



COUNCIL MEETING AGENDA

Tuesday, April 25th, 2023
6:00 p.m.

Municipal Office – Council Chambers – 217 Harper Road

6:00 p.m. *Council Meeting*

Chair, Reeve Rob Rainer

1. **CALL TO ORDER**
2. **AMENDMENTS/APPROVAL OF AGENDA**
3. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF**
4. **APPROVAL OF MINUTES**

- i) **Council Meeting – March 21st, 2023 – *attached, page 11.***

Suggested Motion by Deputy Reeve Fred Dobbie:

“THAT, the minutes of the Council Meeting held on March 21st, 2023, be approved as circulated.”

- ii) **Council Meeting (Closed Session – Litigation – 196 Little Silver Lake Road) – March 21st, 2023 – *to be distributed at the meeting.***

Suggested Motion by Councillor Marilyn Thomas:

“THAT, the minutes of the Council Meeting (Closed Session – Litigation – 196 Little Silver Lake Road) held on March 21st, 2023, be approved as circulated.”

- iii) **“Special” Council Meeting – March 28th, 2023 – *attached, page 20.***

Suggested Motion by Councillor Angela Pierman:

“THAT, the minutes of the “Special” Council Meeting held on March 28th, 2023, be approved as circulated.”

- iv) **“Special” Council Meeting (Closed Session – Litigation – Legal File Update) – March 28th, 2023 – to be distributed at the meeting.**

Suggested Motion by Councillor Wayne Baker:

“THAT, the minutes of the “Special” Council Meeting (Closed Session – Litigation – Legal File Update) held on March 28th, 2023, be approved as circulated.”

- v) **“Special” Council Meeting – April 1st, 2023 – attached, page 25.**

Suggested Motion by Councillor Andrew Kendrick:

“THAT, the minutes of the “Special” Council Meeting held on April 1st, 2023, be approved as circulated.”

- vi) **“Special” Council Meeting – April 4th, 2023 – attached, page 27.**

Suggested Motion by Councillor Greg Hallam:

“THAT, the minutes of the “Special” Council Meeting held on April 4th, 2023, be approved as circulated.”

- vii) **“Special” Council Meeting (Closed Session – Labour Relations – Human Resources) – April 4th, 2023 – to be distributed at the meeting.**

Suggested Motion by Councillor Korrine Jordan:

“THAT, the minutes of the “Special” Council Meeting (Closed Session – Labour Relations – Human Resources) held on April 4th, 2023, be approved as circulated.”

- viii) **Committee of the Whole Meeting – April 11th, 2023 – attached, page 30.**

Suggested Motion by Deputy Reeve Fred Dobbie:

“THAT, the minutes of the Committee of the Whole Meeting held on April 11th, 2023, be approved as circulated.”

- ix) **“Special” Council Meeting – April 18th, 2023 – attached, page 43.**

Suggested Motion by Councillor Marilyn Thomas:

“THAT, the minutes of the “Special” Council Meeting held on April 18th, 2023, be approved as circulated.”

- x) **“Special” Council Meeting (Closed Session – Identifiable Individual – Identifiable Individual) – April 18th, 2023 – to be distributed at the meeting.**

Suggested Motion by Councillor Angela Pierman:

“THAT, the minutes of the “Special” Council Meeting (Closed Session – Identifiable Individual – Identifiable Individual) held on April 18th, 2023, be approved as circulated.”

5. DELEGATIONS & PRESENTATIONS

None.

6. CORRESPONDENCE

None.

7. MOTIONS

i) Recording Meetings for the Purpose of Minute Taking.

Suggested Motion by Councillor Wayne Baker:

***“THAT,** Council at a later date discuss recording of meetings for the purpose of minute taking.”*

ii) Perth and District Community Foundation Vital Signs Report.

Suggested Motion by Councillor Andrew Kendrick:

***“THAT,** the Perth and District Community Foundation Vital Signs Report to Tay Valley Township Council on April 11th, 2023 be received for information.”*

iii) Planet Youth Lanark County Update.

Suggested Motion by Councillor Greg Hallam:

***“THAT,** the Planet Youth presentation to Tay Valley Township Council on April 11th, 2023 be received for information.”*

iv) Report #PW-2023-09 – Calcium Chloride – Tender Award.

Suggested Motion by Councillor Korrine Affleck:

***“THAT,** the Calcium Chloride Tender, #2023-PW-004 be awarded to Da-Lee Dust Control Limited;*

***AND THAT,** the Reeve and Clerk be authorized to sign the necessary documentation.”*

v) Report #PW-2023-10 – Engineering Services for the Glen Tay Culvert and Gambles Side Road Bridge – RFP Award.

Suggested Motion by Deputy Reeve Fred Dobbie:

***“THAT,** the Engineering Services for the Glen Tay Culvert and Gambles Side Road Bridge, #2023-PW-003, be awarded to the Greer Galloway Group;*

***AND THAT,** the Reeve and Clerk be authorized to sign the necessary documentation.”*

vi) **Report #PW-2023-11 – Half-Ton Truck – RFP Award.**

Suggested Motion by Councillor Marilyn Thomas:

“THAT, Request for Proposal #2023-PW-006 – One (1) Half-Ton Truck be awarded to James Braden Ford Ltd. for the Ford Lightning;

THAT, The Reeve and Clerk be authorized to sign the necessary documentation;

AND THAT, Truck No. 14 be sold on GovDeals.net once the new truck arrives, with the funds to be transferred to the Equipment Reserve.”

vii) **Report #PW-2023-12 – Municipal Office Roof Replacement – Tender Award.**

Suggested Motion by Councillor Angela Pierman:

“THAT, Tender #2023-MO-002 – Municipal Office Roof Replacement be awarded to Sargeant Construction Inc. in the amount of \$123,222.15 plus H.S.T.;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

viii) **Report #CBO-2023-04 – Building Department Report – January – March 2023.**

Suggested Motion by Councillor Wayne Baker:

“THAT, Report #CBO-2023-04 – Building Department Report – January - March 2023 be received as information.”

ix) **Report #C-2023-03 – Proposed New Road Name – Lampman Hill.**

Suggested Motion by Councillor Andrew Kendrick:

“THAT, the necessary by-law to name an existing Private Road to Lampman Hill as outlined in Report #C-2023-03 – Proposed New Road Name – Lampman Hill, be brought forward for approval.”

x) **Report #CAO-2023-08 – 25th Anniversary Celebrations Update.**

Suggested Motion by Councillor Greg Hallam:

“THAT, staff be authorized to proceed with the ideas to celebrate the 25th Anniversary of Tay Valley Township as outlined in Report #CAO-2023-08 – 25th Anniversary Celebrations Update;

AND THAT, the required funds, as outlined in Report #CAO-2023-08 – 25th Anniversary Celebrations Update will be expensed from the 200th Anniversary Reserve and the Contingency Reserve.”

xi) **Report #CAO-2023-10 – Pay Equity and Compensation Review – RFP Award.**

Suggested Motion by Councillor Korrine Affleck:

“THAT, the Pay Equity and Compensation Review, Contract #2023-HR-01, be awarded to ML Consulting Services;

***AND THAT,** the Reeve and Clerk be authorized to sign the necessary documentation.”*

xii) **23-03-30 – Council Communication Package.**

Suggested Motion by Deputy Reeve Fred Dobbie:

“THAT, the 23-03-30 Council Communication Package, excluding item 23, be received for information.”

xiii) **Municipality of North Perth Resolution – School Bus Stop Arm Cameras.**

Suggested Motion by Councillor Marilyn Thomas:

“WHEREAS, almost 824,000 students travel in about 16,000 school vehicles every school day in Ontario and according to the Ministry of Transportation’s statistics the rate of vehicles blowing by stopped school buses is over 30,000 times every day;

***AND WHEREAS,** the Province of Ontario passed the Safer School Zones Act in 2017 which authorized the use of Automated School Bus Stop Arm Camera Systems to detect incidents where vehicles failed to stop when the school bus was stopped and the stop-arm extended (O.Reg. 424/20);*

***AND WHEREAS,** the Association of Municipalities of Ontario (AMO) working on behalf of all Ontario Municipalities made its submission to the Standing Committee on General Government on May 21, 2019 in support of Administrative Monetary Penalties (AMPs) to be used to collect fine revenue for school bus stop arm infractions and other applications, including Automated Speed Enforcement (ASE) technologies deployed in school and community safety zones;*

***AND WHEREAS,** police resources can not be spread any thinner to enforce Highway Traffic Act offences throughout municipalities;*

***AND WHEREAS,** the administrative and financial costs to establish the required municipal Administrative Penalty program under the Highway Traffic Act, and its regulations, are substantial and maybe out of reach for small or rural municipalities that have insufficient amounts of traffic to generate the required funds to offset the annual operational costs of a municipal Administrative Penalty program;*

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township urges the Provincial Government to:

- a) Require all school buses to have stop arm cameras installed and paid for by the province for the start of the 2023-2024 school year and;
- b) Underwrite the costs for the implementation and on-going annual costs for Administrative Monetary Penalties in small and rural municipalities;

AND FURTHER THAT, this resolution be circulated to Premier Doug Ford, Attorney General Doug Downey, Minister of Education Stephen Lecce, Provincial opposition parties, John Jordan MPP, AMO and all municipalities in Ontario.”

xiv) **23-04-05 – Council Communication Package.**

Suggested Motion by Councillor Angela Pierman:

“THAT, the 23-04-05 Council Communication Package be received for information.”

xv) **Reinstatement of Legislation Permitting a Municipality to Retain Surplus Proceeds from Tax Sales.**

Suggested Motion by Councillor Wayne Baker:

“WHEREAS, prior to being repealed by the Modernizing Ontario’s Municipal Legislation Act, 2017, Section 380(6) of the Municipal Act, 2001 allowed for a municipality to retain surplus proceeds from tax sales within their jurisdiction;

AND WHEREAS, the Public Tax Sale process is burdensome to a municipality who invest a considerable amount of time and money recovering these proceeds for the potential sole benefit of the Crown in Right of Ontario;

NOW THEREFORE BE IT RESOLVED THAT, a letter be sent to all relevant taxation bodies, including the Ministry of Municipal Affairs and Housing, the Ministry of Finance, John Jordan, MPP, the Association of the Municipalities of Ontario and all other municipalities in Ontario urging them to re-instate previous legislation that permitted a Municipality to apply for and retain the surplus proceeds from a tax sale in their jurisdiction.”

xvi) **New Fee Proposed by Enbridge Gas.**

Suggested Motion by Councillor Andrew Kendrick:

“WHEREAS, Enbridge recently made an announcement of their intention to begin charging third-party contractors and other utilities \$200 CAD (plus applicable taxes) for utility locates where a field locate is required;

AND WHEREAS, third-party contractors include Ontario Municipalities;

AND WHEREAS, these locate requests are only required as Ontario Municipalities have allowed utilities to use municipal right-of-ways at no charge to the utilities;

AND WHEREAS, this announcement of new downloaded costs will negatively impact the budgets of Ontario Municipalities which are already burdened;

AND WHEREAS, if Enbridge is successful in implementing this new charge, a precedence is set for other utility companies to also begin charging for locates;

NOW THEREFORE BE IT RESOLVED THAT, the Council of Township of Tay Valley Township strongly opposes these utility locate costs being downloaded to Ontario Municipalities by Enbridge Gas or other utilities;

AND THAT, the Province of Ontario's Ministry of Public and Business Service Delivery make it clear that these costs must be borne by the utilities themselves;

AND THAT, this decision be forwarded to Premier Doug Ford, Minister of Public and Business Service Delivery, Kaleed Rasheed, Minister of Infrastructure, Kinga Surma, Minister of Energy, Todd Smith, John Jordan, MPP, the Association of Ontario Road Supervisors and the Association of Municipalities of Ontario;

AND FURTHER THAT, the Association of Ontario Road Supervisors will be sending your Public Works Manager and Directors a survey to further investigate the true costs of this proposed fee on your budgets. We ask you to encourage your staff to complete this survey so we can better advocate on your behalf."

xvii) **AMO Calls for Legislation to Strengthen Municipal Codes of Conduct and Enforcement.**

Suggested Motion by Councillor Greg Hallam:

"WHEREAS, all Ontarians deserve and expect a safe and respectful workplace;

AND WHEREAS, municipal governments, as the democratic institutions most directly engaged with Ontarians need respectful discourse;

AND WHEREAS, several incidents in recent years of disrespectful behaviour and workplace harassment have occurred amongst members of municipal councils;

AND WHEREAS, these incidents seriously and negatively affect the people involved and lower public perceptions of local governments;

AND WHEREAS, municipal Codes of Conduct are helpful tools to set expectations of council member behaviour;

AND WHEREAS, municipal governments do not have the necessary tools to adequately enforce compliance with municipal Codes of Conduct;

NOW THEREFORE BE IT RESOLVED THAT, the Council of Tay Valley Township supports the call of the Association of Municipalities in Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments;

AND THAT, the legislation encompass the Association of Municipalities of Ontario's recommendations for:

- Updating municipal Codes of Conduct to account for workplace safety and harassment
- Creating a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario
- Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the Province
- Allowing municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner
- prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office."

8. BY-LAWS

- i) **By-Law No. 2023-018: Septic System Maintenance Inspection Program – attached, page 46.**

Suggested Motion by Councillor Korrine Jordan:

"THAT, By-Law No. 2023-018, being a by-law to implement a Sewage System Maintenance Inspection Program, be read a first, second and third time short and passed and signed by the Reeve and Clerk."

- ii) **By-Law No. 2023-019 – Code of Conduct for Members of Council and Local Boards – attached, page 60.**

Suggested Motion by Deputy Reeve Fred Dobbie:

"THAT, By-Law No. 2023-019, being a by-law to adopt a Code of Conduct for Members of Council and Local Boards, be read a first, second and third time short and passed and signed by the Reeve and Clerk."

9. NEW/OTHER BUSINESS

None.

10. CALENDARING

Meeting	Date	Time	Location
Bolingbroke Cemetery Board Meeting	April 21 st	10:00 a.m.	Municipal Office
Council Meeting	April 25 th	6:00 p.m.	Municipal Office
Lanark County Police Services Board Meeting	April 26 th	10:00 a.m.	Drummond/North Elmsley Municipal Office
Rideau Valley Conservation Authority Board Meeting	April 27 th	6:30 p.m.	Manotick
Committee of the Whole	May 9 th	6:00 p.m.	Municipal Office
Committee of Adjustment Hearing	May 15 th	5:00 p.m.	Municipal Office
Council Meeting	May 16 th	6:00 p.m.	Municipal Office

11. CLOSED SESSIONS

None.

12. CONFIRMATION BY-LAW

- i) **By-Law No. 2023-020 - Confirmation By-Law – March 28th, April 1st, 4th, 18th and 25th, 2023 – attached, page 87.**

Suggested Motion by Councillor Marilyn Thomas:

*“**THAT**, By-Law No. 2023-020, being a by-law to confirm the proceedings of the Council meetings held on March 28th, April 1st, 4th, 18th and 25th, 2023, be read a first, second and third time short and passed and signed by the Reeve and Clerk.”*

13. ADJOURNMENT

MINUTES

COUNCIL MEETING MINUTES

Tuesday, March 21st, 2023

Following the Public Meeting – Zoning By-Law Amendment at 5:30 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario

Council Chambers

ATTENDANCE:

Members Present: Chair, Reeve Rob Rainer
Deputy Reeve Fred Dobbie
Councillor Wayne Baker
Councillor Greg Hallam
Councillor Korrine Jordan
Councillor Andrew Kendrick
Councillor Angela Pierman

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk
Janie Laidlaw, Deputy Clerk
Noelle Reeve, Planner
Ashley Liznick, Treasurer (left at 7:40 p.m.)

Regrets: Councillor Marilyn Thomas

1. CALL TO ORDER

The meeting was called to order at 7:19 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES

- i) **Council Meeting – February 28th, 2023.**

RESOLUTION #C-2023-03-02

MOVED BY: Wayne Baker
SECONDED BY: Angela Pierman

“**THAT**, the minutes of the Council Meeting held on February 28th, 2023, be approved as circulated.”

ADOPTED

- ii) **Committee of the Whole Meeting – March 7th, 2023.**

RESOLUTION #C-2023-03-03

MOVED BY: Andrew Kendrick
SECONDED BY: Angela Pierman

“**THAT**, the minutes of the Committee of the Whole Meeting held on March 7th, 2023, be approved as circulated.”

ADOPTED

- iii) **Committee of the Whole Meeting (Closed Session – Identifiable Individual – Unreasonable Customer Behaviour) – March 7th, 2023.**

RESOLUTION #C-2023-03-04

MOVED BY: Greg Hallam
SECONDED BY: Korrine Jordan

“**THAT**, the minutes of the Committee of the Whole Meeting (Closed Session – Identifiable Individual – Unreasonable Customer Behaviour) held on March 7th, 2023, be approved as circulated.”

ADOPTED

- iv) **“Special” Council Meeting – March 11th, 2023.**

RESOLUTION #C-2023-03-05

MOVED BY: Korrine Jordan
SECONDED BY: Andrew Kendrick

“**THAT**, the minutes of the “Special” Council Meeting held on March 11th, 2023, be approved as circulated.”

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. CORRESPONDENCE

None.

7. MOTIONS

- i) **Report #PW-2023-07 – 2022 Waste Disposal Site Annual Reports.**

RESOLUTION #C-2023-03-06

MOVED BY: Fred Dobbie

SECONDED BY: Angela Pierman

“**THAT**, Report #PW-2023-07 – 2022 Waste Disposal Site Annual Report be received as information;

AND THAT, staff be directed to submit the 2022 Annual Reports for the Glen Tay, Maberly and Stanleyville sites to the Ministry of the Environment, Conservation and Parks before the March 31st, 2023 deadline, to be in conformity with the Certificates of Approval for each site.”

ADOPTED

- ii) **Report #CBO-2023-03 – Building Department Report – January – February 2023.**

RESOLUTION #C-2023-03-07

MOVED BY: Fred Dobbie

SECONDED BY: Angela Pierman

“**THAT**, Report #CBO-2023-03 – Building Department Report – January - February 2023 be received as information.”

ADOPTED

- iii) **Report #PW-2023-04 – Tandem Plow Truck – RFP Award.**

RESOLUTION #C-2023-03-08

MOVED BY: Angela Pierman

SECONDED BY: Andrew Kendrick

“**THAT**, Request for Proposal #2023-PW-002 – One (1) Tandem Plow Truck be awarded to Francis Canada Truck Centre Inc.;

AND THAT, The Reeve and Clerk be authorized to sign the necessary documentation.”

ADOPTED

- iv) **Report #PW-2023-05 – Rehabilitation of Harper and Keays Road – Tender Award.**

RESOLUTION #C-2023-03-09

MOVED BY: Wayne Baker
SECONDED BY: Angela Pierman

“**THAT**, Tender #2023-PW-001 for the Rehabilitation of Harper and Keays Roads be awarded to Arnott Brothers Construction in the amount of \$1,366,722.96 plus H.S.T.;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

ADOPTED

- v) **Report #PW-2023-06 – Micro-Surfacing Powers Road – Tender Award.**

RESOLUTION #C-2023-03-10

MOVED BY: Andrew Kendrick
SECONDED BY: Angela Pierman

“**THAT**, Schedule ‘O’, Powers Road, of Lanark County Tender #PW-C-09-2023-23-E0 – Micro-surfacing be awarded to Miller Paving Limited;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

ADOPTED

- vi) **Report #FIN-2023-02 – 2022 Development Charges Statement.**

RESOLUTION #C-2023-03-11

MOVED BY: Greg Hallam
SECONDED BY: Korrine Jordan

“**THAT**, Report #FIN-2023-02 - 2022 Development Charges Statement be received as information.”

ADOPTED

- vii) **Report #FIN-2023-03 – 2022 Planning Act Financial Report for Parkland.**

RESOLUTION #C-2023-03-12

MOVED BY: Korrine Jordan
SECONDED BY: Andrew Kendrick

“**THAT**, Report #FIN-2023-03 - 2022 Planning Act Financial Reporting for Parkland be received as information.”

ADOPTED

viii) **Report #FIN-2023-04 – 2022 Statement of Remuneration and Expenses.**

RESOLUTION #C-2023-03-13

MOVED BY: Fred Dobbie
SECONDED BY: Angela Pierman

“**THAT**, Report #FIN-2023-04 - 2022 Statement of Remuneration and Expenses be received as information.”

ADOPTED

ix) **Report #FIN-2023-05 – 2022 Investment Report.**

RESOLUTION #C-2023-03-14

MOVED BY: Angela Pierman
SECONDED BY: Andrew Kendrick

“**THAT**, Report #FIN-2023-05 - 2022 Investment Report be received as information.”

ADOPTED

x) **Report #FIN-2023-06 – 2023 Budget – PSAB Restatement.**

RESOLUTION #C-2023-03-15

MOVED BY: Angela Pierman
SECONDED BY: Andrew Kendrick

“**THAT**, Report #FIN-2023-06 - 2023 Budget – PSAB Restatement, be received as information.”

ADOPTED

xi) **Report #CAO-2023-04 – Naming of Forest Trail Park.**

RESOLUTION #C-2023-03-16

MOVED BY: Wayne Baker
SECONDED BY: Angela Pierman

“**THAT**, the newly developed Forest Trail be named Nin Kitisim Park as outlined in Report #CAO-2023-04 – Naming of Forest Trail Park.”

ADOPTED

xii) **Report #CAO-2023-05 – Forest Trail Project Update.**

RESOLUTION #C-2023-03-17

MOVED BY: Andrew Kendrick
SECONDED BY: Angela Pierman

“**THAT**, Report #CAO-2023-05 – Forest Trail Project Update, be received for information.”

ADOPTED

- xiii) **Report #CAO-2023-06 – Strategic Planning Consultant.**

RESOLUTION #C-2023-03-18

MOVED BY: Greg Hallam

SECONDED BY: Korrine Jordan

“**THAT**, Section 7.4 of the Procurement Policy be waived to single source a Strategic Planning Consultant through Town Hall Consulting (Rob Adams).”

ADOPTED

- xiv) **Report #CAO-2023-07 – Extension of Integrity Commissioner Contract.**

RESOLUTION #C-2023-03-19

MOVED BY: Korrine Jordan

SECONDED BY: Andrew Kendrick

“**THAT**, the current contract with Cunningham, Swan, Carty, Little & Bonham, the Township’s appointed Integrity Commissioner be extended until March 31, 2028;

AND THAT, the Reeve and Clerk be authorized to execute the necessary extension agreement.”

ADOPTED

- xv) **23-03-01 – Council Communication Package.**

RESOLUTION #C-2023-03-20

MOVED BY: Fred Dobbie

SECONDED BY: Angela Pierman

“**THAT**, the 23-03-01 Council Communication Package be received for information.”

ADOPTED

- xvi) **Rideau Valley Conservation Authority – New Flood Mapping Project.**

RESOLUTION #C-2023-03-21

MOVED BY: Fred Dobbie

SECONDED BY: Angela Pierman

“**THAT**, the letter from Rideau Valley Conservation Authority dated February 3, 2023 regarding New Flood Mapping Project be received for information.”

ADOPTED

xvii) **A Call to End Homelessness in Ontario.**

RESOLUTION #C-2023-03-22

MOVED BY: Angela Pierman

SECONDED BY: Andrew Kendrick

“WHEREAS, the homeless crisis is taking a devastating toll on families and communities, undermining a healthy and prosperous Ontario;

WHEREAS, the homelessness crisis is the result of the underinvestment and poor policy choices of successive provincial governments;

WHEREAS, homelessness requires a range of housing, social service and health solutions from government;

WHEREAS, homelessness is felt most at the level of local government and the residents that they serve;

WHEREAS, municipalities and District Social Administration Boards are doing their part, but do not have the resources, capacity or tools to address this complex challenge;

AND WHEREAS, leadership and urgent action is needed from the provincial government on an emergency basis to develop, resource and implement a comprehensive plan to prevent, reduce and ultimately end homelessness in Ontario;

NOW THEREFORE BE IT RESOLVED THAT, the Township of Tay Valley Township calls on the Provincial Government to urgently:

- a. Acknowledge that homelessness in Ontario is a social, economic and health crisis;
- b. Commit to ending homelessness in Ontario;
- c. Work with AMO and a broad range of community, health, Indigenous and economic partners to develop, resource, and implement an action plan to achieve this goal;

AND FURTHER THAT, a copy of this motion be sent to the Minister of Municipal Affairs and Housing, the Minister of Children, Community and Social Services, the Minister of Health and to the Association of Municipalities of Ontario.”

ADOPTED

8. BY-LAWS

None.

9. NEW/OTHER BUSINESS

- i) **Report #PD-2023-07 – Septic Re-Inspection Program Expansion.**

RESOLUTION #C-2023-03-23

MOVED BY: Wayne Baker
SECONDED BY: Angela Pierman

“**THAT**, staff be directed to include other lakes and rivers in the Septic Re-Inspection Program to assist in protecting lake water quality following the removal by Bill 23 of Site Plan Control Agreements for residential development under 10 units;

AND THAT, the necessary by-law be brought forward.”

ADOPTED

- ii) **Notice of Intention to Reconsider.**

Councillor Andrew Kendrick.

A motion to reconsider will be on the next Council agenda.

10. CALENDARING

Meeting	Date	Time	Location
Police Services Board Meeting	March 23 rd	1:30 p.m.	Municipal Office
Rideau Valley Conservation Authority Board Meeting	March 23 rd	6:30 p.m.	Manotick
Committee of Adjustment Hearing	March 27	5:00 p.m.	Municipal Office
“Special” Council Meeting	March 28 th	5:30 p.m.	Municipal Office
Fire Board Meeting	March 30 th	6:00 p.m.	BBD&E Fire Hall
Emergency Control Group Meeting	March 31 st	9:30 a.m.	Municipal Office
“Special” Council Meeting	April 1 st	9:00 a.m.	Municipal Office

11. CLOSED SESSIONS

The Treasurer left at 7:40 p.m.

- i) **CONFIDENTIAL: Litigation – 196 Little Silver Lake Road.**

RESOLUTION #C-2023-03-24

MOVED BY: Andrew Kendrick
SECONDED BY: Greg Hallam

“THAT, Council move “in camera” at 7:40 p.m. to address a matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board regarding 196 Little Silver Lake Road;

AND THAT, the Chief Administrative Officer/Clerk, Planner, Deputy Clerk and Tony Fleming, Solicitor remain in the room.”

ADOPTED

RESOLUTION #C-2023-03-25

MOVED BY: Andrew Kendrick

SECONDED BY: Angela Pierman

“THAT, Council return to open session at 8:00 p.m.”

ADOPTED

RESOLUTION #C-2023-03-26

MOVED BY: Greg Hallam

SECONDED BY: Wayne Baker

“THAT, the Reeve and Clerk be authorized to execute the Minutes of Settlement in accordance with the direction of the Solicitor that was provided in Closed Session at the March 21st, 2023 Council meeting.”

ADOPTED

12. CONFIRMATION BY-LAW

- i) **By-Law No. 2023-016 - Confirmation By-Law – March 11th and 21st, 2023.**

RESOLUTION #C-2023-03-27

MOVED BY: Greg Hallam

SECONDED BY: Korrine Jordan

“THAT, By-Law No. 2023-016, being a by-law to confirm the proceedings of the Council meetings held on March 11th and 21st, 2023, be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

ADOPTED

13. ADJOURNMENT

Council adjourned at 8:01 p.m.

“SPECIAL” COUNCIL MEETING MINUTES

Tuesday, March 28, 2023

5:30 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario

Council Chambers

ATTENDANCE:

Members Present: Chair, Reeve Rob Rainer
Deputy Reeve Fred Dobbie
Councillor Wayne Baker
Councillor Greg Hallam
Councillor Korrine Jordan
Councillor Andrew Kendrick
Councillor Angela Pierman
Councillor Marilyn Thomas

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk
Janie Laidlaw, Deputy Clerk
Noelle Reeve, Planner

Regrets: None

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m.
A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

3. MOTIONS

i) **Private Unassumed Roads – Reconsideration.**

Councillor Kendrick provided his remarks in writing – *attached, page 7.*

Councillor Jordan asked Council to consider the points made from property owners, she has major concerns with the motion and feels it should be reconsidered.

RESOLUTION #C-2023-03-28

MOVED BY: Andrew Kendrick

SECONDED BY: Korrine Jordan

“**THAT**, Resolution #C-2023-02-03 regarding Private Unassumed Roads be reconsidered as the next order of business due to new information that has come forward, an error in documentation presented and incorrect statements made during the original debate.”

DEFEATED

4. BY-LAWS

i) **Report PD-2023-08 – Zoning By-Law Amendment - Section 3.4 Public Feedback.**

The Planner reviewed the report that was attached to the agenda.

ii) **By-Law No. 2023-017 – Zoning By-Law Amendment - Section 3.4 Frontage on an Improved Street and Definition of IMPROVED STREET.**

Councillor Kendrick indicated that he sent his concerns to the Planner, CAO/Clerk and the Reeve and received no response or acknowledgement. The Planner explained that the material provided was irrelevant to the By-Law Amendment. Councillor Kendrick does not see how Council can discuss the By-Law Amendment without considering all the implications, there is a mandate to consider implications.

Councillor Kendrick provided written comments to set out his reasons for being opposed to the Zoning By-Law Amendment – *attached, page 11.*

The Reeve interrupted to state that the information being provided was not germane to the motion on the floor. Debate needs to be in keeping with the decision of adopting the Zoning By-Law Amendment, not the history as a Council Member wishes to tell it. Councillor Kendrick indicated that he would call a Point of Privilege if stopped.

The CAO/Clerk asked to speak about the procedure. Councillor Kendrick called a Point of Order and stated that the Council can debate the issue and can ask

staff questions, but staff are not part of the debate and if they want to be then they should run for elected office.

The CAO/Clerk suggested a short recess.

Council recessed at 6:04 p.m.

Council reconvened at 6:10 p.m.

Councillor Kenrick continued expressing his written comments.

Councillor Baker provided his comments in writing – *attached, page 14.*

Councillor Pierman explained she wanted the best solution for all involved, we all have the same end goal. It is all about interpretation and in 2019 it was stated in a meeting from a previous Council Member that the wording in Section 3.4 was not good. Staff have been pointed out and no one is perfect, but Staff does want what is best for the Township. Supportive of the amendment and wants it to move on, there is no perfect answer but need to do what is best for the Township.

Deputy Reeve Dobbie indicated that this has been a long process, he has listened to the lawyers, Staff and reviewed the public comments, out of all the comments only three (3) have suggested an alternate solution. Supports the amendment to the Zoning By-Law.

Councillor Thomas is in support of the amendment, has read all the comments, reports and has spoken to the two Road Associations that exist and they have had no concerns with having Road Associations. She is not discounting everyone's comments and concerns and has listened to the public, lawyer and advisors.

Councillor Jordan does not support the amendment and agrees with Councillor Kendrick. The landowners could come up with something better if given the opportunity. Approving the amendment will open up a legal battle. Building permits are being held over peoples heads like blackmail. Tay Valley Township is mounting an attack against its citizens.

Councillor Hallam has reviewed everything. Feels Councillor Baker summed it up and agrees with the Deputy Reeve that it has been going on for too long. While he respects the opinion of Councillor Kendrick this needs to be moved forward.

Councillor Kendrick stated that the positions of Council are clear. It is unfair to say the public has not come up with alternative solutions as they were not asked to. Feels this is not an end solution but only being put in place until another one is implemented and it is stopping people from improving their properties and damaging the small businesses and trades in the Township that provide that work.

RESOLUTION #C-2023-03-29

MOVED BY: Greg Hallam
SECONDED BY: Angela Pierman

“**THAT**, By-Law No. 2023-017, being a by-law to Amend Zoning By-Law No. 2002-121, (Section 3.4 Frontage on an Improved Street and Definition of IMPROVED STREET) be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

(SEE RECORDED VOTE)

Councillor Baker called a recorded vote on Resolution #C-2023-03-29:

For:	Reeve Rob Rainer	1
	Deputy Reeve Fred Dobbie	1
	Councillor Wayne Baker	1
	Councillor Greg Hallam	1
	Councillor Angela Pierman	1
	Councillor Marilyn Thomas	<u>1</u>
		6

Against:	Councillor Korrine Jordan	1
	Councillor Andrew Kendrick	<u>1</u>
		2

Absent: 0

Total: 8

ADOPTED

Council recessed at 6:38 p.m.
Council reconvened at 6:45 p.m.

5. CLOSED SESSION

i) **CONFIDENTIAL: Litigation – Legal File Update.**

RESOLUTION #C-2023-03-30

MOVED BY: Fred Dobbie
SECONDED BY: Marilyn Thomas

“**THAT**, Council move “in camera” at 6:46 p.m. to address a matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board regarding a Legal File Update;

AND THAT, the Chief Administrative Officer/Clerk, Planner and Deputy Clerk remain in the room.”

RESOLUTION #C-2023-03-31

MOVED BY: Fred Dobie

SECONDED BY: Marilyn Thomas

“**THAT**, Council return to open session at 7:13 p.m.”

The Chair rose and reported Council provided staff with direction on two legal matters.

6. ADJOURNMENT

Council adjourned at 7:14 p.m.

“SPECIAL” COUNCIL MEETING MINUTES

Saturday, April 1st, 2023

9:00 a.m.

**Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers**

ATTENDANCE:

Members Present: Chair, Reeve Rob Rainer (left at 10:35 a.m.)
Deputy Reeve Fred Dobbie
Councillor Wayne Baker
Councillor Greg Hallam
Councillor Korrine Jordan
Councillor Andrew Kendrick (left at 3:11 p.m.)
Councillor Angela Pierman (arrived at 9:05 a.m.)
Councillor Marilyn Thomas

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk
Janie Laidlaw, Deputy Clerk
Sean Ervin, Public Works Manager
Noelle Reeve, Planner
Ashley Liznick, Treasurer

Regrets: None

1. CALL TO ORDER

The meeting was called to order at 9:01 a.m.
A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

3. DELEGATIONS & PRESENTATIONS

i) Diversity, Equity and Inclusion Training.

J. Jackson gave a PowerPoint presentation, a copy of the presentation can be viewed at <https://events.tayvalleytwp.ca/meetings/Detail/2023-04-01-0900-Special-Council-Meeting>

4. ADJOURNMENT

Council adjourned at 3:12 p.m.

“SPECIAL” COUNCIL MEETING MINUTES

Tuesday, April 4th, 2023

6:00 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario

Council Chambers

ATTENDANCE:

Members Present: Chair, Reeve Rob Rainer
Deputy Reeve Fred Dobbie
Councillor Wayne Baker
Councillor Greg Hallam
Councillor Korrine Jordan
Councillor Andrew Kendrick
Councillor Angela Pierman (arrived at 6:03 p.m.)
Councillor Marilyn Thomas

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk

Regrets: None

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m.
A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

3. CLOSED SESSION

i) **CONFIDENTIAL: Labour Relations – Human Resources.**

RESOLUTION #C-2023-04-01

MOVED BY: Greg Hallam

SECONDED BY: Korrine Jordan

“THAT, Council move “in camera” at 6:00 p.m. to address a matter pertaining to labour relations or employee negotiations regarding Human Resources;

AND THAT, the Chief Administrative Officer/Clerk remain in the room.”

ADOPTED

Councillor Pierman arrived at 6:03 p.m.

RESOLUTION #C-2023-04-02

MOVED BY: Greg Hallam

SECONDED BY: Andrew Kendrick

“THAT, Council return to open session at 6:59 p.m.”

ADOPTED

RESOLUTION #C-2023-04-03

MOVED BY: Greg Hallam

SECONDED BY: Marilyn Thomas

“THAT, the Union Pay Grid be increased by 2% effective April 5, 2023;

THAT, the Management and Non-Union Pay Grid be increased by 3% effective April 5, 2023;

AND THAT, the positions of Deputy Clerk, Deputy Treasurer and Community Services Coordinator be increased by 7% in order to bring the positions closer to being inline with the Township’s comparator municipalities.”

ADOPTED

RESOLUTION #C-2023-04-04

MOVED BY: Fred Dobbie

SECONDED BY: Wayne Baker

“THAT, an Executive Assistant position be created immediately to strengthen the Townships capacity in the organization and specifically in the CAO/Clerk’s Department.”

ADOPTED

4. ADJOURNMENT

Council adjourned at 7:06 p.m.

COMMITTEE OF THE WHOLE MINUTES

Tuesday, April 11th, 2023

6:00 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers

ATTENDANCE:

Members Present: Chair, Councillor Korrine Jordan
Reeve Rob Rainer
Deputy Reeve Fred Dobbie
Councillor Andrew Kendrick
Councillor Angela Pierman
Councillor Marilyn Thomas
Councillor Wayne Baker
Councillor Greg Hallam

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk
Janie Laidlaw, Deputy Clerk
Sean Ervin, Public Works Manager (left at 8:16 p.m.)

Regrets: None

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA

The agenda was adopted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES OF PUBLIC MEETINGS

i) **Public Meeting: Zoning By-Law Amendment - March 21st, 2023.**

A Member had a concern that the minutes in the agenda did not have the attachments and received an explanation by email prior to the meeting indicating that minutes that are attached to an agenda for approval never have the attachments to those minutes, it is always just the minutes portion as that is what Council is verifying occurred. When the approved minutes are posted to the website, they will include all of the attachments. A full copy of the draft minutes were circulated to Members prior to the meeting. The Member also had a concern that by only having the attachments from the Planner and some members of the public that not all comments were captured as they adlibbed their written presentations. The CAO/Clerk explained that the public meeting minutes are not a transcript or verbatim but to capture without note or comment the main points of the public, presenter, or a delegate and that is what occurred with these minutes. The Member felt it might be useful to record the meetings to ensure everything is captured in the minutes. The CAO/Clerk explained that if Council were to have such a discussion then there were things to consider. For instance, would the recording only be used for purposes of the minutes whereby the Recording Secretary would only use them if unsure of a certain section of the minutes and then the recording would be destroyed, or if recordings were to be kept then there would need to be storage added to the municipal server as recordings had not been factored into the capacity, etc. In addition, whatever route Council chose, it would require an amendment to the Procedural By-Law, this would need to be a discussion and staff report at a later date.

A Member felt that staff captured the essence of the meeting, some of the comments and concerns were similar and the attachments are available with the official copy of the minutes and provide the substance of what the citizens said at the meeting.

The Member indicated that an appeal has been received and felt the Township is now vulnerable without the information of what was presented.

A Member suggested that it would require further discussion and had concern with the amount of staff time it would take if staff had to replay a 4 hour recording of a meeting.

A Member asked if it had to be a blanket approach or could it be based on the situation. The CAO/Clerk explained that best practice would be no, due to who would determine that, no other Township uses it to produce a transcript, it is only used to verify what is in the minutes and then destroyed.

The minutes of the Public Meeting – Zoning By-Law Amendment held on March 21st, 2023 were approved.

Recommendation to Council:

“**THAT**, Council at a later date discuss recording of meetings for the purpose of minute taking.”

5. DELEGATIONS & PRESENTATIONS

- i) **Perth and District Community Foundation Vital Signs Report.**
Victoria Gibb-Carsely, Executive Director, Perth and District Community Foundation.

V. Gibb-Carsely gave the PowerPoint presentation that was attached to the agenda.

The Committee discussed the statistics from the presentation.

Recommendation to Council:

“**THAT**, the Perth and District Community Foundation Vital Signs Report to Tay Valley Township Council on April 11th, 2023 be received for information.”

- ii) **Planet Youth Lanark County Update.**
Andrew Lynch, Steering Committee Member.

A. Lynch gave the PowerPoint Presentation that was attached to the agenda. John Reid was also present.

Planet Youth will be holding a workshop in June and invitations will be sent out, there will be representatives from municipal councils to non-governmental organizations and community members and it will be to see how they see their community and for the data to help them align certain projects. It will provide an opportunity to move forward with options and direction which can be helpful when applying for funding.

The Committee discussed the statistics, and the factors that may contribute to those statistics.

The report on the survey can be found at www.planetyouthlanark.ca.

Recommendation to Council:

“**THAT**, the Planet Youth presentation to Tay Valley Township Council on April 11th, 2023 be received for information.”

Council recessed at 7:18 p.m.

Council reconvened at 7:24 p.m.

6. PRIORITY ISSUES

i) **Report #PW-2023-09 – Calcium Chloride – Tender Award.**

Recommendation to Council:

“**THAT**, the Calcium Chloride Tender, #2023-PW-004 be awarded to Da-Lee Dust Control Limited;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

ii) **Report #PW-2023-10 – Engineering Services for the Glen Tay Culvert and Gambles Side Road Bridge – RFP Award.**

A Member expressed concern about the process for awarding Request for Proposals (RFP). All Council sees is the recommendation from staff and not the scoring, this is only a Tay Valley thing, even the Library Board discusses the scores, without that it is difficult to give it to someone else if Council does not see the short-listed bids.

The Public Works Manager explained that even at the County level the Council gets the staff report and that the scores are just numbers without the entire proposal, so Council would need to read the proposals.

The Member thought it would be helpful to know the difference in the pricing and if the higher bid was merited.

The CAO/Clerk explained how the scoring was done for an RFP and that staff does the background work and would bring a report to Council in closed session if any discrepancy needed to be discussed or if Council needed to discuss or decide on another option.

As explained earlier in an email to Council, there is a difference between RFP's and tenders. Tenders are an opportunity for potential suppliers to submit an offer to supply goods or services against a detailed tender and lowest price (all else equal) is the successful bid. Whereas Request for Proposals (RFPs) are used when there are many ways to provide a service and the successful bidder is based on both the quality of service that can be provided and the price. The lowest price is not always the successful bidder, that is why there is a two-step scoring process. Bids and scoring for both tenders and RFP's are confidential. If anyone other than a staff member is asking for the information then this is a MFIPPA request, unless the majority of Council requests the information which then can only be shared during a closed session as it is proprietary information. The evaluation of tenders and RFPs is a staff responsibility as outlined in the Procurement Policy. If this process is to change then this will need to be discussed with Council on how to go about this, a staff report presented to Council, Council direction provided and then if there are any changes to be made the Procurement Policy updated.

A Member feels that staff have the expertise to do this, and the senior managers look at them and discuss them if needed.

Another Member feels the same, that staff know what they are doing and asked if when evaluating does being local come into the decision? The CAO/Clerk explained that you can no longer procure based on where the company is located, but that factor is usually reflected in the bid price.

The Member feels that there is no reason to provide three options then, only to award as staff recommended or to not award it.

Recommendation to Council:

“THAT, the Engineering Services for the Glen Tay Culvert and Gambles Side Road Bridge, #2023-PW-003, be awarded to the Greer Galloway Group;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

iii) **Report #PW-2023-11 – Half-Ton Truck – RFP Award.**

The Public Works Manager explained that the maintenance service package can be purchased for \$2,700 and cover eight years of recommended servicing.

Staff is confident that the truck will work for what the truck it is replacing does.

The Committee discussed the following concerns:

- it is over budget
- heavier than a gas-powered truck, the weight of the truck is like you are pulling something
- service package does not include battery replacement
- knows someone that has one, good for driving, but not for towing something
- if the Township is purchasing another truck in two years, why not wait to see how the trucks the County ordered work out
- will it be replaced within eight (8) years as the battery warranty runs out then
- what is the value after one year if the Township does not like it
- if there are only a few models made, will parts be hard to get
- what if it is needed as a “working” truck
- the Township is in a rural area and just went without power for days
- cost is high but understands the pay now versus pay later life cycle costs

A Member that sits on the Green Energy and Climate Change Working Group explained that the Working Group was upset that Council did not purchase an electric vehicle to replace the CBO vehicle. Need to factor in the cost to the environment, is supportive based on what she has learned about life cycle costing. The Township needs to set an example to others. Lanark County is ordering three trucks.

The Public Works Manager explained that this vehicle will not be towing anything, it is driven by him but is used to carry signs, pylons, garbage, so does need to be a truck to carry things.

A Member expressed that they have an electric vehicle and are happy with it, the technology has been around for a long time, the cost of gas is increasing, and battery technology is improving. Feels Tay Valley Township needs to set an example.

The Public Works Manager explained that the County Climate Action Committee may be offering \$10,000 to municipalities to purchase electric vehicles, will know this before the Council meeting.

A Member asked Council to think of the social effect of using gas powered motors, the oil sands, water being tainted, land being taken, where it comes from, how they treat their workers and the global community.

It was suggested that it move forward to Council and before the meeting that more information is provided.

Council was asked to submit their questions to staff.

Recommendation to Council:

“THAT, Request for Proposal #2023-PW-006 – One (1) Half-Ton Truck be awarded to James Braden Ford Ltd. for the Ford Lightning;

THAT, The Reeve and Clerk be authorized to sign the necessary documentation;

AND THAT, Truck No. 14 be sold on GovDeals.net once the new truck arrives, with the funds to be transferred to the Equipment Reserve.”

iv) **Report #PW-2023-12 – Municipal Office Roof Replacement – Tender Award.**

Recommendation to Council:

“THAT, Tender #2023-MO-002 – Municipal Office Roof Replacement be awarded to Sargeant Construction Inc. in the amount of \$123,222.15 plus H.S.T.;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

The Public Works Manager left at 8:16 p.m.

v) **Report #CBO-2023-04 – Building Department Report – January – March 2023.**

Recommendation to Council:

“**THAT**, Report #CBO-2023-04 – Building Department Report – January - March 2023 be received as information.”

vi) **Report #C-2023-03 – Proposed New Road Name – Lampman Hill.**

Recommendation to Council:

“**THAT**, the necessary by-law to name an existing Private Road to Lampman Hill as outlined in Report #C-2023-03 – Proposed New Road Name – Lampman Hill, be brought forward for approval.”

vii) **Report #CAO-2023-08 – 25th Anniversary Celebrations Update.**

The Committee discussed other possible ideas and changing the date of the picnic but agreed with the recommendations in the report.

Recommendation to Council:

“**THAT**, staff be authorized to proceed with the ideas to celebrate the 25th Anniversary of Tay Valley Township as outlined in Report #CAO-2023-08 – 25th Anniversary Celebrations Update;

AND THAT, the required funds, as outlined in Report #CAO-2023-08 – 25th Anniversary Celebrations Update will be expensed from the 200th Anniversary Reserve and the Contingency Reserve.”

viii) **Report #CAO-2023-09 – Code of Conduct for Council and Local Boards Update.**

A Member feels the time for an Integrity Commissioner report to be made public on the Township website should be linked to the term of Council rather than a minimum of five (5) years, but since the rest of the municipalities are doing five (5) years Tay Valley cannot change it and asked why Council is reviewing it if it cannot be changed.

Members were in agreement with the minimum of five (5) years, and some felt it should be longer as an investigation and the report is significant and the public has a right to know, it speaks to the integrity of Council and of that individual.

Recommendation to Council:

“**THAT**, changes to the Code of Conduct for Council and Local Boards as outlined in Report #CAO-2023-09 – Code of Conduct for Council and Local Boards Update, be approved;

AND THAT, the necessary by-law be brought forward.”

ix) **Report #CAO-2023-10 – Pay Equity and Compensation Review – RFP Award.**

Recommendation to Council:

“THAT, the Pay Equity and Compensation Review, Contract #2023-HR-01, be awarded to ML Consulting Services;

AND THAT, the Reeve and Clerk be authorized to sign the necessary documentation.”

7. CORRESPONDENCE

i) **23-03-30 – Council Communication Package.**

Deputy Reeve Dobbie asked that item #23 (Municipality of North Perth Resolution – School Bus Stop Arm Cameras) be pulled and voted on separately.

Recommendation to Council:

“THAT, the 23-03-30 Council Communication Package, excluding item 23, be received for information.”

ii) **Municipality of North Perth Resolution – School Bus Stop Arm Cameras.**

Recommendation to Council:

“WHEREAS, almost 824,000 students travel in about 16,000 school vehicles every school day in Ontario and according to the Ministry of Transportation’s statistics the rate of vehicles blowing by stopped school buses is over 30,000 times every day;

AND WHEREAS, the Province of Ontario passed the Safer School Zones Act in 2017 which authorized the use of Automated School Bus Stop Arm Camera Systems to detect incidents where vehicles failed to stop when the school bus was stopped and the stop-arm extended (O.Reg. 424/20);

AND WHEREAS, the Association of Municipalities of Ontario (AMO) working on behalf of all Ontario Municipalities made its submission to the Standing Committee on General Government on May 21, 2019 in support of Administrative Monetary Penalties (AMPs) to be used to collect fine revenue for school bus stop arm infractions and other applications, including Automated Speed Enforcement (ASE) technologies deployed in school and community safety zones;

AND WHEREAS, police resources can not be spread any thinner to enforce Highway Traffic Act offences throughout municipalities;

AND WHEREAS, the administrative and financial costs to establish the required municipal Administrative Penalty program under the Highway Traffic Act, and its regulations, are substantial and maybe out of reach for small or rural municipalities that have insufficient amounts of traffic to generate the required funds to offset the annual operational costs of a municipal Administrative Penalty program;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township urges the Provincial Government to:

- c) Require all school buses to have stop arm cameras installed and paid for by the province for the start of the 2023-2024 school year and;
- d) Underwrite the costs for the implementation and on-going annual costs for Administrative Monetary Penalties in small and rural municipalities;

AND FURTHER THAT, this resolution be circulated to Premier Doug Ford, Attorney General Doug Downey, Minister of Education Stephen Lecce, Provincial opposition parties, John Jordan MPP, AMO and all municipalities in Ontario.”

iii) **23-04-05 – Council Communication Package.**

Recommendation to Council:

“**THAT**, the 23-04-05 Council Communication Package be received for information.”

iv) **Reinstatement of Legislation Permitting a Municipality to Retain Surplus Proceeds from Tax Sales.**

Recommendation to Council:

“**WHEREAS**, prior to being repealed by the Modernizing Ontario’s Municipal Legislation Act, 2017, Section 380(6) of the Municipal Act, 2001 allowed for a municipality to retain surplus proceeds from tax sales within their jurisdiction;

AND WHEREAS, the Public Tax Sale process is burdensome to a municipality who invest a considerable amount of time and money recovering these proceeds for the potential sole benefit of the Crown in Right of Ontario;

NOW THEREFORE BE IT RESOLVED THAT, a letter be sent to all relevant taxation bodies, including the Ministry of Municipal Affairs and Housing, the Ministry of Finance, John Jordan, MPP, the Association of the Municipalities of Ontario and all other municipalities in Ontario urging them to re-instate previous legislation that permitted a Municipality to apply for and retain the surplus proceeds from a tax sale in their jurisdiction.”

v) **New Fee Proposed by Enbridge Gas.**

Recommendation to Council:

“**WHEREAS**, Enbridge recently made an announcement of their intention to begin charging third-party contractors and other utilities \$200 CAD (plus applicable taxes) for utility locates where a field locate is required;

AND WHEREAS, third-party contractors include Ontario Municipalities;

AND WHEREAS, these locate requests are only required as Ontario Municipalities have allowed utilities to use municipal right-of-ways at no charge to the utilities;

AND WHEREAS, this announcement of new downloaded costs will negatively impact the budgets of Ontario Municipalities which are already burdened;

AND WHEREAS, if Enbridge is successful in implementing this new charge, a precedence is set for other utility companies to also begin charging for locates;

NOW THEREFORE BE IT RESOLVED THAT, the Council of Township of Tay Valley Township strongly opposes these utility locate costs being downloaded to Ontario Municipalities by Enbridge Gas or other utilities;

AND THAT, the Province of Ontario’s Ministry of Public and Business Service Delivery make it clear that these costs must be borne by the utilities themselves;

AND THAT, this decision be forwarded to Premier Doug Ford, Minister of Public and Business Service Delivery, Kaleed Rasheed, Minister of Infrastructure, Kinga Surma, Minister of Energy, Todd Smith, John Jordan, MPP, the Association of Ontario Road Supervisors and the Association of Municipalities of Ontario;

AND FURTHER THAT, the Association of Ontario Road Supervisors will be sending your Public Works Manager and Directors a survey to further investigate the true costs of this proposed fee on your budgets. We ask you to encourage your staff to complete this survey so we can better advocate on your behalf.”

vi) **AMO Calls for Legislation to Strengthen Municipal Codes of Conduct and Enforcement.**

Recommendation to Council:

“**WHEREAS**, all Ontarians deserve and expect a safe and respectful workplace;

AND WHEREAS, municipal governments, as the democratic institutions most directly engaged with Ontarians need respectful discourse;

AND WHEREAS, several incidents in recent years of disrespectful behaviour and workplace harassment have occurred amongst members of municipal councils;

AND WHEREAS, these incidents seriously and negatively affect the people involved and lower public perceptions of local governments;

AND WHEREAS, municipal Codes of Conduct are helpful tools to set expectations of council member behaviour;

AND WHEREAS, municipal governments do not have the necessary tools to adequately enforce compliance with municipal Codes of Conduct;

NOW THEREFORE BE IT RESOLVED THAT, the Council of Tay Valley Township supports the call of the Association of Municipalities in Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments;

AND THAT, the legislation encompass the Association of Municipalities of Ontario’s recommendations for:

- Updating municipal Codes of Conduct to account for workplace safety and harassment
- Creating a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario
- Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the Province
- Allowing municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner
- prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office.”

8. COMMITTEE, BOARD & EXTERNAL ORGANIZATION UPDATES

- i) **Bolingbroke Cemetery Board** – *deferred to the next meeting.*
Councillor Wayne Baker.

ii) **Committee of Adjustment.**

The Committee reviewed the minutes that were attached to the agenda.

iii) **Fire Board** – *deferred to the next meeting.*

Councillor Wayne Baker, Councillor Greg Hallam, Councillor Marilyn Thomas

- the auditor presented 2022 Audit
- fire call occurred during the meeting and within five (5) minutes the trucks were gone and backup was arranged, it was very impressive
- approved some new policies
- during the power outage there was 27 fire calls for various issues

iv) **Library Board** – *deferred to the next meeting.*

Councillor Andrew Kendrick.

v) **Pinehurst Cemetery Board** – *deferred to the next meeting.*

Councillor Fred Dobbie.

vi) **Police Services Board.**

Reeve Rob Rainer.

The Committee reviewed the minutes that were attached to the agenda.

vii) **Green Energy and Climate Change Working Group.**

Councillor Greg Hallam and Councillor Angela Pierman

The Committee reviewed the minutes that were attached to the agenda.

- one member cannot attend in person for health reasons and, put forward a motion to have the ability to have virtual meetings
- the Planner spoke about the use of electric vehicles
- the Working Group was invited to Sundance Festival to have a table

viii) **Municipal Drug Strategy Committee** – *deferred to the next meeting.*

Councillor Korrine Jordan.

ix) **Mississippi Valley Conservation Authority Board.**

Councillor Andrew Kendrick.

The Committee reviewed the meeting summary that was attached to the agenda.

- the Finance and Administration Committee held a meeting, the inflation rate for non-residential construction is increasing significantly, can expect an increase to the capital levy in future years

- ix) **Rideau Valley Conservation Authority Board.**
Councillor Angela Pierman.

The Committee reviewed the meeting board summaries and minutes that were attached to the agenda.

- xi) **County of Lanark.**
Reeve Rob Rainer and Deputy Reeve Fred Dobbie.

- the last set of meetings were postponed to the end of April due to the ice storm
- the Climate Action Working Group is holding their second meeting soon
- there was a fire to social housing on Harvey Street in Perth

9. CLOSED SESSION

None.

10. DEFERRED ITEMS

**The following items will be discussed at the next and/or future meeting:*

- ***See Township Action Plan – distributed separately to Council***

11. ADJOURNMENT

The Committee adjourned at 9:17 p.m.

“SPECIAL” COUNCIL MEETING MINUTES

Tuesday, April 18th, 2023

5:30 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario

Council Chambers

ATTENDANCE:

Members Present: Chair, Reeve Rob Rainer
Deputy Reeve Fred Dobbie
Councillor Wayne Baker
Councillor Greg Hallam
Councillor Korrine Jordan
Councillor Andrew Kendrick
Councillor Angela Pierman
Councillor Marilyn Thomas

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk

Regrets: None

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m.
A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

3. CLOSED SESSION

i) **CONFIDENTIAL: Identifiable Individual.**

RESOLUTION #C-2023-04-05

MOVED BY: Korrine Jordan
SECONDED BY: Greg Hallam

“**THAT**, Council move “in camera” at 5:31 p.m. to address a matter pertaining to personal matters about an identifiable individual, including municipal or local board employees regarding an identifiable individual;

AND THAT, the Chief Administrative Officer/Clerk remain in the room.”

ADOPTED

RESOLUTION #C-2023-04-06

MOVED BY: Korrine Jordan

SECONDED BY: Greg Hallam

“**THAT**, Council return to open session at 7:31 p.m.”

ADOPTED

The Chair rose and reported that Council discussed a matter to do with an identifiable individual.

4. ADJOURNMENT

Council adjourned at 7:32 p.m.

BY-LAWS

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2023-018

SEWAGE SYSTEMS MAINTENANCE INSPECTION PROGRAM BY-LAW

WHEREAS, malfunctioning on-site sewage systems can have significant negative impacts on both human health and the environment;

AND WHEREAS, in 2000, the Corporation of Tay Valley Township (the “Township”), implemented a septic tank re-inspection program for waterfront properties based on voluntary participation by property owners;

WHEREAS, Section 7(1)(b.1) of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended (the “Act”), authorizes the council of a municipality to pass by-laws establishing and governing sewage system maintenance inspection programs in accordance with Division C, Part 1, Section 1.10 of the *Building Code Act, 1992 - Ontario Regulation 332/12*, as amended (the “Building Code”);

AND WHEREAS, the Council of the Corporation of Tay Valley Township enacted and passed By-Law No. 2012-009, to implement a mandatory sewage system maintenance inspection program and to continue to offer a voluntary sewage system maintenance program for waterfront properties located in the areas described in Schedule “A” and Schedule “B” of By-Law No. 2012-009;

AND WHEREAS, the Council of the Corporation of Tay Valley Township enacted and passed By-Law No. 2016-028 to amend to By-Law 2012-009 to remove Rainbow Lake and Little Silver Lake from the voluntary sewage maintenance inspection program and them to the mandatory sewage maintenance inspection program;

AND WHEREAS, the Township Council considers it desirable for the protection of the health, safety and well-being of persons and the environmental well-being of the municipality to exercise its authority to now implement a fully mandatory sewage system maintenance inspection program which will apply to all properties located in the areas described in Schedule “B” to this By-Law;

AND WHEREAS, the Council of the Corporation of Tay Valley Township passed Resolution #C-2023-02-14 to include the Maberly Pines Subdivision lots in the mandatory sewage system maintenance program;

AND WHEREAS, the Council of the Corporation of Tay Valley Township passed Resolution #C-2023-03-23 to include properties along all the lakes and rivers in Tay Valley Township in the mandatory sewage system maintenance program;

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-018**

AND WHEREAS, the Township has entered into an agreement with the Mississippi Valley Conservation Authority in accordance with Section 6.2 of the Act to provide for the enforcement of the provisions of the Act and the Building Code relating to sewage systems and to allow the Mississippi Valley Conservation Authority, through its Mississippi Rideau Septic System Office (the "MRSSO") to deliver the Sewage System Maintenance Inspection Programs on behalf of the Township;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

- 1.1 **THAT**, the Septic System Re-Inspection Program, attached hereto as Schedule "A", be adopted.
- 1.2 **THAT**, the Mandatory Sewage Maintenance Inspection Program will apply to all properties located in the areas described in Schedule "B" to this By-Law.

2. BY-LAW REPEALED

- 2.1 **THAT**, By-Law No. 2012-009 and 2016-028 be rescinded.
- 2.2 All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

3. ULTRA VIRES

Should any sections of this by-law be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

4. EFFECTIVE DATE

ENACTED AND PASSED this 25th day of April, 2023.

Rob Rainer, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-018**

SCHEDULE "A"



Septic System Re-Inspection Program

April 25th, 2023

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Background

In 1998, the responsibility for on-site sewage systems with a total daily design flow of less than 10,000 litres per day was transferred from the Ministry of Health to the Ministry of Municipal Affairs and Housing. In doing so, the Province of Ontario shifted responsibility for these systems from provincial jurisdiction to municipal jurisdiction with Part 8 of the Building Code requiring owner maintenance of on-site sewage systems. The transfer in jurisdiction made enforcement the municipality's obligation and responsibility.

Many of the lakes and other water courses in Tay Valley Township were developed years ago. The original cottages were usually serviced with a privy, had no running water and were used for only a few weekends each year. Over the years these original cottages have been improved and are inhabited for longer durations over the year, with many now converted to permanent residences.

Tay Valley Township began conducting visual re-inspections of septic systems on waterfront properties in 2000, when a pilot program began on Christie Lake. Since 2000, the Township expanded its program to include all waterfront properties, on all water bodies, and in 2004 added a septic tank component, which consisted of an internal inspection of the tank. Since the program's inception, and up until the end of 2011, property owner participation has been voluntary.

Tay Valley Township has led the way locally for the sewage system re-inspection program as well as other initiatives that work towards protecting the quality of surface and ground water. Since the sewage system re-inspection pilot program, the Township has now inspected approximately 1,500 waterfront properties. The program combines the education of the homeowner regarding the maintenance of their sewage system with an inspection component. A follow-up component is also essential to ensure that the program effectively manages identified sewage system problems.

For 2023, the septic system re-inspection program has been expanded to be mandatory for all waterfront properties within Tay Valley Township and lots within the Maberly Pines Subdivision.

Executive Summary

In January 2011, through Ontario Regulation 315/10, the Ontario Ministry of Municipal Affairs and Housing amended the Ontario Building Code to establish mandatory on-site sewage system maintenance inspection programs for the Lake Simcoe area and for “vulnerable” areas” to be established in Source Water Protection Plans. These amendments “also govern discretionary on-site sewage system maintenance inspection programs established by local enforcement bodies”. This amendment has allowed Tay Valley Township the ability to make its septic inspection program, a discretionary program. A discretionary program allows the Township to undertake mandatory maintenance inspections.

Introduction

A working sewage system is an integral part of any functioning home or cottage not serviced by the municipal sewer. As such, proper maintenance and operation of the sewage system is integral to the continued life of the system. A Septic System Re-Inspection Program provides:

1. Participants with information and advice regarding the proper operation and maintenance of their septic system;
2. A proactive approach to identifying risks to human health or the natural environment;
3. A database of inspected existing septic systems that can be used as a planning tool for municipalities.

Malfunctioning on-site sewage systems can have both human health and environmental impacts beyond the property on which it is located. Nutrient and bacteria-rich effluent can travel through soil and rock fractures to surface water bodies, and ground water sources. Contamination of surface water can cause excessive aquatic plant growth, depletion of oxygen in lakes, and impact the natural habitat for aquatic species. Ground water contamination can cause illness and even death. This makes it crucial that property owners be aware of the location and operation of their septic system. Under the Ontario Building Code it is the property owner’s responsibility to ensure that their sewage system is working properly, not only for their health, but also that of the surrounding community and environment.

PROGRAM ADMINISTRATION

INITIAL COMMUNICATION WITH THE PUBLIC

Letter

When an area for re-inspection has been determined, a letter will be sent to affected property owners informing them of the potential value of the program.

Program Description

An overview of what will be undertaken during a re-inspection will be included with the letter.

Questionnaire & Site Sketch

Property Owners will also be requested to complete and return a questionnaire and site sketch regarding their septic and well. While the Township may have some information about the septic or well, this information requires updating and old septic or well records are excellent resources for the more technical components of an inspection, as well as knowing the current locations of and distances between any septic components (tank, bed, privy, greywater pit), structures (house, shed, garage), water bodies (lakes, rivers, creeks, wetlands), farming activities, or wells. If required, additional documents will be requested (ex. Septic Use Permit).

DOCUMENTATION

Pre-Inspection

A review of the information provided by the property owner on the questionnaire and sketch will be reviewed, including any additional requested documentation. If records are not available due to the age of the septic system then a more thorough investigation will be undertaken by the Inspector.

Contact with the property is made to either confirm the date for the inspection that the property owner has suggested, or to let the property owner know when the inspector will be on site. If a third-party inspector is used, who meets the requirements under Section 1.10.1.3 of Ontario Regulation 332/12, to conduct the inspection, the property owner will inform the Principal Authority of the name and company of the third party and the date of the inspection. The property owner will then forward a copy of the completed, Ministry-approved, certificate to the Principal Authority within 5 business days of the inspection. The third party shall use the form provided by the Principal Authority, which satisfies the inspection requirements as outlined under "Scope of Inspections" in this document.

Post-Inspection

Once an inspection has been completed, it will be filed in the property file at the Municipal Office and entered into the geographic information system (GIS) database. This information is a valuable tool for generating statistics and follow-up correspondence.

Inspection Reports

An inspection report will be completed by the Inspector after every inspection with a copy of the report to be provided to the property owner and a copy to the municipality. The report is provided to the property owner as a record as to when the inspection was complete and the results.

At a minimum, the inspection report shall contain the following information:

Item	Information
Personal Information	name, address, property legal description
Existing Facilities	class of sewage system, leaching bed type
Observations	visual indications of components of an unsafe sewage system
Diagram or Photos	to identify septic tank components
Requirements	provide details on the remedial work required

Report to Property Owner

The property owner will be informed that their system is in need of remedial action or that there is no indication from the inspection of an unsafe system. If the system is in need of remedial action, the report will describe the deficiencies observed by the Inspector and who the property owner should contact for further information regarding their intentions to remedy the deficiencies. The record will indicate the link between the deficiencies and the specific provisions in the Ontario Building Code. The property owner will also be informed that if they do not respond within a specific time frame, they may be issued an Order to Remedy an Unsafe Building.

Records

Information pertaining to this program will be filed under the appropriate property file at the Municipal Office.

SCOPE OF INSPECTIONS

The inspection begins with a walk around the property looking for water sources and sewage system components. Measurements are taken between the sewage system components, structures and water bodies, as well as to drinking water sources. A GPS reading is taken of all sewage system components, and wells.

The operation or failure of the bed is assessed by looking for conditions of lush vegetation, wet areas, surface discharge, tree or root growth, side slopes and erosion control.

A visual inspection of the septic tank condition is made, and a measurement of the tank contents is taken using a Sludge Judge or similar device. The tank volume is also estimated. This information is used to determine if a pump out is required.

A visual inspection of the baffles is done, as well as a check that the partition wall is in working order and any signs of concrete corrosion should be recorded. If the solids in the second chamber are as high as the first chamber it can be an indication that the partition wall has suffered some damage. A check for roots in the tank and for the presence of effluent filters is conducted before replacing the lids and covering the tank.

INSPECTION ACTIVITIES

The following are items that may be undertaken during an inspection:

- Surface inspection of bed and tank
- Estimate tank volume
- Estimate sludge depth/volume
- Inspect interior plumbing
- Probe leaching bed area
- Excavate bed area
- Soil sampling/testing
- Well testing/water quality analysis
- Surface drainage assessment
- Property owner interview
- Estimate distribution pipe length
- Estimate setback distances
- Estimate daily design flow
- Inspect mechanical equipment
- Determine type of building, type of tank, type of system
- Evidence of sewage effluent visible and/or odour
- Evidence of erosion of septic bed side slopes
- If the sewage system/septic tank is properly located on the property
- Whether the sewage system bed had trees/vegetation growth
- Whether the system meets setbacks
- Whether the sewage system serves more than one building
- If the system uses a pump chamber

Deficiencies For Sewage System Classes

The following are examples of observable deficiencies during a visual re-inspection:

Class 1 (Privy)

- Absence of fill around the base of the privy
- Inadequate soil depth

Class 2 (Greywater)

- No evidence of a grey-water pit; pipe on surface of the ground
- Absence of fill around the base of an existing pit
- Inadequate cover

Class 3 (Cesspool)

- Inadequate soil mounding
- Inadequate construction

Class 4 (Septic System)

- No existing system; pipes on surface of the ground, or slightly buried
- Old tanks in need of replacement
- No indication of leaching bed; outlet pipe from ground extending into/onto ground
- Leaching bed completely overgrown, in need of replacement
- System completely buried; requires information

Class 5 (Holding Tank)

- Corroded access cover
- Holes in holding tank
- Access openings not properly sealed

General

- Extra plant growth over the leaching bed area
- Foul odours outside
- Effluent breaking out to the ground surface

PROPERTY SELECTION

Participants in the program are chosen based on the following criteria:

- 1) Properties that either have a septic permit that is 10 years or greater or does not have permit information, has not been re-inspected in the past, and is not undeveloped.
- 2) Are due for a re-inspection after 10 years.

A septic system with registered complaints against it will have already been dealt with outside the re-inspection program.

An administrative procedure will be developed to describe the step-by-step process for property selection.

INSPECTION SCHEDULE

The program will focus on conducting inspections from May to September given the Township's high seasonal population; however, inspections will be conducted between April and November each year, with weather permitting.

The program will strive to complete 200 inspections per year, with a 10-year re-inspection timeframe. The focus will be to complete inspections on the seven mandatory lakes within the first four years of the program. This figure does not take into account the number of properties that will undergo inspections unrelated to this program but does include enforcement and follow-up.

INSPECTION ROTATION

Mandatory Re-Inspection

The Inspection Rotation for mandatory water bodies will be re-evaluated each year to accommodate any unforeseen circumstances that may require adjustment to the rotation schedule.

INSPECTION AGENCY

The Mississippi Rideau Septic System Office (MRSSO) through the Mississippi Valley Conservation Authority, has been delegated the responsibility with respect to sewage systems (with a capacity of less than 10,000 litres per day) and will administer the Septic System Re-Inspection Program on behalf of the municipality. An annual progress report will be provided to Council on the septic system re-inspection program.

If a third party inspector is used to conduct the inspection, the contractual arrangement is between the property owner and the third party.

ENFORCEMENT

The authority to deliver and enforce this program resides with the *Building Code Act, 1992*.

FINANCIAL ASSISTANCE

Repairs and replacement of systems under this program are the responsibility of the property owner.

Funding may be available from other organizations such as:

- Lanark County
- Canadian Mortgage and Housing Corporation
- Rideau Valley Clean Water Program

PUBLIC EDUCATION

Information related to this program will be posted on the Township website. In addition, the MRSSO and/or a Township Staff member will attend at least two separate Lake Association meetings each year in order to educate the public on septic systems and the purpose of the septic re-inspection program.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-018**

SCHEDULE “B”

Mandatory Sewage Maintenance Inspection Program

The mandatory re-inspection program will apply to all properties located on the following water bodies and subdivision:

Creeks

Black Creek	Bolton Creek	Campbell’s Creek	Grant’s Creek
Scotts Snye	Silver Lake Creek		

Lakes

Adam Lake	Andrew Lake	Bennett Lake	Big Rideau Lake
Bob’s Lake	Black Lake	Christie Lake	Clear Lake
Coin Lake	Davern Lake	Deer Lake	Fagan Lake
Farren Lake	Hoggs Bay	Lake of the Hills	Long Lake
Loon Lake	Little Mud Lake	Little Silver Lake	Lower Mud Lake
McLaren Lake	McGowan Lake	Mills Lake	Mud
O’Brien Lake	Otty Lake	Pike Lake	Rainbow Lake
Rock Lake	Round Lake	Silver Lake	Upper Mud Lake

Rivers

Fall River	Mississippi River	Tay River
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Subdivisions

Maberly Pines

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2023-019

CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS

WHEREAS, Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS, Section 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS, as of March 1, 2019, Section 223.2 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality shall establish codes of conduct for members of council of the municipality and its local boards;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

1.1 **THAT**, the Code of Conduct for Members of Council and Local Boards, attached hereto as Schedule "A", be adopted.

2. ULTRA VIRES

2.1 Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. BY-LAW REPEALED

3.1 **THAT**, By-Law No. 2018-034 be repealed.

3.2 **THAT**, all by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-019**

4. EFFECTIVE DATE

4.1 ENACTED AND PASSED this 25th day of April, 2023.

Rob Rainer, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-019**

SCHEDULE "A"



SECTION:	NUMBER:
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**SUBJECT: CODE OF CONDUCT
FOR MEMBERS OF COUNCIL AND LOCAL BOARDS**

1.0 PURPOSE

The Municipality is committed to achieving the highest quality of municipal administration and governance by encouraging high standards of conduct on the part of all elected officials and Members of its Local Boards and Committees. A code of conduct aims to ensure public trust and confidence in the Municipality's decision making and operations. The public should expect the highest standards of conduct from the members they elect to local government, as well as Members serving on Local Boards and Committees. In turn, adherence to these standards will protect and maintain the Municipality's reputation and the integrity of its decision-making process.

2.0 LEGISLATIVE AUTHORITY

As of March 1, 2019, Section 223.2 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality shall establish codes of conduct for members of the Council of the municipality and of its local boards.

3.0 STATUTORY PROVISIONS REGARDING CONDUCT

In addition to the Council Code of Conduct, Members are required to comply with existing provincial and federal legislation, including but not limited to:

- a) Municipal Act, 2001;
- b) Municipal Conflict of Interest Act;
- c) Municipal Elections Act, 1996;
- d) Municipal Freedom of Information and Protection of Privacy Act;
- e) Provincial Offences Act;
- f) Ontario Human Rights Code;
- g) Ontario Occupational Health and Safety Act; and
- h) Criminal Code of Canada.

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4.0 APPLICATIONS

This Code of Conduct applies to all Members of Council, including the Head of Council. This Code of Conduct also applies equally to all Members of Local Boards and Committees of the Municipality, whether or not a Member of that Local Board or Committee is also a Member of Council.

The following Boards and Committees are not subject to this Code of Conduct:

- Library Board; and
- Police Services Board.

5.0 DEFINITIONS

“Chief Administrative Officer” – shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

“Child” - includes a child born within or outside of marriage and includes an adopted child and a person to whom the Member has demonstrated a settled intention to treat as a child of his or her family.

“Closed Session (In-Camera Meeting)” – shall mean a meeting or part of a meeting closed to the public as prescribed in Section 239 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

“Confidential Information” - includes information in the possession of, or received in confidence by the Municipality, that the Municipality is prohibited from disclosing, that the Municipality is required to refuse to disclose, or that the Municipality chooses not to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, or other legislation or policy of the Municipality. Without limiting the generality of the foregoing, Confidential Information also includes all information concerning matters dealt with at closed meetings, information that is marked as "confidential", information obtained by the Member by virtue of their position as a Member that is not in the public domain, or information that is otherwise determined to be confidential by the Chief Administrative Officer, Clerk or as specifically declared by Council.

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“Council” – shall mean the Council of the Municipality in accordance with the Council Composition By-Law in effect.

“Ethically” – shall mean behaving in a manner characterized by honesty, fairness and equality in interpersonal relationships and with respect for the dignity and rights of other people.

“Family Member” includes:

- a) a Spouse of the Member;
- b) a Child of the Member;
- c) a Parent of the Member;
- d) a Sibling of the Member, whether by birth, marriage or adoption;
- e) a Grandchild, grandparent, aunt, uncle, niece or nephew of the Member;
- f) a Parent-in-law of the Member; and
- g) any person who lives with the Member on a permanent basis.

“Gift” – shall mean any cash or monetary equivalent, fee, object of value, service, personal benefit, travel and accommodation or entertainment. A gift does not include remuneration.

“Harassment” – shall include, but is not limited to, engaging in a course of vexatious or unwanted comment or conduct that is known or ought reasonably to be known to be unwanted and includes Sexual Harassment as defined in the *Occupational Health and Safety Act*, as amended from time to time.

“Member” – shall include a Member of Council and all Members of Local Boards and Committees of the Municipality, except those listed in Section 4 of this Code of Conduct.

“Municipality” – shall mean the Corporation of Tay Valley Township.

“Parent” – shall include those persons who demonstrated a settled intention to treat as a child the Member, whether or not the Member is their natural child.

“Spouse” – shall mean a person to whom the Member is married or with whom the Member is living in a conjugal relationship outside of marriage.

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“**Staff**” – shall include, all union and non-union employees of the Municipality and volunteers (in accordance with the *Municipal Act, 2001*, Council Members are not considered employees of the Municipality).

6.0 CONFIDENTIALITY

- 6.1 Every Member must hold in strict confidence all Confidential Information acquired as a direct or indirect result of the Member’s role with the Municipality. Confidential Information shall not be disclosed except when required by law, or when authorized by Council or the Chief Administrative Officer.
- 6.2 Every Member shall keep confidential any information:
 - a) disclosed or discussed at a meeting of Council, Committee of the Whole or Committee, Local Board meeting or part thereof, that was closed to the public;
 - b) that is circulated to Members that is marked confidential. Any documentation marked confidential shall be kept securely until no longer required in the course of business and shall at that time be destroyed by the Member or returned to the office of the Chief Administrative Officer for destruction; and
 - c) that is received in confidence verbally in preparation for an in-camera meeting.
- 6.3 The obligation to keep information confidential applies even if the Member ceases to be a Member for any reason.

7.0 GENERAL CONDUCT

- 7.1 Every Member has the duty and responsibility to treat members of the public, Staff and each other in a respectful manner, without abuse, bullying, harassment or intimidation.
- 7.2 A Member shall not use indecent, abusive, or insulting words or expressions toward any other Member, any member of Staff, or any member of the public. A Member shall not speak in a manner that is discriminatory to any individual based on that person’s race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status, or disability.

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7.3 Every Member shall abide by the following principles:

- a) Members shall at all times act ethically;
- b) Members shall perform their functions with integrity, accountability and transparency;
- c) Members shall comply with all applicable legislation, by-laws and Municipal policies, including this Code of Conduct;
- d) Members acknowledge that the public has a right to open government and transparent decision-making;
- e) Members shall at all times serve the interests of their constituents and the Municipality in a conscientious and diligent manner and shall approach decision-making with an open mind; and
- f) Members shall not extend preferential treatment to any individual or organization.

8.0 CONDUCT AT MEETINGS

Every Member shall conduct themselves with decorum and professionalism at all Council, Committee, Local Board and other meetings in accordance with the provisions of the applicable Procedure by-law, this Code, and other applicable law.

9.0 CONDUCT AT PUBLIC EVENTS

Members may be requested to make public presentations outside of Council, Committee, Local Board and other meetings or to attend public events as representatives of the Municipality. At any such event, every Member shall conduct themselves with dignity and decorum, in a manner befitting of a representative of the Municipality.

10.0 CONFLICT OF INTEREST

10.1 Members must be familiar with and comply with the *Municipal Conflict of Interest Act*, as amended. It is the responsibility of each Member, not Staff, to determine whether they have a direct or indirect pecuniary interest with respect to matters arising before Council, a Local Board or Committee. Each Member shall determine whether he or she has a direct or indirect pecuniary interest and shall at all times comply with the Act.

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- 10.2 For purposes of this Code, a pecuniary interest, direct or indirect, of a Family Member of the Member shall be deemed to also be the personal/pecuniary interest of the Member. All Members shall declare a conflict of interest where they or their Family Member has a pecuniary interest in a matter and shall take all of the actions prescribed in the *Municipal Conflict of Interest Act* as if the Act applied to that interest.
- 10.3 In addition to pecuniary interests, Members must perform their duties impartially, such that an objective, reasonable observer would conclude that the Member is exercising their duties objectively and without undue influence. Each Member shall govern their actions using the following as a guide:
- a) in making decisions, always place the interests of the taxpayers and the Municipality first and, in particular, place those interests before your personal interests and the interests of other Members, Staff, friends, business colleagues or Family Members;
 - b) interpret the phrase "conflict of interest" broadly and with the objective of making decisions impartially and objectively;
 - c) if there is doubt about whether or not a conflict exists, seek the advice of the Integrity Commissioner or legal counsel;
 - d) do not make decisions that create an obligation to any other person who will benefit from the decision;
 - e) do not make decisions or attempt to influence any other person for the purpose of benefitting yourself, other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals;
 - f) do not put yourself in the position where a decision would give preferential treatment to other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals; and
 - g) do not promise or hold out the prospect of future advantage through your influence in return for a direct or indirect personal interest.

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10.4 Direct or indirect personal interests do not include:

- a) a benefit that is of general application across the Municipality;
- b) a benefit that affects a Member or his or her Family Members, friends or business colleagues as one of a broad class of persons; or
- c) the remuneration of Council, a Member or benefits available to Council or Members.

10.5 Every Member has the following obligations:

- a) to make reasonable inquiries when there is reason to believe that a conflict of interest may exist;
- b) to make Council or the Local Board or Committee aware of the potential conflict of interest and where appropriate declare the interest;
- c) to refuse to participate in the discussion of Council, the Local Board or Committee and to not vote on the matter or seek to influence the vote of any other Member where a conflict of interest exists;
- d) to refuse to be involved in any way in the matter once the conflict is identified, including without limitation participating in meetings, facilitating meetings or introductions to Staff or Members or providing advice to any person that would materially advance the matter; and
- e) if the matter which creates the conflict of interest is discussed in Closed Session, the Member may not attend that portion of the Closed Session where that matter is discussed.

11.0 COMMUNICATIONS AND MEDIA RELATIONS

- 11.1 Members, when communicating with the public and media, will accurately and adequately communicate the attitudes and decisions of the Council, Local Board or Committee, even if a Member disagrees with a majority decision, so that there is respect for and integrity in the decision making process.
- 11.2 Information related to decisions and resolutions of Council, a Local Board or Committee, as the case may be, will normally be communicated to the community by the Reeve, the Local Board or the Committee, as the case may be, or his or her designate.

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- 11.3 It is not the intent of this Code of Conduct to restrict the ability of a Member to express a personal opinion on matters of general interest. In such cases, the Member must make it clear that the comment is being made in their capacity as a private citizen, and not as a representative of the Municipality. In no event should a Member express a position that is disrespectful of the decision of the majority of Council, a Local Board or a Committee.
- 11.4 Any use of social media in any form by a Member constitutes communication with the public that is governed by this section. Members shall identify in any social media communication that the views expressed by the Member are the views of that Member personally, and do not represent the views of the Municipality.
- 11.5 If Council has taken a position in a Local Planning Appeals Tribunal, or other tribunal or court, and instructed the Municipal Solicitor to appear at a hearing in support of such position, no Member who disagrees with such position shall give evidence at such hearing or otherwise work against the will of Council expressed in its direction to the Municipal Solicitor in such matter. For greater clarity, this provision shall not prevent a Member from participating in a hearing or other proceeding where the subject matter is personal to the Member or involves the property of the Member.

12.0 INTERACTION WITH STAFF

- 12.1 Over the past number of years the Municipality has worked diligently at creating a positive working relationship between Members and Staff. To a large degree this has been successful due to a mutual respect for each other's' roles and responsibilities.
- 12.2 Members shall not:
 - a) maliciously or falsely injure the professional or ethical reputation of Staff;
 - b) compel Staff to engage in partisan political activities or be subjected to threats of discrimination for refusing to engage in such activities; or
 - c) use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff member with the intent of interfering with Staff duties.

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- 12.3 Operational inquiries and complaints received from the public will be addressed by Members as follows:
- a) Members who are approached by the public with inquiries/complaints regarding operational matters should encourage the party to contact the appropriate department for review/resolution.
 - b) where the Member of the public is reluctant to contact the department directly, the Member should take the person's name, phone number and details of the inquiry/complaint and advise them that the matter will be referred to the Department Head for review/resolution.
 - c) members of the public should be encouraged to provide their issue/matters of concern in writing to the appropriate department.
 - d) where the inquiry/complaint is not resolved to the satisfaction of the member of the public, then the Member shall refer the member of the public to the Municipality's complaint policy for any further action.
- 12.4 Members shall recognize and respect that many members of Staff are bound by professional associations to a code of ethics and professional conduct and that they provide their reports and recommendations objectively, in the best interests of the Municipality and within the requirements of their profession.
- 12.5 Municipal Council, acting as a body, can dictate that Staff perform such duties as are necessary for the efficient management of the affairs of the community, and/or research such matters as the Council deems necessary. Individual Council Members do not have authority to direct Staff. Council shall direct Staff through the Chief Administrative Officer.
- 12.6 Local Board and Committee Members do not have the authority to direct Staff, with the limited exception of any Staff member assigned by Council to that Local Board or Committee. Ultimately, Council retains the discretion to assign, remove and direct Staff who provide assistance to any Local Board or Committee. Requests for Staff changes shall be directed to the Chief Administrative Officer who shall make Staffing determinations, and consult with Council as necessary.

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12.7 The role of the Chief Administrative Officer and Department Heads is to direct the day to day management of the Municipality and assign duties to the Staff placed under their supervision. To encourage the efficient management of the Municipality, individual Members must be cognizant of that fact and are advised of the following:

- a) Members will respect and adhere to the Policies set by Council, and will under no circumstances take it upon themselves, individually, to circumvent established Policies.
- b) Council, as a body, and Members, as individuals, will liaise with the Chief Administrative Officer or Department Heads only. This requirement is not designed to interfere with the normal flow of information with those Staff members (Administrative Assistants, Clerk, Committee Secretaries) who have been assigned the responsibility of providing information to Members such as meeting times, copies of documents, information on standard operating procedures, etc.
- c) Questions or issues surrounding operational concerns or complaints, excluding the basic issues covered in section 12.3 above, should be directed to the Department Head.
- d) Members who still have concerns about operational issues, after addressing them with the Department Head, should raise these concerns with the Chief Administrative Officer.
- e) Members who still have concerns about operational issues after addressing them with the Chief Administrative Officer should raise these concerns at the Committee of the Whole.
- f) Should information be required by individual Members, a request must be made of the appropriate Department Head who will then decide which Staff member will obtain the data. In the extended absence of the Department Head, or in the case of an urgent matter where the Department Head is not available, inquiries should be directed through the Chief Administration Officer.
- g) Members should respect the fact that Staff are busy and should not engage them in conversations, emails or phone calls that may take an excessive amount of time or otherwise divert Staff from their duties.

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13.0 USE OF MUNICIPAL PROPERTY

- 13.1 No Member shall for personal purposes or profit, use or permit the use of any Municipal property, equipment, services, or supplies other than for purposes connected with the discharge of Municipal duties or associated community activities of which Council has been advised, unless the use is reasonable and incidental personal use of equipment such as computers, fax machines, cell phones, blackberries, etc., where the Municipality incurs no additional costs relating to such use, and the use is of limited duration and frequency.
- 13.2 This policy does not apply to the use of Municipal property and facilities where such use is universally known to be available to other residents upon request and on equal terms.
- 13.3 No Member shall obtain financial gain from the use of Municipally developed intellectual property, computer programs, technological innovations or other patentable items, while a Member or thereafter. All such property remains the exclusive property of the Municipality.
- 13.4 Municipal property and resources, including facilities, purchasing provisions, equipment, supplies, Staff and services will not be used for any election campaign activities, before or after Nomination Day.
- 13.5 Members will not undertake campaign-related activities on municipal property unless permitted by the Returning Officer or their designate.
- 13.6 Members will not use the services of Staff for election-related purposes during hours in which those persons receive compensation from the Municipality. For purposes only of this provision, Staff shall include any person under contract with the Municipality or receiving remuneration from the Municipality for any service.

14.0 EXPENSES

- 14.1 Members are required to adhere to any relevant policies, procedures and guidelines with respect to any expenses included in the budget (such as, but not limited to: mileage reimbursement, conference and seminar attendance, and corporate promotional products).

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14.2 Falsifying of receipts or signatures by a Member is a serious breach of this Code of Conduct and the Criminal Code of Canada and could lead to prosecution.

15.0 GIFTS AND HOSPITALITY AND OTHER BENEFITS

- 15.1 The objective of these policies is to ensure that Members make Council decisions based on impartial and objective assessments of each situation, free from influence of gifts, favours, hospitality or entertainment.
- 15.2 In this policy, gifts, commissions, hospitality, rewards, advantages or benefits of any kind, may be interchanged and shall be deemed to include all of the aforementioned.
- 15.3 Any stipend paid to a Member is intended to fully remunerate the Members for service to the Municipality.
- 15.4 Members are prohibited from soliciting, accepting, offering or agreeing to accept any gifts, commissions, hospitality, rewards, advantages or benefits of any kind, personally or through a Family Member or associate (business or otherwise), that is connected directly or indirectly with the performance of duties of office or could reasonably be construed as being given in anticipation of future, or recognition of past, special consideration by the Member.
- 15.5 Members are prohibited from accepting, directly or indirectly, any gifts, hospitality or other benefits that are offered by persons, groups or organizations having dealings with the Municipality.
- 15.6 The above policy does not preclude Members from accepting:
 - a) token gifts, souvenirs, mementoes or hospitality received in recognition for service on a Committee, for speaking at an event or for representing the Municipality at an event;
 - b) political contributions that are otherwise offered accepted and reported in accordance with applicable law.
 - c) food and beverages at meetings, banquets, receptions, ceremonies or similar events.

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- d) food, lodging, transportation, entertainment provided by other levels of governments, by other local governments or by local government boards or commissions;
- e) a stipend from a board or commission that the Member serves on as a result of an appointment by Council;
- f) Reimbursement of reasonable expenses incurred in the performance of office;
- g) reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations;
- h) gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office; or
- i) services provided without compensation by persons volunteering their time for election campaign, provided the services are properly valued in accordance with the *Municipal Elections Act*.

15.7 Where it is not possible to decline unauthorized gifts, hospitality or other benefit, Members shall report the matter to the Chief Administrative Officer. The gift shall become the property of the Municipality and the Chief Administrative Officer may require that the gift be retained by the Municipality or be disposed of for charitable purposes in the Chief Administrative Officer's sole discretion.

16.0 ADVICE AND OPINIONS

16.1 Members may request advice or opinions from the Integrity Commissioner with respect to:

- a) the obligations of the Member under the *Municipal Conflict of Interest Act*;
- b) the obligations of the Member under this Code; and
- c) the obligations of the Member under a procedure, rule or policy of the Municipality governing the ethical behavior of the Member.

16.2 Every request for advice or opinion shall be submitted in writing to the Clerk, who shall forward the request to the Integrity Commissioner for a response.

16.3 The Integrity Commissioner shall not provide to any Member any advice or opinion with respect to the obligations of another Member.

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- 16.4 Members shall be mindful of the cost to the Municipality to obtain the advice or opinion of the Integrity Commissioner and shall not abuse this entitlement.
- 16.5 The advice and opinions received by any Member are personal to the Member and are considered confidential. No opinion or advice may be shared by the Integrity Commissioner without the written permission of the Member who requested the opinion or advice. The Member may grant permission to share part of an opinion or advice, but in circumstances where the Member shares only a portion of an opinion or advice the Integrity Commissioner may release all or a part of the opinion or advice without the consent of the Member.
- 16.6 Council may require any Member to undertake training with the Integrity Commissioner where Council determines that the Member has requested opinions and advice more frequently than is reasonable in the circumstances. The nature of the training will be to better explain the Member's obligations under this Code and the *Municipal Conflict of Interest Act* to better enable the Member to govern his or her conduct without seeking advice unnecessarily.

17.0 ROLE OF THE INTEGRITY COMMISSIONER

- 17.1 The Integrity Commissioner shall be appointed by By-Law of the Municipality.
- 17.2 The Integrity Commissioner shall operate independently of Council in accordance with all of the authority and powers granted by the *Municipal Act, 2001*.
- 17.3 The Integrity Commissioner may delegate his or her duties and powers to any person, other than a Member. The delegation shall be in writing, shall be disclosed to the Clerk and shall set out the precise delegation, including the duration of the delegation.
- 17.4 Any delegation shall be at the sole discretion of the Integrity Commissioner, provided that the delegate is qualified and capable of independently undertaking the work.

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- 17.5 The Integrity Commissioner shall make an assessment prior to undertaking any investigation as to whether the complaint gives rise to the need for another entity to undertake an investigation. In those circumstances where the allegations disclose a potential Criminal Code offence or the breach of other legislation (other than the *Municipal Conflict of Interest Act*), the Integrity Commissioner shall refer the investigation to the appropriate entity and shall not conduct his or her own investigation unless the entity determines that no investigation is required.
- 17.6 The Integrity Commissioner shall prepare and submit to Council an Annual Report that shall include at a minimum:
 - a) a break-down of costs incurred for the following categories of work performed (advice/investigations/dispute resolution/training);
 - b) a summary of the nature of requests made and the resolution of the matters, without providing any Confidential Information in the Report; and
 - c) any recommendations for improvements to this Code or processes or any procedure, rule or policy of the Municipality governing the ethical behavior of the Member.

18.0 ENFORCEMENT AND SANCTIONS

- 18.1 Every Member shall comply with this Code. Any breach of this Code may be investigated by the Integrity Commissioner in accordance with this Code and Council shall determine whether to impose any penalty or sanction on a Member found to have breached any provision of this Code.
- 18.2 Every Member has an obligation to cooperate with any investigation.
- 18.3 The *Municipal Act, 2001* authorizes Council to impose one of the penalties listed below, if so desired, on a Member that has contravened this Code of Conduct:
 - a) a reprimand; or
 - b) suspension of the remuneration paid to the Member in respect to his or her services as a Member of Council, Local Board or Committee, as the case may be, for a period of up to ninety (90) days.

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18.4 The Integrity Commissioner may also recommend that Council impose one of the following sanctions:

- a) written and/or verbal public apology;
- b) return of property or reimbursement of its value or of monies spent;
- c) removal from membership of any Committee or Local Board;
- d) removal as chair of a Committee or Local Board; and
- e) other sanctions that are reasonably connected to the breach of this Code of Conduct and which the Integrity Commissioner believes in his or her sole discretion are necessary to modify the behavior of the Member.

19.0 NO REPRISAL OR OBSTRUCTION IN THE ENFORCEMENT OF THE CODE

Every Member must respect the integrity of this Code of Conduct and inquiries and investigations conducted under it, and shall co-operate in every way possible in securing compliance with its application and enforcement. Any reprisal or threat of reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person is prohibited. It is also a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of any of his or her responsibilities, including without limitation destroying relevant communications.

20.0 COMPLAINT PROTOCOL

Any person who has reasonable grounds to believe that a Member has breached this Code may proceed with a complaint and request an investigation. Complaints must be submitted within ninety (90) days after the alleged violation occurred or the alleged violation came to the attention of the complainant. No complaint may be filed under any circumstances where the alleged violation occurred more than six (6) months prior to the complaint being filed

Appendix 1 outlines the informal and formal complaint procedure that shall be followed.

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21.0 REFERENCES

Forms

Code of Conduct for Members of Council and Local Boards - Request for Inquiry Form
Municipal Conflict of Interest Act - Request for Inquiry Form

Policies and Procedures/Documents

Accountability and Transparency Policy
Council-Staff Relations Policy
Election Related Resource Policy
Procedural By-Law
Remuneration and Personal Expenditure Policy
Respect in the Workplace Policy

Other Resources

Municipal Act, 2001, as amended
Municipal Conflict of Interest Act, as amended
Municipal Elections Act, 1996, as amended
Municipal Freedom of Information and Protection of Privacy Act, as amended
Provincial Offences Act, as amended
Ontario Human Rights Code, as amended
Ontario Occupational Health and Safety Act, as amended
Criminal Code of Canada, as amended

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**APPENDIX 1
COMPLAINT PROTOCOL
FOR COUNCIL AND LOCAL BOARD CODE OF CONDUCT**

Part A: Informal Complaint Procedure

1. Informal complaints can be addressed by any person who believes that the activity of a Member has breached this Code of Conduct or the *Municipal Conflict of Interest Act*, but the person does not want to initiate a formal complaint. Any person may:
 - a) advise the Member that his or her behavior or activity appears to constitute a contravention;
 - b) encourage the Member to acknowledge and agree to stop the prohibited behavior or activity and avoid future occurrences of the prohibited behavior or activity;
 - c) where the Member agrees to cease the behavior, confirm in writing that the agreement is satisfactory;
 - d) where the Member's response is not satisfactory, advise the Member of your dissatisfaction with the response; and
 - e) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B.

2. Individuals are encouraged to pursue the informal complaint procedure as the first means of remedying behavior or an activity that they believe violates the Code of Conduct.

3. Nothing in this section is meant to limit the ability of the Head of Council to participate in or facilitate informal resolution.

4. Nothing in this section is meant to limit the ability of the Head of Council to engage in discussions with or to provide guidance to Members about their behaviour or compliance with the Code of Conduct. This Code of Conduct expressly recognizes that the Head of Council has the discretion to mediate disputes among Members and has the authority to attempt to manage the behaviour of Members that the Head of Council feels is inappropriate or may be disruptive to effective Council, Committee or Board meetings, Member relations or Member-Staff relations.

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5. At the Head of Council's discretion, they may attempt to facilitate resolutions to the inappropriate behaviour of Members outside of the information resolution process described above.
6. Nothing in this section is meant to limit the ability of any Member to attempt to facilitate resolutions to the inappropriate behaviour of other Members, even in the absence of the Head of Council. Members may also seek to facilitate the resolution of inappropriate behaviour of the Head of Council using the informal resolution process, or other less formal resolution process.

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Part B: Formal Complaint Procedure

Formal Complaints

1. Any individual who identifies or witnesses behavior or an activity by a Member that they believe is in contravention of this Code of Conduct or the *Municipal Conflict of Interest Act*, may file a formal complaint.
2. Any person may file a complaint with the Municipality by submitting in writing the prescribed Request for Inquiry Form to the Clerk. The form must contain an attestation from the complainant that they believe that the facts as set out in the complaint are true to the best of their knowledge and belief and that they make those statements as if they were under oath.
3. Every complaint must be accompanied by the prescribed fee in the amount of \$150.00
4. In the event that the Integrity Commissioner determines that a complaint is frivolous, vexatious or does not disclose a breach of this Code of Conduct or the *Municipal Conflict of Interest Act*, at any point after the submission of the complaint, the complainant shall forfeit the fee. If the result of the complaint is a negotiated resolution or a finding that the Member breached this Code of Conduct or the *Municipal Conflict of Interest Act*, the fee shall be refunded in part, up to 50%, based on the recommendation of the Integrity Commissioner.
5. Every complaint shall include the following:
 - a) the complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Code of Conduct or the *Municipal Conflict of Interest Act*;
 - b) any witnesses in support of the allegation must be identified in the complaint; and
 - c) the Integrity Commissioner may request additional information from the complainant prior to making an assessment.
6. The complaint shall be filed with the Clerk, who shall forward the matter to the Integrity Commissioner. The Clerk shall also provide notice to Council by way of confidential internal communication that a complaint has been filed, but no details of the complaint shall be provided other than the fact of a complaint and whether it is a complaint under this Code of Conduct, the *Municipal Conflict of Interest Act* or other policy.

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7. If the complaint is not, on its face, a complaint with respect to non-compliance with this Code of Conduct or the *Municipal Conflict of Interest Act* or the complaint is covered by other legislation or complaint procedure under another policy, the Integrity Commissioner shall refer the complaint to the appropriate entity for investigation, advise the complainant in writing, suspend the investigation until after the matter has been finally disposed of, and report the suspension of the investigation to Council.

Refusal to Conduct Investigation

8. If the Integrity Commissioner is of the opinion that the referral of a matter to him or 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 and, where this becomes apparent in the course of an investigation, shall terminate the investigation. The Integrity Commissioner shall communicate this position in writing to the complainant and the Member identified in the complaint.

Opportunities for Resolution

9. Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution at the discretion of the Integrity Commissioner.

Investigation

10. The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act:
 - a) Provide the complaint and supporting material to the Member whose conduct is in question with a request that a written response to the allegation be provided within 10 business days.
 - b) Provide a copy of the response provided to the complainant with a request for a written reply within 10 business days.
 - c) If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any Municipal work location relevant to the complaint for the purpose of investigation and potential resolution.

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- d) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, delay or retaliation encountered during the investigation.
- e) The Integrity Commissioner shall retain all records related to the complaint and investigation.

Timing of Complaints in Relation to Municipal Elections

- 11. Complaints must be investigated and a report submitted to Council on or before Nomination Day in the year of a municipal election.
- 12. Investigations of complaints that are not completed as of Nomination Day in an election year shall be terminated on Nomination Day.
- 13. The complainant may re-commence the complaint within six (6) weeks of Voting Day by submitting a written request to the Integrity Commissioner, who shall, provided the request is received on or before six (6) weeks from Voting Day, recommence the investigation.
- 14. In addition, on or after Nomination Day in the year of a municipal election:
 - a) no complaint shall be filed;
 - b) the Integrity Commissioner shall not report to the Municipality about an ongoing investigation; and
 - c) the Municipality shall not consider whether to impose any penalty on a Member subsequent to an investigation.

Complaints Under the Municipal Conflict of Interest Act

- 15. After March 1, 2019, an elector as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest, may submit a request to the Integrity Commissioner to conduct an investigation concerning an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* by filing with the Clerk a completed and signed complaint form and paying the prescribed fee of \$150.00.
- 16. No request may be submitted more than six (6) weeks after the complainant became aware of the alleged contravention.

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17. A request for an investigation in an election year may only be submitted prior to Nomination Day or after Voting Day.
18. In the event that a complainant becomes aware of the alleged contravention within the period of time starting six (6) weeks before Nomination Day in an election year, the complainant may apply to the Integrity Commissioner within six (6) weeks after the day after Voting Day, provided that the complainant includes in their written request for an investigation a statutory declaration attesting to the fact that the complainant became aware of the contravention not more than six (6) weeks before the date of the request, or in the case where a complainant became aware of the alleged contravention prior to Nomination Day, a declaration that the facts were not known to the complainant more than six (6) weeks prior to Nomination Day.
19. The Integrity Commissioner has all the powers set out in the *Municipal Act, 2001* when undertaking an investigation under this section and shall follow the investigation process established in paragraph 12 above.
20. Where an investigation has not been completed before Nomination Day in an election year, the Integrity Commissioner shall terminate the investigation on that day.
21. An investigation terminated pursuant to paragraph 22 above shall not be recommenced unless the person who made the request, or the Member whose conduct is at issue, applies in writing to the Integrity Commissioner to re-commence the investigation.
22. The Integrity Commissioner shall complete the investigation within 180 days of receipt of the complaint, unless the investigation is terminated in accordance with paragraph 22 above.
23. The Integrity Commissioner may, after completing an investigation, apply to a judge in accordance with the *Municipal Conflict of Interest Act* for a determination under the Act. Prior to making an application to court, the Integrity Commissioner shall present to Council a request to make the application and allow Council to provide recommendations to the Integrity Commissioner as to whether such an application should be made. The Integrity Commissioner is not bound by the advice or recommendation of Council and shall refer the matter to a judge in his or her sole discretion.

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Recommendation Report

24. The Integrity Commissioner shall report to the complainant and the Member generally no later than ninety (90) days after the official receipt of the complaint (180 days in the case of a complaint under the *Municipal Conflict of Interest Act*). If the investigation process takes more than 90 (180) days, the Integrity Commissioner shall provide an interim report and must advise the parties of the date the report will be available.
25. After completing the investigation, the Integrity Commissioner shall prepare a report which shall make findings of fact and conclusions as to whether a breach of this Code of Conduct or the *Municipal Conflict of Interest Act* occurred, as the case may be, make recommendations to Council, and in the case of a *Municipal Conflict of Interest Act* investigation, make a determination as to whether or not the matter will be referred to the court, and include written reasons for the decision.
26. The report of the Integrity Commissioner shall be placed on an open session agenda no later than thirty (30) days after being submitted.
27. The report of the Integrity Commissioner shall be published by posting the report on the Municipal website and making a copy available to all Members of Council and the Members of the Local Board or Committee, as applicable.
28. Reports placed on the website shall remain on the website for a minimum of five (5) years from the date of the report.
29. Where Council imposes a penalty at the conclusion of an investigation, the penalty shall apply immediately.
30. Where Council imposes a sanction at the conclusion of an investigation that requires some action of the Member who is the subject of the complaint, Council shall include a deadline for the Member to complete the sanction. Unless expressly directed by Council, the sanction shall be completed or undertaken by the Member no later than six (6) months from the date the sanction was imposed. Staff shall report back to Council upon completion of the sanction or the six (6) month deadline to inform Council as to the status of the sanction.

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Member Not Blameworthy

- 31. If the Integrity Commissioner determines that there has been no contravention of this Code of Conduct or the *Municipal Conflict of Interest Act*, or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner may so state in the report and may make appropriate recommendations.
- 32. Where a Member has sought and followed advice from the Integrity Commissioner and is subsequently the subject of a complaint, the Integrity Commissioner may refer to the earlier advice and, provided that the facts as set out in the earlier advice are still applicable, determine in a summary manner that there has been no breach of this Code of Conduct or the *Municipal Conflict of Interest Act*.

Public Disclosure

- 33. The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this complaint protocol.
- 34. The Integrity Commissioner shall retain all records related to the complaint and investigation.
- 35. At the time of the Integrity Commissioner's report to Council, the identity of the person who is the subject of the complaint shall not be treated as confidential information if the Integrity Commissioner finds that it is necessary to disclose that person's identity.

I understand and agree to follow all the terms and conditions of the Code of Conduct for Members of Council and Local Boards

Name (Please Print)

Date

Signature

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THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2023-020

A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF TAY VALLEY TOWNSHIP AT ITS MEETINGS HELD ON MARCH 28th AND APRIL 1st, 4th, 18th AND 25th, 2023

WHEREAS, Section 5 of *the Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the powers of a municipality shall be exercised by its council;

AND WHEREAS, Section 9 of *the Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS, Section 5(3), provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS, it is deemed expedient that the proceedings of the Council of the Corporation of Tay Valley Township at its meeting be confirmed and adopted by By-Law;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

- 1.1 **THAT**, the actions of the Council of the Corporation of Tay Valley Township at its meetings held on the 28th day of March and the 1st, 4th, 18th and 25th day of April, 2023 in respect of each motion and resolution passed and other action taken by the Council of the Corporation of Tay Valley Township at its meeting is hereby adopted and confirmed as if all such proceedings were expressly embodied in this By-Law.
- 1.2 **THAT**, the Reeve and Proper Signing Official of the Corporation of Tay Valley Township are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Corporation of Tay Valley Township referred to in the preceding section hereof.
- 1.3 **THAT**, the Reeve and/or Deputy Reeve and Clerk and/or Deputy Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix thereto the Seal of the Corporation of Tay Valley Township.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-020**

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this 25th day of April 2023.

Rob Rainer, Reeve

Amanda Mabo, Clerk