt financing via by-law.
- Director of Financial Services/CFO:
 - Assesses short-term borrowing needs and executes as directed;
 - Recommends long-term debt issuance; and
 - Reports annually on debt levels.

Reference Documents

- None currently

5.7 Investment

The Town's cash flow varies throughout the year due to the timing of revenue collection and the payment for operations and capital expenditures. The Town strives for the optimum utilization of its cash resources within statutory limitations and the basic need to protect and preserve capital, while maintaining solvency and liquidity to meet ongoing financial requirements.

Fundamentals

- Investments must only be made from surplus cash not immediately required to satisfy operational or capital needs;
- Key objectives of investing are legality, safety (preserve capital), and liquidity;
- Sufficient cash flow analysis and projection are undertaken to ensure that securities mature concurrent with anticipated cash needs;
- Since all possible cash demands cannot be anticipated, the portfolio will consist largely of securities with active secondary/resale markets or liquid local government investment pools;
- The expectation is to earn fair return relative to the level of risk, with return secondary to safety and liquidity; and
- Investments shall be diversified to limit risk, including diversification of term, type of investment and number of institutions invested in.

Accountability

- Council:
 - Reviews, evaluates and approves the policy.
- Director Financial Services/CFO:
 - Manages the investment program; and
 - Submits an investment report to Council annually, including a management summary of status of the portfolio and transactions.

Reference Documents

- Investment Policy (#87, RCM-15/16)

5.8 Accounting, Auditing and Financial Reporting

There are a number of policies, procedures and practices in place to appropriately manage the accounting, auditing, and financial reporting for a municipality, which are generally under the management of the CFO.

Municipalities are required by legislation to prepare annual financial statements in accordance with Generally Accepted Accounting Principles (GAAP) for local governments as recommended by the Public Sector Accounting Board (PSAB) of the Chartered Professional Accountants of Canada (see section 294.1 of the *Municipal Act*).

Municipalities must appoint an auditor licensed under the *Public Accounting Act, 2004*. The municipal auditor reports to Council, and is responsible for annually auditing the accounts and transactions of the municipality and its local boards, and expressing an opinion on the financial statements.

Fundamentals

- Internal Controls are maintained to provide reasonable assurance that assets are safeguarded, transactions are properly authorized and recorded in compliance with legislative and regulatory requirements, and reliable financial information is available on a timely basis;
- Maintains records on a basis consistent with GAAP for local governments as prescribed by PSAB;
- Accounting is completed on a **full accrual basis**. Revenues are recognized and recorded when earned and expenses are recognized when incurred and measureable as a result of receipt of goods or services;
- The budgeting process starts with the **modified accrual basis**. Revenues are recognized when measurable and available and expenditures are recognized when the liability is incurred. PSAB requires financial statements to be in full accrual basis, and thus a series of accounting adjustments are made to convert the budget to full accrual;
- The annual financial statements conform to GAAP as recommended by PSAB;
- Town financial records are maintained in an appropriate system and audited annually, the resultant financial opinion is made available on the Town's website;
- Financial statements are complete, reliable and informative and are expected to receive an unqualified auditor's opinion;
- Consolidated financial information is publicly available via the Town's website;
- A tangible capital asset (TCA) system is maintained to identify all Town assets, including original historical cost, accumulated depreciation, and disposition and is utilized for financial statement and asset management purposes; and
- Statutory reporting requirements, including the Financial Information Return (FIR) are updated with complete and reliable information within prescribed timelines.

Accountability

- Council:
 - Appoint the Auditor; and
 - Approve the annual Financial Statements.
- Director Financial Services/CFO:
 - Implementation and adequacy review of internal controls;
 - Implementation and adequacy review of financial systems;
 - Recording transactions and consolidation for financial statement purposes;
 - Coordinate the preparation of Financial Statements and annual audit;
 - Ensure financial reporting is complete, timely, understandable and publicly available; and
 - Remain current on accounting standards and practices.

Reference Documents

- Accountability and Transparency Policy (#61, By-law 2007-91, RCM-450/07)
- Data Verification Policy (#82, RCM-46/14)
- Tangible Capital Asset Accounting Policy (#83, RCM-176/14)